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STATE OF WASHINGTON
AT
OLYMPIA, THE STATE CAPITOL

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Adjourned Sine Die March 8, 2006

Compiled, Edited and Indexed
by
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Lieutenant Governor Brad Owen, *President of the Senate*
Senator Rosa Franklin, *President Pro Tempore*
Senator Paull Shin, *Vice President Pro Tempore*

TABLE OF CONTENTS

VOLUME 1

Regular Session, First Day, January 9, 2006 through Fifty-Fourth Day, March 3, 2006	1-879
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VOLUME 2

Regular Session, (continued) Fifty-Fifth Day, March 4, 2006, to March 8, 2006	880-1566
Roster of Members and Committee Assignments	1567-1576
Governor's Messages	
Senate Bills Signed After Adjournment	1577-1585
Veto and Partial Veto on Senate Bills	1586-1593
Gubernatorial Appointments	1594-1596
Bills, Memorials and Resolutions	
Passed by Both Houses	1597-1605
History of Bills	1606-1637
Other Senate Actions	1638-1641
General Index	1642-1773

SENATE CAUCUS OFFICERS

2006

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Majority Floor Leader Tracey J. Eide
Majority Whip Debbie Regala
Majority Assistant Floor Leader Phil Rockefeller
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Republican Whip Mark Schoesler
Republican Deputy Leader Linda Evans Parlette
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Republican Deputy Floor Leader Cheryl Pflug
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Deputy Secretary Brad Hendrickson
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Minute and Journal Clerk Linda Jansson
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FIRST DAY, JANUARY 9, 2006

2006 REGULAR SESSION

FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 9, 2006

At 12:00 noon, pursuant to law, the Senate of the 2006 Regular Session of the Fifty-ninth Legislature of the state of Washington assembled in the Senate Chamber at the State Capitol. Lieutenant Governor Brad Owen, President of the Senate, called the Senate to order. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Hargrove and Finkbeiner.

The Washington State Patrol Honor Guard consisting of Trooper Craig Anders, Trooper Ted R. Dehart, Trooper John J. Gunderman, Trooper Jimmie Foster, Trooper Rachael Thompson, Trooper Ryan L. Spurling, Sergeant John Paul Sager and Trooper Barry W. Kirk presented the Colors.

The National Anthem was played on a trumpet by Trooper Ladines.

The President lead the Senate in the Pledge of Allegiance.

Wayne Wiltse of the Yakima Nation and President of the Native American Student Association offered the prayer.

The President welcomes the Senators back to Olympia and offered his best wishes for a productive and brief session.

INTRODUCTION OF LAKE FAIR QUEEN

The President welcomed and introduced Ms. Crystal Wade, the 2006 Lakefair Queen, who was at the rostrum and accompanied by her parents, Mr. & Mrs. Anthony and Melissa Wade, President Larry Watkinson and First Vice-President Teri Chmielewsk of the Capital Lake organization who were seated in the Gallery.

With permission of the Senate, business was suspended to allow Lakefair Queen Crystal Wade to address the Senate and welcome the Senators to Olympia.

REMARKS BY CRYSTAL WADE

Crystal Wade: "Thank you very much, well, good afternoon. It's an incredible honor to be here with you all today. I don't know many people my age who get opportunities like this so this is great. I want to welcome you to what is in my opinion one of the best cities in this region, even if I am a little biased because I'm from this area. I bet everyone of you are just so eager and ready to get this session underway. You know as I was preparing this speech it hit me, 'What on earth could an eighteen year old girl, a freshman at college and even more so at life, have to say to a group of experience Senators whose very occupation would shape the lives of thousands across the state?' And to be perfectly honest the thought was a bit intimidating but then something rose up inside of me because I believe we are living incredible times where the people of this generation are rising up to their roles and will one day be sitting in the very same chairs you find yourselves, waiting just as you are to write the pages of history. And I thought to myself, 'what an incredible thought, to stand here on this platform and look directly into the faces of history makers.' And as you go through these next months I pray that not only that the Lord will direct and guide you as you go through this session but also that you will become revitalized and infatuated with the idea that this year is going to be awesome and unlike any other. I am a freshman at the University of Washington this year and in one of my geography classes we were asked to make a sketch of how we saw Washington in relation to the rest of this world. In this lecture class, hundreds of young people began to draw many different aspects of our society. Some drew the Space Needle, others Starbucks cups and Microsoft logos, still others depicted the shape of Mt. St. Helens to the Canadian border. Now I find

myself in a much larger lecture room with an incredible task and picture to be drawn of our great state. It is with so much honor and pride that I welcome you to the 2006 Legislative Session and it is my hope that this time would fill you with a new sense of purpose and expectancy as we step into this new year. Thank you."

MOTION

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

MESSAGE FROM THE GOVERNOR

May 17, 2005

THE HONORABLE PRESIDENT AND MEMBERS,
THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning without my approval, Engrossed Substitute Senate Bill No. 5719, entitled:

"AN ACT Relating to the community commitment disposition alternative pilot program."

This bill would have provided juvenile courts with a "community commitment" alternative to committing delinquent youth to the Department of Social and Health Services (DSHS). The state would have paid all costs, including detention and administration. Current law already provides courts with five alternatives to DSHS commitment, but none of them include state funding of county detention costs. This bill, based on a pilot program that was used in only one case, would have encouraged the use of the new alternative instead of the existing ones, and would have unjustifiably shifted costs to the state. The existing alternatives to DSHS commitment have been effective.

For these reasons, I have vetoed Engrossed Substitute Senate Bill No. 5719 in its entirety.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR

May 10, 2005

TO THE HONORABLE PRESIDENT AND MEMBERS,
THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning, without my approval, Senate Bill No. 5347 entitled:

"AN ACT Relating to indemnifying and defending department of social and health services appointed temporary managers in nursing homes."

The House of Representatives forwarded an identical companion bill, House Bill No. 1364, to the Governor's Office on April 19, 2005. Both bills cannot be signed.

For these reasons, I have vetoed Senate Bill No. 5347 in its entirety.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR

May 3, 2005

TO THE HONORABLE PRESIDENT AND MEMBERS,
THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning without my approval, Senate Bill No. 5340 entitled:

“AN ACT Relating to military department accounts.”

The House of Representatives forwarded an identical companion bill, House Bill No. 1457 to the Governor’s Office on April 19, 2005. I will sign that bill today. Senate Bill No. 5340, therefore, must be vetoed.

For these reasons, I have vetoed Senate Bill No. 5340 in its entirety.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR

April 22, 2005

TO THE HONORABLE PRESIDENT AND MEMBERS,
THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning, without my approval, Engrossed Senate Bill No. 5194 entitled:

“AN ACT Relating to the United States longshore and harbor workers’ compensation account in the Washington insurance guaranty association.”

The House of Representatives forwarded an identical companion bill, Substitute House Bill No. 1196, to the Governor’s Office on April 14, 2005. I signed that bill into law on April 20, 2005. Engrossed Senate Bill No. 5194, therefore, must be vetoed.

For these reasons, I have vetoed Engrossed Senate Bill No. 5194 in its entirety.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE SECRETARY OF STATE

September 6, 2005

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

MR. PRESIDENT:

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

ESSB 5499

SSB 5064
ESSB 6091
ESB 5513
SSB 5139
SSB 5177
ESSB 6094
E2SSB 5763
SSB 5602
E2SSB 5922
E2SSB 6090

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 6th day of September, 2005.

SAM REED, Secretary of State

(Seal)

MESSAGE FROM THE SECRETARY OF STATE

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

I, Sam Reed, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29A.60.260, I have canvassed the returns of the 1,850,017 votes cast by the 3,374,541 registered voters of the state for and against the initiatives and resolution which were submitted to the vote of the people at the state general election held on the 8th day of November, 2005, as received from the County Auditors.

Initiative Measure No. 900

“Initiative Measure No. 900 concerns performance audits of governmental entities. This measure would direct the State Auditor to conduct performance audits of state and local governments, and dedicate 0.16% of the state’s portion of sales and use tax collections to fund these audits.”

Yes 994,757
No 767,844

Initiative Measure No. 901

“Initiative Measure No. 901 concerns amending the Clean Indoor Air Act by expanding smoking prohibitions. This measure would prohibit smoking in buildings and vehicles open to the public and places of employment, including areas within 25 feet of doorways and ventilation openings unless a lesser distance is approved.”

Yes 1,153,353
No 670,225

Initiative Measure No. 912

“Initiative Measure No. 912 concerns motor vehicle fuel taxes. This measure would repeal motor vehicle fuel tax increase of 3 cents in 2005 and 2006, 2 cents in 2007, and 1.5 cents per gallon in 2008, enacted in 2005 for transportation purposes.”

Yes 823,366
No 991,196

Initiative Measure No. 330

“Initiative Measure No. 330 concerns claims for personal injury or death arising from health care services. This measure would change laws governing claims for negligent health care, including restricting noneconomic damages to \$350,000 (with exception), shortening time limits for filing cases, limiting

FIRST DAY, JANUARY 9, 2006

2006 REGULAR SESSION

repayments to insurers and limiting claimants' attorney fees."

eighth order of business.

Yes	783,435
No	1,027,117

MOTION

Initiative Measure No. 336

"Initiative Measure No. 336 concerns medical malpractice, including insurance, health care provider licensing, and lawsuits. This measure would require notices and hearings on insurance rate increases, establish a supplemental malpractice insurance program, require license revocation proceedings after three malpractice incidents, and limit numbers of expert witnesses in lawsuits."

On motion of Senator Regala, Senator Hargrove was excused.

MOTION

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION
8685

Yes	711,443
No	1,076,918

By Senators Brown and Hewitt

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

Washington State Senate Joint Resolution, 8207

"The Legislature has proposed a constitutional amendment on qualifications for service on the Commission on Judicial Conduct. This amendment would permit one member of the Commission on Judicial Conduct to be selected by and from the judges of all courts of limited jurisdiction."

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8685.

The motion by Senator Eide carried and the resolution was adopted by voice vote.

APPOINTMENT OF SPECIAL COMMITTEE

Yes	1,102,192
No	529,586

In accordance with Senate Resolution No. 8685, the President appointed Senators Pflug, Rockefeller and Stevens to notify the House of Representatives that the Senate is organized and ready to conduct business.

MOTION

I further certify that, according to the provisions of RCW 43.07.030, I have canvassed the returns of the votes cast at the state general election held on the 8th day of November, 2005, for all legislative and joint judicial offices, and that the votes cast for candidates for these offices are as follows:

On motion of Senator Eide, the appointments were confirmed.

The committee retired to the House of Representatives.

Courts of Appeals Division #1 District #1 Position #2 – King

Susan Agid	NP	334,402
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PERSONAL PRIVILEGE

Courts of Appeals Division #1 District #2 Position #1 – Snohomish

Stephen J. Dwyer	NP	42,639
J. Robert Leach	NP	23,448
David Hulbert	NP	22,460
Harold B. Field	NP	8,508
Seth A. Fine	NP	18,576
David W. Freese	NP	11,198
Michael W. Hall	NP	11,468

Senator Fairley: "Thank you Mr. President. A point of personal privilege. I would like to take this chance to thank everybody for the well wishes, the blessings and the prayers during my five operations in five days but whose counting. I really appreciated it and the flowers and the notes. They were very sweet. And the black jelly beans, from Senator Thibaudeau. And the staffers, and particular staff from the Secretary of State's office. They got my favorite TV star to sign a bunch of stuff and send it to me. What a bunch of sweeties. As you know, I am now permanently deaf in my right ear but in my committee Senator Benton already sits to my right so I won't have to ask him to move and that kind of worked out. But I do want to thank everybody. He's not here unfortunately, for all their good wishes and it's due to you people, I'm sure, that I'm back."

State Representative District #19 Position #1

Dean A. Takko	D	21,763
Dawn Courtney	R	12,807
Judi Roberts Fiest	L	1,687

PERSONAL PRIVILEGE

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the state of Washington, this 7th day of December, 2005.

Senator Oke: "Thank you Mr. President. I just have to follow up with that elegant speech with the fact if you that look at me, you're looking at a miracle. You all are so kind and gracious this last year. Judy and I want to thank each and every one of you and I also want to thank the Governor and his wife and all of you staff people. The prayers and the people that told me that they were praying for me just went on and on and on. I'll tell you, the VA hospital did a super job on me and I'm feeling younger, if you will, than I did a year ago. I can still remember the wheel chair and I can still remember the thought of how many days I've got but I just want to thank you as a, just a miracle and I'm standing here as a miracle person. I'm looking forward to enjoying another sixty days with my family. Thank you."

SAM REED, Secretary of State

(Seal)

MOTION

On motion of Senator Eide, the veto and partial vetoes messages were held at the desk.

MOTION

On motion of Senator Eide, the Senate advanced to the

FIRST DAY, JANUARY 9, 2006

2006 REGULAR SESSION

REMARKS BY THE PRESIDENT

President Owen: "Senator Oke, you might thank Judy for us for doing such an incredible job of keeping us informed and the web site. It was wonderful, did a very fine job."

REMARKS BY THE PRESIDENT

President Owen: "In the spirit of announcements, Senator Deccio has asked me to read a statement from him to you and I would like to do this at this time. "Before the rumors start flying, I want to inform all of you that two weeks ago I was diagnosed with prostate cancer.' (Let me remind you, this is about Senator Deccio.) A bone scan had indicated that the cancer has not spread outside the prostate. I wanted to get through the session and will not start treatment until after session is over. Treatment will consist of radiation and hormone injections. I feel I have always had a deep faith and it sure comes in handy at a time like this. I ask for your thoughts and prayers and in return promise to continue to keep Senator McCaslin in line. Seriously, I thank Senator Oke for setting an example as to how you can handle a crisis and hope I can do the same, Senator Alex Deccio.' "We wish you the best, Senator."

PERSONAL PRIVILEGE

Senator McCaslin: "Thank you Mr. President. Since my name was mentioned I want to let the body know that I have absolutely no responsibility for giving that to Alex."

COMMITTEE FROM HOUSE

A committee from the House of Representatives consisting of Representatives Kenny, Buri, Quall and Serben appeared at the bar of the Senate and notified the Senate that the House was organized and ready to conduct business

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

REPORT OF COMMITTEE

The Senate committee composed of Senators Pflug, Pridemore, Rockefeller and Stevens appeared before the bar of the Senate and reported that the House of Representatives had been notified that the Senate was organized and ready to conduct business.

The report was received and the committee was discharged.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6131 by Senators McCaslin, Mulliken and Sheldon

AN ACT Relating to primary elections costs; amending RCW 29A.04.410 and 29A.04.420; and adding a new section to chapter 29A.04 RCW.

Referred to Committee on Government Operations & Elections.

SB 6132 by Senators Prentice, Zarelli, Roach, Kohl-Welles, Schoesler, Eide, Rasmussen and Benton

AN ACT Relating to use tax owed by converting or merging credit unions when converting or merging a federal, foreign, or out-of-state credit union into a state charter; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways & Means.

SB 6133 by Senators Rasmussen, Schoesler, Swecker and Pridemore

AN ACT Relating to Christmas tree grower licensure; amending RCW 15.13.250, 15.13.260, 15.13.265, 15.13.270, 15.13.290, 15.13.340, 15.13.370, 15.13.390, 15.13.400, 15.13.420, 15.13.430, 15.13.440, 15.13.455, 15.13.470, 15.13.490, and 19.02.110; adding new sections to chapter 15.13 RCW; and providing an expiration date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6134 by Senators Keiser, Kohl-Welles, Prentice, Kline, Weinstein and Poulsen

AN ACT Relating to allowing canvassing boards to issue notices of civil infractions; adding a new section to chapter 29A.08 RCW; and prescribing penalties.

Referred to Committee on Government Operations & Elections.

SB 6135 by Senators Jacobsen and Thibaudeau

AN ACT Relating to off-campus student housing; amending RCW 36.70A.070; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Government Operations & Elections.

SB 6136 by Senators Pflug, Schoesler, Johnson, Schmidt and Esser

AN ACT Relating to improving the delivery of health care services for school-aged children; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6137 by Senators Stevens, Benton, Benson and Mulliken

AN ACT Relating to abandonment of duties during a state of emergency; adding a new section to chapter 41.08 RCW; adding a new section to chapter 41.12 RCW; adding a new section to chapter 41.14 RCW; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Government Operations & Elections.

SB 6138 by Senator Stevens

AN ACT Relating to limiting the power of cities and towns to license businesses; and amending RCW 35.22.280, 35.23.440, and 35.27.370.

Referred to Committee on Government Operations & Elections.

SB 6139 by Senator Stevens

AN ACT Relating to justifiable homicide; amending RCW 9A.16.020 and 9A.16.050; and adding new sections to chapter 9A.16 RCW.

FIRST DAY, JANUARY 9, 2006

2006 REGULAR SESSION

Referred to Committee on Judiciary.

SB 6140 by Senator Honeyford

AN ACT Relating to a special permit for the transport of overlength combination units; amending RCW 46.44.037; adding a new section to chapter 46.44 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 6141 by Senator Honeyford

AN ACT Relating to including the value of electric generation wind turbine facilities in the property tax levy limit calculation; and amending RCW 84.55.010, 84.55.015, 84.55.020, 84.55.030, 84.55.080, and 84.55.120.

Referred to Committee on Water, Energy & Environment.

SB 6142 by Senator Honeyford

AN ACT Relating to the use of bicycles with occupied baby carriers; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Transportation.

SB 6143 by Senator Honeyford

AN ACT Relating to vehicle inspections conducted by the Washington state patrol; amending RCW 46.68.020; and adding a new section to chapter 46.68 RCW.

Referred to Committee on Transportation.

SB 6144 by Senators Stevens, Benton, Carrell, Regala, Benson and Pflug

AN ACT Relating to clarifying the effect of retroactive registration requirements on sex offenders convicted in Washington who leave and then return to the state; amending RCW 9A.44.130; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 6145 by Senators Keiser, Zarelli, Franklin, Esser, Doumit, Benson, Pridemore, Roach, Poulsen, Schmidt, Kohl-Welles, Fairley, Kline, Weinstein, Berkey, Rasmussen and Benton

AN ACT Relating to parity for home care agency workers; and adding new sections to chapter 74.39A RCW.

Referred to Committee on Ways & Means.

SB 6146 by Senators Mulliken and Sheldon

AN ACT Relating to excise tax exemptions for districts providing water service that have three hundred connections or less; adding a new section to chapter 82.04 RCW; and adding a new section to chapter 82.16 RCW.

Referred to Committee on Ways & Means.

SB 6147 by Senators Mulliken and Morton

AN ACT Relating to school districts with an enrollment of less than three thousand students; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6148 by Senators Mulliken, Haugen, Hewitt, Morton, Parlette, Rasmussen, Schoesler, Delvin, Shin, Honeyford and Schmidt

AN ACT Relating to sales and use tax exemptions for fuel used by farmers in farming businesses; amending RCW 82.08.0255 and 82.12.0256; and providing an effective date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6149 by Senators Schoesler, Rasmussen, Morton and Schmidt

AN ACT Relating to school district officers' contracting; and amending RCW 42.23.030.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6150 by Senators Fraser, Hewitt, Doumit, Pflug, Brandland, Roach, Rasmussen, Pridemore, Deccio, Fairley, Thibaudeau, Schmidt, Regala and Rockefeller

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

Referred to Committee on Ways & Means.

SB 6151 by Senators Schoesler, Poulsen, Mulliken, Rasmussen, Jacobsen, Morton and Delvin

AN ACT Relating to water policy in regions with regulated reductions in aquifer levels; adding a new section to chapter 90.44 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Water, Energy & Environment.

SB 6152 by Senators Kastama and Kline

AN ACT Relating to penalties for violation of chapter 42.17 RCW, the public disclosure and fair campaign practices act; amending RCW 42.17.390 and 42.17.395; adding a new section to chapter 42.17 RCW; and prescribing penalties.

Referred to Committee on Government Operations & Elections.

SB 6153 by Senators Roach, Pflug, Carrell, Benson, Delvin, Schoesler, Schmidt, McCaslin, Oke, Mulliken, Sheldon, Parlette, Benton and Esser

AN ACT Relating to sex offenses committed against children; amending RCW 9.94A.540, 9.94A.712, 9A.44.130, and 9A.76.050; reenacting and amending RCW 9.94A.515 and 9.95.204; adding a new section to chapter 9A.76 RCW; adding a new section to chapter 9.94A RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

SB 6154 by Senators Roach, Pflug, Carrell, Benson, Delvin, Schoesler, Oke, Mulliken and Benton

FIRST DAY, JANUARY 9, 2006

AN ACT Relating to aggravated first degree murder; and amending RCW 10.95.020.

Referred to Committee on Judiciary.

SB 6155 by Senators Fairley and Kline

AN ACT Relating to the location of facilities licensed by the department of social and health services for the purpose of serving children and persons with developmental disabilities; and amending RCW 74.15.030.

Referred to Committee on Health & Long-Term Care.

SB 6156 by Senator Fairley

AN ACT Relating to improving enforcement of the state building code; amending RCW 19.27.050 and 19.27.140; creating a new section; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6157 by Senators Jacobsen and Oke

AN ACT Relating to a crab pot buoy tag program; and amending RCW 77.70.430.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6158 by Senators Jacobsen, Oke, Spanel, Doumit and Shin

AN ACT Relating to clarifying the public disclosure of sensitive fish and wildlife data; amending RCW 42.56.430; and providing an effective date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6159 by Senators Jacobsen, Oke and Spanel

AN ACT Relating to recreational fishing for albacore tuna; and amending RCW 77.32.010.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6160 by Senators Jacobsen, Morton, Fraser and Oke

AN ACT Relating to abolishing the Washington wildlife rescue coalition; amending RCW 90.56.110; and repealing RCW 90.56.100.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6161 by Senator Oke

AN ACT Relating to group fishing permits for outdoor education programs working with the department of fish and wildlife; and amending RCW 77.32.550.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6162 by Senator Haugen

AN ACT Relating to the urban arterial program; and

amending RCW 47.26.080, 47.26.115, 47.26.121, 47.26.140, 47.26.164, and 47.26.190.

Referred to Committee on Transportation.

SB 6163 by Senators Kastama, Oke, Kohl-Welles and Rockefeller

AN ACT Relating to regional fire protection service authorities; amending RCW 52.26.020, 52.26.040, 52.26.050, 52.26.060, 52.26.070, 52.26.090, 52.26.100, 52.26.130, 52.26.140, and 52.26.220; and adding a new section to chapter 52.26 RCW.

Referred to Committee on Government Operations & Elections.

SB 6164 by Senators Kohl-Welles, Oke and Rockefeller

AN ACT Relating to fire safety for cigarettes; reenacting and amending RCW 43.79A.040; adding a new chapter to Title 19 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6165 by Senators Hargrove, Zarelli, McAuliffe, Esser, Doumit, Schmidt, Kohl-Welles, Benson, Keiser, Roach, Fairley, Weinstein, Rockefeller, Rasmussen, Franklin, Brown and Kline

AN ACT Relating to improving access to and the stability of quality child care through providing collective bargaining and other representation rights for family child care providers and licensees; amending RCW 41.56.030, 41.56.113, 41.04.810, and 43.01.047; adding a new section to chapter 41.56 RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

SB 6166 by Senators Fairley, Benton, Prentice, Keiser, Franklin, Berkey, Brandland and Benson

AN ACT Relating to mortgage brokers and loan originators; amending RCW 19.146.005, 19.146.010, 19.146.020, 19.146.0201, 19.146.030, 19.146.040, 19.146.060, 19.146.070, 19.146.200, 19.146.205, 19.146.210, 19.146.215, 19.146.225, 19.146.228, 19.146.235, and 19.146.280; reenacting and amending RCW 19.146.220; adding new sections to chapter 19.146 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6167 by Senators Fairley, Benton, Keiser, Franklin, Prentice, Benson, Brandland, Berkey, Schmidt and Kline

AN ACT Relating to the extension of the mortgage lending fraud prosecution account; amending RCW 36.22.181, 43.320.140, and 43.320.1401; and providing expiration dates.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6168 by Senators Fairley, Benton, Keiser, Benson, Prentice, Franklin, Brandland, Berkey and Schmidt

FIRST DAY, JANUARY 9, 2006

2006 REGULAR SESSION

AN ACT Relating to business development companies and the participation of financial institutions and nondepository lenders in economic development within the state; amending RCW 31.24.010, 31.24.020, 31.24.030, 31.24.070, 31.24.080, 31.24.090, 31.24.100, 31.24.110, 31.24.120, 31.24.130, 31.24.140, 31.24.150, 31.24.170, 31.24.190, and 31.40.090; adding new sections to chapter 31.24 RCW; adding a new section to chapter 31.35 RCW; adding a new section to chapter 31.40 RCW; and repealing RCW 31.24.040, 31.24.050, 31.24.060, and 31.24.180.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6169 by Senators Kohl-Welles, Fairley, Prentice, Schmidt, Keiser, Benson, Kline, Franklin, Pridemore, Poulsen and Esser

AN ACT Relating to discriminatory provisions in the governing documents of homeowners' associations; amending RCW 49.60.227; adding a new section to chapter 64.38 RCW; and creating a new section.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6170 by Senators Rasmussen, Deccio, Mulliken, Jacobsen, Morton, Shin, Hewitt, Zarelli and Honeyford

AN ACT Relating to extending the date when counties which have authorized facilities for agriculture promotion must allow a credit for city lodging taxes; and amending RCW 67.28.180.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6171 by Senators McAuliffe, Schmidt, Rasmussen and Kohl-Welles

AN ACT Relating to preparing bilingual and special education teachers; amending RCW 28A.660.050 and 28B.102.080; creating new sections; and making an appropriation.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6172 by Senators McAuliffe, Hargrove, Thibaudeau, Shin, Weinstein, Rockefeller, Keiser, Regala, Eide, Rasmussen and Benton

AN ACT Relating to sex offenders; amending RCW 9A.44.130, 9A.44.140, 9A.76.050, and 4.24.5501; reenacting and amending RCW 9.68A.090, 9.94A.515, and 9A.44.130; adding new sections to chapter 9A.44 RCW; adding new sections to chapter 9A.76 RCW; creating new sections; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6173 by Senators Franklin, Rasmussen and Benton

AN ACT Relating to excise tax relief for small businesses; and amending RCW 82.04.4451 and 82.32.045.

Referred to Committee on Ways & Means.

SB 6174 by Senators Poulsen, Morton and Rockefeller

AN ACT Relating to duties of the utilities and transportation commission, including commissioner appointments, delegation of powers, and appointment of administrative law judges; and amending RCW 80.01.010, 80.01.030, 80.01.050, and 80.01.060.

Referred to Committee on Water, Energy & Environment.

SB 6175 by Senator Jacobsen

AN ACT Relating to regulation of surface mining; amending RCW 78.44.085 and 78.44.087; adding new sections to chapter 78.44 RCW; creating a new section; and making an appropriation.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6176 by Senators Fraser, Jacobsen and Doumit

AN ACT Relating to geological survey; amending RCW 43.92.010; adding new sections to chapter 43.92 RCW; and repealing RCW 43.30.600, 43.92.020, 43.92.040, 43.92.060, and 43.92.070.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6177 by Senators Fraser, Morton and Jacobsen

AN ACT Relating to cost-reimbursement agreements under chapter 78.52 RCW; and adding a new section to chapter 78.52 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6178 by Senator Jacobsen

AN ACT Relating to technical corrections to public lands statutes; amending RCW 79.15.050 and 79.15.080; and repealing 2003 c 381 ss 1, 2, and 3.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6179 by Senator Jacobsen

AN ACT Relating to commercial geoduck harvesting; and amending RCW 77.60.070.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6180 by Senators Jacobsen, Doumit and Rockefeller

AN ACT Relating to exchange of state lands; and reenacting and amending RCW 79.17.010.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6181 by Senator Fairley

AN ACT Relating to the compensation paid by an insurer to an insurance broker; and amending RCW 48.17.270.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6182 by Senators Berkey, Fairley and Shin

AN ACT Relating to compensating the victims of uninsured and underinsured motorists; and amending RCW 48.22.030.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6183 by Senator Kastama

AN ACT Relating to hepatitis C; adding new sections to chapter 70.54 RCW; and creating new sections.

Referred to Committee on Health & Long-Term Care.

SB 6184 by Senators Kastama, Oke, Rasmussen, Kohl-Welles and Esser

AN ACT Relating to bonuses for teachers attaining national board for professional teaching standards certification; adding a new section to chapter 28A.405 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6185 by Senators Keiser, Kohl-Welles, Thibaudeau, Kline and Poulsen

AN ACT Relating to family and medical leave; amending RCW 49.78.010 and 49.78.020; adding new sections to chapter 49.78 RCW; creating a new section; repealing RCW 49.78.005, 49.78.030, 49.78.040, 49.78.050, 49.78.060, 49.78.070, 49.78.080, 49.78.100, 49.78.110, 49.78.120, 49.78.130, 49.78.140, 49.78.150, 49.78.160, 49.78.170, 49.78.180, 49.78.190, and 49.78.200; and prescribing penalties.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6186 by Senators Keiser, Thibaudeau, Kline and Kohl-Welles

AN ACT Relating to providing insurance coverage to dependent children; amending RCW 48.20.420, 48.21.150, 48.44.200, 48.44.210, and 48.46.320; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6187 by Senator Keiser

AN ACT Relating to removing tricore supplemental insurance policies from the definition of health plan or health benefit plan; and amending RCW 48.43.005.

Referred to Committee on Health & Long-Term Care.

SB 6188 by Senators Johnson, Keiser, Oke, Rockefeller, Thibaudeau and Kohl-Welles

AN ACT Relating to health benefit plans offering coverage for prostate cancer screening; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 6189 by Senator Keiser

AN ACT Relating to hospital and ambulatory surgical center pricing and billing procedures; adding a new section to chapter 70.41 RCW; adding a new chapter to Title 70 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 6190 by Senators Keiser and Kline

AN ACT Relating to establishing a pilot project to assist independent providers with collecting community options program entry system client participation money; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 6191 by Senators Poulsen, Morton and Sheldon

AN ACT Relating to wood biomass fuel; and amending RCW 82.08.960.

Referred to Committee on Water, Energy & Environment.

SB 6192 by Senators Poulsen, Rockefeller, Rasmussen and Fraser

AN ACT Relating to assessing the viability of a solar electric generating facility; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Water, Energy & Environment.

SB 6193 by Senators Franklin, Regala, Keiser, Eide, Prentice, Rasmussen, Jacobsen, Fairley, McAuliffe, Fraser, Brown, Kline, Kohl-Welles, Parlette and Shin

AN ACT Relating to health professions work force supply and demographics information; adding a new section to chapter 43.70 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 6194 by Senators Franklin, Regala, Keiser, Eide, Prentice, Thibaudeau, Jacobsen, Fairley, McAuliffe, Fraser, Spanel, Kline, Kohl-Welles and Shin

AN ACT Relating to multicultural education for health professionals; adding a new section to chapter 18.122 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 6195 by Senators Franklin, Regala, Keiser, Eide, Prentice, Jacobsen, McAuliffe, Fraser, Kline and Shin

AN ACT Relating to health impact assessments; adding a new section to chapter 43.20 RCW; creating a new section; and making an appropriation.

Referred to Committee on Health & Long-Term Care.

SB 6196 by Senators Franklin, Regala, Keiser, Eide, Rockefeller, Prentice, Thibaudeau, Jacobsen, Fairley, McAuliffe, Fraser, Sheldon, Brown, Spanel, Kline, Kohl-Welles, Shin and Esser

FIRST DAY, JANUARY 9, 2006

2006 REGULAR SESSION

AN ACT Relating to including a member of the American Indian health commission for Washington state on the state board of health; and reenacting and amending RCW 43.20.030.

Referred to Committee on Health & Long-Term Care.

SB 6197 by Senators Franklin, Regala, Eide, Prentice, Fraser, Brown, Kline, Kohl-Welles and Shin

AN ACT Relating to the creation of the governor's interagency council on health disparities; amending RCW 43.20.025; and adding new sections to chapter 43.20 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6198 by Senators Rockefeller, Mulliken, Berkey, Weinstein, Rasmussen, Spanel and Pflug

AN ACT Relating to changing the state formula for funding allocations for pupil transportation; and amending RCW 28A.160.150, 28A.160.160, and 28A.160.180.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6199 by Senators Rockefeller and Kohl-Welles

AN ACT Relating to sports entertainment facility liquor licenses; and amending RCW 66.24.570.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6200 by Senator Rockefeller

AN ACT Relating to creating a child support performance award; adding a new section to chapter 26.18 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6201 by Senator Fairley

AN ACT Relating to the creation of a homeowners' association act committee; adding a new section to chapter 64.38 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6202 by Senators Fairley and Schmidt

AN ACT Relating to requiring arbitration for homeowners' association disputes; and adding a new section to chapter 64.38 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6203 by Senators Jacobsen, Keiser and Kohl-Welles

AN ACT Relating to requiring businesses to offer rain checks for out of stock advertised merchandise; and adding a new section to chapter 19.86 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6204 by Senator Jacobsen

AN ACT Relating to the regional transportation investment district vehicle surcharge; and amending RCW 81.100.060.

Referred to Committee on Transportation.

SB 6205 by Senators Jacobsen, Oke and Shin

AN ACT Relating to disposal of unneeded park land; and amending RCW 79A.05.175.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6206 by Senators Jacobsen and Oke

AN ACT Relating to park passes; and amending RCW 79A.05.065.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6207 by Senators Rockefeller, Morton, Poulsen and Kline

AN ACT Relating to the pollution liability insurance agency; amending RCW 70.148.005, 70.148.020, 70.148.050, and 70.149.010; reenacting and amending RCW 43.79A.040; repealing RCW 70.148.900, 70.149.900, and 82.23A.902; repealing 2000 c 16 s 4 and 1998 c 245 s 178 (uncodified); repealing 2000 c 16 s 5 and 1997 c 8 s 3 (uncodified); repealing 2005 c 428 s 4 (uncodified); and providing an effective date.

Referred to Committee on Water, Energy & Environment.

SB 6208 by Senators Rockefeller and Johnson

AN ACT Relating to session law publication; amending RCW 44.20.030 and 44.20.050; adding a new section to chapter 40.04 RCW; and repealing RCW 40.04.035 and 40.04.040.

Referred to Committee on Judiciary.

SB 6209 by Senator Jacobsen

AN ACT Relating to utility charges; and amending RCW 80.28.080.

Referred to Committee on Water, Energy & Environment.

SB 6210 by Senators Fraser, Hewitt and Rasmussen

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

Referred to Committee on Ways & Means.

SB 6211 by Senators Jacobsen and Rasmussen

AN ACT Relating to the timber land revitalization board; and adding a new chapter to Title 76 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6212 by Senators Keiser, Thibaudeau and Kline

FIRST DAY, JANUARY 9, 2006

2006 REGULAR SESSION

AN ACT Relating to retainer health care practices; amending RCW 48.44.010; and adding a new chapter to Title 48 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6213 by Senators Regala, Franklin, Kline and Kohl-Welles

AN ACT Relating to amending Initiative 901 to allow smoking in buildings conducting religious ceremonies where smoking is part of the ritual; and amending RCW 70.160.020.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6214 by Senators Keiser, Schmidt, Kastama, Kohl-Welles, Jacobsen, Pridemore, Roach, Shin, Benson and Franklin

AN ACT Relating to security guard training; amending RCW 18.170.010 and 18.170.100; adding a new section to chapter 18.170 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6215 by Senators Kline and Johnson

AN ACT Relating to the liability of public entities for tortious conduct; amending RCW 4.92.075, 26.44.060, and 70.124.060; adding new sections to chapter 4.92 RCW; creating a new section; and repealing RCW 4.24.470, 4.92.090, and 4.96.010.

Referred to Committee on Judiciary.

SB 6216 by Senators Kline, Johnson, Keiser, Schmidt, Rasmussen, Fairley, Kohl-Welles and Esser

AN ACT Relating to a privilege from compelled testimony for members of the news media; and adding a new chapter to Title 5 RCW.

Referred to Committee on Judiciary.

SB 6217 by Senators Kastama, Roach, Rasmussen, Oke and Schmidt

AN ACT Relating to the enhanced 911 advisory committee; and amending RCW 38.52.530.

Referred to Committee on Government Operations & Elections.

SB 6218 by Senators Prentice, Fairley, Rockefeller, Weinstein, Shin, Berkey, Kline, Keiser, Franklin, Regala, Thibaudeau, Jacobsen and Kohl-Welles

AN ACT Relating to retirement benefits for domestic partners; amending RCW 2.10.030, 2.12.030, 2.12.048, 2.14.110, 28B.10.400, 28B.10.431, 41.20.085, 41.24.180, 41.26.030, 41.26.030, 41.26.048, 41.26.090, 41.26.160, 41.26.161, 41.26.460, 41.26.470, 41.26.510, 41.26.520, 41.32.053, 41.32.260, 41.32.520, 41.32.785, 41.32.790, 41.32.805, 41.32.810, 41.32.865, 41.32.895, 41.35.010, 41.35.115, 41.35.220, 41.35.440, 41.35.460, 41.35.470, 41.35.650, 41.35.710, 41.37.010, 41.37.110, 41.37.170, 41.37.250, 41.37.260, 41.40.010, 41.40.0931, 41.40.0932, 41.40.185, 41.40.188, 41.40.190, 41.40.220, 41.40.235, 41.40.250, 41.40.270, 41.40.660, 41.40.670, 41.40.700,

41.40.710, 41.40.805, 41.44.030, 41.40.835, 41.44.170, 41.44.190, 41.44.210, 41.44.220, 41.50.700, and 41.54.034; reenacting and amending RCW 41.24.172, 41.32.010, and 41.40.170; creating a new section; providing effective dates; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6219 by Senators Keiser, Weinstein, Eide, Pridemore, Prentice, Berkey, Fraser and Kohl-Welles

AN ACT Relating to financial literacy education; adding a new section to chapter 28A.230 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6220 by Senators Keiser, Kline and Kohl-Welles

AN ACT Relating to the lay off or reduction in force of city or town employees; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 35A.41 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6221 by Senators Franklin, Kline, Kastama, Keiser, Regala and Jacobsen

AN ACT Relating to use of public funds for political purposes; and amending RCW 42.17.128.

Referred to Committee on Government Operations & Elections.

SB 6222 by Senators Rockefeller, Rasmussen and McAuliffe

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

Referred to Committee on Judiciary.

SB 6223 by Senators Rockefeller, Regala, Oke, Berkey and Spanel

AN ACT Relating to derelict or abandoned vessels; amending RCW 79.100.010, 79.100.040, 79.100.060, and 79.100.100; adding new sections to chapter 79.100 RCW; repealing RCW 79.100.090; and prescribing penalties.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6224 by Senators Regala and Kohl-Welles

AN ACT Relating to expanding parenting provisions in the WorkFirst program; and amending RCW 74.08A.250 and 74.08A.270.

Referred to Committee on Human Services & Corrections.

SB 6225 by Senators Rasmussen, Honeyford, Haugen, Morton, Hewitt, Rockefeller, Pflug, Parlette, Shin and Oke

AN ACT Relating to regulating the business of installing, repairing, and maintaining domestic well water systems; amending RCW 18.106.010, 18.106.040, 18.106.050, 18.106.110, and 19.28.041; and adding new sections to chapter 18.106 RCW.

FIRST DAY, JANUARY 9, 2006

2006 REGULAR SESSION

Referred to Committee on Labor, Commerce, Research & Development.

SB 6226 by Senators Fairley, Rockefeller, Brown and Spanel

AN ACT Relating to campaign contribution limits for candidates for judicial office; amending RCW 42.17.700; adding new sections to chapter 42.17 RCW; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 6227 by Senators Franklin, Fairley and Kline

AN ACT Relating to setting limits on rental late fees; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6228 by Senator Fairley

AN ACT Relating to resolving conflicts between the statutes and governing documents of homeowners' associations; and amending RCW 64.38.005.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6229 by Senators Spanel and Kohl-Welles

AN ACT Relating to home inspectors; adding a new chapter to Title 18 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6230 by Senators Parlette, Doumit, Zarelli, Prentice, Rasmussen and Mulliken

AN ACT Relating to extending the state sales and use tax credit for public facilities districts created before September 1, 2006; and amending RCW 82.14.390.

Referred to Committee on Ways & Means.

SB 6231 by Senator Spanel

AN ACT Relating to exempting certain private air ambulance services from licensing under the insurance code; and adding a new section to chapter 48.01 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6232 by Senators Keiser and Thibaudeau

AN ACT Relating to health carrier information; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6233 by Senators Thibaudeau, Keiser and Franklin

AN ACT Relating to granting the insurance commissioner the authority to review and approve individual health benefit plan rates; amending RCW 48.18.110, 48.44.020,

48.46.060, and 48.02.120; adding a new section to chapter 48.43 RCW; and repealing RCW 48.20.025, 48.44.017, and 48.46.062.

Referred to Committee on Health & Long-Term Care.

SB 6234 by Senators Fairley, Keiser, Spanel and Esser

AN ACT Relating to insurance fraud; amending RCW 10.93.020; adding a new chapter to Title 48 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6235 by Senators Kastama and Roach

AN ACT Relating to technical changes to election laws; amending RCW 29A.04.530, 29A.04.611, 29A.24.091, 29A.24.101, 29A.24.111, 29A.40.110, 29A.40.150, and 29A.48.050; and repealing RCW 29A.04.157, 29A.04.610, 29A.20.110, 29A.20.130, 29A.20.200, 29A.24.200, 29A.28.010, 29A.28.020, 29A.36.190, 29A.44.220, 29A.46.140, 29A.46.150, 29A.46.210, 29A.46.220, 29A.46.230, 29A.46.240, 29A.46.250, and 29A.72.220.

Referred to Committee on Government Operations & Elections.

SB 6236 by Senators Schmidt, Kastama, Swecker, Oke, Berkey and Benson

AN ACT Relating to election dates and deadlines; amending RCW 29A.04.311, 29A.04.321, 29A.04.330, 29A.20.121, 29A.24.040, 29A.24.050, 29A.24.171, 29A.24.181, 29A.24.191, 29A.24.211, 29A.28.021, 29A.28.041, 29A.40.070, 29A.52.011, 29A.56.030, 29A.60.190, 27.12.355, 27.12.370, 35.02.086, 35.06.070, 35.13.1821, 35.13.480, 35.61.360, 35A.14.299, 35A.14.470, 36.24.190, 36.93.030, 42.12.040, 42.17.080, 42.17.710, 52.02.080, 52.04.056, 52.04.071, 53.04.110, 54.08.010, 54.08.070, 57.04.050, and 70.44.235; reenacting and amending RCW 29A.60.190; repealing RCW 29A.04.158; providing effective dates; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

SB 6237 by Senators Schoesler, Prentice and Hewitt

AN ACT Relating to simplifying tax application and administration; amending RCW 82.04.190, 82.04.330, 82.04.4266, 82.08.02745, 82.08.0311, 82.08.820, 82.08.820, 82.08.820, 82.12.820, 82.16.050, 88.40.011, 88.46.010, 90.56.010, 84.36.635, 82.04.4334, 82.08.955, 82.08.02567, 82.04.294, 82.04.180, 82.32.140, 82.04.2908, 82.04.4264, 82.04.530, 82.14B.020, 82.32.520, 82.32.555, 34.05.030, 82.14.055, 82.14.030, 82.14.045, 82.14.048, 82.14.0485, 82.14.049, 82.14.0494, 82.14.010, 82.14.310, 82.14.320, 82.14.330, 82.14.340, 82.14.350, 82.14.360, 82.14.370, 82.14.390, 82.14.400, 82.14.420, 82.14.430, 82.14.440, 82.14.450, 82.14.460, 82.44.160, 43.62.010, 70.05.125, 53.08.090, 43.160.220, 82.08.0266, 82.08.02665, 82.08.0283, 82.08.945, 82.12.0284, 82.08.02569, 82.08.02917, 82.08.832, 82.08.880, 82.08.890, 82.08.900, 82.08.910, 82.08.920, 82.24.520, 82.24.530, 43.06.455, 82.04.140, 82.04.280, 82.04.280, 82.04.418, 82.04.4281, 82.04.4286, 82.04.440, 82.04.440, 82.04.4461, 82.04.4462, 82.04.4328, 82.04.460, 82.19.010, 82.19.050, 82.32.033, 82.32.105, 82.32.550, 82.12.045, 84.33.140, 84.33.140, 84.34.108, 84.36.815, 84.36.830, 84.39.020, 84.52.010,

FIRST DAY, JANUARY 9, 2006

2006 REGULAR SESSION

84.52.020, 84.52.054, 84.52.070, 82.62.020, 82.32.590, 82.32.600, 82.04.4452, 82.32.560, 82.32.570, 82.32.610, 82.32.620, 82.32.545, and 82.46.010; amending 2004 c 153 s 502 (uncodified); reenacting and amending RCW 82.04.050, 82.04.213, 82.04.260, 82.29A.135, 82.14B.030, 43.84.092, 82.04.250, 82.29A.130, and 82.32.330; adding a new section to chapter 82.14 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 82.04.035, 82.04.2403, 82.04.331, 82.04.332, 82.04.333, 82.04.335, 82.04.337, 82.04.338, 82.04.410, 82.04.4287, 84.36.640, 82.04.4335, 82.08.960, 82.14.032, 82.14.046, 82.14.070, 82.14.200, 82.14.210, 82.14.220, 82.14.380, 35.02.135, 82.44.155, 82.14.034, 82.14.212, 82.12.02525, 82.12.0253, 82.12.02567, 82.12.02568, 82.12.02569, 82.12.0257, 82.12.0258, 82.12.0259, 82.12.0261, 82.12.0262, 82.12.0267, 82.12.0268, 82.12.0269, 82.12.0271, 82.12.0273, 82.12.0274, 82.12.02745, 82.12.02747, 82.12.02748, 82.12.02749, 82.12.0275, 82.12.0276, 82.12.0277, 82.12.0279, 82.12.0283, 82.12.02915, 82.12.02917, 82.12.0293, 82.12.0294, 82.12.0296, 82.12.0297, 82.12.0298, 82.12.031, 82.12.0311, 82.12.0316, 82.12.032, 82.12.033, 82.12.034, 82.12.0345, 82.12.0347, 82.12.803, 82.12.804, 82.12.806, 82.12.808, 82.12.809, 82.12.813, 82.12.832, 82.12.841, 82.12.880, 82.12.890, 82.12.900, 82.12.910, 82.12.920, 82.12.925, 82.12.935, 82.12.940, 82.12.945, 82.12.950, 82.12.955, 82.12.960, 82.12.975, 82.12.985, 82.04.055, 82.04.150, 82.04.4261, 82.04.4262, 82.04.4263, 82.29A.150, 84.55.012, 84.55.0121, 82.60.010, 82.60.020, 82.60.030, 82.60.040, 82.60.049, 82.60.050, 82.60.060, 82.60.065, 82.60.070, 82.60.080, 82.60.090, 82.60.100, 82.60.110, 82.60.900, 82.60.901, 82.63.005, 82.63.010, 82.63.020, 82.63.030, 82.63.045, 82.63.060, 82.63.070, 82.63.900, 82.74.010, 82.74.020, 82.74.030, 82.74.040, 82.74.050, 82.74.060, and 82.74.070; providing effective dates; providing a contingent effective date; providing expiration dates; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6238 by Senator Jacobsen

AN ACT Relating to using traffic safety cameras on arterial highways; and amending RCW 46.63.170.

Referred to Committee on Transportation.

SB 6239 by Senators Hargrove, Johnson, Doumit, Oke, Stevens and Esser

AN ACT Relating to reducing crime; amending RCW 2.28.170, 74.34.020, 64.44.010, 64.44.020, 64.44.030, 64.44.040, 64.44.050, 64.44.060, 64.44.070, 70.105D.020, 9.94A.533, 9.94A.728, and 9.94A.500; adding a new section to chapter 13.40 RCW; adding new sections to chapter 64.44 RCW; adding a new chapter to Title 49 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

SB 6240 by Senators Jacobsen and Weinstein

AN ACT Relating to interchange and associated fees; amending RCW 63.14.010; and adding a new section to chapter 63.14 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6241 by Senators Haugen, Benson and Jacobsen

AN ACT Relating to transportation funding and appropriations; amending 2005 c 313 ss 1, 102, 105, 201, 202, 203, 204, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 302, 303, 304, 305, 306, 308, 309, 310, 401, 402, 403, 404, 405, and 406 (uncodified); adding new sections to 2005 c 313 (uncodified); repealing 2005 c 313 s 602 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Transportation.

SB 6242 by Senator Kastama

AN ACT Relating to voting equipment; and amending RCW 29A.12.080, 29A.12.101, 29A.46.020, and 29A.46.110.

Referred to Committee on Government Operations & Elections.

SB 6243 by Senators Kastama and Fairley

AN ACT Relating to ballot measures; amending RCW 29A.32.040, 29A.56.160, 29A.72.170, and 29A.72.180; adding a new section to chapter 29A.84 RCW; repealing RCW 29A.32.050; and prescribing penalties.

Referred to Committee on Government Operations & Elections.

SJM 8026 by Senators Stevens and Mulliken

Requesting the enactment of federal immigration legislation.

Referred to Committee on Labor, Commerce, Research & Development.

SJM 8027 by Senator Morton

Requesting Congress to allow management of anadromous fish predators.

Referred to Committee on Natural Resources, Ocean & Recreation.

SJR 8217 by Senator Franklin

Amending the state Constitution to provide for a revenue stabilization fund.

Referred to Committee on Ways & Means.

SCR 8414 by Senators Brown and Hewitt

Establishing cutoff dates for the 2006 regular session.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6223 which was referred to the Committee on Natural Resources, Ocean and Recreation, Senate Bill No. 6231 which was referred to the Committee on Financial Institutions, Housing & Consumer Protection, Senate Bill No. 6225 and Senate Bill No. 6229 which were referred to the Committee on Labor, Commerce, Research & Development and Senate Concurrent Resolution No. 8414 which the rules were

FIRST DAY, JANUARY 9, 2006

suspended and the resolution was placed on the second reading calendar.

MOTION

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8414, by Senators Brown and Hewitt

Establishing cutoff dates for the 2006 regular session.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Concurrent Resolution No. 8414 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8414.

SENATE CONCURRENT RESOLUTION NO. 8414 was adopted by voice vote.

MOTION

On motion of Senator Eide, Senate Concurrent Resolution No. 8414 was immediately transmitted to the House of Representatives.

MOTION

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

MESSAGE FROM THE HOUSE

January 9, 2006

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4412,

And the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

SUPPLEMENTAL INTRODUCTION AND FIRST READING

HCR 4412 by Representatives Kessler and Armstrong

Notifying the Governor that the Legislature is organized.

MOTION

Senator Eide moved that the rules be suspended and that House Concurrent Resolution No. 4412 be placed on the second reading calendar.

MOTION

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

2006 REGULAR SESSION
SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4412, by Representatives Kessler and Armstrong

Notifying the Governor that the Legislature is organized.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, House Concurrent Resolution No. 4412 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4412.

HOUSE CONCURRENT RESOLUTION NO. 4412 was adopted by voice vote.

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with House Concurrent Resolution No. 4412, the President appointed Senators Franklin and Parlette to join a like committee from the House of Representatives to notify the Governor that the Legislature is organized and ready to conduct business.

MOTION

On motion of Senator Eide, the appointments were confirmed.

The committee retired to the Governor's Office.

REPORT OF COMMITTEE

The Senate Committee composed of Senators Franklin and Parlette appeared before the bar of the Senate and reported that the Governor had been notified, under the provision of HOUSE CONCURRENT RESOLUTION NO. 4412, that the Legislature is organized and ready to conduct business.

The report was received and the committee was discharged.

MOTION

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

MESSAGE FROM THE HOUSE

January 9, 2006

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4414,

And the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

January 9, 2006

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4413,

And the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

FIRST DAY, JANUARY 9, 2006

2006 REGULAR SESSION

SECOND SUPPLEMENTAL AND FIRST READING

HCR 4413 by Representatives Kessler, Armstrong, Hasegawa and Haler

Providing for reintroduction of bills from last session.

HCR 4414 by Representatives Kessler, Armstrong and Haler

Calling a joint session to receive the State of the State Address.

MOTION

On motion of Senator Eide, the rules were suspended and House Concurrent Resolution No. 4414 and House Concurrent Resolution No. 4413 were placed on the second reading calendar.

MOTION

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4414, by Representatives Kessler, Armstrong and Haler

Calling a joint session to receive the State of the State Address.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, House Concurrent Resolution No. 4414 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4414.

HOUSE CONCURRENT RESOLUTION NO. 4414 was adopted by voice vote.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4413, by Representatives Kessler, Armstrong, Hasegawa and Haler

Providing for reintroduction of bills from last session.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, House Concurrent Resolution No. 4413 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4413.

HOUSE CONCURRENT RESOLUTION NO. 4413 was adopted by voice vote.

MOTION

On motion of Senator Eide, the committee on Rules was relieved of further consideration of the following bills and the bills were re-referred to the committees as designated.

Senate Bill No. 5005 was re-referred to the Committee on Natural Resources, Ocean & Recreation.

Senate Bill No. 5063 was re-referred to the Committee on Ways & Means.

Engrossed Substitute Senate Bill No. 5164 was re-referred to the Committee on Transportation.

Substitute Senate Bill No. 5270 was re-referred to the Committee on Ways & Means.

Senate Bill No. 5327 was re-referred to the Committee on Financial Institutions, Housing & Consumer Protection.

Senate Bill No. 5380 was re-referred to the Committee on Ways & Means.

Senate Bill No. 5473 was re-referred to the Committee on Health & Long-Term Care.

Senate Bill No. 5544 was re-referred to the Committee on Ways & Means.

Substitute Senate Bill No. 5717 was re-referred to the Committee on Early Learning, K-12 & Higher Education.

Substitute Senate Bill No. 5789 was re-referred to the Committee on Labor, Commerce, Research & Development.

Senate Bill No. 5790 was re-referred to the Committee on Ways & Means.

Senate Bill No. 5866 was re-referred to the Committee on Ways & Means.

Senate Bill No. 5878 was re-referred to the Committee on Ways & Means.

Senate Bill No. 5904 was re-referred to the Committee on Ways & Means.

Senate Bill No. 6005 was re-referred to the Committee on Government Operations & Elections.

Senate Bill No. 6101 was re-referred to the Committee on Ways & Means.

MOTION

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

MOTION

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION
8686

By Senators Brown and Hewitt

WHEREAS, The Senate adopted permanent rules for the 2005-07 biennium under Senate Floor Resolution 8601 in 2005; and

WHEREAS, The notice requirements set forth in Senate Rule 35 have been satisfied; and

WHEREAS, The Senate desires to add four (4) additional members to the Committee on Transportation, bringing its total membership up to sixteen (16) members;

NOW, THEREFORE, BE IT RESOLVED, That Rule 41 is amended as follows:

"Rule 41. The president shall appoint all conference, special, joint and standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate.

In the event the senate shall refuse to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

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

1. Agricultural and Rural Economic Development 7
2. Early Learning, K-12 and Higher Education 16

FIRST DAY, JANUARY 9, 2006

2006 REGULAR SESSION

On motion of Senator Eide, the appointments were confirmed by voice vote.

3. Financial Institutions, Housing and Consumer Protection 1

4. Government Operations and Elections 10

5. Health and Long-Term Care 11

6. Human Services and Corrections 7

7. International Trade and Economic Development 7

8. Judiciary 9

9. Labor, Commerce, Research and Development 9

10. Natural Resources, Ocean and Recreation 9

11. Rules 19

12. Transportation ((+2)) (16)

13. Water, Energy and Environment 9

14. Ways and Means 17"

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8686.
 The motion by Senator Eide carried and the resolution was adopted by voice vote.

STANDING COMMITTEE ASSIGNMENTS

The President announced the following changes to the 2005 Senate Standing Committee assignments.
 Senator Delvin is removed from the Committee on Financial Institutions, Housing & Consumer Protection.
 Senator Finkbeiner appointed to the Committee on Financial Institutions, Housing & Consumer Protection to replace Senator Delvin.
 Senator Benton appointed to the Committee on Transportation.
 Senator Berkey appointed to the Committee on Transportation.
 Senator Finkbeiner appointed to the Committee on Transportation.
 Senator Sheldon appointed to the Committee on Transportation.
 Senator Hewitt removed from the Committee on Water, Energy & Environment.
 Senator Delvin appointed to the Committee on Water, Energy & Environment to replace Senator Hewitt.

MOTION

MOTION

On motion of Senator Eide, the Senate reverted to the third order of business.

MESSAGES FROM THE STATE OFFICES

December 30, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
 Secretary of the Senate
 P.O. Box 40482
 Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Walla Walla Community College Audit Report. This report is mandated under RCW 43.09.310.
 If you have any questions about the report, please call 360-902-0370.

Sincerely,
 Brian Sonntag, State Auditor
 The Walla Walla Community College Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

December 30, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
 Secretary of the Senate
 P.O. Box 40482
 Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Community College of Spokane Audit Report. This report is mandated under RCW 43.09.310.
 If you have any questions about the report, please call 360-902-0370.

Sincerely,
 Brian Sonntag, State Auditor
 The Community College of Spokane Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

December 30, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
 Secretary of the Senate
 P.O. Box 40482
 Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Olympic College Audit Report. This report is mandated under RCW 43.09.310.
 If you have any questions about the report, please call 360-902-0370.

Sincerely,
 Brian Sonntag, State Auditor

FIRST DAY, JANUARY 9, 2006

2006 REGULAR SESSION

The Olympic College Audit Report is on file in the Office of the Secretary of the Senate.

December 30, 2005

MESSAGES FROM THE STATE OFFICES

December 30, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington Economic Development Finance Authority Audit Report. If you have any questions about the report, please call 360-903-0370.

Sincerely,

Brian Sonntag, State Auditor

The Washington Economic Development Finance Authority Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

December 30, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Tacoma Community College Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Tacoma Community College Auditor is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

December 30, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington Economic Development Finance Authority Audit Report. If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Washington Economic Development Finance Authority Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is 2005 Audit Resolution Report. This report is mandated under RCW 43.88.160.

If you have any questions about the report, please call 360-9020560.

Sincerely,

Office of Financial Management

The 2005 Audit Resolution Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

January 4, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is DSHS Use & Bed Impact report. This report is mandated under RCW 18.20.290.

If you have any questions about the report, please call 360-725-3220.

Sincerely,

Robin Arnold-Williams, Secretary

The Use & Bed Impact is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

December 21, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is DSHS Violations, Penalties & Actions report. This report is mandated under RCW 71.09.325(4).

If you have any questions about the report, please call 360-902-8258.

Sincerely,

Kathy Frey

The Violations, Penalties & Actions is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

January 4, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

FIRST DAY, JANUARY 9, 2006

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is DSHS Community Protection Program Report. This report is mandated under Chapter 518, Laws of 2005, Section 205(1)(d).

If you have any questions about the report, please call 360-725-3444.

Sincerely,

Robin Arnold-Williams, Secretary

The DSHS Community Protection Program Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

January 3, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is DSHS Washington Telephone Assistance Program report. This report is mandated under RCW 80.38.475.

If you have any questions about the report, please call 360-725-4612.

Sincerely,

Robin Arnold-Williams, Secretary

The DSHS Washington Telephone Assistance Program report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

January 3, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is State Superintendent of Public Instruction Medicaid Reimbursement Report. This report is mandated under RCW 74.09.5253(Section 3).

If you have any questions about the report, please call 360-725-6075.

Sincerely,

Carol Nolan, Special Education Operations

The State Superintendent of Public Instruction Medicaid Reimbursement Report is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

2006 REGULAR SESSION

TONI M. ASPIN, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Peninsula Community College District No. 1.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PEGGY BIERBAUM, reappointed August 25, 2005, for the term ending June 30, 2011, as Member of the Gambling Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ETHELAD BURKE, appointed August 3, 2005, for the term ending June 30, 2008, as Member of the Higher Education Coordinating Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CAROL CARLSTAD, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Community College District No. 2 (Grays Harbor College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAMES CARVO, reappointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Community College District No. 16 (Yakima Valley Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

FIRST DAY, JANUARY 9, 2006

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

PAT E. CLOTHIER, reappointed October 24, 2005, for the term ending July 1, 2010, as Member, Board of Trustees, State School for the Deaf.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GARY COHN, appointed July 25, 2005, for the term ending June 30, 2009, as Member of the Professional Educator Standards Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SUSAN COLE, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Community College District No. 21 (Whatcom Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

R. JAMES COOK, appointed October 1, 2005, for the term ending October 1, 2009, as Member, Board of Trustees, The Life Sciences Discovery Fund Authority.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PETE CRANE, reappointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Olympic Community College District No. 3.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

2006 REGULAR SESSION

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

JAMES CUNNINGHAM, appointed May 26, 2005, for the term ending September 30, 2007, as Member, Board of Trustees, Bellingham Technical College District No. 25.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CALHOUN DICKINSON, reappointed June 6, 2005, for the term ending June 17, 2011, as Member of the Industrial Insurance Appeals Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FRANCOIS FORGETTE, appointed May 11, 2005, for the term ending September 30, 2007, as Member, Board of Regents, University of Washington.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KATHERINE B. FRIEDT, appointed November 1, 2005, for the term ending June 17, 2010, as a Chair of the Human Rights Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JACK FROST, appointed June 6, 2005, for the term ending May 31, 2006, as Member, Board of Trustees, Central Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FIRST DAY, JANUARY 9, 2006

LAWRENCE V. GOODMAN, appointed September 1, 2005, for the term ending January 1, 2007, as Member of the Personnel Resources Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JUDY GUENTHER, reappointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Centralia Community College District No. 12.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

WILLIAM HANSON, appointed June 6, 2005, for the term ending July 2, 2010, as Member of the Lottery Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MIKE HUDSON, appointed August 1, 2005, for the term ending June 30, 2009, as Member of the Work Force Training and Education Coordinating Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ADDISON JACOBS, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Clark Community College District No. 14.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LYLE JACOBSEN, appointed July 3, 2005, for the term ending July 2, 2006, as Member of the Lottery Commission.

2006 REGULAR SESSION

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

HOLLY P. JENSEN, reappointed October 24, 2005, for the term ending July 1, 2010, as Member, Board of Trustees, State School for the Deaf.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ED JOLICOEUR, appointed June 6, 2005, for the term ending June 9, 2007, as Member of the Accountancy Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RONALD KESSLER, appointed October 24, 2005, for the term ending August 2, 2008, as Member of the Sentencing Guidelines Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LANCE KISSLER, appointed July 1, 2005, for the term ending June 30, 2006, as Member of the Higher Education Coordinating Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KRISTINE A. KLAVEANO, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Walla Walla Community College District No. 20.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

FIRST DAY, JANUARY 9, 2006

2006 REGULAR SESSION

Referred to Committee on Early Learning, K-12 & Higher Education.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

January 9, 2006

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

Ladies and Gentlemen:

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

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

DENNIS KLOIDA, reappointed July 1, 2005, for the term ending June 30, 2009, as Member of the Housing Finance Commission.

NEIL MCREYNOLDS, reappointed October 1, 2005, for the term ending September 30, 2011, as Member, Board of Trustees, Eastern Washington University.

Sincerely,

Sincerely,

CHRISTINE O. GREGOIRE, Governor

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

Ladies and Gentlemen:

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

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

JOHN LEE, appointed November 1, 2005, for the term ending at the governor's pleasure, as a Director of the Department of Veterans Affairs.

STEVE S. MILLER, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Bellevue Community College District No. 8.

Sincerely,

Sincerely,

CHRISTINE O. GREGOIRE, Governor

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Government Operations & Elections.

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

Ladies and Gentlemen:

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

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

JUSTIN LEIGHTON, appointed June 1, 2005, for the term ending May 31, 2006, as Member, Board of Regents, Washington State University.

BRUCE MONTGOMERY, appointed October 1, 2005, for the term ending October 1, 2007, as Member, Board of Trustees, The Life Sciences Discovery Fund Authority.

Sincerely,

Sincerely,

CHRISTINE O. GREGOIRE, Governor

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

Referred to Committee on Labor, Commerce, Research & Development.

January 9, 2006

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

Ladies and Gentlemen:

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

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

JANET LEWIS, appointed November 14, 2005, for the term ending June 30, 2009, as Member of the Work Force Training and Education Coordinating Board.

JANE NOLAND, appointed December 31, 2005, for the term ending December 31, 2010, as Member of the Public Disclosure Commission.

Sincerely,

Sincerely,

CHRISTINE O. GREGOIRE, Governor

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

Referred to Committee on Government Operations & Elections.

January 9, 2006

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

Ladies and Gentlemen:

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

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

RICHARD MCIVER, reappointed July 15, 2005, for the term ending June 30, 2009, as Member of the Housing Finance Commission.

BUSSE NUTLEY, reappointed July 26, 2005, for the term ending July 31, 2006, as Member of the Personnel Appeals Board.

Sincerely,

Sincerely,

CHRISTINE O. GREGOIRE, Governor

CHRISTINE O. GREGOIRE, Governor

FIRST DAY, JANUARY 9, 2006

Referred to Committee on Labor, Commerce, Research & Development.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TIM OTANI, reappointed July 1, 2005, for the term ending June 30, 2009, as Member of the Housing Finance Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

STACY PEDERSON, appointed July 6, 2005, for the term ending May 31, 2006, as Member, Board of Trustees, Western Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KRIS POMIANEK, reappointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Wenatchee Valley Community College District No. 15.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

WILL RASMUSSEN, appointed June 1, 2005, for the term ending May 31, 2006, as Member, Board of Regents, University of Washington.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARILYN SAYAN, reappointed September 14, 2005, for the term ending September 8, 2011, as a Chair of the Public Employment Relations Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

2006 REGULAR SESSION

Referred to Committee on Labor, Commerce, Research & Development.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROBERT SCARBROUGH, reappointed August 3, 2005, for the term ending August 2, 2011, as Member of the Lottery Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FAOUZI SEFRIQUI, appointed August 1, 2005, for the term ending June 30, 2009, as Member of the Housing Finance Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

HONNA SHEFFIELD, appointed June 12, 2005, for the term ending June 11, 2009, as Member of the Columbia River Gorge Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAMES SHIPMAN, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Everett Community College District No. 5.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

HERB SIMON, appointed October 20, 2005, for the term ending September 30, 2011, as Member, Board of Regents, University of Washington.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

FIRST DAY, JANUARY 9, 2006

2006 REGULAR SESSION

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CAROL SMITH-MERKULOV, appointed July 17, 2005, for the term ending January 17, 2007, as Member of the Horse Racing Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CLAIRE SPAIN-REMY, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Pierce Community College District No. 11.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DENNIS THAUT, appointed May 1, 2005, for the term ending April 30, 2011, as Member of the Indeterminate Sentence Review Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAMES TIFFANY, appointed July 6, 2005, for the term ending September 30, 2009, as Member, Board of Trustees, Wenatchee Valley Community College District No. 15.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARILYN WALTON, reappointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Tacoma Community College District No. 22.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GARY WEEKS, appointed May 19, 2005, for the term ending at the governor's pleasure, as a Director of the Department of Labor and Industries.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JULI WILKERSON, reappointed June 1, 2005, for the term ending at the governor's pleasure, as a Director of the Department of Community, Trade and Economic Development.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on International Trade & Economic Development.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RICHARD D. ZWICKER, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Renton Technical College District No. 27.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JANE KASZYNSKI, appointed June 1, 2005, for the term ending May 31, 2006, as Member, Board of Trustees, The Evergreen State College.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SHOUBEE LIAW, reappointed December 10, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Shoreline Community College District No. 7.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

FIRST DAY, JANUARY 9, 2006

2006 REGULAR SESSION

January 9, 2006
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON
Ladies and Gentlemen:

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

WAYNE J. MARTIN, reappointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Columbia Basin Community College District No. 19.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON
Ladies and Gentlemen:

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

LURA POWELL, appointed October 1, 2005, for the term ending at the governor's pleasure, as Chair, Board of Trustees, The Life Sciences Discovery Fund Authority.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

January 9, 2006
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON
Ladies and Gentlemen:

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

CHERYL SCOTT, appointed October 1, 2005, for the term ending October 1, 2009, as Member, Board of Trustees, The Life Sciences Discovery Fund Authority.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

January 9, 2006
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON
Ladies and Gentlemen:

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

PAUL TANAKA, reappointed November 1, 2005, for the term ending September 30, 2011, as Member, Board of Trustees, Eastern Washington University.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON
Ladies and Gentlemen:

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

KAREN VANDER ARK, appointed November 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Highline Community College District No. 9.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

JUDY L. HARTMAN, appointed February 10, 2005, for the term ending at the governor's pleasure, as Member of the K-20 Educational Network Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

At 1:16 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:34 p.m. by President Owen.

MOTION

On motion of Senator Eide, Senator Finkbeiner was excused.

MOTION

At 1:35 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, January 10, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SECOND DAY

NOON SESSION

Senate Chamber, Olympia, January 10, 2006

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 10, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RUSSELL D. HAUGE, reappointed October 24, 2005, for the term ending September 2, 2008, as Member of the Sentencing Guidelines Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

January 10, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KATHLEEN D. MIX, appointed December 5, 2005, for the term ending June 30, 2010, as Member of the Pollution Control/Shorelines Hearings Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Water, Energy & Environment.

January 10, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DON MUKAI, appointed October 7, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Technical College District #26 (Lake Washington).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the

fourth order of business.

MESSAGE FROM THE HOUSE

January 9, 2006

MR. PRESIDENT:

The Speaker signed:

HOUSE CONCURRENT RESOLUTION NO. 4412,
HOUSE CONCURRENT RESOLUTION NO. 4413,
HOUSE CONCURRENT RESOLUTION NO. 4414

And the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4412,
HOUSE CONCURRENT RESOLUTION NO. 4413,
HOUSE CONCURRENT RESOLUTION NO. 4414,

SIGNED BY THE PRESIDENT

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8414,

MOTION

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

INTRODUCTION AND FIRST READING

SB 6244 by Senators Rockefeller, Morton, Poulsen, Fairley, Kline, Shin, Kohl-Welles and Spanel

AN ACT Relating to oil spill prevention, preparedness, and response; amending RCW 88.46.160 and 88.46.070; and adding a new section to chapter 88.46 RCW.

Referred to Committee on Water, Energy & Environment.

SB 6245 by Senators Kastama, Roach, Pflug, Parlette, Shin and Kohl-Welles; by request of Lieutenant Governor

AN ACT Relating to hosting a national conference of statewide elected officials; amending RCW 42.52.820 and 42.52.150; creating a new section; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 6246 by Senators Kastama, Roach, Eide, Pflug and Shin; by request of Lieutenant Governor

AN ACT Relating to the office of lieutenant governor; adding a new chapter to Title 43 RCW; creating a new section; and recodifying RCW 41.72.030, 43.03.020, 43.06.040, 43.342.010, 43.342.020, 44.04.270, 44.52.010, 44.52.020, 44.52.030, 44.52.040, 44.52.050, 44.52.060, 44.52.070, 44.52.900, and 44.52.901.

Referred to Committee on Government Operations & Elections.

SB 6247 by Senators Haugen and Benson

SECOND DAY, JANUARY 10, 2006

2006 REGULAR SESSION

AN ACT Relating to uniform administration of locally imposed motor vehicle excise taxes; amending RCW 81.100.060, 82.44.060, 82.44.065, 82.44.090, 82.44.100, and 82.44.120; adding new sections to chapter 82.44 RCW; and repealing RCW 82.44.022, 82.44.023, 82.44.025, 82.44.080, 82.44.130, 82.44.155, 82.44.157, 82.44.160, and 82.44.170.

Referred to Committee on Transportation.

SB 6248 by Senators Haugen, Benson, Shin and Sheldon

AN ACT Relating to drainage and diking works; and amending RCW 85.07.170 and 47.01.260.

Referred to Committee on Transportation.

SB 6249 by Senators Doumit, Morton and Parlette

AN ACT Relating to the property taxation of forest and timber lands; amending RCW 84.33.035, 84.33.130, 84.33.140, 84.33.140, 84.33.145, 84.33.170, 84.34.020, 84.34.030, 84.34.060, 84.34.070, 84.34.080, 84.34.108, 84.34.145, 84.34.155, 84.34.210, 84.34.220, 84.34.300, 84.34.310, 84.34.330, 84.34.340, 84.34.370, and 84.34.380; reenacting and amending RCW 84.34.320 and 84.34.360; repealing RCW 84.33.077, 84.34.041, and 84.34.131; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6250 by Senators Morton, Mulliken and Oke

AN ACT Relating to capping and annually adjusting state and local public utility tax rates based upon increases or decreases in the cost of electricity and natural gas to residential consumers; amending RCW 82.16.020 and 35.21.870; adding new sections to chapter 82.16 RCW; and creating new sections.

Referred to Committee on Water, Energy & Environment.

SB 6251 by Senators Morton and Schoesler

AN ACT Relating to unattended motor vehicles east of the crest of the Cascade mountains; and amending RCW 46.61.600.

Referred to Committee on Transportation.

SB 6252 by Senators Morton and Schoesler

AN ACT Relating to rabbits; adding a new section to chapter 16.49 RCW; and adding a new section to chapter 69.07 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6253 by Senator Jacobsen

AN ACT Relating to institutional chaplains; and amending RCW 72.01.210.

Referred to Committee on Government Operations & Elections.

SB 6254 by Senator Eide

AN ACT Relating to reports of traffic violations and accidents by diplomats; and adding a new section to chapter 46.55 RCW.

Referred to Committee on Judiciary.

SB 6255 by Senators Eide and McAuliffe

AN ACT Relating to improving student performance through student-centered planning; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6256 by Senators Eide, McAuliffe and Kohl-Welles

AN ACT Relating to after-school programs; adding a new section to chapter 28A.215 RCW; creating a new section; making an appropriation; and providing an effective date.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6257 by Senator Delvin

AN ACT Relating to security guard licenses; amending RCW 18.170.020; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6258 by Senator Delvin

AN ACT Relating to possession of weapons or medical equipment, devices, or paraphernalia on school facilities; amending RCW 9.41.280; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6259 by Senators Delvin and McAuliffe

AN ACT Relating to assault in the third degree; amending RCW 9A.36.031; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6260 by Senator Delvin

AN ACT Relating to records provided to law enforcement agencies; amending RCW 42.56.240; and providing an effective date.

Referred to Committee on Judiciary.

SB 6261 by Senators Delvin and Mulliken

AN ACT Relating to small business and entrepreneurial development; and amending RCW 28B.20.297.

Referred to Committee on International Trade & Economic Development.

SB 6262 by Senators Kohl-Welles, Parlette, Honeyford, Keiser, Prentice and Kline

AN ACT Relating to establishing a pilot program to allow employers to assist employees in completing applications for industrial insurance benefits; and amending RCW 51.28.015.

SECOND DAY, JANUARY 10, 2006

2006 REGULAR SESSION

Referred to Committee on Labor, Commerce, Research & Development.

SB 6263 by Senators Kohl-Welles, Prentice and Keiser

AN ACT Relating to authorizing the department to request and superior court to grant warrants pursuant to chapter 49.17 RCW; amending RCW 49.17.070; adding a new section to chapter 49.17 RCW; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6264 by Senators Kohl-Welles, Parlette, Honeyford, Keiser, Prentice, Kline, McAuliffe and Roach

AN ACT Relating to allowing an injured worker to change total permanent disability pension options under certain circumstances; and amending RCW 51.32.067.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6265 by Senators Jacobsen, Thibaudeau, Kohl-Welles and Oke

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

Referred to Committee on Government Operations & Elections.

SB 6266 by Senator Kastama

AN ACT Relating to county and city participation in the rule-making process; amending RCW 34.05.010 and 34.05.313; and reenacting and amending RCW 34.05.328.

Referred to Committee on Government Operations & Elections.

SB 6267 by Senator Kastama

AN ACT Relating to information regarding certain public facilities and services; amending RCW 36.70A.070 and 64.06.020; and adding a new section to chapter 64.06 RCW.

Referred to Committee on Government Operations & Elections.

SB 6268 by Senators Kastama, Pridemore and Kline

AN ACT Relating to transportation concurrency under the growth management act; and amending RCW 36.70A.020 and 36.70A.070.

Referred to Committee on Government Operations & Elections.

SB 6269 by Senators Kastama, Pridemore and Kline

AN ACT Relating to public school facilities; amending RCW 36.70A.020, 36.70A.070, 36.70A.190, 36.70A.310, and 36.70A.345; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Government Operations & Elections.

SB 6270 by Senators Kastama and Swecker

AN ACT Relating to shared parental responsibility; amending RCW 26.09.004 and 26.09.187; adding a new section to chapter 26.09 RCW; adding a new section to chapter 7.75 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6271 by Senators Kastama, Kline, McAuliffe and Roach

AN ACT Relating to zero interest loans for higher education; and adding a new chapter to Title 28B RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6272 by Senators Kastama, Kline, McAuliffe and Kohl-Welles

AN ACT Relating to assistance for teachers pursuing national board certification; and adding a new chapter to Title 28A RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6273 by Senators Jacobsen, Thibaudeau and Kohl-Welles

AN ACT Relating to the duty of government regarding public natural resources; and adding a new section to chapter 1.20 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6274 by Senator Jacobsen

AN ACT Relating to an independent forest and fish science panel; and adding a new section to chapter 76.09 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6275 by Senator Jacobsen

AN ACT Relating to the forest practices board; and amending RCW 76.09.030.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6276 by Senator Jacobsen

AN ACT Relating to scenic protection; amending RCW 76.09.010 and 43.21C.037; adding a new section to chapter 76.09 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6277 by Senators Jacobsen, Haugen and Shin

AN ACT Relating to the state oak tree; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6278 by Senators Deccio and Keiser

SECOND DAY, JANUARY 10, 2006

2006 REGULAR SESSION

AN ACT Relating to licensing specialty hospitals; adding a new section to chapter 70.41 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 6279 by Senators Regala and McAuliffe

AN ACT Relating to posting staffing levels at nursing homes; and adding a new section to chapter 18.51 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6280 by Senator Regala

AN ACT Relating to removing the irrevocable dedication requirement for exemption from property tax for property owned by nonprofit entities; and amending RCW 84.36.805.

Referred to Committee on Ways & Means.

SB 6281 by Senators Jacobsen, Esser, Kline, Pflug and Roach

AN ACT Relating to mountains to Sound greenway outdoor recreation projects; creating new sections; making appropriations; and providing expiration dates.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6282 by Senators Kohl-Welles, Esser and Jacobsen

AN ACT Relating to the excise taxation of nonprofit organizations organized and operated for zoological purposes; amending RCW 82.04.4328; and creating a new section.

Referred to Committee on Ways & Means.

SB 6283 by Senators Kastama, Roach, Shin, Swecker, Franklin, Schmidt, Oke, Rasmussen and Mulliken

AN ACT Relating to veterans' scoring criteria in examinations; and amending RCW 41.04.010.

Referred to Committee on Government Operations & Elections.

SB 6284 by Senators Kastama, Roach, Shin, Swecker, Franklin, Schmidt, Oke, Rasmussen and Mulliken

AN ACT Relating to the definition of veteran; and reenacting and amending RCW 41.04.007.

Referred to Committee on Government Operations & Elections.

SB 6285 by Senators Eide, Poulsen, Morton, Rockefeller, Pridemore, Rasmussen, Brown, Haugen, Berkey, Keiser, Prentice, Fairley, Kastama, Fraser, Kohl-Welles, McAuliffe, Thibaudeau, Spanel, Regala, Kline, Shin, Sheldon, Mulliken, Franklin, Roach and Oke

AN ACT Relating to low-income home energy assistance; amending RCW 80.01.080; adding a new section to 2005 c 518 (uncodified); making an appropriation; and declaring an emergency.

Referred to Committee on Water, Energy & Environment.

SB 6286 by Senator Fairley

AN ACT Relating to obtaining idencards while holding state driver's licenses; and amending RCW 46.20.117.

Referred to Committee on Transportation.

SB 6287 by Senators Fairley, Thibaudeau and Shin

AN ACT Relating to special parking privileges for legally blind persons; and amending RCW 46.16.381.

Referred to Committee on Transportation.

SB 6288 by Senator Sheldon

AN ACT Relating to public employee tuition waivers; and amending RCW 28B.15.558.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6289 by Senators Sheldon, Doumit, Fraser, Shin, Thibaudeau, Hargrove, Mulliken and Kohl-Welles

AN ACT Relating to requiring state agencies to allow volunteer fire fighters to respond when called to duty; and adding a new section to chapter 41.06 RCW.

Referred to Committee on Government Operations & Elections.

SB 6290 by Senators Sheldon, Kline, Fraser, Shin, Doumit and Hargrove

AN ACT Relating to requiring state agencies to allow volunteer fire fighters to respond when called to duty; and adding a new section to chapter 41.06 RCW.

Referred to Committee on Government Operations & Elections.

SB 6291 by Senators Kohl-Welles, Parlette and Keiser

AN ACT Relating to a cosmetology licensing exemption; and amending RCW 18.16.060.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6292 by Senators Kohl-Welles, Parlette, Keiser, Thibaudeau, Kline, McAuliffe and Mulliken

AN ACT Relating to an exemption from unemployment compensation contributions for certain small performing arts industries; amending RCW 50.04.320; and adding a new section to chapter 50.04 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6293 by Senators Pflug, Benton, Shin, Schoesler, Benson, Schmidt, Delvin, Mulliken, Johnson, Stevens, Honeyford, Parlette and Roach

AN ACT Relating to tax credits for employers employing student employees enrolled in qualified technical programs at Washington institutions of higher education; adding a new section to chapter 82.04 RCW; and adding a new section to chapter 82.16 RCW.

SECOND DAY, JANUARY 10, 2006

2006 REGULAR SESSION

Referred to Committee on International Trade & Economic Development.

SB 6294 by Senators Pflug, Mulliken, Benton, Hewitt, Schoesler, Stevens, Delvin, Schmidt, Johnson, Carrell, Parlette and Honeyford

AN ACT Relating to distributions to the education legacy trust account; amending RCW 82.24.026, 28A.505.220, and 84.52.068; and providing an effective date.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6295 by Senators Delvin, Pflug, Schoesler, Mulliken, Zarelli, Carrell, Schmidt, Morton, Deccio, Hewitt, Honeyford and Sheldon

AN ACT Relating to permissible weaponry for on-duty law enforcement officers; and amending RCW 9.41.250.

Referred to Committee on Judiciary.

SB 6296 by Senators Delvin, Benton, Pflug, Mulliken, Deccio, Stevens, Carrell and Honeyford

AN ACT Relating to alarm system companies; amending RCW 18.170.010, 18.170.020, 18.170.070, 18.170.080, 18.170.090, 18.170.110, 18.170.120, 18.170.130, 18.170.160, and 18.170.300; adding a new section to chapter 9.96A RCW; adding new sections to chapter 18.170 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6297 by Senators Mulliken, Benton, Oke, Pflug, Schoesler, Schmidt, Delvin, Esser, Honeyford and Parlette

AN ACT Relating to school district diesel prices; and amending 2005 c 518 s 505 (uncodified).

Referred to Committee on Ways & Means.

SB 6298 by Senators Mulliken, Benton, Oke, Deccio, Benson, Carrell, Pflug, Schmidt, Schoesler, Esser, Honeyford and Parlette

AN ACT Relating to tax incentives to promote use of renewable fuels; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Water, Energy & Environment.

SB 6299 by Senators Mulliken, Schoesler, Morton, Benton, Benson, Delvin, Schmidt, Carrell, Deccio and Honeyford

AN ACT Relating to the annual consumptive quantity of a water right; and amending RCW 90.03.380.

Referred to Committee on Water, Energy & Environment.

SB 6300 by Senators Benson, Benton, Pflug, Johnson, Schmidt, Carrell, Esser, Mulliken, Roach, Stevens and Honeyford

AN ACT Relating to sales and use tax exemptions for

medical equipment; amending RCW 82.08.0283 and 82.12.0277; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6301 by Senators Prentice, Deccio, Fairley, Delvin, Kohl-Welles, Kline, Rockefeller, Keiser, McAuliffe, Rasmussen, Franklin, Zarelli, Thibaudeau, Parlette, Spanel, Honeyford, Regala, Carrell, Oke and Shin

AN ACT Relating to compacts negotiated under the Indian Gaming Regulatory Act of 1988; amending RCW 9.46.360; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6302 by Senators Berkey, Jacobsen, Haugen, Fairley, Shin, Rockefeller, Weinstein, Pridemore, Poulsen, Kohl-Welles, McAuliffe, Regala, Rasmussen, Franklin and Keiser

AN ACT Relating to parking fees at state parks; and amending RCW 79A.05.070.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6303 by Senators Berkey and Thibaudeau

AN ACT Relating to security freezes for victims of identity theft; and amending RCW 19.182.170.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6304 by Senators Rasmussen and Jacobsen

AN ACT Relating to special assessments for conservation district activities and programs; and amending RCW 89.08.400.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6305 by Senators Keiser, Prentice, Johnson and Kohl-Welles

AN ACT Relating to financial literacy; amending RCW 74.08A.250 and 74.08A.260; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6306 by Senators Keiser, Deccio, Kastama, Poulsen, Parlette, Franklin, Thibaudeau, Kline and McAuliffe

AN ACT Relating to establishing a state health technology assessment program; amending RCW 41.05.013; adding new sections to chapter 70.14 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 6307 by Senators Keiser, Kastama, Franklin, Parlette, Thibaudeau, Kline and McAuliffe

AN ACT Relating to health information technology; amending RCW 41.05.021 and 41.05.075; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SECOND DAY, JANUARY 10, 2006

2006 REGULAR SESSION

SJR 8218 by Senator Sheldon

Setting base years for property tax valuation.

Referred to Committee on Ways & Means.

SJR 8219 by Senators Delvin, Benton and Stevens

Amending the Constitution to improve predictability and stability in the assessment of real property values.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6277 which was referred to the Committee on Natural Resources, Ocean & Recreation and Senate Bill No. 6293 which was referred to the Committee on International Trade & Economic Development.

MOTION

At 12:04 p.m., on motion of Senator Eide, the Senate was declared to be recessed until 4:15 pm.

The Senate was called to order at 4:15 p.m. by President Owen.

MOTION

At 4:30 p.m., on motion of Senator Eide the Senate was declared to be at ease for the purpose of retiring to the House of Representatives for a Joint Session.

EVENING SESSION

JOINT SESSION

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

Speaker Pro Tempore Lovick instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort the President of the Senate, Lieutenant Governor Brad Owen, President Pro Tempore, Rosa Franklin, Majority Leader Lisa Brown, Republican Leader Mike Hewitt to seats at the Rostrum.

Senators were invited to seats within the House Chamber.

Pursuant to House Concurrent Resolution No. 4414 the President of the Senate, Lieutenant Governor Brad Owen called the Joint Session to order.

The Clerk called the roll of the House and the President declared a quorum present. The Clerk called the roll of the Senate and the President declared a quorum present.

REMARKS BY THE PRESIDENT

President Owen: "This Joint Session has been convened to receive the State of the State message from Her Excellency, Governor Christine Gregoire."

APPOINTMENT OF SPECIAL COMMITTEES

The President appointed a special committee to escort the Supreme Court Justices to the House Chamber consisting of Representatives Appleton, Jarrett, Kretz and Lance and Senators Carrell, Esser, Kline and Rasmussen.

APPOINTMENT OF SPECIAL COMMITTEES

The President appointed a special committee to escort the statewide elected officials to the House Chamber consisting of Representatives Conway, Curtis, Miloscia and Schindler and Senators Eide, Haugen, Mulliken and Benson.

APPOINTMENT OF SPECIAL COMMITTEES

The President appointed a special committee to advise Her Excellency, Governor Christine Gregoire that the Joint Session had assembled and to escort her from her chambers to the House Chamber consisting of Representatives Ahern, and Haigh and Senators Fraser and Oke.

The President introduced the members of the Supreme Court: Chief Justice Gerry Alexander; Justice Charles W. Johnson, Justice Barbara A. Madsen; Justice Richard B. Sanders; Justice Bobbe Bridge; Justice Tom Chambers; Justice Susan Owens; Justice Mary Fairhurst and Justice James Johnson.

The President introduced the Statewide Elected Officials in attendance: Secretary of State Sam Reed; State Auditor Brian Sonntag; Attorney General Rob McKenna; Superintendent of Public Instruction Terry Bergeson; Insurance Commissioner Mike Kriedler; and Commissioner of Public Lands Doug Sutherland.

INTRODUCTION OF SPECIAL GUESTS

President Owen: "We are always pleased and privileged to have special guest who join us for the Joint Session for the State of the State. Some very renown in this great state of ours, who have done wonderful things to help it progress over the years. One of Washington's favorites Governor Al Rosellini, Governor Booth Gardner; Congressman Dave Reichert, Congressman Jay Insley and King County Executive Ron Simms.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the officers and members of the Consular Association of Washington: H. Ronald Masnik Consul of Belgium and President of the Consular Association of Washington; Jeffrey Parker, Consul General of Canada; the Honorable Jorge Gilbert, Consular of Chile; the Honorable Frank Brozovich, Consul of Croatia; Mr. Vassos M. Demetriou, Consul of Cyprus; the Honorable Kazuo Tanaka, Consul General of Japan; the Honorable Kim Jae-Gouk, Consul General of The Republic of Korea; the Honorable Victor Lapatinskas, Consul of Lithuania; the Honorable Jorge Madrazo, Consul of Mexico, the Honorable Vladimir Volnov, Consul General of The Russian Federation; the Honorable Philippe Goetschel, Consul of Switzerland (the newest member of the Consular Association); the Honorable John Gokcen, Consul General of Turkey; the Honorable Gary Furlong, Consul General of Uzbekistan; the Honorable Robert Chen, Director General, Taipei Economic and Cultural Office.

The Sergeant at Arms announced the arrival Her Excellency, Governor Christine Gregoire, Mr. Mike Gregoire and daughters Courtney and Michelle Gregoire to the House of Representatives.

The President instructed the Sergeant at Arms of the House of Representatives and Senate to escort Governor Gregoire and her family to seats at the Rostrum.

The Washington National Guard Joint Color Guard presented the colors.

The President led the Legislature in the Pledge of Allegiance.

The prayer was offered by Dr. Don Argue, President of Northwest University.

Dr. Don Argue: "Please join me in prayer. With the Psalmist of old we declare. 'O Lord our Lord, how majestic is your name in all the earth! When we consider your heavens, the work of your fingers, the moon and the stars, we ask what is man that you care for us?'"

On this important day in our great State, we observe not a victory of party, but a celebration of freedom. A day that symbolizes a beginning, a renewal!

We are reminded of the words of Thomas Jefferson that the rights of man come not from the generosity of the State but the hand of God. That all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.

We declare today, that united there is little that we cannot accomplish in a host of cooperative ventures. Divided there is little we can do. Civility is never a sign of weakness.

We specifically pray for our leader, Governor Christine Gregoire and her family. Grant her great wisdom.

For all elected and appointed leaders, we pray for Your blessing and wisdom. While they are conducting the affairs of State, strengthen and protect their families.

May all of us accept personal responsibility for the great opportunities and challenges that face our State. Especially for children and families, the poor and those who suffer the terrible impact of prejudice and racism. In righteousness may we speak for those who cannot speak for themselves.

May we all be reminded that what we are doing here is service to others above our own self interests. Today we declare and affirm your great commandment, that we will 'love our neighbor as ourselves.'

The prophet Micah wrote 'He has shown thee what is good, and what the Lord requires of us, to do Justly, to love Mercy, and to walk Humbly with your God.'

May we rule Justly, love Mercy, and walk in Humility.

We pause to remember those in our armed services, serving around the world. Protect them, bring them home safely! May a just and lasting peace be declared.

We are reminded that dark yesterdays can turn into bright tomorrows.

The responsibilities of those gathered today are huge. May we all remember the words of Scripture that 'Righteousness exalts a nation: but sin is a reproach to any people.' As we govern, may be righteous!

Now that the Psalmist we pray 'May the words of my mouth and the meditation of my heart be acceptable in your sight, O Lord, my strength and my redeemer.' Amen."

INTRODUCTION OF SPECIAL GUEST

President Owen: "Governor, let me personally thank you and your staff for your incredible availability with all the times that we approach you from my office from help on international issues and other things. Would you please share that with the staff so that you know how much we appreciate what they do for us? Ladies and Gentlemen, it is my great honor and privilege to present to you for the State of the State Address, Her Excellency, Governor Christine Gregoire."

STATE OF STATE ADDRESS BY GOVERNOR CHRISTINE GREGOIRE

Mr. President, Mr. Speaker, Mr. Chief Justice, distinguished justices of the court, honored officials, members of the Washington State Legislature, former Governors Rosellini and Gardner, Congressman Insley, Congressman Reichert, King County Executive Sims, members of the Consular Association

of Washington, my fellow citizens:

Good evening. It is an honor to stand before you for this State of the State Address. To honor our achievements, to appraise the "State of our State," and to preview greater things to come.

Joining me at the rostrum are my daughters, Courtney and Michelle.

This is a big day for our family. This afternoon we were at the Temple of Justice to attend Courtney's swearing in ceremony to the Washington State Bar. Mike and I are obviously very proud of her and delighted, as some of you have heard me say, that she is now going to actually be paid to argue.

Michelle is a college junior and will study abroad this year. Now, more than ever, the study abroad experience is vital for young people so they can better understand the truly competitive global world

My daughters are my best friends, my passion, and a constant reminder of the incredible challenge we face to prepare our children to pursue their dreams.

While the fifth member of our family isn't with us, in light of recent days I'd like to paraphrase from a speech delivered in 1944 by President Franklin Roosevelt.

Some have not been content with attacks on me, or my spouse, or on my daughters. No, not content with that, they now include my little dog, Franz.

Well, of course, I don't resent attacks, and my family doesn't resent attacks, but Franz does resent them.

You know, as soon as he learned that the fiction writers had concocted a story he couldn't defend himself and was a cost to taxpayers, his Pomeranian soul was furious.

He has not been the same dog since.

Our family dog Franz has a real kinship with FDR's dog Fala.

Also joining me is my husband and best friend Mike – also known as First Mike. Mike is a retired Medicaid fraud investigator and a Vietnam combat veteran.

Mike has worked extremely hard in the last year for Veterans. Thanks to his work, the work of Veteran's organizations, and the support of this Legislature, last session was one of the most productive in history for former servicemen and women. It was a fitting outcome considering the incredible debt we owe them.

Mike served as a member of our bipartisan team that last year successfully worked to persuade the Base Realignment Commission to keep the doors of Washington's key military installations open. It was a major victory for our communities, for our economy, and for the men and women who serve this country and have come to love our state.

I would also like to thank Dr. Don Argue who gave today's opening prayer. He shares my belief that the best solutions for many of our problems lie not with government, but with people and organizations in our communities.

Last, and certainly not least, let me introduce some very special guests. The safety of our troops in Iraq and the plight of hurricane victims were heavy on all our minds in 2005. Our National Guard troops have been on the front lines fighting in Iraq and were among the first responders to the devastation left by Hurricanes Katrina and Rita.

We owe these troops a hearty thank you and are indebted to them for their selfless service to others. God Bless them. They serve as a symbol of the patriotism of all of our citizens.

Obviously we can't have all our troops here, but I would like to introduce Staff Sergeant Dale Flory, an Iraq combat veteran.

Staff Sergeant Flory, on behalf of the people of Washington, thank you and your colleagues for your service and we are delighted to have you home safe.

Next I would like to introduce Master Sergeant Michael Readnour. Washington's National Guard was one of the first to step forward and help the people of the Gulf Coast after Katrina's devastation.

SECOND DAY, JANUARY 10, 2006

2006 REGULAR SESSION

They represent the outpouring of generosity by our citizens who opened their hearts, wallets, and homes to our fellow citizens of the Gulf Coast.

Master Sergeant Readnour, thank you and your colleagues for your commitment to service and your willingness to leave your families behind in order to help those in need.

Sadly, 45 men and women who called Washington home died in Iraq and Afghanistan in 2005. I would like to ask you to join me in a moment of silence for these brave soldiers and their families.

Thank you.

In the last year I have been all around this great state and met a lot of people. I found their values and dreams are very similar. They value personal responsibility, service to others, and providing new opportunities for our kids and families.

Consider Megan and Martin Clubb, owners and operators of L'Ecole Number 41 Winery in the Walla Walla Valley. They are carrying on the great vision of Megan's parents, Jean and Baker Ferguson, who had the foresight to recognize the extraordinary wine producing potential of Washington.

Or consider Tatyana Fedorchuk, a 39-year-old mother of five and immigrant from Ukraine. She is building a new life by taking English classes and earning nursing assistant credentials at Everett Community College.

And Barbara and Steve LeVette who live on Hood Canal. Concerned about failing septic systems fouling Hood Canal, they rallied their homeowners association to develop an innovative treatment plan through a public-private partnership.

I tell these stories because they are an important reminder that this is a state of diverse people who are doing exciting things.

Our job isn't to get in the way, but to offer help where needed and carry on the values that have made this state great.

In this magnificent building it is easy to think that our work is terribly difficult and incredibly important.

But our work isn't as tough as what people face back home. Running a small business. Becoming a proud new American. Protecting the environment. Raising a family. Keeping their loved ones safe. Keeping a job. Providing a helping hand to a neighbor.

Our job is to represent them in a way that is worthy of their struggles.

A year ago, we fought for the people. In 2005 we began building a brighter future by putting partisan politics aside, by being bold and demanding change, and by relying on traditional Washington values of opportunity, responsibility, and service to others.

This year, we need to build on that success. We need to continue improvements in our education system. We need to make our families safer and more secure. We need to improve access to quality health care. We need to keep our economy growing. And we need to protect our quality of life.

That foundation – the outstanding legislative session of 2005 – has already elevated Washington to a new level of opportunity.

In our state the news is good. Our economy has turned the corner with 85,000 new jobs—that's a seven-year high.

And around the world, I am pleased to report that Washington State is viewed like a small nation. When you say, "I'm from Washington" in Japan and China, they know that means Washington State.

And our reputation is stellar – we are about quality – quality products, quality agriculture – like our cherries and wine – and a quality environment.

Going beyond our promise, we're providing health insurance to 73,000 additional children. This is a major step toward our vision to guarantee every child has health insurance by 2010.

We made education our number one investment in 2005.

Voters recognized how critical smaller class sizes are by passing Initiative 728. But it wasn't until last year that we fully

implemented the will of the voters, and we went one step further, we set up the Education Legacy Trust Account to permanently fund smaller class sizes.

To attract and retain quality teachers we fully funded another citizens' initiative – teacher salaries.

And we took down the "no vacancy" signs at our colleges and universities so nearly 8,000 more students could attend.

The transportation package was truly a bi-partisan effort by legislators who knew that leadership involves risk. Let's have a big hand for you who fought and won passage of our historic transportation package last year – with a special "bow and hurrah" to the leadership of Rep. Ed Murray, Senator Mary Margaret Haugen, Rep. Beverly Woods, and Senator Dan Swecker, and for our voters who supported the plan even though gas prices at the pumps were stretching their family and business budgets to the limits.

Another important bi-partisan vote produced the Life Sciences Discovery Fund. To be honest with you, I don't believe we understand yet the vast potential this initiative has for our state.

This bold investment in a 21st century industry will lead to medical breakthroughs that will save the lives of friends and loved ones by finding cures to some of our most dreaded diseases like Parkinsons and Cancer.

And it will help ensure for human wellness that we continue to produce the highest quality and safest agriculture in the world.

Having been a caseworker myself, I understand the challenge of protecting our children. So, I signed an executive order requiring social service workers to get to a child's doorstep within 24 hours of being notified of a life in danger.

Keeping our promise, we've implemented an initiative to make government more accountable and transparent – and we're well ahead of our goal to eliminate 1,000 state government middle managers.

We also took important steps to improve and protect our quality of life.

At certain times of the year, Hood Canal, one of the jewels of our state, becomes a dead zone where aquatic life is killed off. We are working to bring Hood Canal back to life with real on-the-ground projects that work.

We adopted tough emission standards for new cars and required new "green building" standards for public buildings.

There was much, much more. For example we took steps to ramp up our fight against the ravages of meth.

It is important to note that even though we were handed a \$2.2 billion budget shortfall, we did all this without a general tax increase -- no sales tax, no business and occupation and no property tax increases.

So we had a good year – a very good year in 2005. But you know what, we aren't done yet.

One area where we need work is early learning. Let me be candid with you.

How would you grade a system where less than 50 percent of the kids are prepared to learn when they reach kindergarten?

Or a system where half a dozen early learning programs in state government are spread across numerous agencies and have no clear vision?

We know children with early learning success are more likely to finish school, more likely to go to college, less likely to be unemployed and less likely to commit crimes.

Our children are born to learn, and the first and best teacher in a child's life is the parent. But when parents and their families want help with care outside the home, we must be there for our kids.

We need less bureaucracy. We need to stop falling behind the rest of the country. We need to make sure our children are ready to learn when they hit kindergarten.

Business leaders understand the value of early learning. They know it is an investment in the future.

So we're creating public-private partnerships because this is

about communities, and no one wants government to tell them how to parent.

For the last month or so we have seen the battle lines forming over requiring certain performance standards for our students.

I traveled to Europe and Asia and witnessed firsthand our competition and, believe me, we don't let our children down with high standards. We let them down if we retreat. And we fail them again if we don't prepare them to succeed.

Before we talk about lowering standards, shouldn't we first:

Show all our students- boys and girls, black and white, Hispanic, Native American, Asian, rich and poor- we believe in them?

Demonstrate we support their teachers by paying them a decent wage?

Provide individualized help to students so they can achieve the standards?

And develop alternative assessments for those who need them?

I have talked to hundreds of high school students in the last year, and I will tell you, I believe in them. I will not give up on them.

And I will not accept 1/3 of our students dropping out of high school.

I have learned that if we entrust students with responsibility for their own future, they will do amazing things.

Many students do not feel their high school classes relate to their future. Programs like Navigation 101 challenge students to choose alternative careers and enroll in courses needed to achieve that dream. As a result, students engage in more rigorous coursework because they are in charge of their future.

We have "Running Start" for college. But what about kids who don't want to go to college?

We need Running Start for the trades.

Education and health care are interwoven: An unhealthy child can't learn.

Too many working families and senior citizens in Washington are uninsured or underinsured and only an accident or illness away from financial hardship.

There are too many disparities in health care.

This is inconsistent with our values. I believe health care is a basic right and not a perk.

Late last year I met with Pam Roberts, a single mom in the Spokane Valley. Like a lot of parents, she is struggling to cope with overwhelming home energy bills. We have watched as gas prices increased a dollar a gallon over the past year.

I am challenging you to pass, in the first week of this session, initial assistance for our neighbors and friends who are struggling with high home heating bills. Washington families shouldn't be left in the cold while the oil companies cash in on record returns.

For the longer term, I am proposing an energy agenda that will help reduce our dependence on foreign oil and create another 21st century industry in Washington.

Farmers like Ted Durfey in Sunnyside are ready to grow the biofuel business in Washington. But they need help getting started. With a strategic investment of low interest loans we can help launch this 21st-Century industry and provide new markets for energy crops like canola or mustard.

It's time we have an energy policy based on Washington grown and Washington owned.

As we work to create and attract business, we need to remember that our quality of life is key to our success.

Our natural resources not only provide beauty and recreation, they are the lifeblood of our economy.

That's why environmentalists, local government, sportsmen, tribal and business leaders have all joined our renewed efforts to preserve and protect Puget Sound.

There's work we must do now. My budget includes money to speed the cleanup of toxic waste, restore salmon habitat, help homeowners repair failing septic systems, and improve oil spill

prevention and response.

We're approaching the clean up of Puget Sound by embracing what we call the Washington Way: a bottom-up, grassroots strategy that sparks citizen energy and engages our farmers, environmentalists, and landowners who live and work near the Sound.

It is a legacy we must leave.

Sadly, too many of the 2005 headlines told terrible tales of hurricanes, tsunamis, and attacks by sex offenders and terrorists. The lesson is we have to be prepared and invest in our personal safety and security.

I am, therefore, proposing actions to help protect Washington families. My budget includes funds to improve tsunami warnings in our coastal communities, improve our earthquake readiness and strengthen detection and tracking of a pandemic flu.

I also requested additional funding for the state patrol for ferry security and highway safety.

Our families need to know when a sex offender is moving into the community. We need to toughen the penalties for sex offenders who fail to register.

We have been blessed with higher than expected revenue. My supplemental budget pays the bills, makes targeted investments and saves money for the future.

I know some of you want to spend more money.

So did I.

I know some of you want to cut taxes.

So did I.

As we look ahead to the next year, we will need every dime just to cover the increased cost of our existing services, particularly in education and health care.

Our state budgeting has been a roller coaster. We spend when we have a surplus and we struggle to make painful cuts when the economy slumps. It is time to even out the ride. While the roller coaster is fun at the amusement park, it is no model for state budgeting.

By treating our budget like a Washington family budget – we will ensure stability and avoid tax increases or Draconian cuts tomorrow.

So my budget pays the bills and keeps the retirement system sound. It makes targeted investments for the future, and it puts money aside to pay the bills that will come due in a year.

Saving the amount of new revenue I propose is something that has never been done before – but its time has come.

It's a budget that is practical, prudent, and responsible. I accept the fact that we may have differences over how to spend this supplemental budget.

But let me be clear, I cannot sign a budget that next year would require cuts harmful to the people of this state.

As I look out over this great chamber, I am reminded of nine voices that once echoed here fell silent last year.

These are the voices of those who put service to others over their self-interests and who shared our Washington values of responsibility and opportunity.

In March we lost Rep. Ruth Fisher-our state's original "Steel Magnolia." On a sidewalk precisely twenty-five feet outside Heaven's gate, Ruth stands puffing on a Marlboro Light in grudging respect for the passage of Initiative 901. Her rich life and commitment to the greater good offer proof that "surliness" is next to "Godliness!"

We also lost Senators Dick Hemstad, Martin Durkan, and Bob Bailey, and Representatives Charles Kilbury, Stan Bradley, Russ Austin, Geraldine McCormick and Speaker Tom Swayze.

They were Democrats and Republicans, and each was emblematic of what our collective credo should be: that public service transcend partisanship and that politics is about getting real things done for Washington families.

Let's continue to honor their spirit of responsibility, opportunity, and service to others.

Each of us, irrespective of our political party, owes it to the families of our great state not to lose our way; each of us must

SECOND DAY, JANUARY 10, 2006

see ourselves through history's lens, and create a legacy by building on our success.

We cannot be distracted by partisan politics, special interests, or political maneuvering.

We are all here to serve others. That is our call to duty.

So in the spirit of responsibility, opportunity and service, let's get to work and build on the foundation we created together last year.

Thank you, God Bless you, and God Bless the people of Washington State."

REMARKS BY THE PRESIDENT

President Owen: "Thank you Governor for that very inspiring and visionary presentation. My experience over the years has been that you have some of the finest people in Washington State sitting before you that can do the job that you are asking them to do. Good luck, I wish you the best in this upcoming session and do I wish all of you as well."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Oscar Eason, the Regional President of the NAACP sitting in the rear of the Chamber.

MOTION

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

The President returned the gavel to Speaker Lovick.

Speaker Lovick instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort Lt. Governor Brad Owen and the Senate from the House Chamber.

The Senate was called to order at 6:04 p.m.

MOTION

At 6:04 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, January 11, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 11, 2006

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator McCaslin.

The Sergeant at Arms Color Guard consisting of Pages Jess Emde and Kaaleb Terrell, presented the Colors. Mary-Lynne Reiner of Temple Beth Hatfiloh of Olympia offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 10, 2006
SB 6236 Prime Sponsor, Schmidt: Changing election dates and deadlines. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

January 6, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
 Secretary of the Senate
 P.O. Box 40482
 Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Bates Technical College Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Bates Technical College Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

January 9, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
 Secretary of the Senate
 P.O. Box 40482
 Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Levels of Nonnutritive Substances in Fertilizers Audit Report. This report is mandated under RCW 15.54.433.

If you have any questions about the report, please call 360-902-1812.

Sincerely,

Mary Beth Lang, Assistant to Director

The Levels of Nonnutritive Substances in Fertilizers Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

December 30, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
 Secretary of the Senate
 P.O. Box 40482
 Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Work Group on Human Trafficking. This report is mandated under RCW 7.68 Laws of 2005.

If you have any questions about the report, please call 360-725-4000.

Sincerely,

Juli Wilkerson, Director

The Washington State Work Group on Human Trafficking is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

December 30, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
 Secretary of the Senate
 P.O. Box 40482
 Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Use of Penalty Assessments. This report is mandated under RCW 7.68, Laws of 1996.

If you have any questions about the report, please call 360-725-4000.

Sincerely,

Juli Wilkerson, Director

The Use of Penalty Assessments is on file in the Office of the Secretary of the Senate.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth

THIRD DAY, JANUARY 11, 2006

2006 REGULAR SESSION

order of business.

INTRODUCTION AND FIRST READING

SB 6308 by Senators Carrell, Stevens, Regala, Schoesler, Schmidt, Oke and Rasmussen

AN ACT Relating to creating a joint select committee on offenders programs, sentencing, and supervision; creating new sections; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6309 by Senators Carrell, Pflug, Schoesler, Benton, Schmidt, Esser, Roach, Stevens, Johnson, Benson, Mulliken, Deccio, Parlette, Delvin, Hewitt, Honeyford and Sheldon

AN ACT Relating to the Washington state estate and transfer tax; amending RCW 83.100.020, 83.100.040, 83.100.050, 83.100.060, 83.100.070, 83.100.090, 83.100.110, 83.100.130, 83.100.140, 83.100.150, 83.100.210, and 84.52.068; adding new sections to chapter 83.100 RCW; creating a new section; repealing RCW 83.100.046, 83.100.047, and 83.100.095; repealing 2005 c 516 s 1 (uncodified); and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6310 by Senators Carrell, Benton, Mulliken, Schoesler, Stevens, Zarelli and Schmidt

AN ACT Relating to adverse possession; adding a new section to chapter 7.28 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 6311 by Senators Carrell, Benton, Schoesler, Schmidt, Benson, Shin, Esser and Rasmussen

AN ACT Relating to providing a salary bonus for teachers in high market demand subjects; adding a new section to chapter 28A.405 RCW; making an appropriation; and providing an expiration date.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6312 by Senators Carrell, Benton and Pflug

AN ACT Relating to restricting the solicitation of money or employment from the side of a public highway; reenacting and amending RCW 46.63.020; adding a new section to chapter 46.61 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

SB 6313 by Senators Carrell and Stevens

AN ACT Relating to recidivism reduction through discharge of convicted felons; amending RCW 9.94A.637; and creating a new section.

Referred to Committee on Judiciary.

SB 6314 by Senators Carrell, Benton, Mulliken, Schmidt, Schoesler, Roach, Stevens, Benson, Delvin, Oke and Sheldon

AN ACT Relating to protecting children, vulnerable adults, and communities from sex and kidnapping offenders

regardless of whether the perpetrator was known to the victim at the time of the crime by creating the new crimes of sexual victimization in the first and second degrees, failure to report an unregistered sex or kidnapping offender, and tampering with an electronic monitoring device, designating as a sex offense the crime of possession of depictions of a minor engaged in sexually explicit conduct, increasing the penalty for failure to register as a sex or kidnapping offender, imposing minimum sentences for sexual victimization in the first and second degrees, child molestation in the first degree, kidnapping in the first degree with a finding of sexual motivation, and rape of a child in the first and second degrees, requiring electronic monitoring for certain sex offenders, adding to the aggravating circumstances for purposes of imposing the death penalty, requiring sex offenders to receive treatment and admit guilt before being released, prohibiting sex offenders with life sentences from receiving treatment, narrowing the eligibility for the special sex offender sentencing alternative, tightening sex and kidnapping offender registration requirements, and providing an appropriation to the attorney general for purposes of public education and awareness; amending RCW 9A.44.050, 9A.44.100, 9A.44.010, 9.94A.030, 9.94A.030, 9.94A.712, 9.94A.712, 10.95.020, 9.95.062, 9.95.420, 72.09.335, 9A.04.080, 9A.44.130, 9A.44.140, 9A.46.060, 9A.28.020, 9A.32.030, 10.64.025, 10.99.020, 13.40.0357, 13.40.040, 13.40.077, and 43.43.830; reenacting and amending RCW 9.94A.505, 9.94A.670, 9A.44.130, 9.94A.411, and 9.94A.515; adding new sections to chapter 9A.44 RCW; adding a new section to chapter 9A.76 RCW; adding a new section to chapter 72.09 RCW; adding a new section to chapter 9.94A RCW; creating a new section; prescribing penalties; making an appropriation; providing effective dates; and providing expiration dates.

Referred to Committee on Judiciary.

SB 6315 by Senators Carrell, Benton, Roach, Mulliken, Oke, Schoesler, Schmidt, Regala, Delvin, Stevens, Benson, Sheldon and Esser

AN ACT Relating to sex offenders; amending RCW 9A.44.130, 9A.44.135, 9.94A.712, 9.94A.712, and 72.09.130; reenacting and amending RCW 9.94A.515 and 9A.44.130; adding a new section to chapter 72.09 RCW; adding a new section to chapter 9.92 RCW; adding a new section to chapter 59.18 RCW; prescribing penalties; providing effective dates; and providing expiration dates.

Referred to Committee on Human Services & Corrections.

SB 6316 by Senators Carrell, Benton, Morton, Schmidt, Schoesler, Oke, Deccio, Delvin, Benson and Mulliken

AN ACT Relating to visitation rights for grandparents; amending RCW 26.10.160; adding a new section to chapter 26.10 RCW; creating a new section; repealing RCW 26.09.240; and declaring an emergency.

Referred to Committee on Judiciary.

SB 6317 by Senators Carrell, Benton, Pflug, Mulliken, Schoesler, Stevens, Oke and Esser

AN ACT Relating to voter registration; amending RCW 29A.04.103, 29A.04.109, 29A.04.163, 29A.08.010, 29A.08.110, 46.20.155, 29A.08.140, 29A.08.210, 29A.08.220, 29A.08.520, 29A.08.651, and 29A.84.110; reenacting and amending RCW 9.94A.515; adding new sections to chapter 29A.08 RCW; adding new sections to

THIRD DAY, JANUARY 11, 2006

2006 REGULAR SESSION

chapter 29A.84 RCW; repealing RCW 29A.08.145 and 29A.84.670; and prescribing penalties.

Referred to Committee on Government Operations & Elections.

SB 6318 by Senators Stevens, Pflug, Roach, Mulliken, Benson, Benton, Carrell, Parlette, Oke, Deccio, Delvin, Esser, Honeyford, Hewitt and Sheldon

AN ACT Relating to declarations of emergency by the legislature; adding a new section to chapter 44.04 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 6319 by Senators Regala, Brandland, Stevens, Kline, Weinstein, Doumit, Carrell, Keiser, Rockefeller, Berkey, Haugen, Fairley, Spanel, Pflug, Sheldon, Rasmussen, McAuliffe, Shin, Roach and Benton

AN ACT Relating to the registration of sex offenders; amending RCW 9A.44.130; reenacting and amending RCW 9A.44.130 and 9.94A.515; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6320 by Senators Regala, Brandland, Franklin, Doumit, Rasmussen, Carrell, Haugen, Pridemore, Kline, Stevens, Keiser, Berkey, Thibaudeau, Jacobsen, Pflug, Sheldon, Kohl-Welles, McAuliffe, Roach and Benton

AN ACT Relating to a model policy for disclosure of sex offender information; amending RCW 4.24.5501; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6321 by Senators Regala, Brandland, Stevens, Carrell, Kline, Keiser, Rockefeller, Berkey, Haugen, Fairley, Spanel, Pflug, Sheldon, Rasmussen, McAuliffe, Shin and Roach

AN ACT Relating to eligibility for the special sex offender sentencing alternative; reenacting and amending RCW 9.94A.670; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6322 by Senators Regala, Brandland, Kohl-Welles, Carrell, Kastama, Stevens, Keiser, Doumit, Rockefeller, Kline, Rasmussen, Berkey, Haugen, Shin, Jacobsen, McAuliffe, Pflug, Sheldon, Roach and Benton

AN ACT Relating to electronic monitoring of sex offenders; adding a new section to chapter 72.09 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6323 by Senators Regala, Swecker, Kastama and Rasmussen

AN ACT Relating to campaign finance disclosure; and amending RCW 42.17.030 and 42.17.405.

Referred to Committee on Government Operations & Elections.

SB 6324 by Senators Regala, Schmidt, Thibaudeau, Stevens, Brown, Eide, Franklin, Pridemore, Keiser, Rasmussen, Fairley, Rockefeller, Jacobsen, Kohl-Welles, McAuliffe and Roach

AN ACT Relating to the authorization of continuing foster care and support services to age twenty-one and to youths in state-supervised foster care on their eighteenth birthday; amending RCW 74.13.031; and creating new sections.

Referred to Committee on Human Services & Corrections.

SB 6325 by Senators Regala, Kline, Fairley, Stevens, Rasmussen and McAuliffe

AN ACT Relating to establishing residences for sex offenders; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Government Operations & Elections.

SB 6326 by Senators Shin, Rasmussen, Pflug, Doumit, Rockefeller, Weinstein, Pridemore, Hewitt, Jacobsen, Thibaudeau, Swecker, Sheldon, Oke, Keiser, Kohl-Welles, Franklin, Kline and Berkey

AN ACT Relating to providing a source of funding for customized work force training; amending RCW 43.163.020; adding a new section to chapter 82.04 RCW; adding a new section to chapter 43.163 RCW; and adding a new chapter to Title 28C RCW.

Referred to Committee on International Trade & Economic Development.

SB 6327 by Senators Shin, Swecker, Pflug, Rockefeller, McAuliffe, Doumit, Franklin, Rasmussen, Thibaudeau, Berkey, Keiser, Schoesler, Sheldon and Fairley

AN ACT Relating to financing local economic development projects; amending RCW 43.163.010; adding a new section to chapter 82.29A RCW; and adding a new chapter to Title 43 RCW.

Referred to Committee on International Trade & Economic Development.

SB 6328 by Senators Shin, Pflug, Sheldon, Schmidt, Doumit, Benton, McAuliffe, Swecker, Rasmussen, Berkey, Jacobsen, Kohl-Welles and Roach

AN ACT Relating to a joint legislative task force on aerospace manufacturing; creating new sections; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on International Trade & Economic Development.

SB 6329 by Senators Shin, Rasmussen, Berkey, Swecker, Sheldon, Schmidt, Oke, Honeyford and Mulliken

AN ACT Relating to providing excise tax relief for aerospace product development businesses; amending RCW 82.04.250, 82.04.440, 82.32.590, and 82.32.600; reenacting and amending RCW 82.04.260; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; providing an effective date; and providing expiration dates.

THIRD DAY, JANUARY 11, 2006

2006 REGULAR SESSION

Referred to Committee on International Trade & Economic Development.

SB 6330 by Senators Shin, Kastama, Sheldon, Rasmussen, Doumit, Weinstein, Fraser, Swecker, McAuliffe, Oke, Eide, Honeyford, Franklin, Mulliken, Prentice, Pflug, Kohl-Welles, Jacobsen and Roach

AN ACT Relating to the establishment of the Washington trade corps fellowship program; adding new sections to chapter 43.31 RCW; and creating new sections.

Referred to Committee on International Trade & Economic Development.

SB 6331 by Senators Carrell and Stevens

AN ACT Relating to unfounded or meritless child abuse or neglect referrals; amending RCW 26.44.020, 26.44.020, and 26.44.031; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6332 by Senators Zarelli, Pridemore, Benton, Doumit and Kohl-Welles

AN ACT Relating to notice regarding the issuance of a spirits, beer, and wine restaurant license; and amending RCW 66.24.010.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6333 by Senators Parlette, Morton, Mulliken, Johnson, Pflug, Deccio, Roach, Schoesler, Benson, Sheldon, Carrell, Delvin, Oke, Stevens, Esser and Benton

AN ACT Relating to proper identification for voters; and amending RCW 29A.44.205 and 46.20.117.

Referred to Committee on Government Operations & Elections.

SB 6334 by Senators Fairley, Benton, Franklin, Kline, Rasmussen and Shin

AN ACT Relating to increasing the debt limit of the housing finance commission; and amending RCW 43.180.160.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6335 by Senator Haugen

AN ACT Relating to the waiver of penalties and interest on property taxes; and amending RCW 84.56.025.

Referred to Committee on Government Operations & Elections.

SB 6336 by Senators Haugen, Prentice, Fairley, Oke, Fraser, Swecker, Shin, Kline, Rockefeller, Eide, Kohl-Welles, Keiser, McAuliffe, Rasmussen, Franklin, Thibaudeau, Jacobsen, Brown and Sheldon

AN ACT Relating to the definition of income for public assistance; amending RCW 74.04.005; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6337 by Senators Haugen, Mulliken and Rasmussen

AN ACT Relating to compensation for members of the governing body of diking and drainage districts; and amending RCW 85.38.075.

Referred to Committee on Government Operations & Elections.

SB 6338 by Senators Haugen, Oke, Berkey, Swecker, Eide, Mulliken, Spanel, Kline, Rasmussen, McAuliffe, Shin and Fairley

AN ACT Relating to property tax exemptions and deferrals for senior citizens and persons retired for reasons of disability; amending RCW 84.36.383, 84.38.020, and 84.38.030; and creating a new section.

Referred to Committee on Ways & Means.

SB 6339 by Senator Haugen

AN ACT Relating to allocating federal surface transportation program enhancement funds; adding a new section to chapter 47.04 RCW; and adding a new section to chapter 47.80 RCW.

Referred to Committee on Transportation.

SB 6340 by Senator McCaslin

AN ACT Relating to license suspension and notice of noncompliance with a child support order; and amending RCW 74.20A.320.

Referred to Committee on Human Services & Corrections.

SB 6341 by Senators Prentice, Esser, Keiser, Pflug, Franklin and Roach

AN ACT Relating to including failure to secure a load in the first degree as a compensable crime under the crime victims' compensation program; and amending RCW 7.68.020.

Referred to Committee on Human Services & Corrections.

SB 6342 by Senators Kline, Esser and Pflug

AN ACT Relating to municipal court judges and commissioners; amending RCW 3.50.040, 3.50.050, 3.50.057, and 3.50.075; and repealing RCW 3.50.055 and 3.50.070.

Referred to Committee on Judiciary.

SB 6343 by Senators Kline, Kastama, Weinstein, Rasmussen, Fairley, Keiser, Thibaudeau, Pflug, Kohl-Welles, Roach and Benton

AN ACT Relating to a mandatory high school civics requirement; adding a new section to chapter 28A.655 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6344 by Senators Kline, Kohl-Welles, Hargrove, Rockefeller, Shin and Benton

THIRD DAY, JANUARY 11, 2006

2006 REGULAR SESSION

AN ACT Relating to the collection of personally identifiable information by state agencies; and amending RCW 43.105.020 and 43.105.052.

Referred to Committee on Government Operations & Elections.

SB 6345 by Senators Rasmussen, Berkey, Kastama, Fairley, Keiser, Eide, Haugen, Jacobsen, Spanel, Prentice, Rockefeller, Franklin and Oke

AN ACT Relating to the reaffirmation of existing Washington state law in the state Constitution, state supreme court decisions, and statutes relating to the use of eminent domain by state and local governments; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 6346 by Senators Kline, Weinstein and Keiser

AN ACT Relating to false or fraudulent refusal of an insurance claim; amending RCW 48.30.230; and prescribing penalties.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6347 by Senators Kline and Keiser

AN ACT Relating to industrial insurance claims made due to emergency response; and amending RCW 51.16.220.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6348 by Senators Kline, Keiser, Thibaudeau, Regala, Rockefeller, Kohl-Welles, Rasmussen, McAuliffe and Fairley

AN ACT Relating to availability of legal aid to victims of domestic violence and human trafficking; and amending RCW 2.53.030.

Referred to Committee on Judiciary.

SB 6349 by Senators Kline, Haugen and Franklin

AN ACT Relating to requiring the projected costs of certain criminal justice legislation to be appropriated into accounts to be used for capital costs; adding a new section to chapter 43.88A RCW; adding a new section to chapter 43.132 RCW; adding a new section to chapter 43.330 RCW; adding new sections to chapter 43.79 RCW; and adding a new section to chapter 43.135 RCW.

Referred to Committee on Judiciary.

SB 6350 by Senators Kline, Kohl-Welles, Thibaudeau, Pridemore, Franklin, Regala, Haugen, Jacobsen and Spanel

AN ACT Relating to the time at which rights vest in land use permit applications; amending RCW 19.27.095, 58.17.033, and 58.17.170; and adding a new section to chapter 36.70B RCW.

Referred to Committee on Government Operations & Elections.

SB 6351 by Senators Kastama, McCaslin and Pflug

AN ACT Relating to terms of members of ethics boards; and amending RCW 42.52.350 and 42.52.310.

Referred to Committee on Government Operations & Elections.

SB 6352 by Senators Kohl-Welles, Keiser, Franklin and Fairley

AN ACT Relating to protecting agricultural workers who are recruited, solicited, employed, supplied, transported, or hired by farm labor contractors; amending RCW 19.30.010, 19.30.030, 19.30.040, 19.30.050, 19.30.060, 19.30.070, 19.30.081, 19.30.110, 19.30.170, 19.30.190, 19.31.020, and 19.31.170; adding new sections to chapter 19.30 RCW; adding a new section to chapter 50.13 RCW; creating a new section; and repealing RCW 19.30.090.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6353 by Senators Sheldon and Stevens

AN ACT Relating to the liability of recreational landowners; and reenacting and amending RCW 4.24.210.

Referred to Committee on Judiciary.

SB 6354 by Senators Sheldon and Stevens

AN ACT Relating to the liability of recreational landowners; and reenacting and amending RCW 4.24.210.

Referred to Committee on Judiciary.

SB 6355 by Senators Sheldon and Stevens

AN ACT Relating to off-road vehicle use; amending RCW 46.09.120; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Water, Energy & Environment.

SB 6356 by Senators Kohl-Welles, Keiser, McAuliffe, Franklin, Thibaudeau, Fairley, Prentice and Kline

AN ACT Relating to establishing minimum labor standards for certain large employers as related to health care services expenditures; adding a new chapter to Title 49 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6357 by Senators Kohl-Welles, Keiser, Brandland, Regala, Eide, Stevens, Oke and McAuliffe

AN ACT Relating to the safety of newborn children; amending RCW 13.34.360; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6358 by Senators Morton and Rasmussen

AN ACT Relating to hunter education certificate requirements; and amending RCW 77.32.155.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6359 by Senators Kohl-Welles, Parlette and Kline

THIRD DAY, JANUARY 11, 2006

2006 REGULAR SESSION

AN ACT Relating to ensuring employers do not evade their contribution rate; amending RCW 50.29.062, 50.12.220, and 50.04.320; adding a new section to chapter 50.29 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6360 by Senator McCaslin

AN ACT Relating to employment referrals by the employment security department; and adding a new section to chapter 50.62 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6361 by Senator Honeyford

AN ACT Relating to requiring the office of financial management to report to the governor when the credibility of documents an agency uses in developing a rule is questioned; and reenacting and amending RCW 34.05.328.

Referred to Committee on Government Operations & Elections.

SB 6362 by Senators Kohl-Welles, Keiser, Jacobsen and Kline

AN ACT Relating to voter registration; amending RCW 29A.08.010, 29A.08.112, 29A.08.810, 29A.08.820, 29A.08.830, 29A.08.840, and 29A.40.140; and adding a new section to chapter 29A.08 RCW.

Referred to Committee on Government Operations & Elections.

SB 6363 by Senators Keiser, Benson, Franklin, Poulsen, Thibaudeau, Kline and Parlette

AN ACT Relating to developing worksite health promotion programs; reenacting and amending RCW 41.05.065; adding a new section to chapter 41.05 RCW; adding a new section to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 6364 by Senators Roach, Rasmussen, Kastama, Haugen and Kline

AN ACT Relating to the regulation of recreational vessels; adding a new section to chapter 79A.60 RCW; and prescribing penalties.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6365 by Senators Rasmussen, Schoesler, Jacobsen, Fraser and Shin

AN ACT Relating to registration fees for weighing and measuring devices; amending RCW 19.94.175; and providing an effective date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6366 by Senators Keiser, Thibaudeau and Kline

AN ACT Relating to preparation and response to pandemic influenza; adding a new chapter to Title 70 RCW; and making an appropriation.

Referred to Committee on Health & Long-Term Care.

SB 6367 by Senators Haugen, Jacobsen and Berkey

AN ACT Relating to voluntary measures to protect critical areas; amending RCW 36.70A.070; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 6368 by Senators Haugen, Benson, Kline, Kohl-Welles, Keiser, Carrell and Fairley

AN ACT Relating to the discontinuation of the nursing facility bed tax; creating a new section; repealing RCW 74.46.091, 74.46.535, 82.71.010, 82.71.020, and 82.71.030; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6369 by Senators Haugen, Mulliken and Rasmussen

AN ACT Relating to excise tax exemptions for water services provided by small water systems; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 82.32 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6370 by Senator Haugen

AN ACT Relating to property tax exemptions for nonprofit organizations and associations; and amending RCW 84.36.030 and 84.36.805.

Referred to Committee on Ways & Means.

SB 6371 by Senators Rasmussen, Schoesler, Shin, Jacobsen and Sheldon

AN ACT Relating to dead animal disposal; amending RCW 16.68.020; adding a new section to chapter 16.36 RCW; and recodifying RCW 16.68.020.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6372 by Senators Keiser, Deccio, Spanel, Zarelli, Pflug, Kline, Kohl-Welles and Rasmussen

AN ACT Relating to assessment of assisted living facility applicants; and adding a new section to chapter 74.39A RCW.

Referred to Committee on Health & Long-Term Care.

SB 6373 by Senators Keiser, Deccio, Zarelli and Spanel

AN ACT Relating to reporting to the legislature of holding a boarding home medicaid eligible resident's room or unit; and amending RCW 18.20.290.

Referred to Committee on Health & Long-Term Care.

SB 6374 by Senators Spanel, Zarelli and Deccio

THIRD DAY, JANUARY 11, 2006

2006 REGULAR SESSION

AN ACT Relating to assisted living facility medicaid minimum occupancy percentage of fifty percent or greater; and adding a new section to chapter 74.39A RCW.

Referred to Committee on Health & Long-Term Care.

SB 6375 by Senators Rasmussen, Schoesler, Jacobsen, Honeyford, Shin, Morton and Delvin

AN ACT Relating to animal identification; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6376 by Senators Rasmussen, Honeyford, Jacobsen, Shin, Morton and Delvin

AN ACT Relating to livestock inspection fees; amending RCW 16.57.220 and 16.58.130; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6377 by Senators Doumit, Rasmussen, Schoesler, Swecker, Morton, Zarelli, Shin and Pflug

AN ACT Relating to milk sales; amending RCW 15.36.012, 15.36.111, and 15.36.511; adding new sections to chapter 15.36 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6378 by Senators Shin, Schoesler, Berkey, Brandland, Keiser, Fairley, McAuliffe and Delvin

AN ACT Relating to athletic trainers; amending RCW 18.130.040; and adding a new chapter to Title 18 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6379 by Senators Poulsen, Morton, Fraser, Finkbeiner, Rockefeller and Rasmussen

AN ACT Relating to temporarily increasing the statewide cap for the public utility tax credit provided by RCW 82.16.0497; amending RCW 82.16.0497; and providing an effective date.

Referred to Committee on Water, Energy & Environment.

SB 6380 by Senators Poulsen, Morton, Fraser, Finkbeiner, Rockefeller, Rasmussen and Fairley

AN ACT Relating to a public utility tax credit for gas distribution businesses that invest in energy efficiency measures for certain food processing and other businesses; adding a new section to chapter 82.16 RCW; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Water, Energy & Environment.

SB 6381 by Senators Haugen and Deccio

AN ACT Relating to a windshield tint exemption for law enforcement vehicles; and amending RCW 46.37.430.

Referred to Committee on Transportation.

SB 6382 by Senators Hewitt, Kohl-Welles, Rasmussen, Finkbeiner, Pflug and Sheldon

AN ACT Relating to authorizing the Washington horse racing commission to expend a statutorily limited amount of its operating funds for the development of the equine industry, improvement of racing facilities, and equine health research; and amending RCW 67.16.280 and 67.16.101.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6383 by Senators Jacobsen, Spanel and Benton

AN ACT Relating to food from cloned animals; and adding a new section to chapter 15.04 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6384 by Senators Fraser, Prentice, Doumit, Zarelli and Brandland

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending 2005 c 488 ss 109, 131, 138, 142, 143, 152, 206, 212, 239, 255, 264, 323, 324, 325, 327, 329, 332, 340, 341, 342, 360, 365, 368, 369, 370, 372, 376, 382, 385, 386, 387, 390, 391, 392, 395, 443, 451, 453, 601, 632, 714, 905, and 909 (uncodified); adding new sections to 2005 c 488 (uncodified); creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6385 by Senators Prentice, Doumit, Rasmussen, Fairley, Zarelli, Rockefeller, Brandland, Fraser, Pflug and Sheldon

AN ACT Relating to providing excise tax relief by modifying due dates and eliminating an assessment penalty; amending RCW 82.32.045, 82.23B.020, 82.27.060, 82.32.085, and 82.32.090; creating new sections; and providing effective dates.

Referred to Committee on Ways & Means.

SB 6386 by Senators Prentice, Zarelli, Fairley, Fraser, Rockefeller, Shin and Brandland

AN ACT Relating to fiscal matters; amending RCW 43.135.025 and 43.135.035; amending 2005 c 518 ss 101, 109, 110, 111, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 513, 514, 515, 516, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 701, 702, 703, 704, 705, 713, 716, 720, 801, 802, 803, 804, 805, 806, 948, and 963 (uncodified); adding new sections to 2005 c 518 (uncodified); making appropriations; providing an expiration date; and declaring an emergency.

THIRD DAY, JANUARY 11, 2006

2006 REGULAR SESSION

Referred to Committee on Ways & Means.

SB 6387 by Senator Rockefeller

AN ACT Relating to covering vehicular loads of dirt, sand, and gravel; and amending RCW 46.61.655.

Referred to Committee on Transportation.

SB 6388 by Senators Benton, Oke, Stevens, Pflug, Benson, Johnson, Mulliken, Zarelli, Schoesler, Schmidt, Carrell, Honeyford, Delvin, Deccio, Parlette, Hewitt, Sheldon, Roach and Esser

AN ACT Relating to eminent domain; and adding a new chapter to Title 8 RCW.

Referred to Committee on Government Operations & Elections.

SB 6389 by Senators Benton, Oke, Stevens, Shin, Zarelli, Benson, Carrell, Hewitt, Delvin, Mulliken, Schmidt, Parlette, Pflug, Rasmussen, Schoesler, Keiser, Honeyford, Roach, McCaslin, Sheldon and Esser

AN ACT Relating to sex offenders; amending RCW 10.95.020, 9.94A.540, 9.94A.720, 9A.44.130, and 9A.76.050; reenacting and amending RCW 9.94A.515 and 9.95.204; adding a new section to chapter 9A.76 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

SB 6390 by Senators Keiser, Deccio, Thibaudeau and Fairley

AN ACT Relating to the adjustment of boarding home rates; and amending RCW 74.39A.030.

Referred to Committee on Health & Long-Term Care.

SB 6391 by Senators Keiser, Deccio, Thibaudeau and Fairley

AN ACT Relating to the provision of services to independent residents in a continuing care retirement community; amending RCW 18.20.020; and adding a new section to chapter 74.39 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6392 by Senators Keiser, Deccio, Thibaudeau and Kohl-Welles

AN ACT Relating to clarifying that coverage for mental health services as defined in RCW 48.21.241, 48.44.341, and 48.46.291 applies to all group health plans for groups other than small groups as defined in RCW 48.43.005; amending RCW 48.21.241, 48.44.341, and 48.46.291; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 6393 by Senators Rasmussen, Schoesler, Shin, Swecker, Morton, Haugen, Doumit, Sheldon, Delvin, Deccio, Kastama, Honeyford, McAuliffe and Benton

AN ACT Relating to excise tax exemptions for fuel used by

farmers; amending RCW 82.08.0255 and 82.12.0256; and providing an effective date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6394 by Senators Rasmussen, Swecker, Sheldon, Schoesler, Doumit, Mulliken, Deccio, Morton, Kastama, Delvin, Honeyford and Franklin

AN ACT Relating to special fuel sales and use tax exemptions; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6395 by Senators Oke, Regala, Carrell, Eide and Rasmussen

AN ACT Relating to financing for hospital benefit zones; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 39 RCW; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SB 6396 by Senators Kohl-Welles, Schmidt, Pridemore, Keiser, Franklin, Thibaudeau, Spanel and Jacobsen

AN ACT Relating to the accumulation an use of sick leave accrued by part-time faculty; and amending RCW 28B.50.551.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6397 by Senators Kohl-Welles, Schmidt, Pridemore, Jacobsen, Kline and Shin

AN ACT Relating to academic employee salary increments for community and technical colleges; adding new sections to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6398 by Senator Jacobsen

AN ACT Relating to special permits for oversized vehicles; and amending RCW 46.44.090.

Referred to Committee on Transportation.

SJM 8028 by Senators Kohl-Welles, Keiser, Thibaudeau, McCaslin and Kline

Requesting Congress to allow states to decide whether marijuana should be used legally for medicinal purposes.

Referred to Committee on Health & Long-Term Care.

SJR 8220 by Senators Carrell, Kastama, Morton, Mulliken, Regala, Schoesler, Schmidt, Stevens, Pridemore and Benson

Repealing a conflicting residency requirement for voting in a presidential election.

THIRD DAY, JANUARY 11, 2006

2006 REGULAR SESSION

Referred to Committee on Government Operations & Elections.

SECOND READING

SJR 8221 by Senators Haugen and Rasmussen

Authorizing the legislature to enact certain homestead exemptions from property taxation.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6336 and Senate Bill No. 6341 which were referred to the Committee on Human Services & Corrections.

MOTION

At 10:10 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:27 a.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

January 11, 2006

MR. PRESIDENT:

The House has passed the following bill(s):

SUBSTITUTE HOUSE BILL NO. 2370,

And the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

SUPPLEMENTAL INTRODUCTION AND FIRST READING

SHB 2370 by House Committee on Appropriations (originally sponsored by Representatives Green, Williams, Kessler, Kilmer, Chase, Blake, Morrell, Appleton, Moeller, Hasegawa, Murray, Linville, Conway, P. Sullivan, Springer, Takko, Lantz, Dickerson, Kenney, Fromhold, Kagi, McIntire, Ericksen, B. Sullivan, Simpson, Ericks, Sells, Upthegrove, Ormsby and McDermott)

AN ACT Relating to low-income home energy assistance; amending RCW 80.01.080; adding a new section to 2005 c 518 (uncodified); making an appropriation; and declaring an emergency.

MOTION

On motion of Senator Eide the rules were suspended and Substitute House Bill No. 2370 was placed on the second reading calendar.

MOTION

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

SUBSTITUTE HOUSE BILL NO. 2370, by House Committee on Appropriations (originally sponsored by Representatives Green, Williams, Kessler, Kilmer, Chase, Blake, Morrell, Appleton, Moeller, Hasegawa, Murray, Linville, Conway, P. Sullivan, Springer, Takko, Lantz, Dickerson, Kenney, Fromhold, Kagi, McIntire, Ericksen, B. Sullivan, Simpson, Ericks, Sells, Upthegrove, Ormsby and McDermott)

Funding low-income home energy assistance.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Substitute House Bill No. 2370 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide, Benton, Poulsen, Mulliken, Morton and Honeyford spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senator McCaslin was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2370.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2370 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator McCaslin - 1

SUBSTITUTE HOUSE BILL NO. 2370, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:47 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, January 12, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, January 12, 2006

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 12, 2006

SB 6325 Prime Sponsor, Regala: Establishing residences for sex offenders. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Without recommendation. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Human Services & Corrections.

January 12, 2006

SB 6395 Prime Sponsor, Oke: Authorizing hospital benefit zone financing. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Without recommendation. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE HOUSE

January 11, 2006

MR. PRESIDENT:

The Speaker has signed:
SENATE CONCURRENT RESOLUTION NO. 8414,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

January 11, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:
HOUSE BILL NO. 2424,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

January 12, 2006

MR. PRESIDENT:

The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 2370,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 2370,

MOTION

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

INTRODUCTION AND FIRST READING

SB 6399 by Senators Kohl-Welles, Parlette, Franklin, Keiser and Kline

AN ACT Relating to improving unemployment insurance collection and penalty tools; amending RCW 50.12.220; adding a new section to chapter 50.36 RCW; creating a new section; and recodifying RCW 50.12.220.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6400 by Senators Prentice, McCaslin and Benton

AN ACT Relating to manufactured home parks or manufactured housing communities; and amending RCW 35.63.160.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6401 by Senators Doumit, Jacobsen, Schoesler, Regala, Morton and Honeyford

AN ACT Relating to charter licenses; and amending RCW 77.65.150.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6402 by Senators Doumit, Oke, Jacobsen, Regala, Spanel and Shin

AN ACT Relating to the Columbia river safety and coastal crab mitigation work group; adding a new chapter to Title 77 RCW; and providing an expiration date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6403 by Senators Doumit, Jacobsen, Regala and Rockefeller

AN ACT Relating to forest fire protection assessments; and amending RCW 76.04.610 and 76.04.016.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6404 by Senators Johnson, Esser, Keiser, Delvin, Kline and Rasmussen

AN ACT Relating to the certification of tribal police officers; amending RCW 43.101.085 and 43.101.380; adding a new section to chapter 43.101 RCW; and providing an effective date.

Referred to Committee on Judiciary.

SB 6405 by Senators Hargrove, Stevens, Doumit, McAuliffe, Regala, Rasmussen, Shin and Benton

AN ACT Relating to offender registration; amending RCW 9A.44.130; reenacting and amending RCW 9A.44.130; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6406 by Senators Hargrove, Stevens, Doumit, McAuliffe, Regala, Rasmussen and Benton

AN ACT Relating to assault of a child in the second degree; amending RCW 9.94A.030; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 6407 by Senators Hargrove, Stevens, Doumit, McAuliffe, Regala, Rasmussen and Benton

AN ACT Relating to possession of depictions of a minor engaged in sexually explicit conduct; amending RCW 9.68A.070; reenacting and amending RCW 9.94A.515 and 9.94A.670; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

SB 6408 by Senators Hargrove, Stevens, Doumit, McAuliffe, Regala and Rasmussen

AN ACT Relating to tolling the statute of limitations for felony sex offenses; and amending RCW 9A.04.080.

Referred to Committee on Human Services & Corrections.

SB 6409 by Senators Hargrove, Stevens, Doumit, McAuliffe, Regala and Rasmussen

AN ACT Relating to sex offender sentencing and disposition alternatives; reenacting and amending RCW 9.94A.670 and 13.40.160; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

SB 6410 by Senators Hargrove, Stevens, Doumit, McAuliffe, Regala, Rasmussen and Benton

AN ACT Relating to community protection zones; creating a new section; repealing 2005 c 436 s 4 (uncodified); and repealing 2005 c 436 s 6 (uncodified).

Referred to Committee on Human Services & Corrections.

SB 6411 by Senators Doumit, Parlette, Pridemore, Delvin, Fraser, McAuliffe, Shin and Kohl-Welles

AN ACT Relating to collective bargaining agreements; and amending RCW 41.56.070.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6412 by Senators Doumit, Zarelli and Hargrove

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

Referred to Committee on Judiciary.

SB 6413 by Senator Oke

AN ACT Relating to sales or exchanges of used law enforcement vehicles; and adding a new section to chapter 43.19 RCW.

Referred to Committee on Transportation.

SB 6414 by Senators Pridemore and Kline

AN ACT Relating to local ballot measures authorizing taxes; and amending RCW 29A.36.071, 29A.36.210, and 84.55.050.

Referred to Committee on Government Operations & Elections.

SB 6415 by Senators Pridemore, McAuliffe and Mulliken

AN ACT Relating to the appointment of interpreters for driver's license examinations; and amending RCW 46.20.130.

Referred to Committee on Transportation.

SB 6416 by Senators Keiser, Hewitt, Rockefeller, Kohl-Welles, Prentice, Finkbeiner, Parlette, Sheldon, Deccio, Shin, Esser and Rasmussen

AN ACT Relating to prohibiting pyramid promotional schemes; adding a new chapter to Title 19 RCW; and repealing RCW 19.102.010 and 19.102.020.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6417 by Senators Roach, Kline, Jacobsen, Esser, Weinstein, Thibaudeau, Benson, Rasmussen, Schmidt, Carrell, Morton, Deccio, Stevens, Mulliken, McCaslin, Hargrove and Delvin

AN ACT Relating to sexual conduct or sexual contact with an animal; reenacting and amending RCW 9.94A.515; adding a new section to chapter 16.52 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6418 by Senators Keiser and Deccio

FOURTH DAY, JANUARY 12, 2006

2006 REGULAR SESSION

AN ACT Relating to initial limited licenses for dental hygienists; amending RCW 18.29.190; and repealing RCW 18.29.200.

Referred to Committee on Health & Long-Term Care.

SB 6419 by Senators Thibaudeau, Deccio, Kastama, Benson, Keiser and McAuliffe

AN ACT Relating to pilot projects for dental hygienists; and creating new sections.

Referred to Committee on Health & Long-Term Care.

SB 6420 by Senators Pridemore, Schmidt, Kohl-Welles, Fairley, McAuliffe and Shin

AN ACT Relating to community and technical college part-time academic employee health care benefits; adding a new section to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6421 by Senator Kastama

AN ACT Relating to eliminating Saturday counting of ballots; amending RCW 29A.60.160; reenacting and amending RCW 29A.60.160; providing an effective date; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

SB 6422 by Senator Kastama

AN ACT Relating to election recounts; and amending RCW 29A.64.021.

Referred to Committee on Government Operations & Elections.

SB 6423 by Senators Haugen and Kastama

AN ACT Relating to absentee or provisional ballot notice requirements; and amending RCW 29A.60.165.

Referred to Committee on Government Operations & Elections.

SB 6424 by Senators Schoesler, Rasmussen, Morton, Mulliken and Benton

AN ACT Relating to a property tax exemption for land used for growing agricultural crops used in the production of biodiesel feedstock; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6425 by Senators Rasmussen, Schoesler and Morton

AN ACT Relating to encouraging enrollment in conservation programs; and amending RCW 36.70A.060.

Referred to Committee on Government Operations & Elections.

SB 6426 by Senators Schoesler, Morton and Delvin

AN ACT Relating to reciprocity of concealed pistol licenses; and amending RCW 9.41.073.

Referred to Committee on Judiciary.

SB 6427 by Senators Kastama, Mulliken, Morton and Rasmussen

AN ACT Relating to schedules for the review of comprehensive plans and development regulations for certain cities and counties; reenacting and amending RCW 36.70A.130; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 6428 by Senators Pridemore, Esser, Poulsen, Morton, Schmidt, Fairley, Benson, Berkey, Regala, Kohl-Welles, Weinstein, Prentice, Kastama, Johnson, Thibaudeau, Kline, Eide, Shin, Rockefeller, Jacobsen, Haugen, Doumit, Oke, Franklin, Swecker, Carrell, Rasmussen, Spanel, Fraser, McAuliffe, Keiser, Brown, Finkbeiner, Brandland and Benton

AN ACT Relating to providing electronic product recycling through manufacturer financed opportunities; amending RCW 42.56.270; adding a new section to chapter 43.19 RCW; adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Water, Energy & Environment.

SB 6429 by Senators Jacobsen, Oke, Haugen, Honeyford and Rasmussen

AN ACT Relating to disclosure of certain Native American cultural resources information; amending RCW 42.56.300; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SB 6430 by Senators Keiser, Benton, Deccio, Roach, Thibaudeau, Zarelli, Pridemore, Franklin and Kohl-Welles

AN ACT Relating to nursing facility medicaid payment systems; amending RCW 74.46.020, 74.46.421, 74.46.431, 74.46.506, 74.46.511, and 74.46.521; and adding a new section to chapter 74.46 RCW.

Referred to Committee on Ways & Means.

SB 6431 by Senators Kastama, Roach, Kline and Benton

AN ACT Relating to the state interoperability executive committee; amending RCW 43.105.330; creating a new section; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 6432 by Senators Rockefeller, Schoesler, Fraser, Pridemore, Regala, Keiser, Mulliken, Kline, Kohl-Welles and Benton

AN ACT Relating to solar energy demonstration projects; and making appropriations.

Referred to Committee on Water, Energy & Environment.

FOURTH DAY, JANUARY 12, 2006

2006 REGULAR SESSION

SB 6433 by Senators Kastama, Jacobsen, Poulsen, Pridemore, Rockefeller, Shin, Haugen, Rasmussen, Keiser, Regala, Thibaudeau, Franklin, McAuliffe and Kohl-Welles

AN ACT Relating to establishing the emergency management, preparedness, and assistance account; adding new sections to chapter 38.52 RCW; and creating new sections.

Referred to Committee on Government Operations & Elections.

SB 6434 by Senators Keiser, Kohl-Welles, Franklin and Kline

AN ACT Relating to compensating on-call workers for active duty hours under the state minimum wage act; and amending RCW 49.46.010.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6435 by Senators McAuliffe, Rockefeller and Shin

AN ACT Relating to a certificate of academic progress; adding a new section to chapter 28A.655 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6436 by Senators McAuliffe, Schmidt, Rockefeller, Eide, Weinstein and Pridemore

AN ACT Relating to transferring duties of the reconstituted state board of education; amending RCW 28A.305.130, 28A.305.035, 28A.300.040, 28A.150.220, 28A.150.230, 28A.150.230, 28A.150.250, 28A.505.140, 28A.525.020, 28A.525.030, 28A.525.050, 28A.525.055, 28A.525.070, 28A.525.080, 28A.525.090, 28A.525.162, 28A.525.164, 28A.525.166, 28A.525.168, 28A.525.170, 28A.525.172, 28A.525.174, 28A.525.176, 28A.525.178, 28A.525.180, 28A.525.190, 28A.525.200, 28A.525.216, 28A.150.260, 28A.335.160, 28A.540.050, 28A.150.530, 28A.335.210, 28A.335.230, 28A.540.070, 28A.305.220, 28A.230.100, 28A.230.170, 28A.305.170, 28A.230.130, 28A.205.010, 28A.215.010, 28A.215.020, 28A.205.040, 28A.215.140, 28A.230.020, 28A.230.040, 28A.230.050, 28A.315.175, 28A.315.195, 28A.315.205, 28A.315.015, 28A.315.025, 28A.315.055, 28A.315.085, 28A.315.125, 28A.315.185, 28A.305.210, 28A.310.080, 28A.310.030, 28A.310.050, 28A.310.060, 28A.310.090, 28A.310.100, 28A.310.140, 28A.310.150, 28A.310.200, 28A.310.310, 28A.323.020, 28A.323.040, 28A.305.160, 28A.150.300, 28A.225.160, 28A.300.150, 28A.600.020, 28A.600.030, 28A.625.360, 28A.225.330, 28A.405.110, 28A.415.010, 28A.415.020, 28A.415.024, 28A.415.025, 28A.415.105, 28A.415.125, 28A.415.130, 28A.415.145, 28A.660.040, 28A.690.020, 28A.300.050, 28A.625.370, 28A.625.380, 28A.625.390, 28A.600.010, 28A.225.280, 28A.600.200, 28A.160.210, 28A.160.100, 28A.210.070, 28A.210.160, 28A.335.100, 28A.335.120, 28A.320.240, 28A.155.060, 28A.600.130, and 28A.650.015; reenacting and amending RCW 28A.330.100 and 28A.630.400; adding a new section to chapter 28A.525 RCW; adding a new section to chapter 28A.545 RCW; adding a new section to chapter 28A.230 RCW; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 28A.315 RCW; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28A.405 RCW; creating new sections; recodifying RCW 28A.305.220, 28A.305.170, and 28A.305.160; decodifying

RCW 28A.525.120, 28A.525.122, 28A.525.124, 28A.525.126, 28A.525.128, 28A.525.130, 28A.525.132, 28A.525.134, 28A.525.140, 28A.525.142, 28A.525.144, 28A.525.146, 28A.525.148, 28A.525.150, 28A.525.152, 28A.525.154, 28A.525.156, 28A.525.158, 28A.525.160, and 28A.525.182; repealing RCW 28A.305.140, 28A.655.180, and 28A.310.020; providing effective dates; and providing an expiration date.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6437 by Senators McAuliffe, Rockefeller, Schmidt, Eide, Keiser, Schoesler, Fraser, Kohl-Welles, Weinstein, Pridemore, Rasmussen and Shin

AN ACT Relating to course equivalencies for career and technical coursework for high school students; amending RCW 28A.230.090 and 28A.230.100; and adding a new section to chapter 28A.230 RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6438 by Senators Weinstein, McAuliffe, Eide, Poulsen, Schmidt, Esser, Finkbeiner, Keiser and Kohl-Welles

AN ACT Relating to school district levies; amending RCW 84.52.0531; and repealing 2004 c 21 s 3 (uncodified).

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6439 by Senators Doumit, Oke, Jacobsen, Schoesler and Delvin

AN ACT Relating to coastal crab fisheries licenses; and amending RCW 77.70.350.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6440 by Senators Kline and Johnson

AN ACT Relating to judicial orders concerning distraint of personal property; and amending RCW 6.17.160.

Referred to Committee on Judiciary.

SB 6441 by Senators Johnson and Kline

AN ACT Relating to judicial orders concerning distraint of personal property; and adding a new section to chapter 84.56 RCW.

Referred to Committee on Judiciary.

SB 6442 by Senators Shin and Schmidt

AN ACT Relating to the transfer of certain real property and facilities acquired, constructed, or improved using Referendum 29 or 37 bonds; and adding a new section to chapter 43.20A RCW.

Referred to Committee on Government Operations & Elections.

SB 6443 by Senators Fraser and Regala

AN ACT Relating to creating the economic stability

FOURTH DAY, JANUARY 12, 2006

2006 REGULAR SESSION

account; adding a new section to chapter 43.79 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6444 by Senators Prentice, Doumit, Fraser, McAuliffe, Regala, Rasmussen, Shin and Roach

AN ACT Relating to creating the pension funding stabilization account; adding a new section to chapter 41.45 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6445 by Senators Fraser, Pridemore, Franklin, Rasmussen and Roach

AN ACT Relating to providing unreduced retirement benefits in the plans 2 and 3 of the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system; amending RCW 41.40.630, 41.40.820, 41.32.765, 41.32.875, 41.35.420, and 41.35.680; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6446 by Senators Fraser, Pridemore, Franklin, Rasmussen and Roach

AN ACT Relating to contribution rates in the Washington state patrol retirement system; amending RCW 41.45.0631; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6447 by Senators Pridemore, Fraser, Franklin, Rasmussen and Roach

AN ACT Relating to the law enforcement officers' and fire fighters' retirement system plan 1; amending RCW 41.26.100 and 41.26.080; creating a new section; providing effective dates; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6448 by Senators Mulliken, Pridemore, Fraser, Franklin and Rasmussen

AN ACT Relating to the public employment of retirees from the teachers' retirement system plan 1 and the public employees' retirement system plan 1; amending RCW 41.32.055, 41.32.570, 41.40.010, and 41.40.037; reenacting and amending RCW 41.32.010; prescribing penalties; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6449 by Senators Fraser, Pridemore, Rasmussen, Shin and Roach

AN ACT Relating to general provisions in the public safety employees' retirement system; amending RCW 41.37.005, 41.37.010, 41.04.270, 41.04.278, and 41.04.393; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6450 by Senators Pridemore, Mulliken, Fraser, McAuliffe and Rasmussen

AN ACT Relating to vesting after five years of service in the defined benefit portion of the public employees' retirement system, the school employees' retirement system, and the teachers' retirement system plan 3; and amending RCW 41.32.875, 41.35.680, and 41.40.820.

Referred to Committee on Ways & Means.

SB 6451 by Senators Fraser, Mulliken, Pridemore, McAuliffe and Rasmussen

AN ACT Relating to payment of the unfunded actuarial accrued liability in plan 1 of the public employees' retirement system and plan 1 of the teachers' retirement system; adding a new section to chapter 41.45 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6452 by Senators Fraser, Mulliken, Pridemore, McAuliffe and Rasmussen

AN ACT Relating to minimum contribution rates for the public employees' retirement system, the public safety employees' retirement system, the school employees' retirement system, and the teachers' retirement system; reenacting and amending RCW 41.45.020; adding new sections to chapter 41.45 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6453 by Senators Mulliken, Pridemore, Fraser, Rockefeller, Franklin and Spanel

AN ACT Relating to a one thousand dollar minimum monthly benefit for plan 1 members of the public employees' retirement system and plan 1 members of the teachers' retirement system; amending RCW 41.32.4851 and 41.40.1984; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6454 by Senators Mulliken, Pridemore, Fraser, Rockefeller, Franklin, Spanel, Shin and Roach

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

Referred to Committee on Ways & Means.

SB 6455 by Senators Fraser, Mulliken, Pridemore, Rockefeller, Spanel and Roach

AN ACT Relating to public retirement benefits for justices and judges; amending RCW 41.45.060; adding a new section to chapter 2.14 RCW; adding new sections to chapter 41.40 RCW; adding new sections to chapter 41.32 RCW; adding new sections to chapter 41.45 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6456 by Senators Pridemore, Rockefeller, Spanel and Roach

AN ACT Relating to optional membership and distributions of retirement allowances for certain members of the

FOURTH DAY, JANUARY 12, 2006

2006 REGULAR SESSION

teachers', school employees', and public employees' retirement systems; amending RCW 41.32.263 and 41.35.030; reenacting and amending RCW 41.32.010 and 41.40.023; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.35 RCW; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Ways & Means.

SB 6457 by Senators Pridemore, Mulliken, Fraser, Rockefeller, Rasmussen and Roach

AN ACT Relating to permitting members of the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, the public safety employees' retirement system, plan 1 of the law enforcement officers' and fire fighters' retirement system, and the Washington state patrol retirement system to make a one-time purchase of additional service credit; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.35 RCW; adding a new section to chapter 41.37 RCW; adding a new section to chapter 41.26 RCW; adding a new section to chapter 43.43 RCW; repealing RCW 41.40.713, 41.40.833, 41.32.767, 41.32.877, 41.35.473, and 41.35.653; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6458 by Senators Pridemore, Mulliken, Fraser, Rockefeller, Franklin and Rasmussen

AN ACT Relating to purchasing service credit in plan 2 and plan 3 of the teachers' retirement system for public education experience performed as a teacher in a public school in another state or with the federal government; adding new sections to chapter 41.32 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6459 by Senators Keiser, Brandland, Thibaudeau, Spanel, Rasmussen, Kline, Parlette and Kohl-Welles

AN ACT Relating to community-based health care solutions; creating new sections; making an appropriation; providing an effective date; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

SB 6460 by Senators Hargrove, Stevens, McCaslin, McAuliffe, Keiser, Rasmussen, Benton and Roach

AN ACT Relating to crimes committed with sexual motivation; amending RCW 9.94A.533 and 9.94A.835; prescribing penalties; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 6461 by Senators McAuliffe and Schmidt

AN ACT Relating to a multiple measures approach to graduation requirements; amending RCW 28A.655.061, 28A.155.045, and 28A.230.090; adding a new section to chapter 28A.655 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6462 by Senators Shin, Berkey, Rasmussen, Jacobsen, Schmidt, Swecker, Honeyford, Pflug and Sheldon

AN ACT Relating to biotechnology product and medical device manufacturing tax incentives; amending RCW 82.04.440 and 82.32.600; adding a new section to chapter 82.32 RCW; adding new sections to chapter 82.04 RCW; adding a new chapter to Title 82 RCW; providing an effective date; and providing expiration dates.

Referred to Committee on International Trade & Economic Development.

SB 6463 by Senators Fairley and Benton

AN ACT Relating to banks and savings banks; amending RCW 25.15.030 and 25.15.270; adding a new section to chapter 30.08 RCW; and adding a new section to chapter 32.08 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6464 by Senators Delvin, McAuliffe, Hewitt, Pridemore and Rasmussen

AN ACT Relating to expanding access to baccalaureate degree programs at Washington State University, Tri-Cities; and amending RCW 28B.45.030.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6465 by Senators McAuliffe, Berkey, Haugen, Fairley, Shin, Rockefeller, Hargrove, Rasmussen, Franklin, Thibaudeau and Regala

AN ACT Relating to designating the crime of possessing depictions of a minor engaged in sexually explicit conduct as a sex offense; amending RCW 9.94A.030 and 9.94A.030; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 6466 by Senators Kohl-Welles, Weinstein, McAuliffe, Delvin, Finkbeiner, Brown, Rasmussen and Kline

AN ACT Relating to a department of early learning; amending RCW 43.17.010, 42.17.2401, 41.04.385, 74.13.085, 74.13.0902, 74.13.0903, 74.13.098, 74.13.099, 74.15.350, 74.12.340, 28A.215.110, 28A.215.120, 43.63A.066, 74.15.030, 74.15.100, and 74.15.130; reenacting and amending RCW 43.17.020 and 74.15.020; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 74.13.097, 74.13.098, 74.13.099, 74.15.063, 74.15.310, 74.15.320, 74.15.330, 74.15.340, 74.15.350, 28A.215.100, 28A.215.110, 28A.215.120, 28A.215.130, 28A.215.140, 28A.215.150, 28A.215.160, 28A.215.170, 28A.215.180, 28A.215.190, 28A.215.200, 28A.215.900, 28A.215.904, 28A.215.906, and 28A.215.908; prescribing penalties; and providing an effective date.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6467 by Senators Schmidt, Haugen, Shin, Benson, Rasmussen and Benton

FOURTH DAY, JANUARY 12, 2006

2006 REGULAR SESSION

AN ACT Relating to armed forces license plates for members of the national guard; and amending RCW 46.16.30920.

Referred to Committee on Transportation.

SB 6468 by Senators Johnson, Schmidt, Roach, Zarelli, Stevens, Mulliken, Carrell, Benton, Deccio, Parlette, Honeyford, Benson, Keiser, Kline and Kohl-Welles

AN ACT Relating to educational assessments; amending RCW 28A.230.095; creating a new section; and making an appropriation.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6469 by Senators Thibaudeau, Keiser, Haugen, Franklin, Brown, Jacobsen, McAuliffe, Spanel, Kline and Kohl-Welles

AN ACT Relating to the creation of the blue ribbon commission on health care cost and access; and creating new sections.

Referred to Committee on Health & Long-Term Care.

SB 6470 by Senators Shin, Deccio, Schmidt, Sheldon, Jacobsen, Rasmussen and Mulliken

AN ACT Relating to assisting small manufacturers; adding a new section to chapter 43.330 RCW; adding a new chapter to Title 24 RCW; creating a new section; and making an appropriation.

Referred to Committee on International Trade & Economic Development.

SB 6471 by Senators Zarelli, Hewitt, Sheldon, Parlette, Brandland, Stevens, Morton, Finkbeiner, Schmidt, Pflug, Esser, Carrell, Mulliken, Schoesler, Benton, Deccio, Oke, Honeyford, Johnson and Roach

AN ACT Relating to a rainy day reserve fund; amending RCW 43.135.045; reenacting and amending RCW 43.84.092, 43.135.045, and 43.135.045; adding a new section to chapter 43.79 RCW; adding a new section to chapter 82.33 RCW; repealing RCW 43.33A.220 and 43.135.051; providing contingent effective dates; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6472 by Senators Rasmussen and Carrell

AN ACT Relating to the retention and promotion of students; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6473 by Senators Poulsen, Morton and Rockefeller

AN ACT Relating to eliminating the requirement that telecommunications companies file price lists; amending RCW 80.36.100, 80.36.110, 80.36.320, and 80.36.330; and adding a new section to chapter 80.36 RCW.

Referred to Committee on Water, Energy & Environment.

SB 6474 by Senators Regala, Poulsen, Morton, Kline and Kohl-Welles

AN ACT Relating to the model toxics control act; and amending RCW 70.105D.020.

Referred to Committee on Water, Energy & Environment.

SB 6475 by Senators McAuliffe, Schmidt, Eide, Weinstein, Haugen, Berkey, Kastama, Shin, Kohl-Welles and Rasmussen

AN ACT Relating to authorizing alternative methods of assessment and appeal processes for the certificate of academic achievement; and adding a new section to chapter 28A.655 RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6476 by Senators Roach, Pflug, Johnson, Carrell, Stevens, Benson, Delvin, Schoesler, Schmidt, Mulliken and Benton

AN ACT Relating to active monitoring of nonpersistent offenders; amending RCW 9.94A.712 and 9.94A.712; reenacting and amending RCW 9A.76.120; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

SB 6477 by Senators Roach, Benson, Stevens, Benton, Johnson, Esser and Honeyford

AN ACT Relating to volunteer amateur radio emergency communications; creating a new section; and making an appropriation.

Referred to Committee on Government Operations & Elections.

SB 6478 by Senators Regala, Hargrove, McAuliffe, Keiser and Rasmussen

AN ACT Relating to protection of sexual assault victims; amending RCW 9A.46.060, 10.14.130, 10.31.100, 19.220.010, 26.50.035, 26.50.110, 59.18.575, and 10.31.100; reenacting and amending RCW 9.41.300 and 26.50.160; adding a new chapter to Title 7 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6479 by Senators Regala, McAuliffe and Kline

AN ACT Relating to the privilege for sexual assault advocates; and amending RCW 5.60.060.

Referred to Committee on Judiciary.

SB 6480 by Senators Kohl-Welles, Haugen, Brown and Keiser

AN ACT Relating to apprenticeship utilization requirements for department of transportation public works projects; amending RCW 39.04.320; and providing an effective date.

Referred to Committee on Labor, Commerce, Research & Development.

FOURTH DAY, JANUARY 12, 2006

2006 REGULAR SESSION

SB 6481 by Senators Jacobsen, Weinstein and Fairley

MOTION

AN ACT Relating to hunting waterfowl; amending RCW 77.15.400; and prescribing penalties.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6482 by Senators Honeyford, Mulliken, Schoesler, Finkbeiner, Esser and Delvin

MOTION

AN ACT Relating to funding for energy assistance; amending RCW 82.16.020; adding a new section to chapter 82.12 RCW; and adding a new section to chapter 82.16 RCW.

Referred to Committee on Water, Energy & Environment.

SB 6483 by Senators Kohl-Welles, McAuliffe, Rasmussen, Franklin, Haugen, Berkey, Keiser, Kline, Regala, Eide, Brown, Thibaudeau, Schmidt, Spanel and Shin

AN ACT Relating to expanding opportunities for graduating secondary school students to enter apprenticeships; and adding new sections to chapter 49.04 RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6484 by Senators Doumit, Swecker, Hargrove, Rasmussen, Schoesler, Morton, Keiser, Eide, Hewitt, Mulliken, Parlette and Benton

AN ACT Relating to local assistance for state narcotics task forces; and creating new sections.

Referred to Committee on Ways & Means.

SJM 8029 by Senators Schoesler, Morton, Delvin and Mulliken

Requesting Congress to repeal the Federal Lands Recreation Enhancement Act.

Referred to Committee on Natural Resources, Ocean & Recreation.

SJR 8222 by Senators Zarelli, Doumit, Hewitt, Sheldon, Parlette, Rasmussen, Stevens, Johnson, Finkbeiner, Schmidt, Pflug, Schoesler, Carrell, Esser, Mulliken, Benton, Deccio, Brandland, Honeyford, Oke, Benson and Roach

Establishing a rainy day reserve fund.

Referred to Committee on Ways & Means.

HB 2424 by Representatives Grant, Kessler, Williams, Morrell, Condotta, Clibborn, Linville, Cox, Hunt, Buck, Conway, Haigh, Sump, P. Sullivan, Walsh, Springer, Buri, Haler, Newhouse, Ericksen, Morris, Ericks, Kretz, Strow, B. Sullivan, Dunn, Upthegrove, Ormsby, McDermott, Holmquist and Takko

AN ACT Relating to excise tax exemptions for users of farm fuel; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency.

Referred to Committee on Agriculture & Rural Economic Development.

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6430 which was referred to the Committee on Ways & Means and Senate Bill No. 6483 which was referred to the Committee on Early Learning, K-12 & Higher Education.

At 12:04 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, January 13, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTH DAY

NOON SESSION

Senate Chamber, Olympia, January 13, 2006

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 12, 2006

SB 5183 Prime Sponsor, Franklin: Providing tax relief to promote affordable housing. Reported by Committee on Ways & Means

MAJORITY recommendation: Without recommendation. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

Passed to Committee on Financial Institutions, Housing & Consumer Protection.

January 12, 2006

SB 5333 Prime Sponsor, Regala: Modifying requirements for voter-approved property tax levies. Revised for 1st Substitute: Modifying requirements for voter-approved regular property tax levies. Reported by Committee on Ways & Means

MAJORITY recommendation: Without recommendation. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

Passed to Committee on Government Operations & Elections.

January 12, 2006

SB 5641 Prime Sponsor, Eide: Providing for small business and entrepreneurial development. Reported by Committee on Ways & Means

MAJORITY recommendation: Without recommendation. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

Passed to Committee on International Trade & Economic Development.

January 12, 2006

SB 6282 Prime Sponsor, Kohl-Welles: Exempting nonprofit organizations organized for zoological purposes from certain excise taxes. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Without recommendation. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Oke, Morton, Spanel, Stevens and Swecker

Passed to Committee on Ways & Means.

January 12, 2006

SB 6378 Prime Sponsor, Shin: Licensing persons offering athletic training services. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Without recommendation. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Parlette

Passed to Committee on Health & Long-Term Care.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 12, 2006

SGA 9331 KAREN LEE, appointed March 14, 2005, for the term ending at the governor's pleasure, as Commissioner of the Employment Security Department. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

January 12, 2006

SGA 9387 GARY WEEKS, appointed May 19, 2005, for the term ending at the governor's pleasure, as a Director of the Department of Labor and Industries. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

January 12, 2006

SGA 9388 JULI WILKERSON, reappointed June 1, 2005, for the term ending at the governor's pleasure, as a Director of the Department of Community, Trade and Economic Development. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug and Roach

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6485 by Senators Rasmussen, Schoesler, Sheldon, Morton, Doumit and Delvin

AN ACT Relating to exempting the custom blending of dry fertilizer from business and occupation tax; amending RCW 82.04.120; adding a new section to chapter 82.04 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6486 by Senators Schoesler, Jacobsen, Rasmussen, Rockefeller, Morton, Sheldon and Delvin

AN ACT Relating to commercial driver's licenses reciprocity agreements; and amending RCW 46.25.050.

Referred to Committee on Transportation.

SB 6487 by Senators Schoesler, Rasmussen, Roach, Morton, Schmidt, Mulliken, Carrell, Stevens, Doumit, Delvin, Benson, Esser, Johnson, Deccio, Shin, Jacobsen, Regala, Hargrove, Zarelli, Honeyford, McAuliffe and Berkey

AN ACT Relating to false academic credentials; adding a new section to chapter 28B.85 RCW; adding a new section to chapter 9A.60 RCW; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 41.06 RCW; repealing RCW 28B.85.030; and prescribing penalties.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6488 by Senators Franklin, Kline, Hargrove, Fairley, Weinstein and Kohl-Welles

AN ACT Relating to offender education; and adding new sections to chapter 72.09 RCW.

Referred to Committee on Human Services & Corrections.

SB 6489 by Senators Stevens, Benton, Benson and Carrell

AN ACT Relating to remedial postsecondary education; reenacting and amending RCW 28A.225.220; adding new sections to chapter 28B.10 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28B.15 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6490 by Senators Rasmussen and Kline

AN ACT Relating to mitigating circumstances allowing departures from sentencing guidelines; and amending RCW 9.94A.535.

Referred to Committee on Judiciary.

SB 6491 by Senators Kline, Johnson, Hargrove, Esser and Oke

AN ACT Relating to taking a motor vehicle without permission; amending RCW 9A.56.075; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6492 by Senators Kline, Franklin, Kohl-Welles and Oke

AN ACT Relating to conversion of legal financial obligations to community restitution; amending RCW 9.94A.760, 10.01.160, and 10.82.090; and adding a new section to chapter 10.04 RCW.

Referred to Committee on Judiciary.

SB 6493 by Senators Kline, Weinstein, Brandland, Hargrove, Oke and Rasmussen

AN ACT Relating to drug courts; and amending RCW 2.28.170.

Referred to Committee on Judiciary.

SB 6494 by Senators Kline, Rasmussen, Esser, Keiser, Poulsen and Oke

AN ACT Relating to a seller's real estate disclosure of proximity to farming; and repealing RCW 64.06.022.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6495 by Senators Kline, Johnson, Brandland and Oke

AN ACT Relating to assigning a seriousness level to selected unranked felonies; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6496 by Senators Kline, Johnson, Hargrove and Thibaudeau

AN ACT Relating to exceptional sentences; and amending RCW 9.94A.537, 9.94A.431, and 43.10.030.

Referred to Committee on Judiciary.

SB 6497 by Senators Kline, Franklin and Hargrove

AN ACT Relating to felony sentences; amending RCW 9.94A.510, 9.94A.535, 9.94A.537, 9.94A.190, and 9.94A.850; creating new sections; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6498 by Senators Roach, Stevens, Mulliken, Schoesler, Honeyford, Benton and Delvin

AN ACT Relating to elections; and amending RCW 29A.04.008, 29A.04.530, 29A.04.611, 29A.40.050, 29A.40.061, 29A.40.080, 29A.40.110, 29A.40.150, 29A.44.020, 29A.44.090, 29A.44.270, 29A.48.040, and 29A.60.125.

Referred to Committee on Government Operations & Elections.

SB 6499 by Senators Roach, Stevens, Schoesler, Benton, Honeyford and Mulliken

AN ACT Relating to requiring all voters be put on inactive status until they provide proof of citizenship and valid photo identification; amending RCW 29A.44.205, 46.20.117, 29A.08.010, and 29A.08.110; adding new sections to

FIFTH DAY, JANUARY 13, 2006

2006 REGULAR SESSION

chapter 29A.08 RCW; and adding a new section to chapter 29A.04 RCW.

Referred to Committee on Government Operations & Elections.

SB 6500 by Senators Haugen, McCaslin, Doumit, Benson, Shin, Esser and Jacobsen

AN ACT Relating to a sales tax exemption for vessels purchased by nonresidents; adding a new section to chapter 82.08 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6501 by Senators Rockefeller, Poulsen, Morton, Honeyford, Fraser, Regala, Kohl-Welles, Rasmussen, Kline and Keiser

AN ACT Relating to the creation of the Washington bioenergy loan program; amending RCW 42.56.270; reenacting and amending RCW 43.84.092; adding a new chapter to Title 43 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Water, Energy & Environment.

SB 6502 by Senators Roach, Kohl-Welles, Weinstein, Kline, McCaslin, Benton and Rasmussen

AN ACT Relating to creating a statewide automated victim information and notification system; amending RCW 36.28A.040; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6503 by Senators Finkbeiner, Poulsen, Morton, Esser, Jacobsen, Kohl-Welles, Schmidt, Parlette, Rasmussen, Kline and Keiser

AN ACT Relating to tax incentives for the generation of electricity using renewable resources; amending RCW 82.08.02567 and 82.12.02567; reenacting and amending RCW 19.29A.090; and providing expiration dates.

Referred to Committee on Water, Energy & Environment.

SB 6504 by Senators Berkey and Mulliken

AN ACT Relating to prohibiting employees of public hospital districts from serving as commissioners; and amending RCW 70.44.040.

Referred to Committee on Government Operations & Elections.

SB 6505 by Senators Oke and McAuliffe

AN ACT Relating to drug paraphernalia; adding a new section to chapter 69.50 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6506 by Senators Honeyford and Morton

AN ACT Relating to building permit moratoriums due to water rights issues; and amending RCW 19.27.097.

Referred to Committee on Government Operations & Elections.

SB 6507 by Senators Honeyford, Poulsen, Morton and Fraser

AN ACT Relating to watershed management partnerships; adding a new section to chapter 39.34 RCW; and creating a new section.

Referred to Committee on Water, Energy & Environment.

SB 6508 by Senators Rasmussen, Poulsen, Kline, McCaslin, Brown, Oke, Schmidt, Swecker, Finkbeiner and Kohl-Welles

AN ACT Relating to developing minimum renewable fuel content requirements and fuel quality standards; amending RCW 19.112.020; adding new sections to chapter 19.112 RCW; and creating a new section.

Referred to Committee on Water, Energy & Environment.

SB 6509 by Senator Kastama

AN ACT Relating to modifying the bid cancellation process for public contracts; adding a new section to chapter 39.29 RCW; and adding a new section to chapter 43.105 RCW.

Referred to Committee on Government Operations & Elections.

SB 6510 by Senators Pridemore, Kastama, Doumit, Zarelli, Kline and Benton

AN ACT Relating to allowing counties to have a lien against properties that were levied for storm water control facilities; and amending RCW 36.89.090.

Referred to Committee on Government Operations & Elections.

SB 6511 by Senators Pridemore, Kastama, Benton, Zarelli and Roach

AN ACT Relating to disbursement of the metropolitan park district fund; and amending RCW 35.61.210.

Referred to Committee on Government Operations & Elections.

SB 6512 by Senators Fraser, Pridemore, Honeyford, Poulsen, Mulliken, Regala, Rockefeller, Delvin and Kline

AN ACT Relating to enhancing air quality at truck stops; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Water, Energy & Environment.

SB 6513 by Senators Fraser, Poulsen, Pridemore, Regala, Rockefeller, Kohl-Welles and Kline

AN ACT Relating to biomonitoring; adding a new chapter to Title 70 RCW; creating a new section; making an appropriation; and providing an effective date.

Referred to Committee on Water, Energy & Environment.

SB 6514 by Senators Fraser, Poulsen, Pridemore, Regala, Rockefeller, Kohl-Welles, Kline and Keiser

FIFTH DAY, JANUARY 13, 2006

2006 REGULAR SESSION

AN ACT Relating to biodiesel mandates for state agencies and contractors; amending RCW 43.19.642; adding a new section to chapter 43.19 RCW; adding a new section to chapter 39.04 RCW; and creating a new section.

Referred to Committee on Water, Energy & Environment.

SB 6515 by Senators Fraser, Oke, Morton, Poulsen, Mulliken, Pridemore, Rockefeller, Regala, McAuliffe, Rasmussen, Kline and Keiser

AN ACT Relating to consumer and producer information on the use of biofuels and renewable energy production; and adding a new section to chapter 28B.31 RCW.

Referred to Committee on Water, Energy & Environment.

SB 6516 by Senators Fraser, Mulliken, Pridemore, Morton, Poulsen, Rockefeller, Regala, Benton, Rasmussen, Kline and Keiser

AN ACT Relating to biodiesel and use tax exemptions to encourage the use of alternative fuels; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Water, Energy & Environment.

SB 6517 by Senators Fraser, Poulsen, Pridemore, Rockefeller, Regala and Kline

AN ACT Relating to the uniform environmental covenants act; amending RCW 70.105D.060, 70.105D.050, and 70.105D.020; adding a new chapter to Title 64 RCW; and providing an effective date.

Referred to Committee on Water, Energy & Environment.

SB 6518 by Senators Fraser, Mulliken, Poulsen, Honeyford, Pridemore, Regala, Kline and Keiser

AN ACT Relating to making it state policy that state agencies reduce energy purchases; and amending RCW 43.21F.015.

Referred to Committee on Water, Energy & Environment.

SB 6519 by Senators Benton, Benson, Schoesler, Carrell, Esser, Jacobsen, Pflug, Mulliken, Johnson, Honeyford, Sheldon, Roach, Kline, Oke, Rasmussen and Keiser

AN ACT Relating to sex offender registration; amending RCW 9A.44.130; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

SB 6520 by Senators Benton, Fairley, Oke, Stevens, Prentice and Spanel

AN ACT Relating to cashing checks; adding a new section to chapter 30.04 RCW; adding a new section to chapter 31.12 RCW; adding a new section to chapter 32.04 RCW; and adding a new section to chapter 33.04 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6521 by Senators Benton, Berkey, Mulliken and Stevens

AN ACT Relating to city and town annexations under the direct property owner petition method of annexation; amending RCW 35.13.125, 35.13.130, 35.13.140, 35.13.150, 35.13.160, 35A.14.120, 35A.14.130, 35A.14.140, and 35A.14.150; adding a new section to chapter 35.13 RCW; and repealing RCW 28A.335.110.

Referred to Committee on Government Operations & Elections.

SB 6522 by Senators Benton, Kastama, Roach, Berkey, Benson, Zarelli, Stevens, Delvin, Honeyford and Schmidt

AN ACT Relating to out-of-state political committees; and amending RCW 42.17.093.

Referred to Committee on Government Operations & Elections.

SB 6523 by Senators Kohl-Welles, Hargrove, Benson, Roach, Fairley, Rasmussen and Kline

AN ACT Relating to increasing the minimum age for gambling; amending RCW 9.46.0305, 67.70.120, and 67.16.060; prescribing penalties; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6524 by Senators Rasmussen, Morton, Poulsen, Rockefeller, Honeyford and Benton

AN ACT Relating to providing incentives for the conversion of landfill methane gas to liquid fuel; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Water, Energy & Environment.

SB 6525 by Senators Benton, Oke, Berkey, Mulliken, Benson, Esser, Haugen and Sheldon

AN ACT Relating to design-build construction for transportation projects; and amending RCW 47.20.785.

Referred to Committee on Transportation.

SB 6526 by Senators Jacobsen, Mulliken, Berkey, Oke, Weinstein, Poulsen and Eide

AN ACT Relating to the use of automated traffic safety cameras in state highway work zones; and amending RCW 46.63.170.

Referred to Committee on Transportation.

SB 6527 by Senators Jacobsen, Mulliken, Haugen and Sheldon

AN ACT Relating to the Milwaukee Road cross-state trail; and amending RCW 79A.05.115 and 79A.05.120.

Referred to Committee on Transportation.

SB 6528 by Senators Mulliken, Kastama, Benson, Oke, Esser, Berkey and Sheldon

AN ACT Relating to authorization for the department of transportation to allow roadside tire chain installation and

FIFTH DAY, JANUARY 13, 2006

2006 REGULAR SESSION

removal businesses on state highway rights of way; amending RCW 47.32.120; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Transportation.

SB 6529 by Senators Swecker, Poulsen and Rasmussen

AN ACT Relating to fee relief for the nonconsumptive portion of water rights; and amending RCW 90.03.470.

Referred to Committee on Water, Energy & Environment.

SB 6530 by Senators Finkbeiner, Fairley, Berkey, Benton and Kline

AN ACT Relating to electronic voter registration; amending RCW 29A.08.010, 29A.08.110, 29A.08.107, 29A.08.145, and 29A.08.210; repealing RCW 29A.08.230 and 29A.72.220; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SB 6531 by Senators Weinstein, Fraser and Kline

AN ACT Relating to preserving remedies when limited liability companies dissolve; and adding a new section to chapter 25.15 RCW.

Referred to Committee on Judiciary.

SB 6532 by Senators Delvin, Schoesler, Morton and Jacobsen

AN ACT Relating to local control of student assessments in grades three, five, six, and eight to meet federal requirements for Washington's academic assessment system; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6533 by Senators Prentice, Zarelli, Schoesler and Benton

AN ACT Relating to syrup taxes; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6534 by Senator Jacobsen

AN ACT Relating to unclaimed property locators; amending RCW 63.29.350; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6535 by Senator Jacobsen

AN ACT Relating to aquatic lands; adding new sections to chapter 79.105 RCW; and prescribing penalties.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6536 by Senators Jacobsen and Benton

AN ACT Relating to the legislative youth advisory council; and amending RCW 28A.300.801.

Referred to Committee on Government Operations & Elections.

SB 6537 by Senators Kohl-Welles, Parlette, Hewitt, Honeyford, Keiser and McAuliffe

AN ACT Relating to the shipment of wine from wine manufacturers directly to Washington consumers; amending RCW 66.24.210; adding new sections to chapter 66.20 RCW; and repealing RCW 66.12.190, 66.12.200, 66.12.210, and 66.12.220.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6538 by Senators Kohl-Welles, Parlette and Keiser

AN ACT Relating to flavored malt beverage; and amending RCW 66.04.010.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6539 by Senators Kohl-Welles, Parlette and Keiser

AN ACT Relating to the limit on spirits, beer, and wine restaurant licenses; and amending RCW 66.24.420.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6540 by Senators Kohl-Welles, Parlette and Keiser

AN ACT Relating to processing liquor licenses; and amending RCW 66.24.010.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6541 by Senators Prentice and Zarelli

AN ACT Relating to appeal bond requirements involving judgments against signatories of the tobacco master settlement agreement; adding a new section to chapter 43.340 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6542 by Senators Mulliken, Rasmussen, Schoesler, Sheldon, Morton, Shin, Delvin and Honeyford

AN ACT Relating to exempting farming services from business and occupation tax; amending RCW 82.04.330; and providing an effective date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6543 by Senators Haugen and Benton

AN ACT Relating to the cosmetology apprenticeship program; amending RCW 18.16.020, 18.16.030, 18.16.050, 18.16.060, 18.16.100, 18.16.180, and 18.16.280; and reenacting and amending RCW 18.16.175.

Referred to Committee on Labor, Commerce, Research & Development.

FIFTH DAY, JANUARY 13, 2006

2006 REGULAR SESSION

SB 6544 by Senator Eide

AN ACT Relating to the community economic revitalization board's funding of public facility construction projects; and amending RCW 43.160.200.

Referred to Committee on International Trade & Economic Development.

SB 6545 by Senators Sheldon, Esser, Benson and Haugen

AN ACT Relating to the minimum height requirement for the attachment of vehicle license plates; and reenacting and amending RCW 46.16.240.

Referred to Committee on Transportation.

SB 6546 by Senators Weinstein, Sheldon and Haugen

AN ACT Relating to state conformity with federal safety standards for mopeds; and amending RCW 46.04.304 and 46.44.050.

Referred to Committee on Transportation.

SB 6547 by Senators Weinstein and Haugen

AN ACT Relating to sound and video recordings by law enforcement officers; and amending RCW 9.73.090.

Referred to Committee on Judiciary.

SB 6548 by Senators Jacobsen, Oke and Weinstein

AN ACT Relating to application for vehicle certificates of title; and amending RCW 46.12.030 and 46.12.040.

Referred to Committee on Transportation.

SB 6549 by Senators Benson, Jacobsen, Mulliken and Berkey

AN ACT Relating to commercial vehicles; and amending RCW 46.25.010, 46.32.005, 46.37.395, and 46.44.105.

Referred to Committee on Transportation.

SB 6550 by Senators Kastama, Esser, Berkey and Eide

AN ACT Relating to driver training schools; amending RCW 46.82.280, 46.82.300, 46.82.310, 46.82.320, 46.82.325, 46.82.330, 46.82.340, 46.82.350, 46.82.360, 46.82.370, 46.82.420, 18.235.020, and 46.20.055; adding a new section to chapter 46.82 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SB 6551 by Senators Esser, Sheldon and Berkey

AN ACT Relating to regulation of limousines; amending RCW 46.04.274; and providing an effective date.

Referred to Committee on Transportation.

SB 6552 by Senators Benson, Haugen, Mulliken, Berkey and Sheldon

AN ACT Relating to commercial driver's licenses; and amending RCW 46.20.270, 46.25.010, 46.25.050, 46.25.090, 46.25.120, 46.52.101, and 46.63.070.

Referred to Committee on Transportation.

SB 6553 by Senators Haugen, Benson, Jacobsen and Benton

AN ACT Relating to department of transportation organization; amending RCW 47.01.101; and creating a new section.

Referred to Committee on Transportation.

SB 6554 by Senators Rasmussen, Johnson and Kline

AN ACT Relating to organized retail theft; amending RCW 9A.56.010; reenacting and amending RCW 9A.82.010 and 9.94A.515; adding new sections to chapter 9A.56 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6555 by Senators Prentice, Haugen, Mulliken, Berkey, Kastama and Rasmussen

AN ACT Relating to research and services for special purpose districts; amending RCW 66.08.190; and adding new sections to chapter 43.110 RCW.

Referred to Committee on Ways & Means.

SB 6556 by Senators Oke, Rasmussen, Kastama and Schmidt

AN ACT Relating to state park funding; amending RCW 79A.05.215 and 79A.05.070; adding a new section to chapter 79A.05 RCW; and providing an effective date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6557 by Senators Kohl-Welles and Keiser

AN ACT Relating to the taxation of motion picture and video production services; amending RCW 82.04.460 and 82.08.0315; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6558 by Senators Brown, Hewitt, Eide, Kohl-Welles, Benson, McAuliffe, Benton, Kline and Keiser

AN ACT Relating to the state of Washington's economic, cultural, and educational standing in the motion picture industry; adding a new section to chapter 82.04 RCW; and adding a new chapter to Title 43 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6559 by Senators Delvin, Fairley, Benton, Keiser, Brandland, Benson, Schmidt, Berkey, McAuliffe and Kline

AN ACT Relating to tax credits for contributions to low-income housing efforts; and adding a new chapter to Title 82 RCW.

FIFTH DAY, JANUARY 13, 2006

2006 REGULAR SESSION

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SJM 8030 by Senators Kline, Regala, Mulliken, Esser, Pflug, Swecker, Franklin, Rockefeller, Poulsen and Kohl-Welles

Calling on the President to provide a solution to the crisis in Sudan.

Referred to Committee on Government Operations & Elections.

SJM 8031 by Senator Jacobsen

Requesting federal action on inventoried roadless areas.

Referred to Committee on Natural Resources, Ocean & Recreation.

SCR 8415 by Senator Pridemore

Calling for a second Major League Baseball Team.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6500 which was referred to the Committee on Ways & Means.

MOTION

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

MOTION

Senator Schmidt moved adoption of the following resolution:

SENATE RESOLUTION
8689

By Senators Schmidt and Shin

WHEREAS, The State of Washington expresses its gratitude to the brave men and women of the United States Armed Forces who faithfully served our country in times of war and peace; and

WHEREAS, These men and women left the comforts of home and hearth, putting themselves in harm's way to preserve our American way of life; and

WHEREAS, Countless Americans made the ultimate sacrifice or bear the physical or emotional scars of war inflicted while carrying out their mission; and

WHEREAS, Washington State is the home of 670,628 veterans who proudly dedicated themselves to preserving this country's freedom; and

WHEREAS, While these Washington State veterans no longer wear their country's uniform, many continue to advocate for veterans' rights and entitlements;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor the brave men and women who have served our country; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the State Veterans' Legislative Coalition.

Senator Schmidt spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8689.

The motion by Senator Schmidt carried and the resolution was adopted by voice vote.

MOTION

At 10:06 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, January 16, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

EIGHTH DAY

NOON SESSION

Senate Chamber, Olympia, January 16, 2006

The Senate was called to order at 12:00 noon by Vice President Pro Tempore. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 13, 2006

SGA 9015 REBECCA BOWERS, appointed June 21, 2004, for the term ending May 31, 2008, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt and Schoesler

Passed to Committee on Rules for second reading.

January 13, 2006

SGA 9049 ROGER ERSKINE, appointed June 1, 2004, for the term ending May 31, 2008, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt and Schoesler

Passed to Committee on Rules for second reading.

January 13, 2006

SGA 9145 DORA NOBLE, appointed June 1, 2004, for the term ending May 31, 2008, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt and Schoesler

Passed to Committee on Rules for second reading.

January 13, 2006

SGA 9340 GARY COHN, appointed July 25, 2005, for the term ending June 30, 2009, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt and Schoesler

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE HOUSE

January 13, 2006

MR. PRESIDENT:

The House has passed the following bills(s):

HOUSE BILL NO. 1131,
ENGROSSED HOUSE BILL NO. 1276,
HOUSE BILL NO. 1439,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1865,
HOUSE BILL NO. 1966,

And the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6560 by Senators Eide, Shin and Sheldon

AN ACT Relating to continued funding for the public facilities construction loan revolving account; and amending RCW 43.160.085.

Referred to Committee on International Trade & Economic Development.

SB 6561 by Senators Rockefeller and Kohl-Welles

AN ACT Relating to elevator mechanic licenses; and amending RCW 70.87.240.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6562 by Senator Swecker

AN ACT Relating to critical areas safe harbor agreements; and amending RCW 36.70A.172 and 36.70A.060.

Referred to Committee on Government Operations & Elections.

SB 6563 by Senators Haugen, Brandland and Oke

EIGHTH DAY, JANUARY 16, 2006

2006 REGULAR SESSION

AN ACT Relating to admissibility in a civil action of failing to wear safety belt assemblies and failing to use child restraint systems; amending RCW 46.61.687 and 46.61.688; reenacting and amending RCW 46.61.687; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

SB 6564 by Senators Zarelli, Regala, Rockefeller, Doumit, Hewitt, Rasmussen, Johnson and Shin; by request of Lieutenant Governor

AN ACT Relating to the property tax exemption for nonprofit schools and colleges; amending RCW 84.36.050 and 84.36.805; and creating new sections.

Referred to Committee on Ways & Means.

SB 6565 by Senators Kastama, Kohl-Welles and Kline

AN ACT Relating to valid voter registrations; amending RCW 29A.08.112, 29A.08.810, 29A.08.820, 29A.08.840, 29A.08.850, and 29A.40.140; and repealing RCW 29A.08.830.

Referred to Committee on Government Operations & Elections.

SB 6566 by Senators Eide, Esser, Swecker, Haugen, Prentice and McAuliffe

AN ACT Relating to commute trip reduction; amending RCW 70.94.521, 70.94.524, 70.94.527, 70.94.531, 70.94.534, 70.94.537, 70.94.541, 70.94.544, 70.94.547, and 70.94.551; and adding a new section to chapter 70.94 RCW.

Referred to Committee on Transportation.

SB 6567 by Senators McAuliffe, Schmidt, Pridemore, Schoesler, Shin and Kohl-Welles

AN ACT Relating to terms of appointment of student regents and trustees; and amending RCW 28B.20.100, 28B.30.100, 28B.35.100, and 28B.40.100.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6568 by Senators Regala, Carrell and Oke

AN ACT Relating to animal fighting; amending RCW 16.52.117; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6569 by Senators Kastama and Swecker

AN ACT Relating to clarifying the best available science requirements to protect critical areas; and amending RCW 36.70A.172, 36.70A.280, 36.70A.290, and 36.70A.300.

Referred to Committee on Government Operations & Elections.

SB 6570 by Senators Fairley, Benton, Berkey and Honeyford

AN ACT Relating to retail installment contracts for motor vehicles; and adding a new section to chapter 63.14 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6571 by Senators Berkey, Benton, Fairley, Honeyford, Franklin and Parlette

AN ACT Relating to financing practices of motor vehicle dealers; amending RCW 46.70.180; and creating a new section.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6572 by Senator Hargrove

AN ACT Relating to the unlawful detainer process under the residential landlord-tenant act; and amending RCW 59.18.365.

Referred to Committee on Judiciary.

SB 6573 by Senators Zarelli, Honeyford, Sheldon, Hargrove, Morton, Swecker and Mulliken

AN ACT Relating to maintaining and enhancing the viability of agriculture; amending RCW 36.70A.030, 36.70A.175, and 90.48.020; and creating a new section.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6574 by Senators Mulliken, Sheldon, Schoesler, Morton and Honeyford

AN ACT Relating to providing fairness in government control of property; amending RCW 36.70A.060 and 36.70A.172; adding a new section to chapter 8.04 RCW; adding new sections to chapter 64.40 RCW; and creating new sections.

Referred to Committee on Government Operations & Elections.

SB 6575 by Senators Rasmussen, Roach, Kastama, Brandland, Berkey, Doumit, Rockefeller, Shin and Franklin

AN ACT Relating to accessory uses on agricultural lands; and amending RCW 36.70A.177.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6576 by Senators Hargrove, Brandland, Rasmussen and McAuliffe

AN ACT Relating to forwarding of sex offender information; and amending RCW 43.43.540.

Referred to Committee on Human Services & Corrections.

SB 6577 by Senator Prentice

AN ACT Relating to the electronic administration of the real estate excise tax; amending RCW 82.45.210; reenacting and amending RCW 82.45.180; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6578 by Senator Pridemore

EIGHTH DAY, JANUARY 16, 2006

2006 REGULAR SESSION

AN ACT Relating to insurance premiums tax; amending RCW 48.14.080; creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6579 by Senators McAuliffe, Eide, Weinstein, Schmidt, Berkey, Rasmussen, Franklin, Keiser and Shin

AN ACT Relating to juvenile interrogation; adding a new section to chapter 13.40 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6580 by Senators McAuliffe, Schmidt, Weinstein, Carrell, Berkey, Rasmussen, Oke and Shin

AN ACT Relating to juvenile sex offender and kidnapping offender notification and information sharing in schools; creating new sections; and providing expiration dates.

Referred to Committee on Human Services & Corrections.

SB 6581 by Senators Poulsen and Delvin

AN ACT Relating to water resource management in the Columbia river basin; reenacting and amending RCW 43.84.092; adding a new chapter to Title 90 RCW; and providing an effective date.

Referred to Committee on Water, Energy & Environment.

SB 6582 by Senators Berkey, Jacobsen, Franklin and Rasmussen

AN ACT Relating to the state parks golden age pass; and adding a new section to chapter 79A.05 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6583 by Senator Berkey

AN ACT Relating to exempting indigent persons from the local transit agency motor vehicle excise tax; and amending RCW 81.104.160.

Referred to Committee on Transportation.

SB 6584 by Senators Kohl-Welles, Benton, Fairley, Keiser and Kline

AN ACT Relating to mortgage lenders and credit card issuers; and adding a new chapter to Title 19 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6585 by Senators Doumit, Zarelli, Schmidt and Rasmussen

AN ACT Relating to allowing department of fish and wildlife enforcement officers to transfer service credit; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Ways & Means.

SB 6586 by Senators Haugen and McCaslin

AN ACT Relating to payment of claims by checks or

warrants; adding a new section to chapter 35.23 RCW; and adding a new section to chapter 35.27 RCW.

Referred to Committee on Government Operations & Elections.

SB 6587 by Senators Kastama, Regala, Keiser, Deccio, Thibaudeau, Rasmussen, McAuliffe, Kohl-Welles and Kline

AN ACT Relating to creating an office of mental health ombudsman; adding a new chapter to Title 43 RCW; creating a new section; repealing RCW 71.24.350; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 6588 by Senator Eide

AN ACT Relating to tax incentives for certain multiple-unit dwellings in urban centers; and amending RCW 84.14.010.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6589 by Senators Eide and McAuliffe

AN ACT Relating to the development of affordable housing through flexible short subdivision; amending RCW 58.17.060; and creating a new section.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6590 by Senators Kline, Esser, Johnson and Weinstein

AN ACT Relating to the uniform interstate family support act; and amending RCW 26.21A.900.

Referred to Committee on Judiciary.

SB 6591 by Senators Keiser and Deccio

AN ACT Relating to the distribution of dangerous drugs; amending RCW 18.64.011 and 18.64.046; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 6592 by Senators Keiser, Kohl-Welles and Kline

AN ACT Relating to requiring minimum paid sick leave from employment; amending RCW 49.12.280, 49.12.285, 49.12.287, and 49.12.290; adding new sections to chapter 49.12 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6593 by Senators Spanel and Berkey

AN ACT Relating to the uniform securities act of Washington; amending RCW 42.56.400; adding a new chapter to Title 21 RCW; repealing RCW 21.20.005, 21.20.010, 21.20.020, 21.20.030, 21.20.035, 21.20.037, 21.20.040, 21.20.050, 21.20.060, 21.20.070, 21.20.080, 21.20.090, 21.20.100, 21.20.110, 21.20.120, 21.20.130, 21.20.135, 21.20.140, 21.20.180, 21.20.190, 21.20.200, 21.20.210, 21.20.220, 21.20.230, 21.20.240, 21.20.250, 21.20.260, 21.20.270, 21.20.275, 21.20.280, 21.20.290,

EIGHTH DAY, JANUARY 16, 2006

2006 REGULAR SESSION

21.20.300, 21.20.310, 21.20.320, 21.20.325, 21.20.327,
21.20.330, 21.20.340, 21.20.350, 21.20.360, 21.20.370,
21.20.380, 21.20.390, 21.20.395, 21.20.400, 21.20.410,
21.20.420, 21.20.430, 21.20.435, 21.20.440, 21.20.450,
21.20.460, 21.20.470, 21.20.480, 21.20.490, 21.20.500,
21.20.510, 21.20.520, 21.20.530, 21.20.540, 21.20.550,
21.20.560, 21.20.570, 21.20.580, 21.20.590, 21.20.700,
21.20.702, 21.20.705, 21.20.710, 21.20.715, 21.20.717,
21.20.720, 21.20.725, 21.20.727, 21.20.730, 21.20.732,
21.20.734, 21.20.740, 21.20.745, 21.20.750, 21.20.800,
21.20.805, 21.20.810, 21.20.815, 21.20.820, 21.20.825,
21.20.830, 21.20.835, 21.20.840, 21.20.845, 21.20.850,
21.20.855, 21.20.900, 21.20.905, 21.20.910, 21.20.915,
21.20.920, 21.20.925, 21.20.930, 21.20.935, and 21.20.940;
prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions, Housing &
Consumer Protection.

SB 6594 by Senators Regala, Prentice, Doumit, Eide,
Keiser, Fairley, Franklin and Kline

AN ACT Relating to conforming Washington's tax structure
to the streamlined sales and use tax agreement; amending
RCW 82.32.020, 82.08.037, 82.12.037, 82.02.210,
82.32.030, 82.14.020, 82.14.390, 82.32.520, 82.04.065,
82.04.065, 82.08.0289, 82.08.0289, 82.04.060, 82.04.190,
82.14B.020, 82.72.010, 82.32.555, 35A.82.055,
35A.82.060, 35A.82.060, 35A.82.065, 35.21.712,
35.21.714, 35.21.714, 35.21.715, 35.21.860, 35.102.020,
82.04.530, 82.16.010, 82.08.0283, 82.12.0277, 82.08.803,
82.12.803, 82.08.945, 82.12.945, 82.04.470, 82.08.010,
82.08.010, and 82.32.430; amending 2004 c 153 s 502
(uncodified); reenacting and amending RCW 82.04.050,
82.14B.030, 82.08.050, and 82.32.330; adding new sections
to chapter 82.32 RCW; adding new sections to chapter
82.14 RCW; adding new sections to chapter 82.08 RCW;
adding new sections to chapter 82.12 RCW; adding a new
section to chapter 44.28 RCW; creating new sections;
providing effective dates; providing a contingent effective
date; and providing expiration dates.

Referred to Committee on Ways & Means.

SB 6595 by Senators Franklin, Esser, Keiser, Fairley,
Kastama, Weinstein, Thibaudeau, Benton, Kline, Pridemore,
Prentice, Kohl-Welles, Rasmussen and McAuliffe

AN ACT Relating to reducing injuries among patients and
health care workers; adding a new section to chapter 49.17
RCW; and providing an effective date.

Referred to Committee on Labor, Commerce, Research &
Development.

SB 6596 by Senators Kline, Johnson, Weinstein and
Esser

AN ACT Relating to the dissolution of Washington
corporations; amending RCW 7.60.025, 23B.06.400,
23B.08.310, 23B.12.010, 23B.14.010, 23B.14.020,
23B.14.030, 23B.14.050, 23B.14.060, 23B.14.210,
23B.14.220, 23B.14.300, 23B.14.310, 23B.14.320,
23B.14.340, and 23B.14.400; and adding new sections to
chapter 23B.14 RCW.

Referred to Committee on Judiciary.

SB 6597 by Senators Johnson, Kline, Weinstein and
Esser

AN ACT Relating to trusts and estates; amending RCW
11.104A.040, 11.104A.050, 11.108.010, 11.108.025,
11.108.060, 11.108.900, 11.95.070, 11.24.010, 11.24.020,
11.96A.030, 11.96A.100, 11.96A.110, 11.96A.150,
6.32.250, 19.36.020, and 11.62.005; adding a new section to
chapter 11.108 RCW; adding a new section to chapter
11.96A RCW; adding a new section to chapter 11.95 RCW;
and creating a new section.

Referred to Committee on Judiciary.

SB 6598 by Senators Haugen and Jacobsen

AN ACT Relating to hunting; and adding a new section to
chapter 77.36 RCW.

Referred to Committee on Natural Resources, Ocean &
Recreation.

SB 6599 by Senators Haugen, Berkey, Weinstein,
Poulsen and Deccio

AN ACT Relating to central Puget Sound regional
transportation governance and funding; amending RCW
36.120.020, 36.120.030, 36.120.040, 36.120.050,
36.120.070, 36.120.080, 36.120.110, 81.112.030,
81.100.080, and 29A.36.071; reenacting and amending
RCW 43.79A.040, 43.84.092, and 43.84.092; adding new
sections to chapter 36.120 RCW; adding a new section to
chapter 81.112 RCW; providing an effective date; and
providing an expiration date.

Referred to Committee on Transportation.

SB 6600 by Senators Haugen, Jacobsen and Berkey

AN ACT Relating to residential density on islands
consisting of rural lands; and amending RCW 36.70A.011.

Referred to Committee on Government Operations &
Elections.

SB 6601 by Senators Eide and Haugen

AN ACT Relating to transportation revenue; amending
RCW 46.17.010; reenacting and amending RCW 43.84.092
and 43.84.092; adding a new section to chapter 46.68 RCW;
providing an effective date; and providing an expiration
date.

Referred to Committee on Transportation.

SB 6602 by Senators Benson, McCaslin, Stevens,
Carrell, Morton, Benton, Schoesler, Delvin, Esser and Roach

AN ACT Relating to an exemption from the passenger
vehicle weight fee; adding a new section to chapter 46.17
RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 6603 by Senators Doumit, Morton and Parlette

AN ACT Relating to wildfire prevention and protection;
creating new sections; making an appropriation; and
providing an expiration date.

Referred to Committee on Natural Resources, Ocean &
Recreation.

EIGHTH DAY, JANUARY 16, 2006

2006 REGULAR SESSION

SB 6604 by Senators Prentice, Rasmussen and McAuliffe

AN ACT Relating to providing excise tax relief for aerospace businesses; amending RCW 82.04.250, 82.32.590, 82.32.600, and 82.04.4463; reenacting and amending RCW 82.32.330; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; adding new sections to chapter 82.32 RCW; creating a new section; providing effective dates; and providing expiration dates.

Referred to Committee on International Trade & Economic Development.

SB 6605 by Senators Fraser, Oke, Fairley, Deccio, Franklin, Rasmussen and Kline

AN ACT Relating to educational interpreters for hearing-impaired students; adding new sections to chapter 28A.155 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28B.76 RCW; and creating new sections.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6606 by Senators Fraser, Oke, Fairley, Deccio, Berkey, McAuliffe, Keiser, Kline, Regala, Honeyford, Thibaudeau, Mulliken, Pridemore, Rockefeller, Delvin, Rasmussen and Kohl-Welles

AN ACT Relating to standards for educational interpreters for students who are deaf or hard of hearing; adding a new section to chapter 28A.155 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6607 by Senators Kohl-Welles, Weinstein, McAuliffe, Pridemore, Rockefeller, Fairley, Keiser, Fraser, Franklin and Kline

AN ACT Relating to protecting public health in the application of pesticides near schools, nursing homes, child care centers, and other facilities with vulnerable populations; and adding a new section to chapter 43.20 RCW.

Referred to Committee on Health & Long-Term Care.

SCR 8416 by Senators Kastama and Kline

Moving the September 2006 legislative assembly to a location east of the Cascade Mountains.

Referred to Committee on Government Operations & Elections.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1131 by Representatives Nixon, Haigh and Shabro

AN ACT Relating to restrictions on mailing by legislators; and amending RCW 42.52.185.

Referred to Committee on Government Operations & Elections.

EHB 1276 by Representatives Grant, Holmquist, Kessler, Upthegrove, Walsh, Linville, Nixon, Hinkle, Buri, Newhouse, Orcutt, Kristiansen, Campbell, Hankins, McDonald, Talcott, Bailey, Shabro, Skinner, Roach, Haigh, McCune, Kretz, Hunter, Moeller, Miloscia, Williams, O'Brien, Schindler, P. Sullivan, Blake, Anderson, Buck, Wallace, Chase, Condotta and Santos

AN ACT Relating to the governor's signature on significant legislative rules; and amending RCW 34.05.360.

Referred to Committee on Government Operations & Elections.

HB 1439 by Representatives Green, Nixon, Haigh, Upthegrove, Chase and Dunn

AN ACT Relating to electronic and web-based bidding; and amending RCW 43.19.1906, 43.19.1908, and 43.19.1911.

Referred to Committee on Government Operations & Elections.

ESHB 1865 by House Committee on Transportation (originally sponsored by Representatives Kilmer, Woods, Lantz, Appleton, Talcott, Green and Williams)

AN ACT Relating to sales and use taxes related to the state route 16 corridor improvements project; amending RCW 47.46.060; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways & Means.

HB 1966 by Representatives Ericks, O'Brien, Lovick, Strow, Haler, Takko, Morrell, Nixon, Campbell, McIntire, Conway, Santos, Chase and Moeller

AN ACT Relating to classifying identity theft as a crime against persons; and reenacting and amending RCW 9.94A.411.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6563 which was referred to the Committee on Transportation, Senate Bill No. 6587 which was referred to the Committee on Human Services & Corrections, Senate Bill No. 6595 which was referred to the Committee on Labor, Commerce, Research & Development, Senate Bill No. 6604 which was referred to the Committee on International Trade & Economic Development, Senate Bill No. 6573 and Senate Bill No. 6575 which were referred to the Committee on Agriculture & Rural Economic Development.

MOTION

At 12:04 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon a.m. Tuesday, January 17, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

NINTH DAY

NOON SESSION

Senate Chamber, Olympia, January 17, 2006

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 16, 2006

SB 6536 Prime Sponsor, Jacobsen: Regarding the legislative youth advisory council. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, McCaslin, Pridemore and Roach

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6608 by Senators McCaslin, Mulliken, Parlette and Benton

AN ACT Relating to disqualification from unemployment benefits due to incarceration; and adding a new section to chapter 50.20 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6609 by Senators Rasmussen, Delvin, Sheldon, Schoesler, Morton, Mulliken, Roach and Shin

AN ACT Relating to exempting wholesale sales of bulk raw milk from business and occupation tax; and amending RCW 82.04.332.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6610 by Senators Oke, Rockefeller, Shin, Pflug and Sheldon

AN ACT Relating to promoting underwater viewing; amending RCW 43.330.090, 77.12.065, 79.105.050, 79A.05.360, and 79A.25.005; and creating new sections.

Referred to Committee on International Trade & Economic Development.

SB 6611 by Senators Kohl-Welles, Benton and Schoesler

AN ACT Relating to home heating fuel service contracts; amending RCW 48.110.015 and 48.110.020; adding a new chapter to Title 48 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6612 by Senators Kline, Johnson, Esser and Roach

AN ACT Relating to administration of the courts of limited jurisdiction; amending RCW 3.30.020, 3.30.090, 3.38.020, 3.38.030, 3.38.040, 3.38.060, 3.42.010, 3.46.010, 3.46.030, 3.46.067, 3.46.070, 3.46.120, 3.46.150, 3.50.005, 3.50.010, 3.50.030, 3.50.060, 3.50.075, 3.50.805, 3.58.050, 3.62.050, 35.20.010, 39.34.030, 39.34.180, 82.14.320, and 82.14.330; adding new sections to chapter 3.46 RCW; repealing RCW 3.46.020, 3.46.040, 3.46.050, 3.46.060, 3.46.063, 3.46.080, 3.46.090, 3.46.100, 3.46.110, 3.46.130, 3.46.140, 3.46.145, 3.50.007, 3.50.800, 3.50.810, 3.62.070, 3.62.100, 35.22.425, 35.23.555, 35.27.515, 35.30.100, and 35A.11.200; and providing an effective date.

Referred to Committee on Judiciary.

SB 6613 by Senators Prentice, Keiser, Kline, Rasmussen and Shin

AN ACT Relating to reaffirming and clarifying the prohibition against internet and certain other interactive electronic or mechanical devices to engage in gambling; amending RCW 9.46.240, 9.46.0269, and 67.70.040; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6614 by Senator Jacobsen

AN ACT Relating to creating an international airport expedited security screening task force; and creating new sections.

Referred to Committee on Transportation.

SB 6615 by Senators Prentice and Rasmussen

AN ACT Relating to limiting the number and location of house-banked social card games; amending RCW 9.46.295 and 9.46.070; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6616 by Senators Haugen, Jacobsen and Shin

AN ACT Relating to limitations on hunting; and adding a new section to chapter 77.32 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6617 by Senators Haugen and Rasmussen

AN ACT Relating to verification of the contents of farm plans prepared by conservation districts; amending RCW 42.56.270; adding a new section to chapter 89.08 RCW; and providing an effective date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6618 by Senators McAuliffe and Schmidt

AN ACT Relating to the high school assessment system; and amending RCW 28A.655.061.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6619 by Senator Deccio

AN ACT Relating to dangerous dogs; and amending RCW 16.08.070, 16.08.080, and 16.08.090.

Referred to Committee on Judiciary.

SB 6620 by Senators Rasmussen, Pridemore and Benton

AN ACT Relating to eliminating the certificate of academic achievement as a requirement for high school graduation; amending RCW 28A.655.061, 28A.155.045, and 28A.230.090; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6621 by Senators Kohl-Welles, Deccio and Shin

AN ACT Relating to the business and occupation taxation of payments and contributions to nonprofit convention and tourism promotion corporations by public entities; and adding a new section to chapter 82.04 RCW.

Referred to Committee on International Trade & Economic Development.

SB 6622 by Senators Keiser and Kline

AN ACT Relating to vulnerable adult abuse investigation results; amending RCW 74.34.067 and 74.34.095; adding a new section to chapter 74.34 RCW; and repealing RCW 74.34.068.

Referred to Committee on Health & Long-Term Care.

SB 6623 by Senators Prentice, Brandland, Parlette, Schoesler, Thibaudeau, Keiser, Oke, McAuliffe, Roach, Rasmussen and Shin

AN ACT Relating to business and occupation tax exemption for chemotherapy and anticancer drugs dispensed pursuant to prescription; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways & Means.

SB 6624 by Senators Keiser, Kastama and McAuliffe

AN ACT Relating to revising the nursing facility payment system; amending RCW 74.46.431, 74.46.433, 74.46.496, 74.46.501, 74.46.506, 74.46.511, 74.46.515, and 74.46.521; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6625 by Senators Parlette and Fraser

AN ACT Relating to public lands management; amending RCW 43.79.270; and adding a new section to chapter 79A.25 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6626 by Senator Prentice

AN ACT Relating to tax incentives for certain multiple-unit dwellings in urban centers; and amending RCW 84.14.010.

Referred to Committee on Ways & Means.

SB 6627 by Senators Weinstein and Fairley

AN ACT Relating to tolling the statute of limitations for construction defect actions; and amending RCW 64.50.020.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6628 by Senators Fairley, Regala, Thibaudeau, Keiser, Kline, McAuliffe and Kohl-Welles

AN ACT Relating to preserving the WorkFirst child safety net program; and amending RCW 74.08A.260.

Referred to Committee on Human Services & Corrections.

SB 6629 by Senators Kohl-Welles, Pridemore, Keiser, Brown, Regala, Thibaudeau and Kline

AN ACT Relating to providing working connections child care for certain temporary assistance for needy families recipients; adding a new section to chapter 74.08A RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6630 by Senators Kline, Prentice, Keiser, Fairley, Regala, McAuliffe and Kohl-Welles

AN ACT Relating to protecting communities from individuals with behaviors that pose a threat of violence or sexual violence; amending RCW 43.190.020, 43.190.030, and 43.190.040; adding new sections to chapter 71A.12 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 6631 by Senator Jacobsen

AN ACT Relating to the creation of an extended authority commission for Washington state patrol officers; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Transportation.

SB 6632 by Senators Kastama, Eide, Keiser, Roach, Johnson, Regala, Fraser, Haugen, Kline, Hewitt, Swecker, Finkbeiner, McAuliffe, Poulsen and Spanel

AN ACT Relating to Washington state participation in the Johns Hopkins University Atlantic cardiovascular patient outcomes research team elective angioplasty study to

NINTH DAY, JANUARY 17, 2006

2006 REGULAR SESSION

determine, through evidence-based medicine, whether nonemergency percutaneous coronary interventions can be performed safely and effectively at hospitals without on-site open heart surgery programs; adding new sections to chapter 43.70 RCW; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

SB 6633 by Senators Regala, Oke, Roach and Kohl-Welles

AN ACT Relating to a record check of a metropolitan park district's job applicants, volunteers, and independent contractors; and amending RCW 35.61.130.

Referred to Committee on Government Operations & Elections.

SB 6634 by Senators Benton, Rasmussen, Benson, Stevens, Carrell, Delvin, Schoesler, Honeyford, Franklin, Johnson, Oke and Roach

AN ACT Relating to the registration of homeless sex offenders; amending RCW 9A.44.130; reenacting and amending RCW 9A.44.130; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6635 by Senators Franklin, Benton, Zarelli, Stevens, Honeyford and Rasmussen

AN ACT Relating to adoption; amending RCW 26.33.010, 26.33.045, 26.33.150, 26.33.190, and 26.33.240; reenacting and amending RCW 43.79A.040; and adding new sections to chapter 26.33 RCW.

Referred to Committee on Human Services & Corrections.

SB 6636 by Senator Deccio

AN ACT Relating to the transfer of fixed assets; and amending RCW 43.99C.045.

Referred to Committee on Government Operations & Elections.

SB 6637 by Senators Keiser and Deccio

AN ACT Relating to qualifications for adult family home providers; and amending RCW 70.128.120.

Referred to Committee on Health & Long-Term Care.

SB 6638 by Senators Deccio and Keiser

AN ACT Relating to the definition of adult family home; and reenacting and amending RCW 70.128.010.

Referred to Committee on Health & Long-Term Care.

SB 6639 by Senators Pridemore, Schmidt, Keiser, McAuliffe and Kohl-Welles

AN ACT Relating to establishing the Washington teach math-science program to increase the number and enhance the preparation of secondary school mathematics and science teachers; amending RCW 28B.102.040, 28B.102.060, and 28A.660.050; reenacting and amending RCW 43.84.092; adding a new section to chapter 28B.76

RCW; adding a new chapter to Title 28B RCW; making appropriations; and providing an effective date.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6640 by Senators Oke, Sheldon and Rockefeller

AN ACT Relating to sales and use taxes related to the state route 16 corridor improvements project; amending RCW 47.46.060; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways & Means.

SB 6641 by Senators Pflug and Kline

AN ACT Relating to the special education ombudsman; and adding a new section to chapter 28A.155 RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6642 by Senators Fraser, Deccio, Fairley, Mulliken, Prentice, Honeyford, Haugen, Rockefeller, Berkey, Delvin, McAuliffe, Keiser, Kline, Regala, Thibaudeau, Parlette, Franklin, Sheldon, Roach, Rasmussen, Kohl-Welles and Shin

AN ACT Relating to prohibiting sellers of travel from promoting travel for prostitution; adding a new section to chapter 9A.88 RCW; adding a new section to chapter 19.138 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor, Commerce, Research & Development.

SJM 8032 by Senators Keiser, Franklin, Kohl-Welles, Thibaudeau, Kline and McAuliffe

Asking for over-the-counter access status to "Plan B."

Referred to Committee on Health & Long-Term Care.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6624 which was referred to the Committee on Ways & Means.

MOTION

At 12:02 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, January 18, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

TENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 18, 2006

The Senate was called to order at 10:00 a.m. by President Pro Tempore. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators McCaslin and Oke.

The Sergeant at Arms Color Guard consisting of Pages Laura Boyle and Dan Ceballos, presented the Colors. Pastor Robert Christensen of the Olympia-Lacey Church of God offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 16, 2006

SB 6149 Prime Sponsor, Schoesler: Authorizing substitute teacher or educational aide contracts for school district officers under certain conditions. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6149 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

January 16, 2006

SB 6160 Prime Sponsor, Jacobsen: Abolishing the Washington wildlife rescue coalition. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Morton, Oke, Spanel and Stevens

Passed to Committee on Rules for second reading.

January 16, 2006

SB 6179 Prime Sponsor, Jacobsen: Modifying provisions related to the commercial harvest of geoduck clams. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Morton, Oke, Spanel and Stevens

Passed to Committee on Rules for second reading.

January 16, 2006

SB 6187 Prime Sponsor, Keiser: Removing tricare supplemental insurance policies from the definition of health plan or health benefit plan. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

January 17, 2006

SB 6192 Prime Sponsor, Poulsen: Requiring a feasibility study of the viability of a solar electric generating facility. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6192 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

January 16, 2006

SB 6219 Prime Sponsor, Keiser: Providing for financial literacy education. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

January 16, 2006

SB 6255 Prime Sponsor, Eide: Improving student performance through student-centered planning. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6255 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Ways & Means.

January 16, 2006

SB 6264 Prime Sponsor, Kohl-Welles: Allowing an injured worker to change total permanent disability pension options under certain circumstances. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

January 17, 2006

SB 6506 Prime Sponsor, Honeyford: Limiting building permit moratoriums. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Without recommendation.

TENTH DAY, JANUARY 18, 2006

Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin, Mulliken and Roach

MINORITY recommendation: Do not pass. Signed by Senator Benton

Passed to Committee on Water, Energy & Environment.

January 16, 2006

SJM 8025 Prime Sponsor, Pridemore: Requesting Congress to enact the Kidney Care Quality Improvement Act of 2005. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 17, 2006

SGA 9213 SHIRLEY WINSLEY, appointed July 1, 2004, for the term ending March 1, 2009, as Member of the Board of Tax Appeals. Reported by Committee on Ways & Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Hewitt, Kohl-Welles, Parlette, Rasmussen, Regala, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

January 16, 2006

SGA 9308 LARRY SANCHEZ, appointed March 10, 2005, for the term ending September 30, 2008, as Member, Board of Trustees, Yakima Valley Community College District No. 16. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Berkey, Delvin, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

January 17, 2006

SGA 9319 TERRY SEBRING, appointed May 1, 2005, for the term ending March 1, 2011, as a Chair of the Tax appeals Board. Reported by Committee on Ways & Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Hewitt, Kohl-Welles, Parlette, Rasmussen, Regala, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

January 17, 2006

SGA 9322 SANDY MATHESON, appointed April 1, 2005, for the term ending at the governor's pleasure, as a Director of the Department of Retirement Systems. Reported by Committee on Ways & Means

2006 REGULAR SESSION

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Rasmussen, Regala, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

January 17, 2006

SGA 9328 CINDI HOLMSTROM, appointed April 11, 2005, for the term ending at the governor's pleasure, as a Director of the Department of Revenue. Reported by Committee on Ways & Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Rasmussen, Regala, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

January 16, 2006

SGA 9360 KRISTINE A. KLAVEANO, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Walla Walla Community College District No. 20. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Berkey, Delvin, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 18, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

VAL OGDEN, reappointed January 4, 2006, for the term ending December 31, 2008, as a Chair of the Interagency Committee for Outdoor Recreation.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

January 18, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

TENTH DAY, JANUARY 18, 2006

2006 REGULAR SESSION

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

GARY LOCKE, appointed October 1, 2005, for the term ending October 1, 2009, as Member, Board of Trustees, The Life Sciences Discovery Fund Authority.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6643 by Senators Kastama, Roach, Kline, Benton, Keiser, Fairley, Fraser, Haugen and Rasmussen

AN ACT Relating to authorizing additional payroll deductions for state employees; and amending RCW 41.04.230.

Referred to Committee on Government Operations & Elections.

SB 6644 by Senators Kohl-Welles, Keiser and Kline

AN ACT Relating to deducting union dues for state employees; and amending RCW 41.80.100 and 41.04.230.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6645 by Senators Kline, Benton, Keiser, Fairley, Fraser and Haugen

AN ACT Relating to distribution of communications by state employees; and adding a new section to chapter 42.52 RCW.

Referred to Committee on Government Operations & Elections.

SB 6646 by Senators Doumit, Parlette, Sheldon, Swecker and Rasmussen

AN ACT Relating to outdoor burning in areas of small towns and cities; and amending RCW 70.94.743.

Referred to Committee on Water, Energy & Environment.

SB 6647 by Senator Fairley

AN ACT Relating to manufactured/mobile homes; amending RCW 59.20.250; reenacting and amending RCW 42.17.310; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 59 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6648 by Senator Fairley

AN ACT Relating to manufactured/mobile homes; amending RCW 59.22.070, 59.20.090, 59.20.130, and 59.20.050; adding a new chapter to Title 59 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6649 by Senators Morton and Sheldon

AN ACT Relating to day labor construction projects for counties; and amending RCW 36.77.065 and 36.77.070.

Referred to Committee on Transportation.

SB 6650 by Senators Morton, Mulliken and Sheldon

AN ACT Relating to off-road vehicle use in small cities; and amending RCW 46.09.180 and 46.37.010.

Referred to Committee on Transportation.

SB 6651 by Senators Kohl-Welles, Kline, Regala and Fraser

AN ACT Relating to the restriction of voting rights for incarcerated felons; amending RCW 29A.08.520, 29A.08.651, and 29A.68.020; adding a new section to chapter 29A.08 RCW; creating a new section; and repealing RCW 10.64.021.

Referred to Committee on Government Operations & Elections.

SB 6652 by Senators Kohl-Welles, Kline, Fraser and Keiser

AN ACT Relating to victims of human trafficking; amending RCW 40.24.030; and adding a new section to chapter 7.68 RCW.

Referred to Committee on Human Services & Corrections.

SB 6653 by Senators Kastama, Roach, Fairley and Benton

AN ACT Relating to modifying the provisions of the address confidentiality program; and amending RCW 40.24.020, 40.24.030, 40.24.040, 40.24.060, and 40.24.070.

Referred to Committee on Government Operations & Elections.

SB 6654 by Senators Haugen and Kline

AN ACT Relating to photo enforcement of traffic infractions; and amending RCW 46.63.030 and 46.63.160.

Referred to Committee on Transportation.

SB 6655 by Senators Fraser and Pridemore

AN ACT Relating to retirement benefits for judges; and amending RCW 2.14.010, 2.14.030, 2.14.040, 2.14.060, 2.14.080, 2.14.100, and 2.14.110.

Referred to Committee on Judiciary.

TENTH DAY, JANUARY 18, 2006

2006 REGULAR SESSION

SB 6656 by Senators Kastama, Mulliken and Rasmussen

AN ACT Relating to operating unregistered snowmobiles; and amending RCW 46.10.020.

Referred to Committee on Transportation.

SB 6657 by Senators Keiser, Roach and Kohl-Welles

AN ACT Relating to record checks for employees and applicants for employment at bureau of Indian affairs-funded schools; and amending RCW 28A.400.303 and 28A.400.305.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6658 by Senators Thibaudeau and Deccio

AN ACT Relating to experience requirements for licensed mental health counselors; and amending RCW 18.225.090.

Referred to Committee on Health & Long-Term Care.

SB 6659 by Senator Swecker

AN ACT Relating to creation of a full-time state legislature; adding a new section to chapter 44.04 RCW; creating a new section; and providing contingent effective dates.

Referred to Committee on Government Operations & Elections.

SB 6660 by Senator Spanel

AN ACT Relating to implementing the compensation and fringe benefit provisions in the master collective bargaining agreement; and amending RCW 41.80.010.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6661 by Senators Rasmussen, Esser, Jacobsen, Schoesler and Kohl-Welles

AN ACT Relating to establishing the Washington beer commission; amending RCW 66.44.800, 15.04.200, 42.17.31907, 42.56.380, and 43.23.033; adding a new section to chapter 66.12 RCW; adding a new chapter to Title 15 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6662 by Senators Weinstein, Esser, Finkbeiner and Rasmussen

AN ACT Relating to charitable solicitations and charitable trusts; amending RCW 19.09.020, 19.09.075, 19.09.076, 19.09.079, 19.09.097, 19.09.100, 19.09.210, 19.09.440, 11.110.051, 11.110.120, 11.110.130, and 19.09.085; adding a new section to chapter 19.09 RCW; adding new sections to chapter 11.110 RCW; adding a new section to chapter 43.10 RCW; repealing RCW 19.09.095; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6663 by Senators Schmidt, Sheldon, Stevens, Pridemore, Esser, Delvin, Jacobsen, Mulliken and Kline

AN ACT Relating to traffic relief for operators of motorcycles; and amending RCW 46.61.608.

Referred to Committee on Transportation.

SB 6664 by Senators Kastama, Oke, Rasmussen, Carrell, Shin, Benson, Hargrove, Esser, Jacobsen, Roach, Sheldon and Swecker

AN ACT Relating to a pilot program for family counseling; creating new sections; and making an appropriation.

Referred to Committee on Human Services & Corrections.

SB 6665 by Senators Kohl-Welles, Benton, Fairley, Schmidt and Rasmussen

AN ACT Relating to victims of personal information security breaches; amending RCW 48.18.545; adding new sections to chapter 19.182 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6666 by Senators Thibaudeau and Deccio

AN ACT Relating to the board of dental hygiene; amending RCW 18.29.021, 18.29.045, 18.29.120, 18.29.140, 18.29.150, 18.29.160, and 18.29.210; and adding new sections to chapter 18.29 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6667 by Senators McCaslin and Deccio

AN ACT Relating to smoking near public places or places of employment; and amending RCW 70.160.020 and 70.160.075.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6668 by Senators Kastama, Roach, Fairley and Honeyford

AN ACT Relating to updating public records provisions; amending RCW 36.22.175; adding new sections to chapter 40.14 RCW; creating a new section; and repealing RCW 40.14.010, 40.14.020, 40.14.022, 40.14.024, 40.14.025, 40.14.027, 40.14.030, 40.14.040, 40.14.050, 40.14.060, 40.14.070, 40.14.080, 40.14.100, 40.14.110, 40.14.120, 40.14.130, 40.14.140, 40.14.150, 40.14.160, 40.14.170, and 40.14.180.

Referred to Committee on Government Operations & Elections.

SB 6669 by Senators Roach, Pflug, Benson, Morton, Schmidt, Schoesler, Zarelli, Parlette, Hewitt and Mulliken

AN ACT Relating to the special sex offender sentencing alternative; and reenacting and amending RCW 9.94A.670.

Referred to Committee on Judiciary.

SB 6670 by Senators Shin, Delvin, Fraser, Hargrove and Johnson

AN ACT Relating to court filing fees; amending RCW 36.18.012, 60.04.081, and 60.70.060; and reenacting and amending RCW 36.18.016 and 36.18.020.

Referred to Committee on Judiciary.

SB 6671 by Senators Doumit, Delvin, Rasmussen and Parlette

AN ACT Relating to clarifying the application of taxes to the financial activities of professional employer organizations; amending RCW 82.08.010, 82.12.010, 82.80.050, and 35.102.040; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 35.102 RCW; adding a new section to chapter 82.02 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6672 by Senators Doumit, Delvin, Rasmussen and Parlette

AN ACT Relating to professional employer organizations; adding a new chapter to Title 18 RCW; and providing an effective date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6673 by Senators Benton, Sheldon, Esser, Rasmussen, Oke, Shin and Schoesler

AN ACT Relating to the valuation of motor vehicles for use taxation; amending RCW 82.12.010 and 82.12.045; adding a new section to chapter 82.12 RCW; creating new sections; and providing an effective date.

Referred to Committee on Transportation.

SB 6674 by Senator Oke

AN ACT Relating to funds collected from construction of the second Tacoma Narrows bridge; and amending RCW 47.56.165 and 47.12.063.

Referred to Committee on Transportation.

SB 6675 by Senator Oke

AN ACT Relating to limiting use of state park day-use access fees to costs of collection, deferred maintenance, and capital projects; amending RCW 79A.05.070; and providing an effective date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6676 by Senators Roach, Kline, Mulliken, Fairley and Rasmussen

AN ACT Relating to fraudulent transfers of motor vehicles; amending RCW 46.12.102; reenacting and amending RCW 46.12.101; adding a new section to chapter 9.45 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6677 by Senators Kohl-Welles, Johnson, McAuliffe and Finkbeiner

AN ACT Relating to the calculation of glomerular filtration rate when testing to diagnose kidney disease; and adding a new section to chapter 70.42 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6678 by Senators Carrell and Stevens

AN ACT Relating to adult family homes; and amending RCW 70.128.005, 70.128.007, and 70.128.040.

Referred to Committee on Health & Long-Term Care.

SB 6679 by Senator Haugen

AN ACT Relating to the jurisdiction of regulating train speeds; and amending RCW 81.48.030 and 81.48.040.

Referred to Committee on Transportation.

SB 6680 by Senators Brandland, Haugen and Rasmussen

AN ACT Relating to a biometric matching system for driver's licenses and identicards; and amending RCW 46.20.037.

Referred to Committee on Transportation.

SB 6681 by Senators Kohl-Welles, Pridemore, Brown and Fairley

AN ACT Relating to requiring school district policies on access to students and student records; creating new sections; and prescribing penalties.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6682 by Senators Kastama, Schmidt, McAuliffe, Rockefeller, Pflug, Weinstein, Rasmussen, Finkbeiner and Poulsen

AN ACT Relating to alternative public works contracting for school district capital demonstration projects; amending RCW 39.10.067; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

SB 6683 by Senators Fairley, Pridemore, Thibaudeau and Rasmussen

AN ACT Relating to visitation rights for grandparents; amending RCW 26.09.004 and 26.10.160; adding a new section to chapter 26.09 RCW; creating a new section; and repealing RCW 26.09.240.

Referred to Committee on Judiciary.

SB 6684 by Senator Swecker

AN ACT Relating to abstracts of driving records; and amending RCW 46.52.130.

Referred to Committee on Transportation.

SB 6685 by Senators Regala, Brandland, Delvin and Rasmussen

TENTH DAY, JANUARY 18, 2006

2006 REGULAR SESSION

AN ACT Relating to establishing a council on mentally ill offenders; adding new sections to chapter 72.09 RCW; making an appropriation; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6686 by Senators Prentice, Esser, Kastama, Johnson, Kline, Finkbeiner, Weinstein, Keiser and Berkey

AN ACT Relating to authorizing a local sales and use tax that is credited against the state sales and use tax; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Ways & Means.

SB 6687 by Senators Fraser and Kline

AN ACT Relating to off-road vehicle noise; amending RCW 46.09.170, 70.107.050, and 70.107.060; creating new sections; and prescribing penalties.

Referred to Committee on Water, Energy & Environment.

SB 6688 by Senators Fraser and Kline

AN ACT Relating to off-road vehicle noise; amending RCW 46.09.120 and 46.09.170; creating new sections; and providing an expiration date.

Referred to Committee on Water, Energy & Environment.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6652 which was referred to the Committee on Human Services & Corrections, Senate Bill No. 6654 which was referred to the Committee on Transportation and Senate Bill No. 6682 which was referred to the Committee on Government Operations & Elections.

MOTION

At 10:10 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:30 a.m. by President Pro Tempore.

MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5042, by Senate Committee on Judiciary (originally sponsored by Senator McCaslin).

Tolling the statute of limitations for felonies. Revised for 1st Substitute: Tolling the statute of limitations for felony sex offenses.

The bill was read on Third Reading.

Senators Kline and Johnson spoke in favor of passage of the bill.

MOTION

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

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5042.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5042 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators McCaslin and Oke - 2

SUBSTITUTE SENATE BILL NO. 5042, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 6025, by Senate Committee on International Trade & Economic Development (originally sponsored by Senators Shin, Kohl-Welles, Thibaudeau and Rasmussen).

Expanding the office of the Washington state trade representative. Revised for 1st Substitute: Appointing a trade policy professional to represent the office of the Washington state trade representative.

The bill was read on Third Reading.

Senator Shin spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6025.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6025 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators McCaslin and Oke - 2

SUBSTITUTE SENATE BILL NO. 6025, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5611, by Senate Committee on Judiciary (originally sponsored by Senators Esser, Kline, Regala, Hewitt, Fairley, McCaslin, Zarelli, Weinstein, Stevens, Johnson, Brandland, Hargrove and Franklin).

TENTH DAY, JANUARY 18, 2006

2006 REGULAR SESSION

Changing the interest rate on legal financial obligations.

The bill was read on Third Reading.

Senators Esser and Kline spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5611.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5611 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 41

Voting nay: Senators Delvin, Honeyford, Keiser, Morton, Mulliken, Parlette and Schoesler - 7

Excused: Senator Oke - 1

SUBSTITUTE SENATE BILL NO. 5611, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SENATE BILL NO. 5714, by Senators Keiser, Deccio, Kastama, Parlette, Thibaudeau, McAuliffe, Brown, Rasmussen, Rockefeller and Kohl-Welles.

Establishing an early detection breast and cervical cancer screening program.

The bill was read on Third Reading.

MOTION

On motion of Senator Keiser, the rules were suspended, and Engrossed Senate Bill No. 5714 was returned to second reading for the purpose of amendment.

SECOND READING

ENGROSSED SENATE BILL NO. 5714, by Senators Keiser, Deccio, Kastama, Parlette, Thibaudeau, McAuliffe, Brown, Rasmussen, Rockefeller and Kohl-Welles

Establishing an early detection breast and cervical cancer screening program.

The measure was read the second time.

MOTION

Senator Keiser moved that the following amendment by Senator Keiser be adopted.

Beginning on page 2 , after line 33 , strike all of subsection (5)

Senator Keiser spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Keiser beginning on page 2, after line 33 to Engrossed Senate Bill No. 5714.

The motion by Senator Keiser carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Second Engrossed Senate Bill No. 5714 as amended was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

MOTION

On motion of Senator Weinstein, Senator Hargrove was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Engrossed Senate Bill No. 5714 as amended.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 5714 as amended, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators McCaslin and Oke - 2

SECOND ENGROSSED SENATE BILL NO. 5714 as amended, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Brown, moved that Gubernatorial Appointment No. 9176, Marilee Roloff, as a member of the Board of Trustees, The Evergreen State College, be confirmed.

Senator Brown spoke in favor of the motion.

APPOINTMENT OF MARILEE ROLOFF

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9176, Marilee Roloff as a member of the Board of Trustees, The Evergreen State College.

MOTION

On motion of Senator Schoesler, Senators Carrell and Johnson were excused.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9176, Marilee Roloff as a member of the Board of Trustees, The Evergreen State College and the appointment was confirmed by the following vote:

TENTH DAY, JANUARY 18, 2006

2006 REGULAR SESSION

Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Carrell, Hargrove, Johnson and Oke - 4

Gubernatorial Appointment No. 9176, Marilee Roloff, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Evergreen State College.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kline, moved that Gubernatorial Appointment No. 9100, Claudia Kauffman Redmornningstar, as a member of the Board of Trustees, the Evergreen State College, be confirmed.

Senator Kline spoke in favor of the motion.

MOTION

On motion of Senator Schoesler, Senators Deccio, Mulliken and Finkbeiner were excused.

MOTION

On motion of Senator Weinstein, Senator Haugen was excused.

APPOINTMENT OF CLAUDIA KAUFFMAN REDMORNINGSTAR

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9100, Claudia Kauffman Redmornningstar as a member of the Board of Trustees, the Evergreen State College.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9100, Claudia Kauffman Redmornningstar as a member of the Board of Trustees, the Evergreen State College and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Excused: Senators Carrell, Deccio, Finkbeiner, Hargrove, Haugen, Johnson and Oke - 7

Gubernatorial Appointment No. 9100, Claudia Kauffman Redmornningstar, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, the Evergreen State College.

MOTION

At 12:12 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, January 19, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

ELEVENTH DAY

NOON SESSION

Senate Chamber, Olympia, January 19, 2006

The Senate was called to order at 12:00 noon by President Pro Tempore. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 17, 2006

SB 6141 Prime Sponsor, Honeyford: Including the value of wind turbine facilities in the property tax levy limit calculation. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6141 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Ways & Means.

January 16, 2006

SB 6159 Prime Sponsor, Jacobsen: Concerning recreational fishing for albacore tuna. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Morton, Oke and Spanel

MINORITY recommendation: Do not pass. Signed by Senator Stevens

Passed to Committee on Rules for second reading.

January 16, 2006

SB 6161 Prime Sponsor, Oke: Concerning group fishing permits. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6161 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Morton, Oke, Spanel and Stevens

Passed to Committee on Rules for second reading.

January 17, 2006

SB 6162 Prime Sponsor, Haugen: Harmonizing and updating various aspects of the urban arterial program. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Finkbeiner, Kastama, Mulliken, Sheldon, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

January 17, 2006

SB 6168 Prime Sponsor, Fairley: Regulating business development companies and the participation of financial institutions and nondepository lenders in economic development within the state. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6168 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Finkbeiner, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

January 17, 2006

SB 6181 Prime Sponsor, Fairley: Regulating the compensation paid by an insurer to an insurance broker. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6181 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Finkbeiner, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

January 16, 2006

SB 6196 Prime Sponsor, Franklin: Including a member of the American Indian health commission for Washington state on the state board of health. Revised for 1st Substitute: Including a health official from a federally recognized tribe on the state board of health. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6196 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

January 17, 2006

SB 6231 Prime Sponsor, Spanel: Exempting certain private air ambulance services from licensing under the insurance code. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

January 18, 2006

SB 6232 Prime Sponsor, Keiser: Requiring health carriers to report certain information. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6232 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

ELEVENTH DAY, JANUARY 19, 2006

2006 REGULAR SESSION

Passed to Committee on Rules for second reading.

January 17, 2006

SB 6283 Prime Sponsor, Kastama: Revising veterans' scoring criteria in examinations. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6283 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

January 18, 2006

SB 6366 Prime Sponsor, Keiser: Concerning preparation and response to pandemic influenza. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Johnson, Kastama, Kline and Poulsen

Passed to Committee on Ways & Means.

January 17, 2006

SB 6371 Prime Sponsor, Rasmussen: Regulating the disposal of dead animals. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

January 18, 2006

SB 6379 Prime Sponsor, Poulsen: Increasing temporarily the statewide cap for the customer assistance public utility tax credit. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken and Pridemore

Passed to Committee on Ways & Means.

January 18, 2006

SB 6380 Prime Sponsor, Poulsen: Providing a limited public utility tax credit for gas distribution businesses. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken and Pridemore

Passed to Committee on Ways & Means.

January 17, 2006

SB 6432 Prime Sponsor, Rockefeller: Funding solar energy demonstration projects. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Ways & Means.

January 17, 2006

SB 6525 Prime Sponsor, Benton: Modifying transportation project design-build provisions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Finkbeiner, Kastama, Mulliken, Sheldon, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

January 17, 2006

SB 6545 Prime Sponsor, Sheldon: Removing the minimum height requirement for the attachment of vehicle license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Finkbeiner, Kastama, Mulliken, Sheldon, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

January 17, 2006

SB 6546 Prime Sponsor, Weinstein: Providing state conformity with federal safety standards for mopeds. Revised for 1st Substitute: Revising the definition of moped. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6546 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Finkbeiner, Mulliken, Sheldon, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

January 18, 2006

SB 6594 Prime Sponsor, Regala: Conforming Washington's tax structure to the streamlined sales and use tax agreement. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6594 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

January 18, 2006

SJM 8028 Prime Sponsor, Kohl-Welles: Requesting Congress to allow states to decide whether marijuana should be used legally for medicinal purposes. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Decchio, Franklin, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

January 17, 2006

ELEVENTH DAY, JANUARY 19, 2006

HB 2424 Prime Sponsor, Grant: Providing sales and use tax exemptions for users of farm fuel. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

January 16, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is DSHS Independent Analysis. This report is mandated under Chapter 518, Laws of 2005, Section 209(11).

If you have any questions about the report, please call 360-725-1079.

Sincerely,

Robin Arnold-Williams, Secretary

The Independent Analysis is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

January 13, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Whatcom Community College Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Whatcom Community College Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

January 13, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Skagit Valley College Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-903-0370.

Sincerely,

Brian Sonntag, State Auditor

The Skagit Valley College Audit Report is on file in the Office of the Secretary of the Senate.

MOTION

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

MESSAGE FROM THE HOUSE

January 18, 2006

MR. PRESIDENT:

The House has passed the following bills:
ENGROSSED HOUSE BILL NO. 1429,
ENGROSSED HOUSE BILL NO. 1466,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

January 18, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1080,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1151,
HOUSE BILL NO. 1471,
SUBSTITUTE HOUSE BILL NO. 1510,
HOUSE BILL NO. 1717,
HOUSE BILL NO. 1742,
SUBSTITUTE HOUSE BILL NO. 2337,
HOUSE BILL NO. 2406,
SUBSTITUTE HOUSE BILL NO. 2415,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6689 by Senators Brown, McAuliffe, Kohl-Welles and Rasmussen

AN ACT Relating to economic development grants and assistance; adding a new section to chapter 43.330 RCW; and creating new sections.

Referred to Committee on International Trade & Economic Development.

ELEVENTH DAY, JANUARY 19, 2006

2006 REGULAR SESSION

SB 6690 by Senators Thibaudeau, Deccio, Keiser and Johnson

AN ACT Relating to a certification exemption for the conduct of blood-drawing procedures by research staff in the homes of research study participants; and adding a new section to chapter 18.135 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6691 by Senators Weinstein and Kline

AN ACT Relating to notice to prosecutors when crime victims' records are sought; and amending RCW 70.125.065, 7.69.030, and 7.69A.030.

Referred to Committee on Judiciary.

SB 6692 by Senator McCaslin

AN ACT Relating to damages for unjust conviction and incarceration; adding a new section to chapter 4.96 RCW; and adding a new section to chapter 36.16 RCW.

Referred to Committee on Judiciary.

SB 6693 by Senators Kline and Kohl-Welles

AN ACT Relating to the schedule for review and revision of comprehensive plans and development regulations under the growth management act; and reenacting and amending RCW 36.70A.130.

Referred to Committee on Government Operations & Elections.

SB 6694 by Senators Hargrove and Rasmussen

AN ACT Relating to use of vehicle headlights; and amending RCW 46.37.020.

Referred to Committee on Transportation.

SB 6695 by Senators Schmidt, McAuliffe, Kohl-Welles, Rasmussen and Oke

AN ACT Relating to tuition waivers for veterans and national guard members; and amending RCW 28B.15.621.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6696 by Senators Prentice, Hargrove, Zarelli, Stevens and McAuliffe

AN ACT Relating to clarifying the financial responsibility of the state and regional support networks for the costs associated with the care of individuals in need of involuntary treatment under chapter 71.05 RCW; amending RCW 71.24.045, 71.24.300, 71.24.330, 71.05.300, 72.23.010, and 72.23.025; and reenacting and amending RCW 71.24.035.

Referred to Committee on Human Services & Corrections.

SB 6697 by Senators Berkey, Schmidt, Shin, Haugen, McAuliffe, Kohl-Welles and Rasmussen

AN ACT Relating to establishing a state priority and state objectives for access, enrollment, delivery, and degree achievements in the fields of engineering, technology,

biotechnology, science, computer science, and mathematics in higher education; and adding new sections to chapter 28B.10 RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6698 by Senators Pridemore, Carrell, Franklin, Roach and Oke

AN ACT Relating to exempting dietary supplements sold by chiropractors to their patients from sales and use tax; and amending RCW 82.08.925 and 82.12.925.

Referred to Committee on Ways & Means.

SB 6699 by Senators Pridemore, Schmidt, Zarelli, McAuliffe, Spanel and Delvin

AN ACT Relating to cost savings on course materials for students at state universities, regional universities, and The Evergreen State College; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6700 by Senators Brown, McCaslin, McAuliffe, Franklin and Rasmussen

AN ACT Relating to community revitalization financing; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 82 RCW; and creating a new section.

Referred to Committee on International Trade & Economic Development.

SB 6701 by Senators Rasmussen, Kastama, Jacobsen, Franklin, Roach and Kohl-Welles

AN ACT Relating to restrictions on condemnation and sale of condemned property by state and local governments; and creating new sections.

Referred to Committee on Government Operations & Elections.

SB 6702 by Senators Fraser, Pridemore, Schoesler and Rasmussen

AN ACT Relating to bargaining for employee paid supplemental pension programs under chapter 41.80 RCW; amending RCW 41.80.020 and 41.80.040; and creating a new section.

Referred to Committee on Ways & Means.

SB 6703 by Senators Schoesler, Kohl-Welles, Parlette and Honeyford

AN ACT Relating to allowing spas to serve wine to their customers who are twenty-one years of age or older; and adding new sections to chapter 66.12 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6704 by Senators Rasmussen, Prentice, Doumit, Schoesler, Honeyford, Brandland, Sheldon, Morton and Mulliken

ELEVENTH DAY, JANUARY 19, 2006

2006 REGULAR SESSION

AN ACT Relating to the excise taxation of the manufacturing, selling, and processing of certain food products; amending RCW 82.04.4266, 82.32.610, 82.74.010, 82.74.030, 82.74.040, 82.74.050, 82.08.820, 82.08.820, 82.08.820, 82.12.820, 82.32.600, and 82.32.590; reenacting and amending RCW 82.04.260; adding a new section to chapter 82.04 RCW; providing effective dates; and providing expiration dates.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6705 by Senators Finkbeiner and Kastama

AN ACT Relating to prohibiting state officials from making public service announcements; amending RCW 42.17.020; and adding a new section to chapter 42.52 RCW.

Referred to Committee on Government Operations & Elections.

SB 6706 by Senators Rockefeller, Schmidt, Rasmussen, McAuliffe, Pridemore, Schoesler, Delvin, Roach, Kohl-Welles and Mulliken

AN ACT Relating to classified school employees; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6707 by Senator Jacobsen

AN ACT Relating to authorizing personal rapid transit and magnetic levitation transit systems; amending RCW 81.104.015; adding new sections to chapter 81.104 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 6708 by Senator Jacobsen

AN ACT Relating to geoduck harvesting; amending RCW 77.65.410; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6709 by Senators Kastama, Eide, Prentice, Rasmussen, Fraser, McAuliffe and Rockefeller

AN ACT Relating to resolving manufactured/mobile home landlord and tenant disputes; amending RCW 59.22.070; adding a new section to chapter 34.12 RCW; adding a new chapter to Title 59 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6710 by Senators Keiser, Kline and Kohl-Welles

AN ACT Relating to personal liability for failure to report on or pay unemployment taxes or contributions in lieu of taxes; and adding a new section to chapter 50.24 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6711 by Senators Eide, Brown, Fairley and McAuliffe

AN ACT Relating to establishing a statewide online business training and entrepreneurial curriculum; and amending RCW 28B.30.530.

Referred to Committee on International Trade & Economic Development.

SB 6712 by Senators Eide, Fairley, Brown, Keiser, McAuliffe and Franklin

AN ACT Relating to providing small businesses whose owners are trained in entrepreneurial development with excise tax relief; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on International Trade & Economic Development.

SB 6713 by Senators Eide, Brown, Fairley, Keiser and Kohl-Welles

AN ACT Relating to the establishment of a self-employment assistance program; amending RCW 50.20.095; and adding a new section to chapter 50.20 RCW.

Referred to Committee on International Trade & Economic Development.

SB 6714 by Senators Brown, Fairley, Eide, Keiser, McAuliffe, Franklin and Kohl-Welles

AN ACT Relating to microenterprise development; adding new sections to chapter 43.330 RCW; and creating a new section.

Referred to Committee on International Trade & Economic Development.

SB 6715 by Senators Brown, Fairley, Eide, Keiser, McAuliffe and Kohl-Welles

AN ACT Relating to entrepreneurial training opportunities; and amending RCW 28C.18.060.

Referred to Committee on International Trade & Economic Development.

SB 6716 by Senators Fairley, Brown, Eide and McAuliffe

AN ACT Relating to investigating and assessing performance in meeting community credit needs; and amending RCW 30.60.010 and 32.40.010.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6717 by Senators Kohl-Welles, Brandland, McAuliffe, Hargrove, Rockefeller, Shin, Rasmussen, Schmidt and Stevens

AN ACT Relating to the joint task force on criminal background check processes; reenacting and amending 2005 c 452 s 1 (uncodified); and providing an expiration date.

Referred to Committee on Human Services & Corrections.

ELEVENTH DAY, JANUARY 19, 2006

2006 REGULAR SESSION

SB 6718 by Senators Kohl-Welles, Brandland, McAuliffe, Rasmussen, Rockefeller, Schmidt, Shin, Hargrove, Stevens, Delvin and Roach

AN ACT Relating to record checks for employees; and amending RCW 28A.400.303.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6719 by Senators Brandland, Kohl-Welles, McAuliffe, Shin, Rockefeller, Rasmussen, Schmidt, Stevens and Hargrove

AN ACT Relating to the crime prevention and privacy compact; adding new sections to chapter 43.43 RCW; creating a new section; and providing an effective date.

Referred to Committee on Judiciary.

SB 6720 by Senators Brandland, Kohl-Welles, McAuliffe, Hargrove, Rockefeller, Schmidt, Rasmussen, Stevens, Delvin and Roach

AN ACT Relating to reporting requirements for criminal history record information; and amending RCW 43.43.700, 43.43.705, 43.43.715, 43.43.725, 43.43.730, 43.43.735, 43.43.740, and 43.43.810.

Referred to Committee on Human Services & Corrections.

SB 6721 by Senators Johnson, Prentice and Kastama

AN ACT Relating to medical coverage for elected officials and commissioners; and amending RCW 41.04.180 and 41.04.190.

Referred to Committee on Government Operations & Elections.

SB 6722 by Senators Franklin, Delvin, Keiser, Kohl-Welles and Rasmussen

AN ACT Relating to receiving a catastrophic disability allowance under the law enforcement officers' and fire fighters' retirement system, plan 2; amending RCW 41.26.470 and 77.12.264; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6723 by Senators Eide, Delvin, Keiser, Kohl-Welles and Rasmussen

AN ACT Relating to the retirement allowance of a member who is killed in the course of employment; amending RCW 41.26.510; amending 2001 c 165 s 6 (uncodified); and creating a new section.

Referred to Committee on Ways & Means.

SB 6724 by Senators Parlette, Keiser, Delvin, Fraser, Roach, Kohl-Welles and Rasmussen

AN ACT Relating to death benefit payments for law enforcement officers' and fire fighters' retirement system, plan 2; and amending RCW 41.26.048.

Referred to Committee on Ways & Means.

SB 6725 by Senator Haugen

AN ACT Relating to prohibiting motor vehicles towing trailers from using high-occupancy vehicle lanes; amending RCW 46.61.165, 46.61.100, and 47.52.025; reenacting and amending RCW 47.04.010; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 6726 by Senator Haugen

AN ACT Relating to transportation safety improvement funding; adding a new section to chapter 48.14 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 6727 by Senator Haugen

AN ACT Relating to the impoundment of motorcycles and motor-driven cycles; and amending RCW 46.55.113.

Referred to Committee on Transportation.

SB 6728 by Senators Fraser, Swecker, Fairley, Prentice, Spanel, Thibaudeau and Franklin

AN ACT Relating to seller disclosure of information concerning unimproved real property zoned for residential use; and amending RCW 64.06.005 and 64.06.020.

Referred to Committee on Water, Energy & Environment.

SB 6729 by Senators Fraser, Swecker, Fairley, Regala, Keiser, Thibaudeau, Rockefeller, Delvin, McAuliffe, Kline, Shin, Haugen, Franklin, Prentice, Spanel, Pridemore and Kohl-Welles

AN ACT Relating to including water conservation in energy conservation provisions; and amending RCW 39.35A.010, 39.35A.020, 39.35A.030, and 39.35C.010.

Referred to Committee on Water, Energy & Environment.

SB 6730 by Senators Fraser, Swecker, Fairley, Prentice, Kline, Thibaudeau and Franklin

AN ACT Relating to reclaimed water; amending RCW 90.46.005, 90.46.010, 90.46.030, 90.46.040, 90.46.042, 90.46.044, 90.46.050, 90.46.080, 90.46.090, and 90.46.100; and adding new sections to chapter 90.46 RCW.

Referred to Committee on Water, Energy & Environment.

SB 6731 by Senators Fraser, Kohl-Welles, Deccio, Fairley, Mulliken, Prentice, Roach, Honeyford, McAuliffe, Keiser, Regala, Delvin, Franklin, Shin, Sheldon, Berkey, Rasmussen, Haugen, Thibaudeau, Kline and Parlette

AN ACT Relating to prohibiting sellers of travel from promoting travel for sex tourism; adding a new section to chapter 9A.88 RCW; adding a new section to chapter 19.138 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6732 by Senators Franklin and Rasmussen

AN ACT Relating to exposure to depleted uranium and other hazardous materials by members and veterans of the

ELEVENTH DAY, JANUARY 19, 2006

2006 REGULAR SESSION

national guard; creating new sections; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

SB 6733 by Senators Jacobsen, Prentice, Thibaudeau, Poulsen, Kline and Kohl-Welles

AN ACT Relating to city transportation authorities; amending RCW 35.95A.010, 4.96.010, 4.96.020, 36.93.090, 39.33.020, 43.21C.227, and 53.48.010; adding new sections to chapter 35.95A RCW; creating a new section; repealing RCW 35.95A.010, 35.95A.040, 35.95A.050, 35.95A.060, 35.95A.080, 35.95A.090, 35.95A.100, 35.95A.130, 35.95A.020, 35.95A.030, 35.95A.070, 35.95A.110, 35.95A.120, and 35.95A.140; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

SB 6734 by Senators Parlette, Benson, Honeyford, Schoesler, Morton, Zarelli, Deccio, Hewitt, Mulliken and Oke

AN ACT Relating to freezing the minimum wage law to study its effects; amending RCW 49.46.020; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6735 by Senators McAuliffe, Schmidt, Pridemore, Delvin, Rockefeller, Eide, Kohl-Welles and Esser

AN ACT Relating to studying environmental education; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6736 by Senators Fairley, Mulliken and Haugen

AN ACT Relating to the limits on the amount, interest, terms, and fees for small loans; and amending RCW 31.45.073.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6737 by Senators Fairley, Mulliken, Haugen, Franklin and Rasmussen

AN ACT Relating to military borrowers; and amending RCW 31.45.210.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6738 by Senators Fairley, Mulliken and Haugen

AN ACT Relating to small loan payment plans; and amending RCW 31.45.084.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6739 by Senators Deccio, Kastama, McCaslin, Keiser, Honeyford, Shin, Benson, Jacobsen and Thibaudeau

AN ACT Relating to campaign contributions; amending RCW 42.17.640 and 42.17.3691; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SB 6740 by Senators Fraser, Kohl-Welles, Fairley, Keiser and Franklin

AN ACT Relating to protecting homeowners who hire contractors to remodel or build their homes; amending RCW 60.04.021, 60.04.171, 60.04.091, 60.04.250, 60.04.031, 60.04.011, 18.27.010, 18.27.020, 18.27.030, 18.27.040, and 18.27.080; adding new sections to chapter 60.04 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Labor, Commerce, Research & Development.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1080 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives McDonald, O'Brien and Morrell)

AN ACT Relating to protecting dependent persons by changing the crimes of criminal mistreatment and abandonment of a dependent person; amending RCW 9A.42.010, 9A.42.020, 9A.42.030, 9A.42.035, 9A.42.037, 9A.42.060, 9A.42.070, and 9A.42.080; reenacting and amending RCW 9.94A.515; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

ESHB 1151 by House Committee on Judiciary (originally sponsored by Representatives Lovick, Campbell, Lantz, Jarrett, Simpson, Williams, Murray and B. Sullivan)

AN ACT Relating to the keeping of dangerous wild animals; adding a new chapter to Title 16 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

EHB 1429 by Representatives Dickerson, Ericksen, Murray, Linville, B. Sullivan, Lovick, Talcott, Campbell, Chase, Nixon and Simpson

AN ACT Relating to authorizing personal rapid transit and magnetic levitation transit systems; amending RCW 81.104.015; adding new sections to chapter 81.104 RCW; and providing an effective date.

Referred to Committee on Transportation.

EHB 1466 by Representatives Flannigan, Woods, Darneille, Condotta, Kirby, Orcutt, Simpson, Haigh, Nixon, Chase, Strow, Hunt, Blake, Campbell and Kagi

AN ACT Relating to motorcycles at traffic signals; adding a new section to chapter 46.61 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1471 by Representatives Lovick, McDonald and Takko

AN ACT Relating to authentication of documents; and amending RCW 5.44.130 and 5.52.050.

ELEVENTH DAY, JANUARY 19, 2006

2006 REGULAR SESSION

Referred to Committee on Judiciary.

SHB 1510 by House Committee on Finance (originally sponsored by Representatives Morris, Quall, B. Sullivan and Chase)

AN ACT Relating to the property taxation of nonprofit entities; amending RCW 84.36.030, 84.36.031, and 84.36.810; and reenacting and amending RCW 84.36.037.

Referred to Committee on Ways & Means.

HB 1717 by Representatives McDermott and Nixon

AN ACT Relating to broadcast of legal notices; amending RCW 65.16.130 and 65.16.150; and repealing RCW 65.16.140.

Referred to Committee on Judiciary.

HB 1742 by Representatives Clibborn, Haler, Appleton, Ericks, Simpson, Kristiansen, Linville, Schindler and Quall

AN ACT Relating to tax incentives for certain multiple-unit dwellings in urban centers; and amending RCW 84.14.010.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SHB 2337 by House Committee on Capital Budget (originally sponsored by Representatives Linville, Strow, Dunshee, Appleton, Haler, Chase, McCoy, Blake, Wallace, Ericksen, Ericks, Simpson, Green, Morrell, Ormsby, Kristiansen and Schual-Berke)

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

Referred to Committee on Ways & Means.

HB 2406 by Representatives Roach and Kirby

AN ACT Relating to insurance; amending RCW 48.05.250, 48.05.440, 48.43.045, 48.44.095, 48.46.080, 48.125.090, 52.30.020, 48.43.005, and 48.22.030; reenacting and amending RCW 48.24.030; adding new sections to chapter 48.05 RCW; adding a new section to chapter 42.56 RCW; adding a new section to chapter 48.17 RCW; adding a new chapter to Title 43 RCW; creating a new section; recodifying RCW 48.48.030, 48.48.040, 48.48.045, 48.48.050, 48.48.060, 48.48.065, 48.48.070, 48.48.080, 48.48.090, 48.48.110, 48.48.140, 48.48.150, and 48.48.160; repealing RCW 48.05.490 and 48.43.365; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SHB 2415 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Ericks, Roach, Kirby, Morrell, Green, Nixon, McDonald, Hasegawa, Conway, Simpson, Ormsby and Schual-Berke)

AN ACT Relating to compensating the victims of uninsured and underinsured motorists; and amending RCW 48.22.030.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6720 which was referred to the Committee on Human Services & Corrections and Senate Bill No. 6728 which was referred to the Committee on Water, Energy & Environment.

MOTION

At 12:04 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, January 20, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

MOTION

TWELFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 20, 2006

The Senate was called to order at 10:00 a.m. by Vice President Pro Tempore. The Secretary called the roll and announced to the Vice President Pro Tempore that all Senators were present with the exception of Senators Berkey, Deccio, Finkbeiner, Oke, Swecker and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Lindsay McCoy and Niobi Bird, presented the Colors. Dr. Donald Shorter, Sr., Pastor of the Pacific Christian Center Church of Tacoma offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 19, 2006

SB 6191 Prime Sponsor, Poulsen: Providing a definition of wood biomass fuel. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton and Mulliken

Passed to Committee on Rules for second reading.

January 18, 2006

SB 6193 Prime Sponsor, Franklin: Requiring surveys of health professions work force supply and demographics. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6193 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

Passed to Committee on Ways & Means.

January 17, 2006

SB 6245 Prime Sponsor, Kastama: Raising funds for hosting a national conference of statewide elected officials. Revised for 1st Substitute: Raising funds to host the 2006 national conference of lieutenant governors. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6245 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin, Mulliken and Roach

MINORITY recommendation: Without recommendation. Signed by Senator Benton

Passed to Committee on Rules for second reading.

January 17, 2006

SB 6354 Prime Sponsor, Sheldon: Concerning recreational landowners' liability. Reported by Committee on Judiciary

MAJORITY recommendation: Without recommendation. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Johnson, Rasmussen and Thibaudeau

Passed to Committee on Natural Resources, Ocean & Recreation.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 19, 2006

SGA 9347 KATHERINE B. FRIEDT, appointed November 1, 2005, for the term ending June 17, 2010, as a Chair of the Human Rights Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

January 19, 2006

SGA 9358 RONALD KESSLER, appointed October 24, 2005, for the term ending August 2, 2008, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

January 19, 2006

SGA 9384 DENNIS THAUT, appointed May 1, 2005, for the term ending April 30, 2011, as Member of the Indeterminate Sentence Review Board. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6741 by Senators Stevens, Hargrove, Carrell, Brandland and Rasmussen

TWELFTH DAY, JANUARY 20, 2006

2006 REGULAR SESSION

AN ACT Relating to the joint task force on the administration and delivery of services to children and families; amending 2005 c 474 s 1 (uncodified); amending 2005 c 474 s 2 (uncodified); amending 2005 c 474 s 3 (uncodified); and providing expiration dates.

Referred to Committee on Human Services & Corrections.

SB 6742 by Senators Stevens, Swecker, Benton, Carrell, Zarelli and Delvin

AN ACT Relating to determination of parentage; amending RCW 26.26.021; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6743 by Senators Stevens, Carrell and Benton

AN ACT Relating to children born from embryos transferred during assisted reproduction; and adding a new section to chapter 26.26 RCW.

Referred to Committee on Human Services & Corrections.

SB 6744 by Senators Rockefeller, Fraser, Berkey, Doumit, Shin, Kline, Kohl-Welles, McAuliffe and Rasmussen

AN ACT Relating to the guaranteed opportunities scholarship program; amending RCW 28A.195.010, 28A.200.010, 28B.95.020, 28B.95.030, and 28B.95.060; reenacting and amending RCW 43.79A.040; adding a new section to chapter 28B.95 RCW; and adding a new chapter to Title 28B RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6745 by Senator Carrell

AN ACT Relating to bail bond agents; and amending RCW 18.185.010.

Referred to Committee on Judiciary.

SB 6746 by Senators Kohl-Welles, Poulsen, Pridemore and Thibaudeau

AN ACT Relating to the excise taxation of petroleum businesses; amending RCW 82.03.130 and 82.03.140; adding a new title to the Revised Code of Washington to be codified as Title 82A RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6747 by Senators Rockefeller, Roach, Pridemore, Pflug, Thibaudeau, Regala, Doumit, Fraser, McAuliffe and Rasmussen

AN ACT Relating to comprehensive safe school plans; and amending RCW 28A.320.125.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6748 by Senator Jacobsen

AN ACT Relating to the taxation of oil and gas production; adding a new section to chapter 84.36 RCW; adding a new chapter to Title 82 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6749 by Senators Hargrove, Schmidt and Rasmussen

AN ACT Relating to establishing a foster parent critical support and retention program; creating new sections; and making an appropriation.

Referred to Committee on Human Services & Corrections.

SB 6750 by Senators Shin, Rockefeller and Poulsen

AN ACT Relating to a state distribution to cities and counties to mitigate the costs of state ferry traffic at route terminals; and adding a new section to chapter 47.60 RCW.

Referred to Committee on Transportation.

SB 6751 by Senators Carrell, Benton and Stevens

AN ACT Relating to the deferral of large property tax assessments; amending RCW 84.38.010 and 84.38.050; adding new sections to chapter 84.38 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 6752 by Senators Carrell and Benton

AN ACT Relating to deferral of large property tax increases; amending RCW 84.38.010 and 84.38.050; adding new sections to chapter 84.38 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 6753 by Senator Fraser

AN ACT Relating to intergovernmental water management; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Water, Energy & Environment.

SB 6754 by Senators McAuliffe, Schoesler, Pridemore and Rasmussen

AN ACT Relating to work performed by institutions of higher education; and amending RCW 28B.10.350.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6755 by Senator Honeyford

AN ACT Relating to collective bargaining contracts with state employees; and amending RCW 41.80.050 and 41.80.100.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6756 by Senator Honeyford

AN ACT Relating to providing for public disclosure of public sector unions' finances; amending RCW 28B.52.045, 41.80.100, 41.56.122, 41.59.100, 41.76.045, and 47.64.160; adding a new section to chapter 28B.52 RCW; adding a new section to chapter 41.80 RCW; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 41.76 RCW; adding

TWELFTH DAY, JANUARY 20, 2006

2006 REGULAR SESSION

a new section to chapter 47.64 RCW; and providing an effective date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6757 by Senator Benton

AN ACT Relating to reducing the taxation of physical fitness services; reenacting and amending RCW 82.04.050; adding a new section to chapter 82.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6758 by Senators Benton and Oke

AN ACT Relating to aggravated first degree murder; amending RCW 10.95.020; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6759 by Senators Keiser and Kohl-Welles

AN ACT Relating to the employment status of basic health plan and medical assistance recipients; adding a new section to chapter 70.47 RCW; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6760 by Senator Parlette

AN ACT Relating to mosquito control districts; and amending RCW 17.28.255 and 79.44.010.

Referred to Committee on Government Operations & Elections.

SB 6761 by Senators Parlette and Keiser

AN ACT Relating to community rates for health benefit plans; amending RCW 48.20.028, 48.44.022, and 48.46.064; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6762 by Senators Mulliken, Benson, Schoesler and Sheldon

AN ACT Relating to limiting the posting of hazards to motorcycles to paved roadways; and reenacting and amending RCW 47.36.200.

Referred to Committee on Transportation.

SB 6763 by Senators Parlette, Sheldon, Mulliken, Delvin and Poulsen

AN ACT Relating to encouraging the use of hydroelectric power as a renewable energy resource; adding a new section to chapter 43.21F RCW; and creating a new section.

Referred to Committee on Water, Energy & Environment.

SB 6764 by Senators Shin, Berkey, Rockefeller, Sheldon, Doumit and Deccio

AN ACT Relating to the administration of tax incentive programs; amending RCW 82.62.020, 82.32.545, 82.32.590, 82.32.600, 82.04.4452, 82.32.560, 82.32.570, 82.32.610, 82.32.620, and 82.32.330; reenacting and amending RCW 82.32.330; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 82.60.010, 82.60.020, 82.60.030, 82.60.040, 82.60.049, 82.60.050, 82.60.060, 82.60.065, 82.60.070, 82.60.080, 82.60.090, 82.60.100, 82.60.110, 82.60.900, 82.60.901, 82.63.005, 82.63.010, 82.63.020, 82.63.030, 82.63.045, 82.63.060, 82.63.070, 82.63.900, 82.74.010, 82.74.020, 82.74.030, 82.74.040, 82.74.050, 82.74.060, and 82.74.070; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on International Trade & Economic Development.

SB 6765 by Senator Kastama

AN ACT Relating to establishing the Washington clean elections act; amending RCW 42.17.095 and 42.17.128; adding a new chapter to Title 42 RCW; and prescribing penalties.

Referred to Committee on Government Operations & Elections.

SJM 8033 by Senators Thibaudeau, Keiser, Franklin, Jacobsen and Kohl-Welles

Calling on the President to renew funding for the United Nations Population Fund.

Referred to Committee on Health & Long-Term Care.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

At 10:12 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:15 a.m. by Vice President Pro Tempore.

MOTION

Senator Franklin moved adoption of the following resolution:

SENATE RESOLUTION 8693

By Senators Franklin, Kline, Keiser, Kohl-Welles, Berkey, Schmidt, Benson, Brandland, Weinstein, Fairley, Kastama, Prentice, Haugen, Doumit, Spanel, McCaslin, Sheldon, Hewitt, Jacobsen, Thibaudeau, McAuliffe, Shin, Pridemore, Regala, Rockefeller, Brown, Hargrove, Rasmussen and Fraser

WHEREAS, In 1955, an African-American seamstress named Rosa Parks committed an act of civil disobedience by

TWELFTH DAY, JANUARY 20, 2006

refusing to give up her seat to a white man on a Montgomery, Alabama, city bus; and

WHEREAS, Parks, a shy and soft-spoken woman, later explained that her bold and dangerous action happened because she was tired of Jim Crow laws and deep injustices towards black citizens and other oppressed individuals; and

WHEREAS, Her simple act of defiance ignited a national civil rights revolution, causing Americans to face racism, discrimination, and segregation practices that permeated throughout society; and

WHEREAS, A boycott of Montgomery city buses ensued, lasting 381 days and ending on November 13, 1956, in *Browder v. Gayle*, when the United States Supreme Court outlawed segregation on buses; and

WHEREAS, Martin Luther King Jr., a preacher at Dexter Avenue Baptist Church in Montgomery, became a civil rights leader and peace activist; and

WHEREAS, Parks, fearing that Dr. King's national holiday would portray him as merely a "dreamer" said, "As I remember him, he was more than a dreamer. He was an activist who believed in acting as well as speaking out against oppression."; and

WHEREAS, During the latter part of her life, Parks was awarded the Presidential Medal of Freedom and the Congressional Gold Medal; and

WHEREAS, Rosa Louise Parks died on October 24, 2005, at the age of 92; and

WHEREAS, The "Mother of the Civil Rights Movement" became the first woman to lie in honor under the United States Capitol Rotunda, sharing this distinction with other national leaders, including John F. Kennedy and Abraham Lincoln;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Rosa Parks and Dr. Martin Luther King Jr. for their courageous and pioneering spirit, heeding the call to service and relentlessly pursuing inequalities and civil injustices; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Commission on African-American Affairs.

Senators Franklin, McAuliffe, Thibaudeau, Kohl-Welles, Kline, Jacobsen and Prentice spoke in favor of adoption of the resolution.

MOTION

On motion of Senator Schoesler, Senators Finkbeiner, Oke, Deccio, Carrell and Zarelli were excused.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8693.

The motion by Senator Franklin carried and the resolution was adopted by voice vote.

MOTION

At 10:41 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:29 a.m. by Vice President Pro Tempore.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

2006 REGULAR SESSION

Senator Rockefeller, moved that Gubernatorial Appointment No. 9085, Leslie Jones, as a Member of the Board of Trustees, Central Washington University, be confirmed.

Senators Rockefeller and Mulliken spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Berkey was excused.

MOTION

On motion of Senator Mulliken, Senator Swecker was excused.

APPOINTMENT OF LESLIE JONES

The Vice President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9085, Leslie Jones as a Member of the Board of Trustees, Central Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9085, Leslie Jones as a Member of the Board of Trustees, Central Washington University and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 2; Excused, 6.

Voting yea: Senators Benson, Benton, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau and Weinstein - 41

Absent: Senators Franklin and Kline - 2

Excused: Senators Berkey, Deccio, Finkbeiner, Oke, Swecker and Zarelli - 6

Gubernatorial Appointment No. 9085, Leslie Jones, having received the constitutional majority was declared confirmed as a Member of the Board of Trustees, Central Washington University.

PERSONAL PRIVILEGE

Senator Parlette: "Thank you Mr. President. I rise for a point of personal privilege. Some of you may be wearing these little buttons, that say number twelve. For me this button means something because I am the Senator from the Twelfth Legislative District so how much fun to have a number twelve. What I would like to share with you is I know we have some incredible twelfth men and women cheering on the Seahawks this weekend and I'm especially proud to share with you that I have one constituent in mind and this young lady who I've never met before. However she happened to go to High School and graduate with my legislative assistant. Her name is Mischell Mayo and she represents us on the side lines as one of those popular Sea Gals so go Seahawks."

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Spanel, moved that Gubernatorial Appointment No. 9120, Dennis Madsen, as a member of the Board of Trustees, Western Washington University, be confirmed.

Senator Spanel spoke in favor of the motion.

MOTION

TWELFTH DAY, JANUARY 20, 2006

2006 REGULAR SESSION

On motion of Senator Regala, Senators Brown, Franklin, Kline and Poulsen were excused.

APPOINTMENT OF DENNIS MADSEN

The Vice President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9120, Dennis Madsen as a member of the Board of Trustees, Western Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9120, Dennis Madsen as a member of the Board of Trustees, Western Washington University and the appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau and Weinstein - 39

Excused: Senators Berkey, Brown, Deccio, Finkbeiner, Franklin, Kline, Oke, Poulsen, Swecker and Zarelli - 10

Gubernatorial Appointment No. 9120, Dennis Madsen, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Western Washington University.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fairley, moved that Gubernatorial Appointment No. 9264, Mauri Moore, as a member of the Board of Trustees, Edmonds Community College District No. 23, be confirmed.

Senator Fairley spoke in favor of the motion.

APPOINTMENT OF MAURI MOORE

The Vice President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9264, Mauri Moore as a member of the Board of Trustees, Edmonds Community College District No. 23.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9264, Mauri Moore as a member of the Board of Trustees, Edmonds Community College District No. 23 and the appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau and Weinstein - 39

Excused: Senators Berkey, Brown, Deccio, Finkbeiner, Franklin, Kline, Oke, Poulsen, Swecker and Zarelli - 10

Gubernatorial Appointment No. 9264, Mauri Moore, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Edmonds Community College District No. 23.

MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

PERSONAL PRIVILEGE

Senator Roach: "Thank you Mr. President. I point of personal privilege. Well, I'm wondering a couple of years ago when we went to having these flash strobes across the Senate floor. It's a very piercing thing that is not like a regular strobe. I was wondering if we could have the eye decibels researched so we can see if maybe we can if its high enough that we could get some relief from this. It goes, you can put sunglasses on, you can turn around and not face the strobes, you can put your hand in front of your face and that light is so piercing it'll still go through into your eyes. It's an amazing thing. A little too strong for some of us."

POINT OF ORDER

Senator Brandland: "A point of order Mr. President. Do we need to move this bill back to second for purposes of an amendment.? I can do that if you like."

MOTION

On motion of Senator Brandland, the rules were suspended and Substitute Senate Bill No. 5360 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5360, by Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators Brandland, Sheldon, Fairley, Berkey, Delvin, Benson and Rockefeller)

Making the certificate of academic achievement a requirement for running start eligibility. Revised for 1st Substitute: Studying performance and funding of running start students.

The measure was read the second time.

MOTION

Senator Brandland moved that the following amendment by Senators Brandland, Schmidt and McAuliffe be adopted.

On page 2, line 7, after "study of" insert "public school"

On page 2, line 12, after "between" strike "student" and insert "public school students"

On page 2, line 16, after "between" strike "student" and insert "public school students"

On page 2, line 24, after "for" insert "public school"

Senator Brandland spoke in favor of adoption of the amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Brandland, Schmidt and McAuliffe on page 2, line 7 to Substitute Senate Bill No. 5360.

The motion by Senator Brandland carried and the amendment was adopted by voice vote.

MOTION

Senator Brandland moved that the following amendment by Senators Brandland and McAuliffe be adopted.

On page 2, line 29, after "January 15," strike "2006" and insert "2007"

Senator Brandland spoke in favor of adoption of the amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by

TWELFTH DAY, JANUARY 20, 2006

Senators Brandland and McAuliffe on page 2, line 29 to Substitute Senate Bill No. 5360.

The motion by Senator Brandland carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Brandland, the rules were suspended, Engrossed Substitute Senate Bill No. 5360 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brandland and McAuliffe spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5360.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5360 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 6; Absent, 0; Excused, 10.

Voting yea: Senators Benson, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kohl-Welles, McAuliffe, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau and Weinstein - 33

Voting nay: Senators Benton, Johnson, McCaslin, Morton, Mulliken and Roach - 6

Excused: Senators Berkey, Brown, Deccio, Finkbeiner, Franklin, Kline, Oke, Poulsen, Swecker and Zarelli - 10

ENGROSSED SUBSTITUTE SENATE BILL NO. 5360, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5535 was returned to second reading for the purpose of amendment.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5535, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Franklin, Brandland, Berkey, Spanel, Schoesler, Rockefeller, Delvin, Kohl-Welles, Oke and Shin)

Modifying optometry licensing requirements.

The measure was read the second time.

MOTION

Senator Keiser moved that the following amendment by Senator Franklin be adopted.

On page 3, line 9, after "January 1," strike "2006" and insert "2007".

On page 3, line 12, before "must" strike "2008," and insert "2009".

On page 3, line 14, before "must" strike "2010," and insert "2011".

Senator Keiser spoke in favor of adoption of the amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by

2006 REGULAR SESSION

Senator Franklin on page 3, line 9 to Substitute Senate Bill No. 5535.

The motion by Senator Keiser carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5535 as amended was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5535 as amended.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5535 as amended and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Benson, Benton, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau and Weinstein - 40

Absent: Senator Jacobsen - 1

Excused: Senators Berkey, Deccio, Finkbeiner, Franklin, Kline, Oke, Swecker and Zarelli - 8

ENGROSSED SUBSTITUTE SENATE BILL NO. 5535 as amended having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 5329, by Senators Pflug, Shin, Esser, Schoesler, Roach, Rasmussen, Rockefeller, Berkey and Mulliken.

Establishing an industry cluster-based approach to economic development.

The bill was read on Third Reading.

Senator Pflug spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Jacobsen and Kohl-Welles were excused.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5329.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5329 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 0; Absent, 3; Excused, 10.

Voting yea: Senators Benson, Benton, Brandland, Brown, Delvin, Doumit, Eide, Esser, Fairley, Fraser, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau and Weinstein - 36

Absent: Senators Carrell, Hargrove and Poulsen - 3

TWELFTH DAY, JANUARY 20, 2006

Excused: Senators Berkey, Deccio, Finkbeiner, Franklin, Jacobsen, Kline, Kohl-Welles, Oke, Swecker and Zarelli - 10
SENATE BILL NO. 5329, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:15 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, January 23, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTEENTH DAY, JANUARY 23, 2006

2006 REGULAR SESSION

FIFTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, January 23, 2006

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 19, 2006

SB 6156 Prime Sponsor, Fairley: Requiring inspections of remodels to single-family residences. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6156 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Finkbeiner, Franklin, Keiser and Spanel

Passed to Committee on Rules for second reading.

January 19, 2006

SB 6167 Prime Sponsor, Fairley: Extending the mortgage lending fraud prosecution account. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Finkbeiner, Franklin, Keiser and Spanel

Passed to Committee on Rules for second reading.

January 19, 2006

SB 6169 Prime Sponsor, Kohl-Welles: Authorizing removal of discriminatory provisions in the governing documents of homeowners' associations. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Finkbeiner, Franklin, Keiser and Spanel

Passed to Committee on Rules for second reading.

January 19, 2006

SB 6170 Prime Sponsor, Rasmussen: Extending the date when counties which have authorized facilities for agriculture promotion must allow a credit for city lodging taxes. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Morton, Schoesler and Sheldon

Passed to Committee on Ways & Means.

January 20, 2006

SB 6171 Prime Sponsor, McAuliffe: Creating a demonstration project to help prepare bilingual and special education teachers. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Ways & Means.

January 19, 2006

SB 6183 Prime Sponsor, Kastama: Creating provisions relating to the hepatitis C virus. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6183 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Ways & Means.

January 19, 2006

SB 6190 Prime Sponsor, Keiser: Establishing a COPEs pilot project. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6190 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Deccio, Franklin, Kastama, Kline and Poulsen

Passed to Committee on Rules for second reading.

January 19, 2006

SB 6194 Prime Sponsor, Franklin: Requiring multicultural education for health professionals. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

Passed to Committee on Ways & Means.

January 20, 2006

SB 6294 Prime Sponsor, Pflug: Stabilizing distributions to the education legacy trust account. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Without recommendation. Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Delvin, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Ways & Means.

January 19, 2006

SB 6334 Prime Sponsor, Fairley: Increasing the debt limit of the housing finance commission. Reported by

FIFTEENTH DAY, JANUARY 23, 2006

Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Finkbeiner, Franklin, Keiser and Spanel

Passed to Committee on Rules for second reading.

January 19, 2006

SB 6375 Prime Sponsor, Rasmussen: Creating an advisory committee to evaluate animal identification programs. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6375 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

January 19, 2006

SB 6376 Prime Sponsor, Rasmussen: Changing livestock inspection fee provisions. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton and Sheldon

MINORITY recommendation: Without recommendation. Signed by Senator Schoesler

Passed to Committee on Rules for second reading.

January 20, 2006

SB 6436 Prime Sponsor, McAuliffe: Transferring duties of the reconstituted state board of education. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6436 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

MINORITY recommendation: Do not pass. Signed by Senator Carrell

Passed to Committee on Ways & Means.

January 19, 2006

SB 6440 Prime Sponsor, Kline: Providing procedures for judicial orders concerning distraint of personal property. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

January 20, 2006

SB 6475 Prime Sponsor, McAuliffe: Authorizing alternative methods of assessment and appeal processes for the certificate of academic achievement. Reported by Committee on Early Learning, K-12 & Higher Education

2006 REGULAR SESSION

MAJORITY recommendation: That Substitute Senate Bill No. 6475 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

MINORITY recommendation: Do not pass. Signed by Senators Carrell and Pflug

Passed to Committee on Ways & Means.

January 19, 2006

SB 6528 Prime Sponsor, Mulliken: Permitting roadside tire chain businesses. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6528 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Finkbeiner, Kastama, Mulliken, Sheldon, Spanel and Weinstein

Passed to Committee on Rules for second reading.

January 19, 2006

SB 6553 Prime Sponsor, Haugen: Changing the department of transportation's regions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Kastama, Mulliken, Sheldon, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

January 19, 2006

SB 6673 Prime Sponsor, Benton: Modifying the valuation of motor vehicles for use taxation. Reported by Committee on Transportation

MAJORITY recommendation: Without recommendation. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Finkbeiner, Kastama, Mulliken, Sheldon, Spanel, Swecker and Weinstein

Passed to Committee on Ways & Means.

MOTION

On motion of Senator Esser, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Rockefeller, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 23, 2006

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

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

FIFTEENTH DAY, JANUARY 23, 2006

2006 REGULAR SESSION

JULIE DAVIDSON, appointed March 1, 2006, for the term ending September 30, 2010, as Member, Board of Trustees, Cascadia Community College District No. 30.

Referred to Committee on Early Learning, K-12 & Higher Education.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 23, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LENELL NUSSBAUM, reappointed October 24, 2005, for the term ending August 2, 2008, as Member of the Sentencing Guidelines Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

MOTION

On motion of Senator Rockefeller, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE HOUSE

January 23, 2006

MR. PRESIDENT:

The House has adopted:
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4205,
And the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

January 20, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2661,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6766 by Senators Schmidt, McAuliffe and Rasmussen

AN ACT Relating to the national guard conditional scholarship; and amending RCW 28B.103.010 and 28B.103.020.

SB 6767 by Senators Regala, Rockefeller, Kastama and Rasmussen

AN ACT Relating to government performance and accountability; amending RCW 43.09.430, 43.09.435, 43.09.450, 43.09.455, and 43.09.460; adding new sections to chapter 43.41 RCW; adding a new section to chapter 44.28 RCW; creating a new section; recodifying RCW 43.09.430, 43.09.435, 43.09.455, 43.09.460, and 43.09.450; and repealing RCW 43.09.440, 43.09.445, and 43.88.162.

Referred to Committee on Government Operations & Elections.

SB 6768 by Senators Kline, Esser, Rasmussen, Johnson, Thibaudeau, Franklin and Delvin

AN ACT Relating to minors with alcoholic beverages; amending RCW 66.44.270 and 66.44.290; adding a new section to chapter 46.20 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6769 by Senators Fraser, Brandland, Kastama, Rasmussen, Keiser and Kohl-Welles

AN ACT Relating to notification about sex offenders placed or living in long-term care facilities; reenacting and amending RCW 4.24.550 and 4.24.550; adding a new section to chapter 18.51 RCW; adding a new section to chapter 18.20 RCW; adding a new section to chapter 70.128 RCW; adding a new section to chapter 72.36 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6770 by Senators Fraser, Zarelli, Pridemore, Benton, Kastama, Sheldon and Rasmussen

AN ACT Relating to the population threshold for counties eligible to use the design-build procedure; reenacting and amending RCW 39.10.051; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

SB 6771 by Senators Prentice and Johnson

AN ACT Relating to limitations on asbestos-related liabilities relating to certain mergers or consolidations occurring before 1972; adding a new chapter to Title 23 RCW; and declaring an emergency.

Referred to Committee on Judiciary.

SB 6772 by Senators Rasmussen and Honeyford

AN ACT Relating to the regulation of heating, ventilating, air conditioning, and refrigeration contractors; amending RCW 18.106.010, 18.106.020, 18.106.030, 18.106.040, 18.106.050, 18.106.070, 18.106.080, 18.106.090, 18.106.110, 18.106.130, 18.106.150, 18.106.155, 18.106.170, 18.106.180, 18.106.250, 18.106.270, 18.106.320, and 19.28.041; adding a new section to chapter 18.106 RCW; and providing an effective date.

FIFTEENTH DAY, JANUARY 23, 2006

2006 REGULAR SESSION

Referred to Committee on Labor, Commerce, Research & Development.

SB 6773 by Senators Zarelli, Doumit, Rockefeller, Brandland, Parlette, Pridemore, Rasmussen and Schoesler

AN ACT Relating to extended warranties for tangible personal property exempt from sales and use taxation; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways & Means.

SB 6774 by Senators Rockefeller, Zarelli, Brandland, Parlette, Shin, Regala, Rasmussen, McAuliffe and Mulliken

AN ACT Relating to the business and occupation tax credit for high technology research and development spending; and amending RCW 82.04.4452.

Referred to Committee on Ways & Means.

SB 6775 by Senators Hargrove, Stevens, Rasmussen and McAuliffe

AN ACT Relating to criminal trespass against children by sex offenders; reenacting and amending RCW 9.94A.515; adding new sections to chapter 9A.44 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 6776 by Senators Finkbeiner, Poulsen, Weinstein, Esser, Rasmussen, Keiser, Oke, Kline and Kohl-Welles

AN ACT Relating to prohibiting the unauthorized sale of cell phone numbers; adding a new section to chapter 9.26A RCW; and prescribing penalties.

Referred to Committee on Water, Energy & Environment.

SB 6777 by Senator Swecker

AN ACT Relating to voter registration; and amending RCW 29A.08.140 and 29A.08.145.

Referred to Committee on Government Operations & Elections.

SB 6778 by Senator Morton

AN ACT Relating to grey wolf management; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6779 by Senators Morton and Rasmussen

AN ACT Relating to a state public utility tax credit for providing special needs transportation services; adding a new section to chapter 82.16 RCW; creating a new section; and providing an effective date.

Referred to Committee on Water, Energy & Environment.

SB 6780 by Senators Kohl-Welles, Carrell, McAuliffe, Weinstein, Esser, Pridemore, Berkey, Delvin, Rasmussen and Keiser

AN ACT Relating to mathematics and science education; amending RCW 28A.230.090; reenacting and amending RCW 43.79A.040; adding a new section to chapter 28A.655 RCW; adding a new chapter to Title 28B RCW; creating a new section; and declaring an emergency.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6781 by Senators Prentice, Pflug, Fraser, Parlette, Shin and Schoesler

AN ACT Relating to environmental remediation; amending RCW 82.04.190; reenacting and amending RCW 82.04.050; adding a new section to chapter 82.04 RCW; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6782 by Senator Fraser

AN ACT Relating to authorizing state employees to express their professional opinions and use their independent professional judgments; adding new sections to chapter 42.52 RCW; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6783 by Senators Shin, Pflug, Schmidt, McAuliffe, Berkey, Rockefeller, Eide, Delvin, Rasmussen and Kohl-Welles

AN ACT Relating to creating a scholarship for students entering mathematics and science professions; reenacting and amending RCW 43.79A.040; and adding a new chapter to Title 28B RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6784 by Senators Benson and Kohl-Welles

AN ACT Relating to sales and use tax exemptions for prescribed durable medical equipment used in the home and prescribed mobility enhancing equipment; amending RCW 82.08.0283, 82.12.0277, 82.08.803, 82.12.803, 82.08.945, and 82.12.945; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways & Means.

SB 6785 by Senators Jacobsen, Swecker, Haugen and Benson

AN ACT Relating to the administration of fuel taxes; amending RCW 82.36.010, 82.36.020, 82.36.026, 82.36.027, 82.36.029, 82.36.031, 82.36.035, 82.36.045, 82.36.060, 82.36.080, 82.36.160, 82.36.180, 82.36.275, 82.36.280, 82.36.285, 82.36.290, 82.36.320, 82.36.340, 82.36.370, 82.36.380, 82.36.450, 82.38.020, 82.38.030, 82.38.032, 82.38.035, 82.38.050, 82.38.090, 82.38.100, 82.38.110, 82.38.140, 82.38.150, 82.38.160, 82.38.180, 82.38.270, 82.38.310, and 82.38.320; adding new sections to chapter 82.36 RCW; adding a new section to chapter 82.38 RCW; adding a new section to chapter 47.01 RCW; repealing RCW 82.36.042, 82.36.044, 82.36.273, 82.36.305, 82.36.360, 82.36.373, 82.36.407, 82.38.070, 82.38.071, 82.38.081, 82.38.165, 82.38.185, and 82.38.285; prescribing penalties; and declaring an emergency.

Referred to Committee on Transportation.

FIFTEENTH DAY, JANUARY 23, 2006

2006 REGULAR SESSION

SB 6786 by Senators Jacobsen, Benson, Kastama, Esser, Haugen and Prentice

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

AN ACT Relating to city transportation authority dissolution; amending RCW 4.96.010, 4.96.020, 36.93.090, 43.21C.227, 35.95A.050, 35.95A.080, and 35.95A.110; adding new sections to chapter 35.95A RCW; repealing RCW 35.95A.020, 35.95A.030, 35.95A.040, 35.95A.070, 35.95A.090, 35.95A.100, 35.95A.120, 35.95A.140, 35.95A.010, 35.95A.050, 35.95A.060, 35.95A.080, 35.95A.110, and 35.95A.130; and providing an effective date.

MOTION

On motion of Senator Rockefeller, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6670 which was referred to the Committee on Government Operations & Elections.

Referred to Committee on Transportation.

MOTION

At 12:06 p.m., on motion of Senator Rockefeller, the Senate adjourned until 12:00 noon, Tuesday, January 24, 2006.

SB 6787 by Senators Rockefeller, Poulsen, Haugen and Oke

BRAD OWEN, President of the Senate

AN ACT Relating to local government passenger ferry service funding; amending RCW 47.60.645; adding a new section to chapter 47.60 RCW; adding a new section to chapter 47.66 RCW; and creating new sections.

THOMAS HOEMANN, Secretary of the Senate

Referred to Committee on Transportation.

SB 6788 by Senators Kastama and Rasmussen

AN ACT Relating to assistance to financially distressed counties.

Referred to Committee on Government Operations & Elections.

SB 6789 by Senators Brown, Doumit, Morton and Rasmussen

AN ACT Relating to the authorized uses of county sales and use taxes imposed under RCW 82.14.450; and amending RCW 82.14.450.

Referred to Committee on Ways & Means.

SB 6790 by Senators Roach, McAuliffe, Schmidt and Rasmussen

AN ACT Relating to first aid classes for high school students; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 2661 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Murray, Hankins, Pettigrew, Jarrett, McDermott, Grant, Lovick, Haigh, Moeller, Shabro, Santos, Kessler, Upthegrove, Tom, Hunter, Hasegawa, Walsh, Fromhold, Springer, Appleton, McCoy, Chase, Hudgins, Kenney, Lantz, Hunt, Darneille, Quall, Takko, Sommers, Williams, Sells, Green, Schual-Berke, Simpson, Clibborn, Conway, Linville, Cody, Kagi, B. Sullivan, McIntire, Dickerson, Miloscia, Roberts and Ormsby)

AN ACT Relating to the jurisdiction of the Washington human rights commission; amending RCW 49.60.010, 49.60.020, 49.60.030, 49.60.040, 49.60.120, 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.223, 49.60.224, 49.60.225, and 48.30.300; and reenacting and amending RCW 49.60.222.

SIXTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, January 24, 2006

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 23, 2006

SB 6206 Prime Sponsor, Jacobsen: Allowing the parks and recreation commission to deny or revoke the issuance of a park pass in certain circumstances. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel and Stevens

Passed to Committee on Rules for second reading.

January 23, 2006

SB 6235 Prime Sponsor, Kastama: Making technical changes to election laws. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6235 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Benton, Fairley, Haugen, McCaslin, Pridemore and Roach

Passed to Committee on Rules for second reading.

January 23, 2006

SB 6263 Prime Sponsor, Kohl-Welles: Authorizing the department to request and superior court to grant warrants pursuant to chapter 49.17 RCW. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6263 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

January 23, 2006

SB 6267 Prime Sponsor, Kastama: Requiring information regarding certain public facilities and services to be made available. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Fairley, Haugen, McCaslin, Pridemore and Roach

MINORITY recommendation: Without recommendation. Signed by Senator Benton

Passed to Committee on Rules for second reading.

January 23, 2006

SB 6382 Prime Sponsor, Hewitt: Authorizing the Washington horse racing commission to expend a statutorily limited amount of its operating funds for the development of the equine industry, improvement of racing facilities, and equine health research. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6382 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

January 19, 2006

SB 6441 Prime Sponsor, Johnson: Changing the law related to judicial orders concerning distraint of personal property. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6441 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

January 23, 2006

SB 6511 Prime Sponsor, Pridemore: Modifying disbursement of the metropolitan park district fund. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Benton, Fairley, Haugen, McCaslin, Pridemore and Roach

Passed to Committee on Rules for second reading.

January 23, 2006

SB 6537 Prime Sponsor, Kohl-Welles: Modifying requirements for the direct sale of wine to Washington state consumers. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Parlette and Prentice

Passed to Committee on Rules for second reading.

January 23, 2006

SB 6538 Prime Sponsor, Kohl-Welles: Regulating flavored malt beverage. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

January 23, 2006

SB 6540 Prime Sponsor, Kohl-Welles: Concerning the processing of liquor licenses. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6540 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

January 23, 2006

SB 6586 Prime Sponsor, Haugen: Allowing second class cities and towns to pay claims by check or warrant. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Benton, Fairley, Haugen, McCaslin, Pridemore and Roach

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 23, 2006

SGA 9362 JOHN LEE, appointed November 1, 2005, for the term ending at the governor's pleasure, as a Director of the Department of Veterans Affairs. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kastama, Chair; Benton, Fairley, Haugen, McCaslin, Pridemore and Roach

Passed to Committee on Rules for second reading.

January 23, 2006

SGA 9369 JANE NOLAND, appointed December 31, 2005, for the term ending December 31, 2010, as Member of the Public Disclosure Commission. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kastama, Chair; Fairley, Haugen, McCaslin, Pridemore and Roach

MINORITY recommendation: That said appointment not be confirmed. Signed by Senator Benton

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Rockefeller, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Rockefeller, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

January 24, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Noxious Weed Control Board Weed Audit Report. This report is mandated under Chapter 16-750 WAC.

If you have any questions about the report, please call 360-902-2053.

Sincerely,

Steve McGonigal, Executive Secretary

The Washington State Noxious Weed Control Board Weed Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

January 24, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is the Washington State Superintendent of Public Instruction Report. This report is mandated under Chapter 494, Laws of 2005.

Sincerely,

Terry Bergeson, State Superintendent of Public Instruction
The Washington State Superintendent of Public Instruction Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

January 20, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Central WA University Athletic Dept. Audit Report.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor
The Central WA University Athletic Dept. Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

January 20, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Central WA University Audit Report.

SIXTEENTH DAY, JANUARY 24, 2006

2006 REGULAR SESSION

If you have any questions about the report, please call 360-902-0370.

Washington state ferries; and adding a new section to chapter 66.24 RCW.

Sincerely,
Brian Sonntag, State Auditor
The Central WA University Audit Report is on file in the Office of the Secretary of the Senate.

Referred to Committee on Labor, Commerce, Research & Development.

MESSAGES FROM THE STATE OFFICES

SB 6792 by Senators Kastama, Fraser, Pridemore and Rasmussen

January 20, 2006

STATE OF WASHINGTON

AN ACT Relating to organizing the department of retirement systems; and amending RCW 41.50.050.

Olympia, Washington 98504-5000

Referred to Committee on Government Operations & Elections.

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

SB 6793 by Senators Hargrove, Brown, Brandland, McAuliffe, Thibaudeau, Rockefeller and Rasmussen

Dear Mr. Hoemann:

Enclosed is the Dept. of Personnel Accountability Audit Report. This report is mandated under RCW 43.09.310.

AN ACT Relating to specifying roles and responsibilities with respect to the treatment of persons with mental disorders; amending RCW 71.24.045, 71.24.300, 71.24.320, 71.24.3201, 71.24.330, 71.05.300, 72.23.010, and 72.23.025; reenacting and amending RCW 71.24.035; creating a new section; providing an expiration date; and declaring an emergency.

If you have any questions about the report, please call 360-902-0370.

Referred to Committee on Human Services & Corrections.

Sincerely,
Brian Sonntag, State Auditor
The Dept. of Personnel Accountability Audit Report is on file in the Office of the Secretary of the Senate.

SB 6794 by Senators Haugen, Esser, Jacobsen, Mulliken and Spanel

MOTION

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

AN ACT Relating to collective bargaining by state ferry employees; amending RCW 47.64.011, 47.64.120, 47.64.130, 47.64.140, 47.64.170, 47.64.200, 47.64.210, 47.64.220, 47.64.220, 47.64.230, 47.64.270, and 47.64.280; adding new sections to chapter 47.64 RCW; creating a new section; repealing RCW 47.64.180, 47.64.190, and 47.64.240; providing an effective date; providing an expiration date; and declaring an emergency.

MESSAGE FROM THE HOUSE

January 23, 2006

MR. PRESIDENT:

The House has passed the following bill(s):
SECOND SUBSTITUTE HOUSE BILL NO. 2292,
and the same is herewith transmitted.

Referred to Committee on Transportation.

RICHARD NAFZIGER, Chief Clerk

SB 6795 by Senators Fraser and Rasmussen

MESSAGE FROM THE HOUSE

January 23, 2006

MR. PRESIDENT:

The House has passed the following bill:
SECOND ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1291,
and the same is herewith transmitted.

AN ACT Relating to public pensions that replaces gain-sharing provisions with certain changes in benefits for the teachers' retirement system, the school employees' retirement system, and the public employees' retirement system; amending RCW 41.32.835, 41.32.840, 41.34.040, 41.34.040, 41.34.060, 41.34.110, 41.35.610, 41.35.620, 41.40.010, 41.40.790, 41.45.061, and 41.45.070; reenacting and amending RCW 41.32.010; adding new sections to chapter 41.32 RCW; adding new sections to chapter 41.35 RCW; adding a new section to chapter 41.40 RCW; creating new sections; repealing RCW 41.31.010, 41.31.020, 41.31.030, 41.31A.010, 41.31A.020, 41.31A.030, and 41.31A.040; and providing effective dates.

RICHARD NAFZIGER, Chief Clerk

Referred to Committee on Ways & Means.

MOTION

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

SB 6796 by Senators Eide, Honeyford, Mulliken and Rasmussen

INTRODUCTION AND FIRST READING

SB 6791 by Senators Poulsen, Kohl-Welles and Rockefeller

AN ACT Relating to sales and use tax exemptions for amenities purchased by lodging businesses for use by lodging guests; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing an effective date.

AN ACT Relating to liquor licenses issued to entities providing concession services on vessels owned by the

Referred to Committee on Ways & Means.

SIXTEENTH DAY, JANUARY 24, 2006

2006 REGULAR SESSION

SB 6797 by Senator Jacobsen

AN ACT Relating to creating the Washington state employee disaster recovery task force; and creating new sections.

Referred to Committee on Government Operations & Elections.

SB 6798 by Senators Schoesler and Kastama

AN ACT Relating to concerning the time period during which state officials may accept campaign contributions; and amending RCW 42.17.710.

Referred to Committee on Government Operations & Elections.

SB 6799 by Senators Kohl-Welles and Franklin

AN ACT Relating to the shipment of wine and beer from wine and beer manufacturers directly to Washington retailers; amending RCW 66.24.206, 66.24.210, 66.24.270, and 66.24.290; reenacting and amending RCW 66.28.070; creating a new section; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6800 by Senators Haugen, Jacobsen and Rockefeller

AN ACT Relating to streamlining state transportation governance; amending RCW 47.01.011, 47.01.031, 47.01.051, 47.01.061, 47.01.071, 47.01.075, 47.01.091, 47.01.101, 47.01.250, 47.01.280, 47.05.021, 47.05.030, 47.05.035, 47.05.051, 36.57A.191, 36.78.121, 36.79.120, 36.79.130, 36.120.020, 36.120.060, 43.10.101, 46.44.042, 46.44.080, 46.44.090, 46.44.092, 46.44.096, 46.61.450, 46.68.113, 47.68.410, 47.28.010, 47.28.170, 47.38.060, 47.52.133, 47.52.145, 47.52.210, 47.60.330, 47.68.390, 47.68.400, 81.112.086, 35.58.2795, 36.56.121, 36.57A.070, 47.29.010, 47.29.020, 47.29.030, 47.29.090, 47.29.100, 47.29.120, 47.29.160, 47.29.170, 47.29.180, 47.29.250, 47.10.861, 47.10.862, 47.10.843, 47.10.844, 47.10.834, 47.10.835, 47.10.819, 47.10.820, 47.02.120, 47.02.140, and 46.68.290; adding new sections to chapter 47.29 RCW; creating a new section; repealing RCW 44.75.010, 44.75.020, 44.75.030, 44.75.040, 44.75.050, 44.75.060, 44.75.070, 44.75.080, 44.75.090, 44.75.100, 44.75.110, 44.75.120, 44.75.800, 44.75.900, 44.75.901, 47.01.012, and 47.01.330; making an appropriation; and providing an effective date.

Referred to Committee on Transportation.

SB 6801 by Senators Benton, Schmidt, Schoesler, Swecker, Stevens, Roach and Esser

AN ACT Relating to robbery in the first degree; amending RCW 9A.56.200; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6802 by Senator Brown

AN ACT Relating to the board of directors of single county air pollution control authorities; and amending RCW 70.94.100 and 70.94.110.

Referred to Committee on Water, Energy & Environment.

SB 6803 by Senator Benson

AN ACT Relating to hunter education; and amending RCW 77.32.155.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6804 by Senator Benson

AN ACT Relating to providing a mechanism to encourage volunteers to teach hunter education programs in Washington; and amending RCW 77.32.155 and 77.32.450.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6805 by Senator Benson

AN ACT Relating to certificated employees; and amending RCW 28A.645.010 and 28A.405.320.

Referred to Committee on Early Learning, K-12 & Higher Education.

SJM 8034 by Senators Benton and McCaslin

Requesting Washington's congressional delegation to support federal tax reform.

Referred to Committee on Ways & Means.

SJR 8223 by Senators Esser, Benton, Mulliken, Roach, Stevens, McCaslin and Oke

Amending the Constitution to require voter approval of property taxes.

Referred to Committee on Ways & Means.

SCR 8417 by Senators Kohl-Welles, Prentice, Parlette, Kline and Rasmussen

Establishing a committee on gambling policy setting.

Referred to Committee on Labor, Commerce, Research & Development.

2E2SHB 1291 by House Committee on Appropriations (originally sponsored by Representatives Cody, Bailey, Morrell, Hinkle, Green, Moeller, Kessler, Haigh, Linville, Kagi, Santos and Ormsby)

AN ACT Relating to improving health care professional and health care facility patient safety practices; amending RCW 43.70.110 and 43.70.250; adding new sections to chapter 43.70 RCW; adding a new section to chapter 7.70 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

2SHB 2292 by House Committee on Judiciary (originally sponsored by Representatives Lantz, Cody, Campbell, Kirby, Flannigan, Williams, Linville, Springer, Clibborn, Wood, Fromhold, Morrell, Hunt, Moeller, Green, Kilmer, Conway, O'Brien, Sells, Kenney, Kessler, Chase, Upthegrove, Ormsby, Lovick, McCoy and Santos)

AN ACT Relating to improving health care by increasing patient safety, reducing medical errors, reforming medical malpractice insurance, and resolving medical malpractice

SIXTEENTH DAY, JANUARY 24, 2006

claims fairly without imposing mandatory limits on damage awards or fees; amending RCW 5.64.010, 4.24.260, 18.71.015, 18.130.160, 18.130.172, 43.70.510, 48.18.290, 48.18.2901, 48.18.100, 48.18.103, 48.19.043, 48.19.060, 4.16.190, 7.04.010, and 7.70.080; reenacting and amending RCW 69.41.010; reenacting RCW 4.16.350; adding new sections to chapter 18.130 RCW; adding new sections to chapter 7.70 RCW; adding a new section to chapter 42.17 RCW; adding a new section to chapter 48.19 RCW; adding a new section to chapter 48.18 RCW; adding a new chapter to Title 70 RCW; adding a new chapter to Title 48 RCW; adding a new chapter to Title 7 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

SHJR 4205 by House Committee on Education (originally sponsored by Representatives Schual-Berke, Haigh, Jarrett, Quall, Tom, Hunter, Hunt, Fromhold, Chase, Appleton, Darneille, Williams, Clibborn, McDermott, Simpson, P. Sullivan, Dickerson, O'Brien, Wood, Sells, Roberts, Green, Conway, Hudgins, Kirby, Kenney, McIntire, Dunshee, Hasegawa, Linville, Santos, Kagi, Ormsby, Lantz, Moeller and Blake)

Amending the Constitution to provide for a simple majority of voters voting to authorize a school levy.

Referred to Committee on Early Learning, K-12 & Higher Education.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

SB 6806 by Senators Esser, Hargrove, Brandland, Johnson and Rasmussen

AN ACT Relating to domestic violence; creating new sections; and providing an expiration date.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Rockefeller, all measures listed on the Introduction and Supplemental First Reading report were referred to the committees as designated.

MOTION

At 12:03 p.m., on motion of Senator Rockefeller, the Senate adjourned until 10:00 a.m. Wednesday, January 25, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 25, 2006

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Zarelli.

The Washington National Guard Color Guard consisting of Master Sergeant Jason Ushor, Tech. Sergeant Brian King, Sergeant Todd Smelcer and Sergeant First Class Travis Austin presented the Colors.

The national award-winning trombone quartet composed of Washington Army National Guardsmen from the 133rd. Army Band consisting of First Sergeant Rebecca Sharrett, Staff Sergeant Thomas Lee, Sergeant Patrick O'Hara and Sergeant Jeffrey Vogel performed the national anthem.

Chaplain Lt. Col. Kenneth Hegtvedt of the Washington Army National Guard offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 24, 2006

SB 6199 Prime Sponsor, Rockefeller: Regulating sports entertainment facility liquor license fees. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

January 23, 2006

SB 6204 Prime Sponsor, Jacobsen: Modifying the imposition of the regional transportation investment district vehicle surcharge. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Benson, Benton, Esser, Finkbeiner, Kastama, Mulliken, Spanel and Weinstein

Passed to Committee on Rules for second reading.

January 24, 2006

SB 6217 Prime Sponsor, Kastama: Making permanent the enhanced 911 advisory committee. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6217 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

January 19, 2006

SB 6247 Prime Sponsor, Haugen: Providing uniform administration of locally imposed motor vehicle excise taxes. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6247 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Berkey, Eide, Esser, Kastama, Mulliken, Sheldon, Spanel, Swecker and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senators Benson and Benton

Passed to Committee on Rules for second reading.

January 24, 2006

SB 6257 Prime Sponsor, Delvin: Exempting guest services or crowd management employees from the requirements of chapter 18.170 RCW. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6257 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

January 24, 2006

SB 6262 Prime Sponsor, Kohl-Welles: Establishing a pilot program to allow employers to assist employees in completing applications for industrial insurance benefits. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6262 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

January 23, 2006

SB 6381 Prime Sponsor, Haugen: Providing a windshield tint exemption for law enforcement vehicles. Revised for 1st Substitute: Providing a window tint exemption for law enforcement vehicles. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6381 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Benson, Benton, Eide, Esser, Finkbeiner, Kastama, Mulliken, Oke, Spanel and Weinstein

Passed to Committee on Rules for second reading.

January 24, 2006

SB 6396 Prime Sponsor, Kohl-Welles: Modifying the accumulation and use of sick leave accrued by part-time faculty. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6396 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser and Parlette

SEVENTEENTH DAY, JANUARY 25, 2006

Passed to Committee on Ways & Means.

January 23, 2006

SB 6431 Prime Sponsor, Kastama: Regarding the state interoperability executive committee. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6431 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Benton, Fairley, Haugen, McCaslin, Pridemore and Roach

Passed to Committee on Rules for second reading.

January 24, 2006

SB 6575 Prime Sponsor, Rasmussen: Identifying accessory uses on agricultural lands. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6575 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules.

January 24, 2006

SB 6653 Prime Sponsor, Kastama: Modifying address confidentiality program provisions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

January 23, 2006

SB 6680 Prime Sponsor, Brandland: Implementing a biometric matching system for driver's licenses and identicards. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Benson, Benton, Eide, Esser, Finkbeiner, Kastama, Mulliken, Oke, Spanel and Weinstein

Passed to Committee on Rules for second reading.

January 24, 2006

ESHB 2661 Prime Sponsor, Committee on State Government Operations & Accountability: Expanding the jurisdiction of the human rights commission. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Finkbeiner, Franklin, Keiser, Prentice and Spanel

MINORITY recommendation: Do not pass. Signed by Senators Benson, Benton and Schmidt

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6575 which was referred

2006 REGULAR SESSION

to the Committee on Rules and Senate Bill No. 6396 which was referred to the Committee on Ways & Means.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6807 by Senators Roach, Benton, Sheldon, Oke and Stevens

AN ACT Relating to prohibiting the condemnation of unblighted private property for private use; amending RCW 35.81.005, 35.81.080, and 35.81.090; creating a new section; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 6808 by Senators Roach, Benton, Sheldon, Oke and Stevens

AN ACT Relating to protecting private property rights; adding a new chapter to Title 8 RCW; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 6809 by Senator Keiser

AN ACT Relating to resident participation in the informal dispute resolution process; amending RCW 18.20.195; and adding a new section to chapter 18.51 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6810 by Senator Keiser

AN ACT Relating to temporary management in boarding homes; and adding new sections to chapter 18.20 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6811 by Senators Kastama, Shin, Rasmussen and Kline

AN ACT Relating to the Washington promise scholarship; creating a new section; and making an appropriation.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6812 by Senators Zarelli, Pridemore and Benton

AN ACT Relating to providing tax incentives to support the semiconductor cluster in Washington state; amending RCW 82.04.440, 82.32.590, and 82.32.600; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.32 RCW; creating new sections; providing a contingent effective date; and providing expiration dates.

Referred to Committee on Ways & Means.

SB 6813 by Senators Roach and Keiser

SEVENTEENTH DAY, JANUARY 25, 2006

2006 REGULAR SESSION

AN ACT Relating to binding arbitration for juvenile corrections employees; and amending RCW 41.56.030 and 41.56.465.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6814 by Senators Poulsen, Finkbeiner and Kline

AN ACT Relating to automatic dialing and announcing devices; amending RCW 80.36.400; adding a new section to chapter 80.36 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Water, Energy & Environment.

SB 6815 by Senator Roach

AN ACT Relating to instruction in Spanish and Chinese; amending RCW 28A.410.025; and creating new sections.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6816 by Senator Zarelli

AN ACT Relating to cemetery districts; and amending RCW 68.52.210.

Referred to Committee on Government Operations & Elections.

SB 6817 by Senators Carrell, Benton and Sheldon

AN ACT Relating to fluorescent yellow license plates for persons convicted of driving under the influence; reenacting and amending RCW 46.63.020; adding a new section to chapter 46.16 RCW; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6818 by Senators Benton, McCaslin and Roach

AN ACT Relating to utility liens against rental property; and amending RCW 35.21.290, 35.67.200, and 36.94.150.

Referred to Committee on Water, Energy & Environment.

SB 6819 by Senators Benton, McCaslin, Hargrove, Roach and Sheldon

AN ACT Relating to payment responsibility for utility service; and amending RCW 35.21.290, 35.67.200, 36.94.150, 57.08.081, and 80.28.010.

Referred to Committee on Water, Energy & Environment.

SB 6820 by Senators Keiser, Deccio, Thibaudeau, Parlette, Franklin, Benson and Kline

AN ACT Relating to application requirements for licensing physicians; and amending RCW 18.71.050.

Referred to Committee on Health & Long-Term Care.

SB 6821 by Senators McAuliffe, Schmidt, Weinstein, Kohl-Welles, Pridemore, Benton, Delvin, Rasmussen and Franklin

AN ACT Relating to college and career readiness centers; and creating new sections.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6822 by Senators Kohl-Welles, Fairley and Kline

AN ACT Relating to identification documents; adding a new section to chapter 19.192 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6823 by Senator Kohl-Welles

AN ACT Relating to the distribution of beer and wine by wineries and breweries located inside and outside Washington state to Washington retail liquor licensees; amending RCW 66.24.170, 66.24.240, 66.24.206, 66.24.210, 66.24.270, 66.24.290, 66.28.180, and 42.56.270; reenacting and amending RCW 66.24.244, 66.28.070, 66.28.180, and 42.17.310; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6824 by Senators Kohl-Welles, Brandland, Regala, McAuliffe and Kline

AN ACT Relating to safe residential housing for persons with developmental disabilities; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Human Services & Corrections.

SB 6825 by Senator Benton

AN ACT Relating to the boundary review board's authority to modify annexation proposals; and amending RCW 36.93.150.

Referred to Committee on Government Operations & Elections.

SB 6826 by Senator Benton

AN ACT Relating to public utility taxes imposed on fees and charges for public transit services; and amending RCW 82.16.050.

Referred to Committee on Transportation.

SB 6827 by Senators Finkbeiner, Esser, Rasmussen and Hewitt

AN ACT Relating to designating the Walla Walla sweet onion as the official Washington state vegetable; and adding a new section to chapter 1.20 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6828 by Senators Esser, Roach and McCaslin

AN ACT Relating to preventing the rejection of ballots if they are marked to identify the voter; and amending RCW 29A.60.040.

SEVENTEENTH DAY, JANUARY 25, 2006

2006 REGULAR SESSION

Referred to Committee on Government Operations & Elections.

SB 6829 by Senators Benton, Carrell and Oke

AN ACT Relating to most serious offenses; amending RCW 9.94A.030 and 9.94A.030; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

SB 6830 by Senators Benton, Haugen, Benson, Oke, Deccio, Schmidt, Sheldon, Weinstein, Poulsen, Roach, Pridemore, Zarelli, McAuliffe, Carrell, Kohl-Welles, Rasmussen, Eide, Shin, Rockefeller, Delvin, Franklin and Johnson

AN ACT Relating to "Support Our Troops" special license plates; amending RCW 46.16.765, 46.16.745, and 46.16.316; reenacting and amending RCW 46.16.313 and 46.16.725; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 6831 by Senator Thibaudeau

AN ACT Relating to access to individual health insurance coverage; amending RCW 48.41.040, 48.41.060, 48.41.100, 48.41.110, 48.41.160, 48.41.190, 48.43.005, and 48.43.041; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 6832 by Senators Carrell, Benton and Stevens

AN ACT Relating to community protection zones; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Human Services & Corrections.

SJM 8035 by Senators Benton and Roach

Petitioning Congress to pass the defense appropriations bill quickly.

Referred to Committee on Government Operations & Elections.

SJM 8036 by Senators Benton and Roach

Petitioning Congress to protect intellectual and physical property rights.

Referred to Committee on Judiciary.

SJM 8037 by Senators Haugen, Mulliken, Spanel, Benson, Benton and Kohl-Welles

Calling on the President and Congress to repeal the REAL ID Act of 2005.

Referred to Committee on Transportation.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

Senator Schmidt moved adoption of the following resolution:

SENATE RESOLUTION 8699

By Senators Schmidt, Benson, Hewitt, Parlette, Shin, Berkey, Rockefeller, Stevens and Honeyford

WHEREAS, Nearly eighty-six hundred men and women of the Washington National Guard continue to serve the country as guardians of American interests at home and abroad; and

WHEREAS, These recognized leaders in state, regional, and national preparedness, who reside in every legislative district throughout Washington, volunteer their time and personal efforts to serve the needs of the people of Washington state; and

WHEREAS, The Guard answered the state's call numerous times in response to fire fighting and flood support efforts and to protect lives in both civil and natural emergencies and disasters; and

WHEREAS, The Washington Army and Air National Guard provided critical mission support in both personnel and equipment to Operation Iraqi Freedom and Operation Enduring Freedom in Iraq and Afghanistan, respectively, and Operation Noble Eagle here at home; and

WHEREAS, The Washington Army and Air National Guard answered the call in support of hurricane relief efforts on the Gulf Coast resulting from Hurricanes Katrina, Rita, and Wilma; and

WHEREAS, The Guard continues to train and prepare for both natural disasters and threats to our national security; and

WHEREAS, The Guard continues to promote positive lifestyles and activities for Washington's youth through involvement in and support of highly effective drug prevention programs with school-aged children and community-based organizations; and

WHEREAS, The Guard continues to actively participate in the state's counter-drug efforts by providing soldiers, airmen, and specialized equipment to over thirty-five local, state, and federal law enforcement agencies; and

WHEREAS, The Guard adds value to communities by opening its readiness centers for public use, food banks, and other community and youth activities. The Guard continues to build upon these readiness centers and armories throughout the state to enhance education, add to quality of life, and increase economic vitality;

NOW, THEREFORE, BE IT RESOLVED, That the Senate express its thanks and appreciation to the devoted families and dedicated employers of our Washington National Guard soldiers and airmen for their support, without whom the Guard's missions could not be successful; and

BE IT FURTHER RESOLVED, That the Senate recognize the value and dedication of a strong Washington National Guard to the viability, economy, safety, security, and well-being of this state, both through the outstanding performance of its state emergency and disaster relief mission, and through the continued benefit to local communities by the presence of productively employed, drug-free, well-equipped, and trained Guard units and the readiness centers and armories that house them; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to The Adjutant General of the Washington National Guard, the Governor of the State of Washington, the Secretaries of the United States Army and Air Force, and the President of the United States.

SEVENTEENTH DAY, JANUARY 25, 2006

2006 REGULAR SESSION

Senators Schmidt, Shin, Oke, Rockefeller, Benson, Rasmussen and Franklin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8699.

The motion by Senator Schmidt carried and the resolution was adopted by voice vote.

POINT OF PERSONAL PRIVILEGE

Senator Honeyford: "Thank you Mr. President. I'm not sure what I have but I have a request for you. We have the two gentlemen that have been awarded the silver star. I think the Senate should recognize them. They are Specialist Gerrit Kobes that was awarded for action in Iraq and Technical Sergeant Kevin G. Whalen for actions in Afghanistan and I think it would be appropriate to have them rise."

INTRODUCTION OF SPECIAL GUEST

The President introduced Specialist Gerrit Kobes of Kettle Falls and Technical Sergeant Kevin G. Whalen who were present in the gallery and recognized by the Senate.

MOTION

At 10:36 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:21 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Shin moved that Gubernatorial Appointment No. 9388, Juli Wilkerson, as Director of the Department of Community, Trade and Economic Development, be confirmed.

Senators Shin and Regala spoke in favor of the motion.

MOTION

On motion of Senator Schoesler, Senator Zarelli was excused.

APPOINTMENT OF JULI WILKERSON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9388, Juli Wilkerson as Director of the Department of Community, Trade and Economic Development.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9388, Juli Wilkerson as Director of the Department of Community, Trade and Economic Development and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach,

Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 47

Absent: Senator Stevens - 1

Excused: Senator Zarelli - 1

Gubernatorial Appointment No. 9388, Juli Wilkerson, having received the constitutional majority was declared confirmed as Director of the Department of Community, Trade and Economic Development.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kohl-Welles moved that Gubernatorial Appointment No. 9331, Karen Lee, as a Commissioner of the Employment Security Department, be confirmed.

Senators Kohl-Welles and Franklin spoke in favor of the motion.

APPOINTMENT OF KAREN LEE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9331, Karen Lee as a Commissioner of the Employment Security Department.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9331, Karen Lee as a Commissioner of the Employment Security Department and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 48

Excused: Senator Zarelli - 1

Gubernatorial Appointment No. 9331, Karen Lee, having received the constitutional majority was declared confirmed as a Commissioner of the Employment Security Department.

MOMENT OF SILENCE

The Senate observed a moment of silence in memory of Donald Zarelli, the father of Senator Zarelli, who passed away January 25, 2006.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser, moved that Gubernatorial Appointment No. 9104, David Lamb, as a member of the Board of Trustees, The Evergreen State College, be confirmed.

Senators Fraser and Swecker spoke in favor of the motion.

APPOINTMENT OF DAVID LAMB

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9104, David Lamb as a member of the Board of Trustees, The Evergreen State College.

The Secretary called the roll on the confirmation of

SEVENTEENTH DAY, JANUARY 25, 2006

2006 REGULAR SESSION

Gubernatorial Appointment No. 9104, David Lamb as a member of the Board of Trustees, The Evergreen State College and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 48

Excused: Senator Zarelli - 1

Gubernatorial Appointment No. 9104, David Lamb, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Evergreen State College.

SECOND READING

SENATE BILL NO. 6594, by Senators Regala, Prentice, Doumit, Eide, Keiser, Fairley, Franklin and Kline

Conforming Washington's tax structure to the streamlined sales and use tax agreement.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6594 was substituted for Senate Bill No. 6594 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6594 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice, Regala and Schoesler spoke in favor of passage of the bill.

Senator Benton spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6594.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6594 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 48

Excused: Senator Zarelli - 1

SUBSTITUTE SENATE BILL NO. 6594, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2661, by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Murray, Hankins, Pettigrew, Jarrett, McDermott, Grant, Lovick, Haigh, Moeller, Shabro, Santos, Kessler, Uptegrove, Tom, Hunter, Hasegawa, Walsh, Fromhold, Springer, Appleton, McCoy, Chase, Hudgins, Kenney, Lantz, Hunt, Darneille, Quall, Takko, Sommers, Williams, Sells, Green, Schual-Berke,

Simpson, Clibborn, Conway, Linville, Cody, Kagi, B. Sullivan, McIntire, Dickerson, Miloscia, Roberts and Ormsby)

Expanding the jurisdiction of the human rights commission.

The measure was read the second time.

MOTION

Senator Stevens moved that the following amendment by Senators Stevens and Hargrove be adopted:

On page 6, line 20, after "identity" insert "but does not include bestiality, necrophilia, incest, adultery, pedophilia, or sadomasochism"

Renumber the sections consecutively and correct any internal references accordingly.

Senators Stevens and Hargrove spoke in favor of adoption of the amendment.

Senator Weinstein spoke against adoption of the amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Stevens and Hargrove on page 6, line 20, to Engrossed Substitute House Bill No. 2661.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Stevens and Hargrove and the amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Hargrove, Hewitt, Honeyford, Johnson, McCaslin, Morton, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens and Swecker - 22

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Absent: Senator Mulliken - 1

Excused: Senator Zarelli - 1

MOTION

Senator Swecker moved that the following amendment by Senator Swecker be adopted.

On page 19, after line 22, insert the following:

"NEW SECTION. Sec. 19. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

On page 1, line 5 of the title, after "48.30.300;" strike "and" and after "49.60.222" insert "; and providing for submission of this act to a vote of the people"

Senators Swecker and Deccio spoke in favor of adoption of the amendment.

Senator Brown spoke against adoption of the amendment.

Senator Benton spoke on adoption of the amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the Senate supported the demand and the demand was sustained.

SEVENTEENTH DAY, JANUARY 25, 2006

2006 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the amendment by Senator Swecker on page 19, after line 22 to Engrossed Substitute House Bill No. 2661.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Swecker and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Hargrove, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens and Swecker - 23

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibadeau and Weinstein - 25

Excused: Senator Zarelli - 1

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 49.60.010 and 1997 c 271 s 1 are each amended to read as follows:

This chapter shall be known as the "law against discrimination(^(b))."^(b) It is an exercise of the police power of the state for the protection of the public welfare, health, and peace of the people of this state, and in fulfillment of the provisions of the Constitution of this state concerning civil rights. The legislature hereby finds and declares that practices of discrimination against any of its inhabitants because of race, creed, color, national origin, families with children, sex, marital status, sexual orientation, age, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person are a matter of state concern, that such discrimination threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state. A state agency is herein created with powers with respect to elimination and prevention of discrimination in employment, in credit and insurance transactions, in places of public resort, accommodation, or amusement, and in real property transactions because of race, creed, color, national origin, families with children, sex, marital status, sexual orientation, age, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person; and the commission established hereunder is hereby given general jurisdiction and power for such purposes.

Sec. 2. RCW 49.60.020 and 1993 c 510 s 2 are each amended to read as follows:

The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this chapter shall be deemed to repeal any of the provisions of any other law of this state relating to discrimination because of race, color, creed, national origin, sex, marital status, sexual orientation, age, or the presence of any sensory, mental, or physical disability, other than a law which purports to require or permit doing any act which is an unfair practice under this chapter. Nor shall anything herein contained be construed to deny the right to any person to institute any action or pursue any civil or criminal remedy based upon an alleged violation of his or her civil rights. This chapter shall not be construed to endorse any specific belief, practice, behavior, or orientation. Inclusion of sexual orientation in this chapter shall not be construed to modify or supersede state law relating to marriage.

Sec. 3. RCW 49.60.030 and 1997 c 271 s 2 are each amended to read as follows:

(1) The right to be free from discrimination because of race, creed, color, national origin, sex, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person is recognized as and declared to be a civil right. This right shall include, but not be limited to:

(a) The right to obtain and hold employment without discrimination;

(b) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement;

(c) The right to engage in real estate transactions without discrimination, including discrimination against families with children;

(d) The right to engage in credit transactions without discrimination;

(e) The right to engage in insurance transactions or transactions with health maintenance organizations without discrimination: PROVIDED, That a practice which is not unlawful under RCW 48.30.300, 48.44.220, or 48.46.370 does not constitute an unfair practice for the purposes of this subparagraph; and

(f) The right to engage in commerce free from any discriminatory boycotts or blacklists. Discriminatory boycotts or blacklists for purposes of this section shall be defined as the formation or execution of any express or implied agreement, understanding, policy or contractual arrangement for economic benefit between any persons which is not specifically authorized by the laws of the United States and which is required or imposed, either directly or indirectly, overtly or covertly, by a foreign government or foreign person in order to restrict, condition, prohibit, or interfere with or in order to exclude any person or persons from any business relationship on the basis of race, color, creed, religion, sex, sexual orientation, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person, or national origin or lawful business relationship: PROVIDED HOWEVER, That nothing herein contained shall prohibit the use of boycotts as authorized by law pertaining to labor disputes and unfair labor practices.

(2) Any person deeming himself or herself injured by any act in violation of this chapter shall have a civil action in a court of competent jurisdiction to enjoin further violations, or to recover the actual damages sustained by the person, or both, together with the cost of suit including reasonable attorneys' fees or any other appropriate remedy authorized by this chapter or the United States Civil Rights Act of 1964 as amended, or the Federal Fair Housing Amendments Act of 1988 (42 U.S.C. Sec. 3601 et seq.).

(3) Except for any unfair practice committed by an employer against an employee or a prospective employee, or any unfair practice in a real estate transaction which is the basis for relief specified in the amendments to RCW 49.60.225 contained in chapter 69, Laws of 1993, any unfair practice prohibited by this chapter which is committed in the course of trade or commerce as defined in the Consumer Protection Act, chapter 19.86 RCW, is, for the purpose of applying that chapter, a matter affecting the public interest, is not reasonable in relation to the development and preservation of business, and is an unfair or deceptive act in trade or commerce.

Sec. 4. RCW 49.60.040 and 1997 c 271 s 3 are each amended to read as follows:

~~(As used in this chapter.)~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons; it includes any owner, lessee, proprietor, manager, agent, or employee, whether one or more natural persons; and further

SEVENTEENTH DAY, JANUARY 25, 2006

2006 REGULAR SESSION

includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision thereof;

(2) "Commission" means the Washington state human rights commission;

(3) "Employer" includes any person acting in the interest of an employer, directly or indirectly, who employs eight or more persons, and does not include any religious or sectarian organization not organized for private profit;

(4) "Employee" does not include any individual employed by his or her parents, spouse, or child, or in the domestic service of any person;

(5) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms or conditions of employment, or for other mutual aid or protection in connection with employment;

(6) "Employment agency" includes any person undertaking with or without compensation to recruit, procure, refer, or place employees for an employer;

(7) "Marital status" means the legal status of being married, single, separated, divorced, or widowed;

(8) "National origin" includes "ancestry";

(9) "Full enjoyment of" includes the right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons of any particular race, creed, color, sex, sexual orientation, national origin, or with any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person, to be treated as not welcome, accepted, desired, or solicited;

(10) "Any place of public resort, accommodation, assemblage, or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire, or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation, or public purposes, or public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: PROVIDED, That nothing contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; nor shall anything contained in this definition apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution;

(11) "Real property" includes buildings, structures, dwellings, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein;

(12) "Real estate transaction" includes the sale, appraisal, brokering, exchange, purchase, rental, or lease of real property,

transacting or applying for a real estate loan, or the provision of brokerage services;

(13) "Dwelling" means any building, structure, or portion thereof that is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land that is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof;

(14) "Sex" means gender;

(15) "Sexual orientation" means heterosexuality, homosexuality, bisexuality, and gender expression or identity. As used in this definition, "gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth;

(16) "Aggrieved person" means any person who: (a) Claims to have been injured by an unfair practice in a real estate transaction; or (b) believes that he or she will be injured by an unfair practice in a real estate transaction that is about to occur;

~~((16))~~ (17) "Complainant" means the person who files a complaint in a real estate transaction;

~~((17))~~ (18) "Respondent" means any person accused in a complaint or amended complaint of an unfair practice in a real estate transaction;

~~((18))~~ (19) "Credit transaction" includes any open or closed end credit transaction, whether in the nature of a loan, retail installment transaction, credit card issue or charge, or otherwise, and whether for personal or for business purposes, in which a service, finance, or interest charge is imposed, or which provides for repayment in scheduled payments, when such credit is extended in the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan associations or other financial lending institutions of whatever nature, stock brokers, or by a merchant or mercantile establishment which as part of its ordinary business permits or provides that payment for purchases of property or service therefrom may be deferred;

~~((19))~~ (20) "Families with children status" means one or more individuals who have not attained the age of eighteen years being domiciled with a parent or another person having legal custody of such individual or individuals, or with the designee of such parent or other person having such legal custody, with the written permission of such parent or other person. Families with children status also applies to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years;

~~((20))~~ (21) "Covered multifamily dwelling" means: (a) Buildings consisting of four or more dwelling units if such buildings have one or more elevators; and (b) ground floor dwelling units in other buildings consisting of four or more dwelling units;

~~((21))~~ (22) "Premises" means the interior or exterior spaces, parts, components, or elements of a building, including individual dwelling units and the public and common use areas of a building;

~~((22))~~ (23) "Dog guide" means a dog that is trained for the purpose of guiding blind persons or a dog that is trained for the purpose of assisting hearing impaired persons;

~~((23))~~ (24) "Service animal" means an animal that is trained for the purpose of assisting or accommodating a disabled person's sensory, mental, or physical disability.

Sec. 5. RCW 49.60.120 and 1997 c 271 s 4 are each amended to read as follows:

The commission shall have the functions, powers, and duties:

(1) To appoint an executive director and chief examiner, and such investigators, examiners, clerks, and other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

(2) To obtain upon request and utilize the services of all governmental departments and agencies.

SEVENTEENTH DAY, JANUARY 25, 2006

2006 REGULAR SESSION

(3) To adopt, (~~promulgate,~~) amend, and rescind suitable rules (~~and regulations~~) to carry out the provisions of this chapter, and the policies and practices of the commission in connection therewith.

(4) To receive, impartially investigate, and pass upon complaints alleging unfair practices as defined in this chapter.

(5) To issue such publications and (~~such~~) results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of sex, sexual orientation, race, creed, color, national origin, marital status, age, or the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person.

(6) To make such technical studies as are appropriate to effectuate the purposes and policies of this chapter and to publish and distribute the reports of such studies.

(7) To cooperate and act jointly or by division of labor with the United States or other states, with other Washington state agencies, commissions, and other government entities, and with political subdivisions of the state of Washington and their respective human rights agencies to carry out the purposes of this chapter. However, the powers which may be exercised by the commission under this subsection permit investigations and complaint dispositions only if the investigations are designed to reveal, or the complaint deals only with, allegations which, if proven, would constitute unfair practices under this chapter. The commission may perform such services for these agencies and be reimbursed therefor.

(8) To foster good relations between minority and majority population groups of the state through seminars, conferences, educational programs, and other intergroup relations activities.

Sec. 6. RCW 49.60.130 and 1997 c 271 s 5 are each amended to read as follows:

The commission has power to create such advisory agencies and conciliation councils, local, regional, or statewide, as in its judgment will aid in effectuating the purposes of this chapter. The commission may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of sex, race, creed, color, national origin, marital status, sexual orientation, age, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person; to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population of the state, and to make recommendations to the commission for the development of policies and procedures in general and in specific instances, and for programs of formal and informal education which the commission may recommend to the appropriate state agency.

Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay, but with reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, and the commission may make provision for technical and clerical assistance to such agencies and councils and for the expenses of such assistance. The commission may use organizations specifically experienced in dealing with questions of discrimination.

Sec. 7. RCW 49.60.175 and 1997 c 271 s 7 are each amended to read as follows:

It shall be an unfair practice to use the sex, race, creed, color, national origin, marital status, sexual orientation, or the presence of any sensory, mental, or physical disability of any person, or the use of a trained dog guide or service animal by a disabled person, concerning an application for credit in any credit transaction to determine the credit worthiness of an applicant.

Sec. 8. RCW 49.60.176 and 1997 c 271 s 8 are each amended to read as follows:

(1) It is an unfair practice for any person whether acting for himself, herself, or another in connection with any credit transaction because of race, creed, color, national origin, sex, marital status, sexual orientation, or the presence of any sensory,

mental, or physical disability or the use of a trained dog guide or service animal by a disabled person:

(a) To deny credit to any person;

(b) To increase the charges or fees for or collateral required to secure any credit extended to any person;

(c) To restrict the amount or use of credit extended or to impose different terms or conditions with respect to the credit extended to any person or any item or service related thereto;

(d) To attempt to do any of the unfair practices defined in this section.

(2) Nothing in this section shall prohibit any party to a credit transaction from considering the credit history of any individual applicant.

(3) Further, nothing in this section shall prohibit any party to a credit transaction from considering the application of the community property law to the individual case or from taking reasonable action thereon.

Sec. 9. RCW 49.60.178 and 1997 c 271 s 9 are each amended to read as follows:

It is an unfair practice for any person whether acting for himself, herself, or another in connection with an insurance transaction or transaction with a health maintenance organization to cancel or fail or refuse to issue or renew insurance or a health maintenance agreement to any person because of sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person: PROVIDED, That a practice which is not unlawful under RCW 48.30.300, 48.44.220, or 48.46.370 does not constitute an unfair practice for the purposes of this section. For the purposes of this section, "insurance transaction" is defined in RCW 48.01.060, health maintenance agreement is defined in RCW 48.46.020, and "health maintenance organization" is defined in RCW 48.46.020.

The fact that such unfair practice may also be a violation of chapter 48.30, 48.44, or 48.46 RCW does not constitute a defense to an action brought under this section.

The insurance commissioner, under RCW 48.30.300, and the human rights commission, under chapter 49.60 RCW, shall have concurrent jurisdiction under this section and shall enter into a working agreement as to procedure to be followed in complaints under this section.

Sec. 10. RCW 49.60.180 and 1997 c 271 s 10 are each amended to read as follows:

It is an unfair practice for any employer:

(1) To refuse to hire any person because of age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person, unless based upon a bona fide occupational qualification: PROVIDED, That the prohibition against discrimination because of such disability shall not apply if the particular disability prevents the proper performance of the particular worker involved: PROVIDED, That this section shall not be construed to require an employer to establish employment goals or quotas based on sexual orientation.

(2) To discharge or bar any person from employment because of age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person.

(3) To discriminate against any person in compensation or in other terms or conditions of employment because of age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person: PROVIDED, That it shall not be an unfair practice for an employer to segregate washrooms or locker facilities on the basis of sex, or to base other terms and conditions of employment on the sex of employees where the commission by regulation or ruling in a particular instance has found the employment practice to be appropriate for the

SEVENTEENTH DAY, JANUARY 25, 2006

2006 REGULAR SESSION

practical realization of equality of opportunity between the sexes.

(4) To print, or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification, or discrimination as to age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification: PROVIDED, Nothing contained herein shall prohibit advertising in a foreign language.

Sec. 11. RCW 49.60.190 and 1997 c 271 s 11 are each amended to read as follows:

It is an unfair practice for any labor union or labor organization:

(1) To deny membership and full membership rights and privileges to any person because of age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person.

(2) To expel from membership any person because of age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person.

(3) To discriminate against any member, employer, employee, or other person to whom a duty of representation is owed because of age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person.

Sec. 12. RCW 49.60.200 and 1997 c 271 s 12 are each amended to read as follows:

It is an unfair practice for any employment agency to fail or refuse to classify properly or refer for employment, or otherwise to discriminate against, an individual because of age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person, or to print or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification or discrimination as to age, sex, race, sexual orientation, creed, color, or national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification: PROVIDED, Nothing contained herein shall prohibit advertising in a foreign language.

Sec. 13. RCW 49.60.215 and 1997 c 271 s 13 are each amended to read as follows:

It shall be an unfair practice for any person or the person's agent or employee to commit an act which directly or indirectly results in any distinction, restriction, or discrimination, or the requiring of any person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from any person the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement, except for conditions and limitations established by law and applicable to all persons, regardless of race, creed, color, national origin, sexual orientation, sex, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person: PROVIDED, That this section shall not be construed to require structural changes, modifications, or additions to make any place accessible to a disabled person except as otherwise required by law: PROVIDED, That behavior or actions constituting a risk to

property or other persons can be grounds for refusal and shall not constitute an unfair practice.

Sec. 14. RCW 49.60.222 and 1997 c 400 s 3 and 1997 c 271 s 14 are each reenacted and amended to read as follows:

(1) It is an unfair practice for any person, whether acting for himself, herself, or another, because of sex, marital status, sexual orientation, race, creed, color, national origin, families with children status, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person:

(a) To refuse to engage in a real estate transaction with a person;

(b) To discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;

(c) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;

(d) To refuse to negotiate for a real estate transaction with a person;

(e) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his or her attention, or to refuse to permit the person to inspect real property;

(f) To discriminate in the sale or rental, or to otherwise make unavailable or deny a dwelling, to any person; or to a person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or to any person associated with the person buying or renting;

(g) To make, print, circulate, post, or mail, or cause to be so made or published a statement, advertisement, or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto;

(h) To offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;

(i) To expel a person from occupancy of real property;

(j) To discriminate in the course of negotiating, executing, or financing a real estate transaction whether by mortgage, deed of trust, contract, or other instrument imposing a lien or other security in real property, or in negotiating or executing any item or service related thereto including issuance of title insurance, mortgage insurance, loan guarantee, or other aspect of the transaction. Nothing in this section shall limit the effect of RCW 49.60.176 relating to unfair practices in credit transactions; or

(k) To attempt to do any of the unfair practices defined in this section.

(2) For the purposes of this chapter discrimination based on the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a blind, deaf, or physically disabled person includes:

(a) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the dwelling, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the dwelling to the condition that existed before the modification, reasonable wear and tear excepted;

(b) To refuse to make reasonable accommodation in rules, policies, practices, or services when such accommodations may be necessary to afford a person with the presence of any sensory, mental, or physical disability and/or the use of a trained dog guide or service animal by a blind, deaf, or physically disabled person equal opportunity to use and enjoy a dwelling; or

SEVENTEENTH DAY, JANUARY 25, 2006

2006 REGULAR SESSION

(c) To fail to design and construct covered multifamily dwellings and premises in conformance with the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.) and all other applicable laws or regulations pertaining to access by persons with any sensory, mental, or physical disability or use of a trained dog guide or service animal. Whenever the requirements of applicable laws or regulations differ, the requirements which require greater accessibility for persons with any sensory, mental, or physical disability shall govern.

Nothing in (a) or (b) of this subsection shall apply to: (i) A single-family house rented or leased by the owner if the owner does not own or have an interest in the proceeds of the rental or lease of more than three such single-family houses at one time, the rental or lease occurred without the use of a real estate broker or salesperson, as defined in RCW 18.85.010, and the rental or lease occurred without the publication, posting, or mailing of any advertisement, sign, or statement in violation of subsection (1)(g) of this section; or (ii) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other if the owner maintains and occupies one of the rooms or units as his or her residence.

(3) Notwithstanding any other provision of this chapter, it shall not be an unfair practice or a denial of civil rights for any public or private educational institution to separate the sexes or give preference to or limit use of dormitories, residence halls, or other student housing to persons of one sex or to make distinctions on the basis of marital or families with children status.

(4) Except pursuant to subsection (2)(a) of this section, this section shall not be construed to require structural changes, modifications, or additions to make facilities accessible to a disabled person except as otherwise required by law. Nothing in this section affects the rights, responsibilities, and remedies of landlords and tenants pursuant to chapter 59.18 or 59.20 RCW, including the right to post and enforce reasonable rules of conduct and safety for all tenants and their guests, provided that chapters 59.18 and 59.20 RCW are only affected to the extent they are inconsistent with the nondiscrimination requirements of this chapter. Nothing in this section limits the applicability of any reasonable federal, state, or local restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

(5) Notwithstanding any other provision of this chapter, it shall not be an unfair practice for any public establishment providing for accommodations offered for the full enjoyment of transient guests as defined by RCW 9.91.010(1)(c) to make distinctions on the basis of families with children status. Nothing in this section shall limit the effect of RCW 49.60.215 relating to unfair practices in places of public accommodation.

(6) Nothing in this chapter prohibiting discrimination based on families with children status applies to housing for older persons as defined by the federal fair housing amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as amended by the housing for older persons act of 1995, P.L. 104-76, as enacted on December 28, 1995. Nothing in this chapter authorizes requirements for housing for older persons different than the requirements in the federal fair housing amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as amended by the housing for older persons act of 1995, P.L. 104-76, as enacted on December 28, 1995.

(7) Nothing in this chapter shall apply to real estate transactions involving the sharing of a dwelling unit, or rental or sublease of a portion of a dwelling unit, when the dwelling unit is to be occupied by the owner or sublessor. For purposes of this section, "dwelling unit" has the same meaning as in RCW 59.18.030.

Sec. 15. RCW 49.60.223 and 1997 c 271 s 15 are each amended to read as follows:

It is an unfair practice for any person, for profit, to induce or attempt to induce any person to sell or rent any real property by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, creed, color, sex, national origin, sexual orientation, families with

children status, or with any sensory, mental, or physical disability and/or the use of a trained dog guide or service animal by a blind, deaf, or physically disabled person.

Sec. 16. RCW 49.60.224 and 1997 c 271 s 16 are each amended to read as follows:

(1) Every provision in a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, occupancy, or lease thereof to individuals of a specified race, creed, color, sex, national origin, sexual orientation, families with children status, or with any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a blind, deaf, or physically disabled person, and every condition, restriction, or prohibition, including a right of entry or possibility of reverter, which directly or indirectly limits the use or occupancy of real property on the basis of race, creed, color, sex, national origin, sexual orientation, families with children status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a blind, deaf, or physically disabled person is void.

(2) It is an unfair practice to insert in a written instrument relating to real property a provision that is void under this section or to honor or attempt to honor such a provision in the chain of title.

Sec. 17. RCW 49.60.225 and 1997 c 271 s 17 are each amended to read as follows:

(1) When a reasonable cause determination has been made under RCW 49.60.240 that an unfair practice in a real estate transaction has been committed and a finding has been made that the respondent has engaged in any unfair practice under RCW 49.60.250, the administrative law judge shall promptly issue an order for such relief suffered by the aggrieved person as may be appropriate, which may include actual damages as provided by the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.), and injunctive or other equitable relief. Such order may, to further the public interest, assess a civil penalty against the respondent:

(a) In an amount up to ten thousand dollars if the respondent has not been determined to have committed any prior unfair practice in a real estate transaction;

(b) In an amount up to twenty-five thousand dollars if the respondent has been determined to have committed one other unfair practice in a real estate transaction during the five-year period ending on the date of the filing of this charge; or

(c) In an amount up to fifty thousand dollars if the respondent has been determined to have committed two or more unfair practices in a real estate transaction during the seven-year period ending on the date of the filing of this charge, for loss of the right secured by RCW 49.60.010, 49.60.030, 49.60.040, and 49.60.222 through 49.60.224, as now or hereafter amended, to be free from discrimination in real property transactions because of sex, marital status, race, creed, color, national origin, sexual orientation, families with children status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a blind, deaf, or physically disabled person. Enforcement of the order and appeal therefrom by the complainant or respondent may be made as provided in RCW 49.60.260 and 49.60.270. If acts constituting the unfair practice in a real estate transaction that is the object of the charge are determined to have been committed by the same natural person who has been previously determined to have committed acts constituting an unfair practice in a real estate transaction, then the civil penalty of up to fifty thousand dollars may be imposed without regard to the period of time within which any subsequent unfair practice in a real estate transaction occurred. All civil penalties assessed under this section shall be paid into the state treasury and credited to the general fund.

(2) Such order shall not affect any contract, sale, conveyance, encumbrance, or lease consummated before the issuance of an order that involves a bona fide purchaser, encumbrancer, or tenant who does not have actual notice of the charge filed under this chapter.

SEVENTEENTH DAY, JANUARY 25, 2006

2006 REGULAR SESSION

(3) Notwithstanding any other provision of this chapter, persons awarded damages under this section may not receive additional damages pursuant to RCW 49.60.250.

Sec. 18. RCW 48.30.300 and 2005 c 223 s 19 are each amended to read as follows:

Notwithstanding any provision contained in Title 48 RCW to the contrary:

A person or entity engaged in the business of insurance in this state may not refuse to issue any contract of insurance or cancel or decline to renew such contract because of the sex ((or)), marital status, or sexual orientation as defined in RCW 49.60.040, or the presence of any sensory, mental, or physical handicap of the insured or prospective insured. The amount of benefits payable, or any term, rate, condition, or type of coverage may not be restricted, modified, excluded, increased, or reduced on the basis of the sex ((or)), marital status, or sexual orientation, or be restricted, modified, excluded, or reduced on the basis of the presence of any sensory, mental, or physical handicap of the insured or prospective insured. This subsection does not prohibit fair discrimination on the basis of sex, or marital status, or the presence of any sensory, mental, or physical handicap when bona fide statistical differences in risk or exposure have been substantiated."

On page 1, line 2 of the title, after "commission;" strike the remainder of the title and insert "amending RCW 49.60.010, 49.60.020, 49.60.030, 49.60.040, 49.60.120, 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.223, 49.60.224, 49.60.225, and 48.30.300; and reenacting and amending RCW 49.60.222."

MOTION

Senator Benton moved that the following amendment by Senator Benton to the committee striking amendment be adopted.

On page 1, line 12 of the amendment, after "sexual orientation," insert "political party affiliation."

On page 1, line 23 of the amendment, after "orientation," insert "political party affiliation."

On page 2, line 4 of the amendment, after "orientation," insert "political party affiliation."

On page 2, line 17 of the amendment, after "sexual orientation," insert "political party affiliation."

On page 3, line 9 of the amendment, after "sexual orientation," insert "political party affiliation."

On page 4, line 33 of the amendment, after "sexual orientation," insert "political party affiliation."

On page 7, line 16 of the amendment, after "disability" insert ":

(25) "Political party affiliation" means to voluntarily associate with a partisan political organization"

On page 7, line 34 of the amendment, after "sexual orientation," insert "political party affiliation."

On page 8, line 26 of the amendment, after "sexual orientation," insert "political party affiliation."

On page 9, line 9 of the amendment, after "sexual orientation," insert "political party affiliation."

On page 9, line 19 of the amendment, after "sexual orientation," insert "political party affiliation."

On page 10, line 7 of the amendment, after "sexual orientation," insert "political party affiliation."

On page 10, line 28 of the amendment, after "sexual orientation," insert "political party affiliation."

On page 10, line 36 of the amendment, after "sexual orientation" insert "or political party affiliation"

On page 11, line 2 of the amendment, after "sexual orientation," insert "political party affiliation."

On page 11, line 8 of the amendment, after "sexual orientation," insert "political party affiliation."

On page 11, line 21 of the amendment, after "sexual orientation," insert "political party affiliation."

On page 11, line 32 of the amendment, after "sexual

orientation," insert "political party affiliation."

On page 11, line 37 of the amendment, after "sexual orientation," insert "political party affiliation."

On page 12, line 6 of the amendment, after "sexual orientation," insert "political party affiliation."

On page 12, line 15 of the amendment, after "sexual orientation," insert "political party affiliation."

On page 12, line 22 of the amendment, after "sexual orientation," insert "political party affiliation."

On page 13, line 4 of the amendment, after "sexual orientation," insert "political party affiliation."

On page 13, line 16 of the amendment, after "orientation," insert "political party affiliation."

On page 16, line 32 of the amendment, after "sexual orientation," insert "political party affiliation."

On page 17, line 6 of the amendment, after "sexual orientation," insert "political party affiliation."

On page 17, line 13 of the amendment, after "sexual orientation," insert "political party affiliation."

On page 18, line 10 of the amendment, after "sexual orientation," insert "political party affiliation."

On page 19, line 2 of the amendment, after "status," insert "political party affiliation."

On page 19, line 7 of the amendment, after "status," insert "political party affiliation."

Senator Benton spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Prentice spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 1, line 12 to the committee striking amendment to Engrossed Substitute House Bill No. 2661.

The motion by Senator Benton failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Stevens to the committee striking amendment be adopted.

On page 6, line 6 of the amendment, after "identity" insert ":", but does not include bestiality, necrophilia, incest, adultery, pedophilia, or sadomasochism"

Renumber the sections consecutively and correct any internal references accordingly.

WITHDRAWAL OF AMENDMENT

On motion of Senator Hargrove, the amendment by Senators Hargrove and Stevens on page 6, line 6 to the committee striking amendment to Engrossed Substitute House Bill No. 2661 was withdrawn.

MOTION

Senator Benton moved that the following amendment by Senator Benton, on page 7, line 16 to the committee striking amendment be adopted.

On page 7 line 16 of the amendment, after "disability" insert ":

(25) "Physical disability" also includes individuals with obesity"

Senator Benton spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Fairley spoke against adoption of the amendment to the committee striking amendment.

SEVENTEENTH DAY, JANUARY 25, 2006

2006 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 7, line 16 to the committee striking amendment to Engrossed Substitute House Bill No. 2661.

The motion by Senator Benton failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION

Senator Swecker moved that the following amendment by Senator Swecker to the committee striking amendment be adopted.

On page 19, after line 13, insert the following:

"NEW SECTION. **Sec. 19.** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

On page 19, line 18 of the title amendment, after "48.30.300;", strike all material through "49.60.222." and insert "and providing for submission of this act to a vote of the people."

Senators Swecker and Deccio spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Brown spoke against adoption of the amendment to the committee striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the Senate support the demand. The demand is sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Swecker on page 19, line 13 to the committee striking amendment to Engrossed Substitute House Bill No. 2661.

POINT OF INQUIRY

Senator Benton: "Would Senator Brown yield to a question? Senator Brown, you stated that the bill does not contain an emergency clause and yet I noticed we did pass a committee amendment so the bill will be going back to the other chamber for its approval. If the bill comes back to this body with an emergency clause on it, would you oppose it?"

Senator Brown: "Senator, when the bill goes to the other body I think its not in our preview to discuss what happens there but it is my preference that we pass this bill with neither an emergency clause nor a referendum clause."

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Swecker to the committee striking and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Hargrove, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens and Swecker - 23

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senator Zarelli - 1

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection to Engrossed Substitute House Bill No. 2661.

The motion by Senator Fairley carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute House Bill No. 2661 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

Senator Esser objected to suspending the rules to advance the bill to third reading and final passage.

MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute House Bill No. 2661 was deferred and the bill held its place on the day's calendar.

PERSONAL PRIVILEGE

Senator Rasmussen: "Mr. President, today is Autism day in Olympia and many of your offices will be visited by people that care about this issue and I'll remind you that one out of every hundred-sixty six children born are autistic. They desperately need our help and today in the Rotunda from 1:30-3:00 you'll be able to visit and meet some of these people. Thank you."

MOTION

At 12:34 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon Thursday, January 26, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

EIGHTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, January 26, 2006

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 24, 2006

SB 6005 Prime Sponsor, Rockefeller: Regarding preservation of state publications by the state library services. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6005 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Ways & Means.

January 24, 2006

SB 6152 Prime Sponsor, Kastama: Regarding penalties for violations of the public disclosure act. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton and Mulliken

MINORITY recommendation: Without recommendation. Signed by Senator Roach

Passed to Committee on Rules for second reading.

January 25, 2006

SB 6175 Prime Sponsor, Jacobsen: Concerning the regulation of surface mining. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6175 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Hargrove, Morton, Oke, Stevens and Swecker

Passed to Committee on Ways & Means.

January 25, 2006

SB 6180 Prime Sponsor, Jacobsen: Allowing the department of natural resources to exchange certain state lands. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6180 be substituted therefor, and the substitute bill do

pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Stevens and Swecker

Passed to Committee on Ways & Means.

January 25, 2006

SB 6281 Prime Sponsor, Jacobsen: Funding mountains to Sound greenway outdoor recreation projects. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Without recommendation. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Oke, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Morton and Stevens

Passed to Committee on Ways & Means.

January 24, 2006

SB 6293 Prime Sponsor, Pflug: Authorizing employer tax incentives for the employment of students in math and science programs. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Ways & Means.

January 24, 2006

SB 6326 Prime Sponsor, Shin: Providing a source of funding for customized work force training. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6326 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Ways & Means.

January 24, 2006

SB 6328 Prime Sponsor, Shin: Creating a joint legislative task force on aerospace manufacturing. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6328 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug and Roach

Passed to Committee on Ways & Means.

January 24, 2006

SB 6330 Prime Sponsor, Shin: Establishing the Washington trade corps fellowship program. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6330 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Ways & Means.

January 23, 2006

EIGHTEENTH DAY, JANUARY 26, 2006

2006 REGULAR SESSION

SB 6337 Prime Sponsor, Haugen: Changing compensation requirements for members of the governing body of diking and drainage districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, McCaslin and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton and Roach

Passed to Committee on Rules for second reading.

January 25, 2006

SB 6437 Prime Sponsor, McAuliffe: Providing for adoption of course equivalencies for career and technical courses. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6437 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

January 25, 2006

SB 6438 Prime Sponsor, Weinstein: Modifying school district levy provisions. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt and Shin

MINORITY recommendation: Do not pass. Signed by Senators Carrell and Schoesler

Passed to Committee on Ways & Means.

January 25, 2006

SB 6466 Prime Sponsor, Kohl-Welles: Creating the department of early learning. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6466 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Eide, Kohl-Welles, Rasmussen, Rockefeller and Shin

MINORITY recommendation: Do not pass. Signed by Senators Carrell, Delvin, Pflug, Schmidt and Schoesler

Passed to Committee on Ways & Means.

January 25, 2006

SB 6483 Prime Sponsor, Kohl-Welles: Expanding apprenticeship opportunities for high school graduates. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6483 be substituted therefor, and the substitute bill do

pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

January 24, 2006

SB 6604 Prime Sponsor, Prentice: Providing excise tax relief for aerospace businesses. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6604 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Ways & Means.

January 24, 2006

SCR 8416 Prime Sponsor, Kastama: Moving the September 2006 legislative assembly to a location east of the Cascade Mountains. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 8416 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin and Pridemore

MINORITY recommendation: Do not pass. Signed by Senator Benton

MINORITY recommendation: Without recommendation: Signed by Senator Roach

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 23, 2006

SGA 9334 TONI M. ASPIN, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Peninsula Community College District No. 1. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Schmidt and Shin

Passed to Committee on Rules for second reading.

January 23, 2006

SGA 9372 STACY PEDERSON, appointed July 6, 2005, for the term ending May 31, 2006, as Member, Board of Trustees, Western Washington University. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Schmidt and Shin

Passed to Committee on Rules for second reading.

EIGHTEENTH DAY, JANUARY 26, 2006

2006 REGULAR SESSION

January 23, 2006
SGA 9389 RICHARD D. ZWICKER, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Renton Technical College District No. 27. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Schmidt and Shin

Passed to Committee on Rules for second reading.

January 23, 2006
SGA 9391 SHOUBEE LIAW, reappointed December 10, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Shoreline Community College District No. 7. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Schmidt and Shin

Passed to Committee on Rules for second reading.

January 23, 2006
SGA 9396 KAREN VANDER ARK, appointed November 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Highline Community College District No. 9. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt and Shin

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6005 and Senate Bill No. 6326 which were referred to the Committee on Ways & Means..

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

January 25, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000
 Mr. Thomas Hoemann
 Secretary of the Senate
 P.O. Box 40482
 Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is DSHS - High Risk Juvenile Offenders Report. This report is mandated under RCW 13.40.212(2).

If you have any questions about the report, please call 360-902-8100.

Sincerely,

Robin Arnold-Williams, Secretary
 The DSHS - High Risk Juvenile Offenders Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

January 25, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
 Secretary of the Senate
 P.O. Box 40482
 Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is DSHS - Naturalization Facilitation Report. This report is mandated under RCW 74.08A.130.

If you have any questions about the report, please call 360-725-4612.

Sincerely,

Robin Arnold-Williams, Secretary
 The DSHS - Naturalization Facilitation Report is on file in the Office of the Secretary of the Senate.

MOTION

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

MESSAGE FROM THE HOUSE

January 25, 2006

MR. PRESIDENT:

The House has passed the following bill(s):
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1343,
 and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

January 25, 2006

MR. PRESIDENT:

The House has passed the following bill(s):
 SUBSTITUTE HOUSE BILL NO. 2155,
 HOUSE BILL NO. 2330,
 HOUSE BILL NO. 2332,
 HOUSE BILL NO. 2338,
 HOUSE BILL NO. 2379,
 SUBSTITUTE HOUSE BILL NO. 2527,
 SUBSTITUTE HOUSE BILL NO. 2545,
 SUBSTITUTE HOUSE BILL NO. 2546,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

EIGHTEENTH DAY, JANUARY 26, 2006

2006 REGULAR SESSION

SB 6833 by Senators Mulliken and Rasmussen

AN ACT Relating to the use of conservation easements; amending RCW 36.70A.060 and 36.70A.070; adding a new section to chapter 36.70A RCW; and creating new sections.

Referred to Committee on Government Operations & Elections.

SB 6834 by Senators Roach, Benson and Benton

AN ACT Relating to the special sex offender sentencing alternative; and creating new sections.

Referred to Committee on Judiciary.

SB 6835 by Senators Roach and Rasmussen

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

Referred to Committee on Ways & Means.

SB 6836 by Senator Mulliken

AN ACT Relating to requiring senate confirmation for members of the growth management hearings boards; and amending RCW 36.70A.260.

Referred to Committee on Government Operations & Elections.

SB 6837 by Senator Mulliken

AN ACT Relating to development regulations review by counties with low population densities; and reenacting and amending RCW 36.70A.130.

Referred to Committee on Government Operations & Elections.

SB 6838 by Senators Jacobsen and Honeyford

AN ACT Relating to the relationship between liquor manufacturers, importers, or distributors and nonprofit organizations holding a liquor license; amending RCW 66.24.375; and reenacting and amending RCW 66.28.010.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6839 by Senator Haugen

AN ACT Relating to transportation accounts and revenue distributions; amending RCW 46.68.035, 46.16.086, 46.16.162, 46.68.135, and 46.68.290; adding a new section to chapter 46.68 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 6840 by Senators Morton and Poulsen

AN ACT Relating to energy efficiency; and amending RCW 19.260.020, 19.260.030, 19.260.040, 19.260.050, and 19.260.070.

Referred to Committee on Water, Energy & Environment.

SB 6841 by Senators Stevens and Hargrove

AN ACT Relating to establishing the family assessment response demonstration program; adding a new chapter to Title 74 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6842 by Senators Kohl-Welles and Honeyford

AN ACT Relating to allowing for financial arrangements between the holders of a sports/entertainment facility license and manufacturers, importers, and distributors; and reenacting and amending RCW 66.28.010.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6843 by Senators Thibaudeau, Pridemore, Fairley, Jacobsen and Kohl-Welles

AN ACT Relating to the Washington death with dignity act; amending RCW 42.56.360; adding a new chapter to Title 70 RCW; repealing RCW 70.122.100; prescribing penalties; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 6844 by Senators Shin and Berkey

AN ACT Relating to a study of the top ten United States of America biotechnology and biomedical device business clusters by the joint legislative audit and review committee; and adding a new section to chapter 44.28 RCW.

Referred to Committee on International Trade & Economic Development.

SB 6845 by Senators Fraser, Kastama and Pridemore

AN ACT Relating to the population threshold for cities and counties eligible to use the design-build procedure; amending RCW 39.10.902; and reenacting and amending RCW 39.10.051.

Referred to Committee on Government Operations & Elections.

SB 6846 by Senators McAuliffe, Pridemore, Weinstein, Thibaudeau, Kohl-Welles, Berkey and Rasmussen

AN ACT Relating to a college in the high school program that is distinct from the running start program; amending RCW 28A.150.275, 28A.225.290, 28A.600.160, and 28A.600.300; adding new sections to chapter 28A.600 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6847 by Senator Finkbeiner

AN ACT Relating to reducing unfunded liabilities in plan 1 of the public employees' retirement system, plan 1 of the teachers' retirement system, plan 3 of the public employees' retirement system, plan 3 of the teachers' retirement system, and plan 3 of the school employees' retirement system; amending RCW 41.31.010 and 41.31.020; adding new sections to chapter 41.45 RCW; creating a new section; decodifying RCW 41.31.030; repealing RCW 41.31A.010,

EIGHTEENTH DAY, JANUARY 26, 2006

2006 REGULAR SESSION

41.31A.020, 41.31A.030, and 41.31A.040; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6848 by Senators Kohl-Welles, Esser, Haugen, Benson and Benton

AN ACT Relating to disclosure of import vehicles; and amending RCW 46.70.011, 46.70.101, and 46.70.180.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6849 by Senators Prentice, Delvin, Kohl-Welles and McAuliffe

AN ACT Relating to the extension of local taxes to fund arts, cultural and heritage institutions and programs, tourism promotion, publicly owned sports and entertainment facilities, and other civic amenities; amending RCW 67.28.180, 82.14.0485, 82.14.049, and 82.14.360; and creating new sections.

Referred to Committee on Ways & Means.

SB 6850 by Senators Jacobsen and Keiser

AN ACT Relating to the distribution of beer and wine by wineries and breweries located inside and outside Washington state; amending RCW 66.24.170, 66.24.240, 66.24.206, 66.24.210, 66.24.270, 66.24.290, 66.28.180, and 42.56.270; reenacting and amending RCW 66.24.244, 66.28.070, and 66.28.180; prescribing penalties; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6851 by Senators Prentice and Fairley

AN ACT Relating to closure of mobile home parks and manufactured housing communities; and amending RCW 59.21.030 and 59.20.060.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SJM 8038 by Senators McAuliffe, Pridemore, Kohl-Welles, Shin, Berkey, Weinstein, Kline and Rasmussen

Petitioning Congress to raise funding levels of the No Child Left Behind Act.

Referred to Committee on Early Learning, K-12 & Higher Education.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1343 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives P. Sullivan, Walsh, Simpson, Green, Buri, Kessler, Haler, Morrell, McCoy, Williams, Linville, Hasegawa, Roberts, Sells, McDermott, Chase and Ormsby)

AN ACT Relating to active duty members of the national guard; adding a new section to chapter 38.40 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SHB 2155 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Lantz and Shabro)

AN ACT Relating to state publication preservation by state library services within the office of the secretary of state; amending RCW 27.04.045, 40.06.010, 40.06.020, 40.06.030, 40.06.040, 40.06.050, 40.07.020, and 40.07.030; and creating a new section.

Referred to Committee on Government Operations & Elections.

HB 2330 by Representatives Blake, Buck, Upthegrove, Linville, Sump and B. Sullivan

AN ACT Relating to a crab pot buoy tag program; and amending RCW 77.70.430.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 2332 by Representatives Buck, Blake, Upthegrove, Haler and B. Sullivan

AN ACT Relating to recreational fishing for albacore tuna; and amending RCW 77.32.010.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 2338 by Representatives Kirby, Roach, Chase, Dickerson, Ericks, Simpson, Upthegrove and Schual-Berke

AN ACT Relating to the extension of the mortgage lending fraud prosecution account; amending RCW 36.22.181, 43.320.140, and 43.320.1401; and providing expiration dates.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

HB 2379 by Representatives Lantz, Serben and Rodne

AN ACT Relating to nonprobate assets under will; and amending RCW 11.11.020 and 11.11.040.

Referred to Committee on Judiciary.

SHB 2527 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Nixon and Talcott)

AN ACT Relating to state employees; and adding a new section to chapter 41.06 RCW.

Referred to Committee on Government Operations & Elections.

SHB 2545 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Haigh, Nixon, Conway, Morrell, Bailey, McCoy, Green, Springer, McCune, Kilmer and P. Sullivan)

AN ACT Relating to veterans' scoring criteria in examinations; and amending RCW 41.04.010.

EIGHTEENTH DAY, JANUARY 26, 2006

2006 REGULAR SESSION

Referred to Committee on Government Operations & Elections.

SHB 2546 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Haigh, Nixon, Conway, Morrell, Bailey, Campbell, McCoy, Green, Rodne, Springer, McCune, Kilmer, Moeller and P. Sullivan)

AN ACT Relating to the definition of veteran; reenacting and amending RCW 41.04.007; and repealing RCW 73.08.060.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 12:06 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, January 27, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 27, 2006

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator McCaslin.

The Sergeant at Arms Color Guard consisting of Pages Niles McDonald and Andrew Reid-Munro, presented the Colors. Pastor Sandra Kreis of St. Christopher's Episcopal Church of Olympia offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 24, 2006

SB 5183 Prime Sponsor, Franklin: Providing tax relief to promote affordable housing. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Second Substitute Senate Bill No. 5183 be substituted therefor, and the second substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Ways & Means.

January 25, 2006

SSB 5717 Prime Sponsor, Committee on Early Learning, K-12 & Higher Education: Providing a funding formula for skill centers. Revised for 2nd Substitute: Requiring a study on the availability and use of skill centers. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5717 be substituted therefor, and the second substitute bill do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6056 Prime Sponsor, Rasmussen: Certifying animal massage therapists. Revised for 1st Substitute: Regarding certified animal massage practitioners. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6056 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6133 Prime Sponsor, Rasmussen: Licensing Christmas tree growers. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6133 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

January 25, 2006

SB 6166 Prime Sponsor, Fairley: Regulating mortgage brokers and loan originators. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6166 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

January 25, 2006

SB 6182 Prime Sponsor, Berkey: Compensating the victims of uninsured and underinsured motorists. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6182 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

January 25, 2006

SB 6201 Prime Sponsor, Fairley: Creating a homeowners' association act committee. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6201 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

January 25, 2006

SB 6207 Prime Sponsor, Rockefeller: Reauthorizing the pollution liability insurance agency. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6207 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken and Pridemore

Passed to Committee on Ways & Means.

January 26, 2006

SB 6244 Prime Sponsor, Rockefeller: Changing provisions relating to oil spill prevention, preparedness, and

NINETEENTH DAY, JANUARY 27, 2006

2006 REGULAR SESSION

response. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6244 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6377 Prime Sponsor, Doumit: Regarding milk sales under cow share agreements. Revised for 1st Substitute: Changing the regulation of milk and milk products. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6377 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6421 Prime Sponsor, Kastama: Eliminating Saturday counting of ballots. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6422 Prime Sponsor, Kastama: Modifying election recount provisions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Mulliken and Pridemore

MINORITY recommendation: Without recommendation. Signed by Senators Benton and Roach

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6473 Prime Sponsor, Poulsen: Eliminating the requirement that telecommunications companies file price lists. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6473 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6485 Prime Sponsor, Rasmussen: Exempting the custom blending of dry fertilizer from business and occupation tax. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Ways & Means.

January 26, 2006

SB 6512 Prime Sponsor, Fraser: Enhancing air quality at truck stops. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6512 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Ways & Means.

January 25, 2006

SB 6515 Prime Sponsor, Fraser: Providing information on biofuels and renewable energy. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken and Pridemore

Passed to Committee on Ways & Means.

January 26, 2006

SB 6522 Prime Sponsor, Benton: Concerning campaign contributions made by out-of-state entities. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

January 24, 2006

SB 6559 Prime Sponsor, Delvin: Providing tax credits for contributions to low-income housing efforts. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Finkbeiner, Franklin, Keiser and Schmidt

Passed to Committee on Ways & Means.

January 26, 2006

SB 6661 Prime Sponsor, Rasmussen: Establishing the Washington beer commission. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6728 Prime Sponsor, Fraser: Regarding a seller's disclosure of information concerning unimproved real property zoned residential. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6728 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Morton, Mulliken and Pridemore

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6207 which was referred to the Committee on Ways & Means.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6852 by Senators Kline, Hargrove, Brandland and Rasmussen

AN ACT Relating to state and local agency tort liability for the acts of supervised persons in the community; adding new sections to chapter 4.92 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 6853 by Senators Haugen and Benson

AN ACT Relating to vessel procurement; and amending RCW 47.60.820.

Referred to Committee on Transportation.

SB 6854 by Senator Rasmussen

AN ACT Relating to disclosure of animal information; amending RCW 42.56.380; reenacting and amending RCW 42.17.310; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6855 by Senators Schoesler and Rasmussen

AN ACT Relating to barley straw for water clarification; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6856 by Senators Prentice, Esser, Kohl-Welles and Rasmussen

AN ACT Relating to removing expiration dates for state consent to federal court jurisdiction in actions under the Indian gaming regulatory act; and amending RCW 9.46.36001.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6857 by Senators Kastama and Rasmussen

AN ACT Relating to fuel tax refunds; amending RCW 82.36.330 and 82.38.190; and creating a new section.

Referred to Committee on Transportation.

SB 6858 by Senators Prentice and Kohl-Welles

AN ACT Relating to fund balance transfer for the state convention and trade center; amending RCW 67.40.040; adding a new section to chapter 67.40 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6859 by Senators Haugen and Kohl-Welles

AN ACT Relating to prohibiting contractors and general contractors from hiring unregistered contractors; amending RCW 18.27.010, 18.27.020, 18.27.200, and 18.27.340; and prescribing penalties.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6860 by Senators Doumit, Hewitt, Jacobsen, Oke, Prentice, Parlette, Hargrove, Zarelli, Thibaudeau, McCaslin, Regala, Swecker, Rasmussen, Brown, Finkbeiner, Shin, Morton, Spanel, Deccio, Poulsen and Kohl-Welles

AN ACT Relating to naming buildings on the state capitol grounds; and amending RCW 43.34.090, 27.48.040, and 79.24.710.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION
8692

By Senators Kohl-Welles, Schmidt, Carrell, Rasmussen, Berkey, Rockefeller, McAuliffe, Weinstein, Thibaudeau, Pridemore, Keiser, Regala, Franklin, Hargrove, Fairley, Shin, Fraser, Prentice, Haugen, Kline, Spanel, Eide and Johnson

WHEREAS, The State of Washington considers science, mathematics, and technology education to be the highest priority in preparing students for the workforce of tomorrow; and

WHEREAS, The State of Washington has developed science and mathematics essential learnings that will prepare all students to live and thrive in a science- and technology-based society; and

WHEREAS, Dennis Schatz, vice president of education at Pacific Science Center, has been awarded the 2005 National Science Teachers Association "Lifetime Achievement Award," the distinguished service to science education award; and

WHEREAS, Dennis Schatz achieved this award for his lifelong efforts to inspire an interest in science by students, teachers, and the general public through interactive exhibits,

NINETEENTH DAY, JANUARY 27, 2006

2006 REGULAR SESSION

inquiry-based education programs, professional development for teachers, and activity books for children; and

WHEREAS, Dennis Schatz has provided leadership for Washington State LASER (Leadership and Assistance for Science Education Reform), a coalition that includes the Office of the Superintendent of Public Instruction, educational service districts, school districts, school teachers and administrators, and business partners; and

WHEREAS, More than one hundred thirty school districts that serve more than seventy percent of the students in the state are using the LASER process to implement a standards/inquiry-based K-8 science program; and

WHEREAS, Dennis Schatz oversees the science education programs at Pacific Science Center that brings more than seventy thousand students to the center each year, and he has a Science On Wheels program that brings science and mathematics experiences to one-third of the elementary schools across Washington State each year;

NOW, THEREFORE, BE IT RESOLVED, That the Senate commend Dennis Schatz for his outstanding efforts in science education; and

BE IT FURTHER RESOLVED, That the Senate commend the Pacific Science Center for its leadership and dedication in providing interactive exhibits and programs in science, mathematics, and technology for students, teachers, and families throughout the State of Washington; and

BE IT FURTHER RESOLVED, That the Senate commend the Pacific Science Center for its leadership in Washington State LASER that helps school districts have a standards/inquiry-based science program taught by teachers trained to effectively use the science materials; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Dennis Schatz, the board of directors of the Pacific Science Center, and to the board of directors of the National Science Teachers Association.

Senator Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8692.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Eide, the Senate reverted to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2661, by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Murray, Hankins, Pettigrew, Jarrett, McDermott, Grant, Lovick, Haigh, Moeller, Shabro, Santos, Kessler, Upthegrove, Tom, Hunter, Hasegawa, Walsh, Fromhold, Springer, Appleton, McCoy, Chase, Hudgins, Kenney, Lantz, Hunt, Darneille, Quall, Takko, Sommers, Williams, Sells, Green, Schual-Berke, Simpson, Clibborn, Conway, Linville, Cody, Kagi, B. Sullivan, McIntire, Dickerson, Miloscia, Roberts and Ormsby).

Expanding the jurisdiction of the human rights commission.

The bill was read on Third Reading.

REMARKS BY THE PRESIDENT

President Owen: "One moment Senator Fairley, the President would like to make an announcement prior to action on this bill. This issue that we are about to deal with generates much emotion. The President would like to remind our very welcome guests in the galleries that no responses or outbursts will be allowed in response to any action taking place on the

floor of the senate and any debate or any action of the senators. I would very much appreciate it if you would honor that rule of the senate. Thank you. Senator Fairley."

Senators Fairley, Rasmussen, Franklin, Thibaudeau, Kohl-Welles, Finkbeiner, McAuliffe and Weinstein spoke in favor of passage of the bill.

Senators Swecker, Oke, Mulliken, Stevens and Zarelli spoke against passage of the bill.

Senator Hargrove spoke on passage of the bill.

Senators Kline, Shin, Brown and Regala spoke in favor of passage of the bill.

Senator Benson spoke against passage of the bill.

REMARKS BY SENATOR FAIRLEY

Senator Fairley: "Thank you Mr. President. Well, I've been thinking about discrimination a lot since this bill passed out of my committee. I realized that if I wanted to rent a house from you and you looked at the way I walked and you said 'Oh, she's disabled, I'm afraid she'll fall down the stairs and maybe sue me.' That's illegal. Can't discriminate based on disability. I know some people who just hate Vietnamese. They were in the war. They wouldn't hire them for anything. That's illegal. You can't discriminate based on where a person comes from. I know people who hate Jews. I'm not too sure why. I know they're not Christian, but I suppose they wouldn't hire them either. That's illegal. I know, I'm an antique dealer and we've had, a couple of times, we've had signs we've been able to sell that use to be placed in stores back in the East Coast. 'NINA,' No Irish Need Apply. Now, that was because, in the old days, they hated the Irish and were afraid they'd take their jobs. You see, the other face on discrimination is hatred and fear. It always has been. It always will be and I think the people of Washington State are passed that. They don't think it's right, whether they try to discriminate based on physical disability, gender, ethnicity religion or sexual orientation. I'm asking you to vote for this bill, please."

REMARKS BY SENATOR SWECKER

Senator Swecker: "Thank you Mr. President, Ladies and Gentlemen of the Senate for allowing me the opportunity to speak here today. I want to begin my comments with the statement that I think we can all agree on. Discrimination against anyone is unacceptable and is wrong. Unfortunately this bill before us today is not the magic tool that will end discrimination in our state. In reality, it takes us in the exactly the opposite direction. Because the measure before us today would offer special protection for some of our citizens while limiting the liberty of others. Our State Constitution guarantees each of us the freedom of religion. Unfortunately, this bill would trample, unrelentingly, on the freedoms of citizens whose religious beliefs are in direct conflict with the bill's premise. In essence, the bill would place homosexual orientation above religious freedom because, although a church might be exempt under this bill, a business owner whose beliefs conflict with homosexuality is not. So, regardless of the business owners' religious beliefs or creed, he would be forced to bend his views. Under that scenario, we the state are telling the people to accept, actually to embrace something that goes directly against their religious views. Why? Because Government says so. When the heavy hand of Government drops down to buckle the rights of free speech and association, we all lose. After all, today it may be gay rights, but tomorrow it might be something the supporters of this bill do not like. The bill before us today is not one that will unite us. It is one that will divide us and close off the lines of communication out of fear that we may be understood."

Just picture the interviewer whose being asked to interpret but certainly not misinterpret another person's sexual orientation, gender expression or identity. Frankly, most people just want to keep that kind of information out of the work place but the definitions of gender expression and gender identity offered in this bill leave the door wide open for dispute and judicial reinterpretation in all kinds of ways. One unintended misstep, even with the best intentions, and someone could be accused of discrimination, be forced to pay penalties and need a lawyer without any intentional wrong doing. Under the bill's terms businesses can be sued for discrimination against someone even for a perceived sexual orientation. If that's not hole big enough from a lawyer to drive a truck through, I don't know what is. You know, the arguments for this bill might make more sense if we were talking strictly about the public sector. In the public sector, people of all persuasions and beliefs come together and make decisions that affect us all and their salaries are paid by public funds. But they cross the lines when government intrudes into the private affairs of people and private sector businesses this way. This is a highly charged issue for many people and we're telling those who have put their sweat and toil into building a company who they must hire. That is the wrong direction to go. I also believe the passage of this legislation places us on a slippery slope towards the legalization of gay marriage in our state. A brand new poll shows support for gay marriage in Washington is eroding. Only about one-third support it and only fourteen percent feel strongly about it. That's why the Governor and others are trying hard to separate this issue from gay rights and gay marriage, but the two are linked. As the Seattle Post-Intelligencer wrote in a recent editorial, 'we've the high court to overturn DOMA, the Defense of Marriage Act, the connection between marriage and civil rights and this civil rights bill would be hard to avoid. The paper right. Yes, this bill has an amendment that it says it won't supersede state law related to gay marriage but are any of us really naive to think that the court won't take judicial notice of our actions as it prepares to issue a ruling on DOMA? Language has also been added to the bill to suggest that the bill is not an endorsement of homo sexuality. However, other elements of the legislation, contradict this assertion. In fact, the opposite is true. The language in the bill directs the Humans Rights Commission to promote goodwill and minimize or eliminate discrimination against homosexuals. The Commission will also be directed to foster good relations between gays and heterosexuals through seminars, conferences, educational programs and other inter-group relationship activities. The Commission would be asked to come up with programs of formal and informal education which the Commission may recommend to the appropriate state agency. That state agency folks, is our schools. This means the Commission can create a state-sponsored pro-homosexual, education program that would be taught in our schools. In fact, it's a poorly kept secret that the agenda for that program is actually ready to go, just waiting for this bill to pass. This is an endorsement and a promotion of homosexuality and today I ask those who have said they would vote against the bill that contained that kind of language to hold true to that commitment. In closing, Mr. President, I'm going to join the sixty percent of voters in Washington who have already said they would come down against the idea of this bill. A few years ago the people voted on Initiative 677 which was similar bill. It went down by a super-majority. I'm going to vote against this legislation and I would urge my colleagues to do the same. Thank you."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Thank you Mr. President, Ladies and Gentlemen of the Senate. I didn't prepare anything for today because I did my homework. Last year when this bill was before us, I put on two amendments and they were put together as one.

One of the amendments was adopted in the House this year and it says, 'This chapter shall not be construed to modify or supersede the state law regarding to marriage.' That's another affirmation in statute that the DOMA is solid and legal in this state. The other portion of the amendment was put on it, the House Committee and it said, 'This chapter shall not construe to endorse any specific belief, practice, behavior or orientation.' That's on page two of this bill. And if anyone wants to construe that this would not hold up in court as an intent on this bill. I would suggest, that as my nineteen years of being here that this would hold up in court. And so, I would think that if you said that this bill was going to lead to dissolving the DOMA I would have to tell you that it would take another bill, another piece of legislation, because this is the intent. And that's why I'm going to support this legislation. The other reason is I have nineteen little grandchildren and I do not want to think, have them think that I would ever discriminate against them or anybody in this world. I would not discriminate. I think people, all people, are equal and I especially thought this morning in the prayer when the Pastor read from the Old Testament, the Book of Micah. She was absolutely right. We are all created equal and that God would not want us to discriminate against anyone and so I would urge your support."

REMARKS BY SENATOR OKE

Senator Oke: "Thank you Mr. President. I'm going to have to turn my back to you but appreciate your acknowledging me and this is my family, I love you all. Joe, Senator Zarelli, I'm so thankful that your back with us today and God's peace to you and your family, I know you had some good news you shared with me about your dad and I really appreciate that. Most of you probably don't know, his dad died with multiple melanoma and that brings me back to the cancer that I still have within me. When I look back on my sixteen years, I will never forget the day you and Bill Finkbeiner presented me and Judy with the most wonderful tribute that a Senator I think has ever had. I just think the most of this body, but this bill is something that I have to speak against. It's a very personal, very personal moment for me. The last couple of weeks, unfortunately I have lost a lot of sleep over this. I wake up at four and I can't go back to sleep, I just keep thinking about this. I know that all you recognize that my faith is my life, the Lord is my leader and everything that I do. It is because of this I can not support this bill. I believe homosexuality is morally wrong. It's through God's eyes that I see homosexuality and to him homosexuality is an abomination. The Bible is very clear on this. I believe this bill is an attempt to legitimize and normalize homosexuality. The bills goal is to teach that choosing homosexuality is okay and I'm deeply, deeply, deeply troubled by that. I can't support that. How many parents would choose this lifestyle for their children? How many parents here? You know, I'd like to just draw a curtain around our family and not pay attention to whose up in the gallery and the presses here and everything else. I think this issue should be amongst us. Having a child who chooses to be homosexual is very, very painful. I know this because my daughter Cindy has chosen the life of a lesbian and I share this, especially with you, not with the press, not with anybody else, but it's very, very painful for both Judy and I. We've been able to help Cindy out, to share our love with her, share our faith with her. Ever since the very first day that she shared to me what her lifestyle was, she has been trying to change me and I quite frankly have been trying to change her. I'll share with you a moment that occurred just a month or so ago. She called, was very distressed and she's going through a couple typhoons and life just hasn't been good for her but she said, 'Dad, I want to come out and visit you. She came out a couple of times and we've sent her tickets and I said, Great, we'll send you a ticket.' She said, 'Dad, I want to bring my partner.' A long hesitation on

NINETEENTH DAY, JANUARY 27, 2006

my part and I said, 'I can't have that. I can't have you two in my home.' I'm sorry if that offends some people but if you take yourself in my position and think about that going on in your home, I just can not accept it. I'm sorry. That's called 'tough love.' I know language was added to this bill saying that the bill should not be construed to endorse homosexuality but it does. It clearly does. The Human Rights Commission educate, advocate for increase acceptance of those who are protected from discrimination. The Commission recommends educational programs to our state agencies which include the Office of Superintendent of Public Instruction that Senator Swecker so elegantly said, 'It's our schools' and I don't want to have any part of this being taught as an acceptable, in homosexuality, in our schools. By passing a law that makes homosexuality a protected behavior we are turning our backs on the people who need our love, guidance and understanding to become right in God's eyes. Please don't read in my words that I wish any harm to people who have lost their way in God's eyes. I wish with all my heart that they will find truth and change. But I fear this bill will greatly hinder their journey to the truth this bill will serve as an excuse not to seek the truth. I plead with you and ask you to join me in voting no. You know if this bill is approved today and it appears that it's going, to be the headlines for the next three days?' 'Senate approves homosexually lifestyle.' 'Senate approves homosexually lifestyle.' That's wrong and I don't want to be a part of that. God Bless you."

REMARKS BY SENATOR FRANKLIN

Senator Franklin: "Thank you Mr. President and Ladies and Gentlemen of the Senate. This certainly, indeed, is a very, very moving time. I certainly appreciate the civility by which we are discussing and debating this issue. Being civil in a debate and respecting each other is very, very important to me and I appreciate it. You know for quite sometime this issue has been around for many, many years. Thirty? Thirty years. I've prayed about it, I am a Christian. Christians do not, are not in just one party. Christians are everywhere, in each party and I live my faith trying to every day but as an African American woman and one who knows discrimination, one who has experienced discrimination, one who has heard insensitive remarks. I can not, I cannot say, 'discriminate' against anyone. In High School there was a class mate of mine, many, many years ago, before homosexuality was ever mentioned. In fact, there were two and they were young men. They were treated very, very, badly. They were called 'faggots.' They were called 'girlie.' They were called horrible names. I come from a family who has taught and practiced justice and equality for a life time. When that happened in my school and I went to segregated schools and that happened in segregated schools. These two students grew up to be very talented young men. One was a musician, the other was a teacher and that experience that transpires in today's world should not happen. Dr. King, if he were, here and I read his writings a lot, would not tolerate discrimination. And the writing of Reverend Dr. Martin Luther King and I quote, 'The hope of the world is still in dedicated minorities. The trailblazers and human, academic, scientific and religious freedom have always been in the minority.' And as I said, not anyone knows that better than I do. The rights of the minority must always be protected. Otherwise, the majority most times always trample on the minority. It was that creative minority of whites who fought against slavery. It was that creative minority of whites who absolutely committed to civil rights that made it clear to the larger society that vacillation and procrastination on racial justice was unacceptable, and, you know, the rest is history. If some of the civil rights leaders were alive today, I would undoubtedly say, No discrimination. No discrimination on any human being.' This bill simply extends human rights protections, civil liberties, to a group of people who pay their

2006 REGULAR SESSION

taxes, who work hard every day, who contribute to society, who should have the same rights as each of us do in this chamber. It's not special privileges. It's merely saying, 'Treat me the same, let me have the special, the civil rights that you have. Do not discriminate against me in housing, in employment. Do not. And I say to you ladies and gentlemen, it's not special rights. It's merely extending the rights to a group who have been treated very badly. We can not continue this any longer. Thirty years have been absolutely too long. It took a hundred years for me, they're doing it in thirty but yet it's just too long. Support the bill.'

REMARKS BY SENATOR MULLIKEN

Senator Mulliken: "Thank you Mr. President, and first I'd like to say thank you for recognizing the difficulty of this debate and reminding all of us of what a difficult conversation this is that we have. I think it's most important, as I also with along with the Senator from the Second District, listen to the words of Micah and the prayer that was offered this morning, that all people are equal. We know that God created us equal. He tells us that and we all believe that and our constitution says that we have those rights. To life, liberty and the pursuit of happiness and all people are equal, and with that, I certainly do support treating all people with dignity and with respect and to understand that every human life has a value. But then I look at this proposal before me and it's not about, it's not about human value. It's actually about expanding the definition of who is going to be in a special class. So that's not it, the discussion of human value isn't part of it. We're talking about a special class of people being treated under the Human Rights Commissions preview and I think we've had a lot of discussion which is very true, I would just remind a few of you that certainly the Human Rights Commission has already been directed under our law to promote, to advocate, to protect, to present, to offer programs against discrimination for all kinds of classes that are listed and those classes in law, I don't have them in front of me but I know that some of them include age, as I have turned sixty this year, age is a big deal to me, gender, I am a woman, race, some of us have to deal with that differently than others, physical disabilities, we know that people need protecting, economic and social status, we know that for some people it's difficult to get a job when they haven't had an education or they're living off the streets. So we know that there are classes of people that need to have be protected by the Human Rights Commission. But what we're saying now is by identifying sexual orientation which has a lot of subtitles under it it's about homosexuals, lesbians, bisexual all kinds of other kinds subtitles that go under sexual orientation and it's open to a lot of interpretation as to what that can mean. So now we are empowering or we're actually, the Legislature is directing not empowering, they already have the power, we're directing the Human Rights Commission to advocate, educate, promote under sexual orientation and we don't really know what that means because there's a long list of titles under that. One of the concerns that was brought to me about a month ago by a constituent was our education system and what's going on at OSPI. I have a copy here of the self study document of 2006, the spring of 2006. The OSPI's publications are going to include materials, now this is for kindergarten mind you, this is for five year olds; kindergarten and then first, second and third grades, I think it's K-3 but here's the page for the kindergarten self study spring 2006, five year olds.

The cultural responsiveness is going to put into educational materials, presents, all human beings with respect and dignity, this is good, while avoiding images and roles that might be perceived as stereotypic or negative. For example; ability, disability, age, cultural, ethnicity, gender, language, race, religion, all very good, sexual orientation and socioeconomic

NINETEENTH DAY, JANUARY 27, 2006

2006 REGULAR SESSION

status. So, our kingergarteners are now going to hear the promotion of a life style that we know isn't even preferred by those who live it. I can share a personal story myself. My sister-in-law, I love her my husband's sister. She carries my same last name and her name is also Cindy and she is kind, she is generous, she is a good family member, she's a good community fellow member. I love her so much and she lives as a lesbian. It doesn't mean I don't love her because of they way she's living because I do. I don't want anyone to treat her unjustly but she's had an education, she lives in a beautiful condominium in West Seattle, she's retired from a very good job because she worked hard and because she was educated and she was good at her job. In my experience with her, she has not been discriminated against because of her life style. So, I'm not sure I understand the reasoning for this except to promote an agenda that, and I'm going to close because I know that I'm going on too long but I want to read one thing from the Catholic Conference Testimony which is important to me. 'In our current cultural context, gay rights are being promoted. Some favor making homosexual relationships as normal as marriage both legally and morally. Under this proposed bill even with the amended version those who wish these relationships promoted and protected may have legal cause for action.' If I were a lawyer I'd be salivating over this. So I urge your opposition and your 'no' on 2661."

REMARKS BY SENATOR THIBAudeau

Senator Thibaudeau: "Thank you Mr. President, rising, shouldn't surprise you, in support of Substitute House Bill No. 2661. I know that the decisions have been made and I respect those who feel differently than I do but last time we debated this issue I talked about four people, four extremely effective Legislators, Ed, Joe, Dave and Jim. Now, I'd like to talk just about a little bit again putting a face on some of these people as some of you have with relatives. They're successful attorneys, very successful attorneys, quite well off, they're directors of agencies, they're effective administrators and government services both in government and private agencies, they are extremely generous community volunteers and donors, loving mothers and loving family members. They are lesbians. Judy, Carol, Jenny, Pat, Ellen, Tina, Laurie and Jan, don't expect special treatment. They have been very, very successful but as my friend Randy said, 'At least we should be treated as human beings.' I think that this bill reflects that philosophy and certainly mine and I urge your support. Thank you."

REMARKS BY SENATOR STEVENS

Senator Stevens: "Thank you Mr. President, Ladies and Gentlemen of the Senate. This is indeed a very sad day for the State of Washington. As we all know, this bill is going to pass. It's a sad day for me especially because I remember fourteen years ago when this bill was being debated, the crowd was so large that it couldn't be held in a hearing room. They had to move the entire debate to the House floor where the people were allowed to fill our seats as the audience as this was being debated. We defeated it then because of its very nature and what it would mean for the State of Washington. Nothing has changed. The reasons that we defeated it then are still the same reasons today. We're all aware, though, that we did recently pass a piece of legislation that required a two-thirds vote in both chambers that defined marriage as between one man and one woman. It was referred to earlier by my colleague who reminded us of DOMA. As we're all aware language has been added into this bill that says, 'It will not override the state regulation and relation of one man and one woman being called marriage.' Of course, we're talking about gay marriage when we talk about what other marriages might mean. But I'm sorry to

tell you that the meaningless wording in this piece of legislation will not carry us. As we are kidding ourselves to believe that wording in this bill is going to be deemed absolutely meaningless when it comes down to where the rubber meets the road. Because we all know that the courts are about to rule on the Defense of Marriage Act. If they rule against the language, in this law prohibiting what we are saying here today will not have meaning whatsoever. What we need is something in our state constitution that guarantees that we will, of the people, stand for what we say we are standing for in this piece of legislation. Mr. Speaker, I would ask that those who have said they want to keep marriage between one man and one woman to vote for an amendment, an amendment to the constitution. A recent poll on gay marriage shows only one-third of the people in our state support gay marriage and only fourteen percent feels strongly in favor of it. This is what the people in our state want, Mr. Speaker. I urge the members of this chamber to vote for an amendment that would put it in our constitution, once and for all, regardless of what might be coming out of the Supreme Court. If you truly mean what you are saying in this particular bill, you will agree with me and you will help us pass that amendment. Thank you Mr. President."

REMARKS BY SENATOR KOHL-WELLES

Senator Kohl-Welles: "Thank you Mr. President. Well, there's very much that I would like to say with your permission, I instead will read a very short passage from remarks made by Eleanor Roosevelt. Thank you Mr. President. Well, Eleanor Roosevelt's remarks that I'm going to read were made back in 1958 during a presentation of a Human Rights book to the United Nations Commission on Human Rights. I believe they are as relevant today as they were back then. 'Where, after all, do universal human rights begin. In small places, close to home, so close and so small that they can not be seen on any map of the world. Yet they are the world of the individual person: The neighborhood he lives in; the school or college he attends; the factory farm or office where he works. Such other places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home we shall look in vain for progress in the larger world.'"

REMARKS BY SENATOR FINKBEINER

Senator Finkbeiner: "Thank you Mr. President, Ladies and Gentlemen of the Senate. You know, a little bit's been said about some of the words that are in this bill and what's in there and what's not and we'll talk a little bit about that. A lot has been said about the impact on business. It's clearly exempts small businesses, anyone with eight employees or fewer is exempted under this law. Some folks have talked about religious organizations and how their constitutional rights will be violated. It's clear that this bill doesn't allow that and even if it did we have a constitution. This is a law. This is not a constitutional amendment. Our constitution still stands. A lot has been said about marriage and where this is going to go. That's in the courts. This bill is clear on what it does. It doesn't effect that. That's in the courts. Some has been said about immutable characteristics and how that's generally covered in the current underlying law. That also covers whether or not you have kids. That's covered in the underlying law. You can't be discriminated against if you have kids or not. You can't be discriminated against, in the underlying law, if you're married or not. You can't be discriminated against because of what religion you practice. I don't think those are any more or less immutable than what we're talking about here. What we're really talking about here, I think, and where the emotion comes

NINETEENTH DAY, JANUARY 27, 2006

2006 REGULAR SESSION

in this debate and why we are spending so much energy on this issue is because what the debate is about is not what's in the bill. What the debate is about, and part of what we've heard today, is whether or not it's okay to be gay or homosexual in this state. Whether or not it's appropriate to be discriminated against or to discriminate against someone because of that. Someone earlier, earlier speaker said, 'Well, you know how a parent feel and how would, you feel. Would you choose this lifestyle for your children? Parents don't choose this for their children. People don't choose this. We don't choose who we love. The heart chooses who it will love. I don't believe that it is right for us to say-which I would believe we would be saying at this point if we turned down this bill-to say that it's acceptable to discriminate against people because of that, because who their heart chooses to love. I can not stand with that argument. You know we've also, some people have said, 'Well, this will rip the state apart.' I don't believe that and certainly hope that's not the case. I really believe that there a lot of people out there, who are your neighbors, who are your co-workers, perhaps some of them are in your family and in a lot of these cases you probably don't even know if these people are gay or lesbians. You just don't. And a lot of those cases those people are being sent a message from a lot parts of society and sometimes, I think, from this legislature. Who their hearts chooses to love is wrong and they are wrong, and they are immoral. And I don't believe that's true, I just fundamentally, don't believe that is true. I know that there are some really, kind and generous and loving people here today who disagree with me and I hope, and I know that there's some real kind and loving and generous people who are not here today in this building who disagree with me on this issue. I hope that after the passage of this bill we will see that the world continues to turn, that our lives continue to go on. That the things that we care about and the things that we struggle with in our daily lives continue to be mostly the same but for some people, for some people, who struggle with this issue and struggle with messages that they are being sent, it will be a better day. And maybe for some people that might disagree, they'll see that things keep going, they keep going well, the world does not end. The issues that we struggle with will be the same tomorrow for most of us and that those people are okay, that's there's nothing wrong with them. This is been a terribly difficult issue for me and I appreciate the chance to explain my reasons why I will be voting for this bill today."

REMARKS BY SENATOR ZARELLI

Senator Zarelli: "Thank you Mr. President. It is important that we have a civil discussion on this matter, I think and we're doing that today. You know, it's amazed me throughout the debate on this, both in the press and individually and as we talk today, that first of all, it appears to be okay to use religion if your arguing for this bill but it seems to me that, in the press in all of the discussions, if you use religion against this bill then your looked at as extreme. And that really brings us to the point of debate here. Years ago, this whole issue really focused around tolerance. We need be tolerant of other people and what they choose to do. Isn't that what this really boils down to this debate? Take religion out of the debate. What it really boils down to is whether you choose your lifestyle or whether your born with your lifestyle. Nobody can tell us the answer to that question. And because of that, today we're making a decision by that your born with it. Protecting a class of people based on a behavior, we have to first say that's there's nothing that they can do about it. And that's the decision we're making today. And I believe that's really what the debate boils down to. Whether you make it a religious or secular discussion. It's whether, it's important because a group of individuals are discriminated against because of something that they can do nothing about, and that's the decision we're making. And those who vote for

this legislation are saying, without a doubt, that your clear in your mind, that we need to protect a class of Americans, in this case Washingtonians, because of something that they are that they can absolutely do nothing about. Well, I don't believe that. And today my vote is going to be no because I think that it's very important that we don't get down the road of deciding to protect people because of how they choose to act because of a behavioral distinction that is different than, in this case, the norm. So what we're going to do today in passing this bill, is we're making that decision. We need to make that very clear. We're deciding that, on behavior, that it's important to protect people's choice and that's vastly different than whether you're married. It's not the state's desire to tell somebody that they ought to get divorced. It's not the state's desire to tell people that they ought to get rid of their kids. It's not the state's desire to tell you that come back when your white because your black. Because those are things that are in the public's best interest and that's to accept each other for the gifts and the distinctions that we're born with. I'm not ready to say today, folks, that we're going to go out and share with people of this state that, because there's a class of people out there who are born with a distinction that can not overcome because it is within them, that we need to protect them. If somebody can make that case to me today I would most definitely we have to do that but that is not proven. We're not close to proving that. So I think it's very important Mr. President, that we understand what we're protecting today and it isn't important what the behavior is, only that it is a behavior, and that takes us down a road that ought to be concerning to everybody. Thank you."

REMARKS BY SENATOR MCAULIFFE

Senator McAuliffe: "Thank you Mr. President. I stand in support of Engrossed Substitute House Bill No. 2661. In reference to the Senator from the thirteenth, twentieth and twenty-sixth district speaking about curriculum in our public schools, this does not open the door to that, to what is taught in our public school. This bill is about our children in those schools who have been harassed, dissed and bullied to the point where they can not attend schools. A few years, Governor Gregoire, who then was the Attorney General, and I listened to stories from children all across the state about how they were discriminated against in our schools, isolated and could not learn or attend school because of the bullying. They are denied an education. Their stories saddened me. They have a right. They've a right to an education, free of discrimination for who they are. What will they be taught in our schools? They will be taught tolerance. Tolerance for all people regardless of the color of their skin, how heavy they are or skinny they are, whether they have red hair or black hair. They will be taught tolerance for all people. If I may, Mr. President, I'd like to add that in support of Engrossed Substitute House Bill No. 2661 I wish to vote twice today out of respect of my seat mate in 1995 and our past colleague, Senator Calvin Anderson. I want to honor his integrity, dignity and courage as he fought and strove to make all citizens of Washington State equal under the law."

REMARKS BY SENATOR WEINSTEIN

Senator Weinstein: "Thank you Mr. President. Mr. President I'm proud today to do my small part to end discrimination in our state by voting this long overdue bill. Passing this bill will allow Washington to join the community of states around this country who have said that we can no longer treat gays and lesbians like second-class citizens. We will be joining Alaska, Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico,

NINETEENTH DAY, JANUARY 27, 2006

New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Washington and Wisconsin. People have said that this bill would tear our state apart. It hasn't torn any of those other states apart. Mr. President, discrimination based on sexual orientation is no more acceptable than discrimination based on race. Throughout our nation's history there have many legislators who in the past have voted to discriminate based on race and many of these legislators around the country have apologized for it, felt bad about it and wished they'd never done it. I feel very strongly today that those who vote against this bill many years from now will be judged very harshly by future generations who will look back when all people will be treated equally and look back and think, 'How can anyone have voted to discriminate?'

POINT OF ORDER

Senator Deccio: "I think the speaker is impugning the motives of those of us who don't favor this bill. I think he ought to stick to the issue and not look to future generations and demean some of us who will not be supporting this legislation."

REPLY BY THE PRESIDENT

President Owen: "Senator Deccio stands correct that your not to refer to the reasons for people but rather than debate on the issue itself."

REMARKS BY SENATOR WEINSTEIN

Senator Weinstein: "Mr. President, I was merely saying that future generations, I think, would look unkindly at those who voted against this bill because this is a conservative bill. The Senator from the forty-fifth has said, it is not about gay marriage, it exempts religious institutions, it exempts small businesses. In fact the major businesses the leading businesses of our state support this bill. And many religious leaders around the state support this bill. I've heard some people say that it's an abomination, voting for this bill you'd be supporting an abomination or sin. The Supreme Court of the United States has already said that what goes on behind closed doors in someone's bedroom between two consenting adults is none of the governments business. So, what is the sin we're talking about? Your sexual orientation is a sin? Your identity? Who you are is a sin? God would not make it a sin to be who you are. Mr. President, the gay and lesbian community has waited long enough for this bill. Let's not waste anymore time in doing away with their second-class status. Thank you very much in helping me support this bill and try to pass and once in for all do away with discrimination against gays and lesbians, thank you."

REMARKS BY SENATOR HARGROVE

Senator Hargrove: "Thank you Mr. President. Well, I really wasn't planning on speaking today and I think that there's been adequate discussion about why you would vote for this bill and why you would vote against this bill so I'm not going to get into that. I would just like to say that tolerance is a two-way street. And that if you believe it's wrong to think that gays and lesbians have a wrong lifestyle, other people believe that it's wrong for me to believe that that is wrong. That's, there's no two ways about it. You have to believe I'm wrong to have the other opinion. As we've discussed, kids in the school, they certainly shouldn't be harassed or bullied but now we have the opportunity to have kids in the school whose parents believe that that lifestyle is wrong. They're going to be told that they are wrong. And that their parents are wrong for having that belief. So, I'm just praying today knowing probably how this is going to turn out today that tolerance will be a two-way street. And

2006 REGULAR SESSION

that we won't be telling people that believe in a different way, they way I do, that the lifestyle is wrong, but because we believe they are so wrong now we will take it out on them and that's my only prayer for today."

REMARKS BY SENATOR KLINE

Senator Kline: "Thank you Mr. President. I certainly recognize, as I believe most of us do on this floor certainly, that it's personally a very difficult call. For those of us whose family life, whose religious beliefs, whose culture requires a no vote. I believe there are many of us also whose religious beliefs, whose family history and whose culture requires a yes vote. As somebody who comes from a constituency that's almost unanimous about this bill, I certainly recognize the difficulty that many people have on the other side of this room. It's a difficult call for people who think morally, who think in terms of a absolute that is set upon us, that is not entirely our own doing. Are we doing right or wrong. And I believe that forty-nine of us will take that very seriously today. My own religious belief leads me to believer that there is a necessity a demand upon us to do justice. 'Justice, justice shalt though pursue.' Rabbi's tell us that word is repeated because it's the first. It's the foremost. All of the others come from that. The word for justice is tzedakah in Hebrew, is the same as the word for charity. It means the same thing. Charity is not allowed of us. It is demanded of us. I understand that not every religious tradition feels that way. There are forty-nine reasonable people in this room who will come to forty-nine different and very personal conclusions. I want to assure my good friend from the eighteenth and my good friend from the twenty-fourth that this is not a matter of casting aspersions on anybody's personal moral thinking. It is a recognition of the difficulty of this question. I certainly recognize those who come to this with a degree of very serious intellectual participation. My religion requires me to vote yes. I understand there are differences. Thank you."

REMARKS BY SENATOR SHIN

Senator Shin: "Thank you Mr. President. I rise in humility to express some of my thoughts. Yes, we all have our religious beliefs, philosophical, moral, academic views. In this chamber those views notwithstanding, we came here to support the justice for all, all people. I believe we humans we are very biased. I'm not who I think I am, I'm not who you think I am, I'm who you think I think I am. We are interdependent beings, therefore we have opinions. Going back to sixteenth century it is Thomas Hobbs who says 'man by nature is an evil and wicked because we're selfish'. On the other hand John Locke says 'man by nature is good because we have love, have a compassion for each other'. In 1815 Austrian foreign minister Count von Mettemich who says 'I tell myself twenty times a day how right I am and how wrong you are', that's human being, ladies and gentlemen. I have a religion, I have a belief. Throughout the half century of trials and tribulations in this country I believe my prayers. My scripture reading, helped me to be the way I am today. You know I'm kind of an example of a discrimination, which is the subject today. Unfortunately, the country where I was born my mother died when I was four, my father abandoned me. I grew up in street corners, kids come and throw rocks at me, beggar boy, street urchin, not deserved to be loved. Going for begging people threw me out saying 'you're not wanted'. That's discrimination! I left my country to find a new rainbow, find the freedom and self confidence. In this country my adopted parents are loving. They couldn't be nicer. My father, who adopted me, has been gone for nineteen years. Even today when I think about him I still care for him and love him so much. Religious views

NINETEENTH DAY, JANUARY 27, 2006

may be different but in this country in 1950's, I was not wanted. In 1958, I got drafted into the U. S. Army, taking training in Texas. Restaurant there was 'whites only' sign, I went in with my soldiers together. I was thrown out. As my seat hit the concrete floor as they threw me out you have no idea the feeling I had within me. It was hard to take. And I prayed to God, why this, why am I subject to discrimination all my life, in my old country, here... I lived in Japan for two years to study and there I was foreigner because I happen to be Korean. Why this and why that? The discrimination that we're talking about, even though there may be evidence of substance, it's assumption. I don't mind telling you for many, many years when I go to different location, first thing come to my mind are these folks going to accept me or reject me? Ladies and gentlemen, it's a terrible feeling to have that. Are they going to accept me or reject me because of what I am? It's hard. Fifty years... It took me a long time to over come that. Going to the barber shop same thing. I've been called many names, gooks, orientals... It hurts. This bill simply talks about discrimination. We're all God's children, God loves all, and Jesus forgives sinners, debtors, prostitutes, and even murderers. And here we are in a body of, we as legislators believe what it says word by word. It says specifically that inclusion of sexual orientation in this chapter shall not construed to modify or supersede state law relating to marriage. Ladies and gentlemen, this bill is not talking about marriage, it's talking about human rights and dignity. I come before you in humility, we all humans, we all have weaknesses, we all have bias and I suggest to you to we open our hearts to accept all people. We are endowed with certain unalienable rights which are life and liberty and pursuit of happiness for all people. I use to think myself as a colored man, colored man was a very ugly thing. As a house boy in 1952, I worked for seven army officers. One day I walked into their tent I saw Lt. Booth sitting on his cot crying. He happened to be African American. I was afraid to see him crying so I ran and then he called me and asked me to come. He asked me to set next to his bed. 'You know why I'm crying', I said, 'No sir, I don't know'. Then he pinched his color, pinched it so hard because this. 'I had a chance to be promoted as a Captain for the last seven years but I have been passed over again'. That hurt me. Only way I could compensate him is to do a little extra spit shine his shoes, do a little bit better job ironing his clothes. My feeling was that I didn't count because I was Korean house boy, but I felt his feeling because I experienced discrimination. You know by coming to this legislature you taught me one thing; as I say I used to think myself as a colored man. I used to be afraid to go places, wondering what people would think about me, my valuation always a question suspected. I was discriminated because minority, Asian, adoptee and orphan but today ladies and gentlemen because of you folks here, you taught me lessen. I'm not a colored man anymore, I'm a man and I'm a child of God which you all believe, therefore I'm not afraid anymore. This is all I'm doing to teach young immigrants to this country, young people of a color you shouldn't be afraid of anything. You have nothing to fear but fear itself and denied that opportunity and still even though assuming inside certain attitude displayed, I think is wrong. Thank you very much."

REMARKS BY SENATOR BROWN

Senator Brown: "Thank you Mr. President, thank you all for your indulgence on this long debate. You already know my views on the issue. There are a couple of arguments that have been raised that I would like to address, especially those raised by the last speaker, who I think brings forward a lot of specters, of things that could happen, I think he mentioned a Pandora's Box. Well, let me just suggest that in 1999 the city council of Spokane adopted an ordinance that included sexual orientation within the purview of the local Human Rights Commission. A

2006 REGULAR SESSION

group of citizens came forward and said they didn't like that, and tried to strike the ordinance down, and the citizens of Spokane upheld the ordinance. And then, since 1999 no Pandora's Box has been opened. Um, there have been eight complaints, some of them based on hateful communication, some have been based on property damage. According to the Human Rights Commission they have been resolved, some with the assistance of the Spokane Police Department. Not a single business has registered a formal complaint about being required to accommodate someone, in some unfortunate way that might have been raised here today. So I think it just doesn't wash that horrible things are going to happen when we pass this bill, I think it stands that, actually, life will go on pretty much the same for pretty much everyone in Washington State. And I guess in some ways I agree the most with the Senator from the 45th when he said that the thing is that you really, for the most part, unless someone chooses to share the information with you, know very little about each others sexuality or sexual orientation. And that is just fine with me. What it really means is that sexual orientation is not related to the job that you do at work, to your ability to rent or buy a home, or to the financial practices that we engage in as a society. That's all we are really saying, is that the sexual orientation is not relevant to those matters. It doesn't mean you should change your views about an individual's sexual orientation, if you want to condemn it, you may condemn it. In your speech you are free to do that, you may speak about it, and write about it, and communicate with people about it. And I would stand for your right to always be able to express your view on it, and for children in schools to be able to express different points of view, as well, based on their beliefs. And when the Human Rights Commission is told to go forth, they are not told to go forth and promote anything except good will and good relations among people, which of course I think should be something that we appreciate and desire for our state. Above all, we don't know for the most part, the sexual orientation or the sexual practices of the adults we meet all the time, and pass on the street, and interact with everyday. There are gay and lesbian Washingtonians sticking IVs in our arms, and serving us hamburgers at Dick's. They are librarians and executives and Legislative Assistants in the Washington State Senate. They are our daughters, our sisters, our uncles and cousins, our friends and neighbors. A good senator from the 6th should know, that we don't know, I would not presume to say, and I do not believe that you know, about the immutability of the particular characteristic. We don't really know about economic deprivation or political powerlessness, because so many people are afraid to come forward with their sexual orientation. How would we even scientifically know that? We do know however, because some people have been proud and dignified and respectful enough to be accepted, to come forward, to accept others. We do know that our gay and lesbian Washingtonian family, friends and neighbors have all kinds of jobs, they live in all kinds of houses. Yes, some are very nice houses, on the South Hill of Spokane, but some open their door and look out on the Palouse, in the most rural parts of our state. And some, sadly, are homeless. And they go to the Spokane Symphony, but the also go to the Cheney Rodeo. They go to church, they watch the Oscars, and they root for the Sea hawks. They serve our country. Gay and lesbian citizens died in 9/11, and are defending our country today in the Armed Services, of this nation. Ladies and Gentlemen, in closing, let me say that when the Senate takes a long time to decide an issue that is very controversial, as you can see it is not because we don't care. It's because we care so much. And it is fairly likely that the debate that we are having today has not changed the minds of the individuals who are about to vote. And ironically, we all know, as you know Mr. President, that often, passing a law does not change someone's mind or heart about an issue. On the other hand, interestingly enough when someone changes their mind,

NINETEENTH DAY, JANUARY 27, 2006

or changes their heart, that can change the law. But as we go forward today, no matter what happens, some of us will walk away with a feeling of victory, perhaps a desire to have a celebration. And some of us will walk away in sorrow, in disappointment, perhaps even a feeling of defeat, or extreme sadness about what they might believe will occur. I would just like to ask us, that as we walk away today, let us walk away with civility and respect for each other, respect for each other's differences and for each other's different point of view. Lets walk away resolving to continue to find common ground to better the lives of the citizens of Washington state in the ways we believe we can best do that. And let us go forward with courage, with the courage to have a conversation, as we have had in a limited way today, with someone who does believe very differently than we do. It sometimes takes a lot of moral courage to have that kind of conversation. Let's go forward, not just here, but those who are listening, as well. Let's all go forward and have such a conversation, because this will not be the end of this discussion. So let's not mark it as the end of something, let's mark it as the beginning of going forward, of having those difficult conversations with our neighbors and our friends, and finding out what is in each other's minds, and in each other's hearts. Thank you Mr. President."

REMARKS BY SENATOR REGALA

Senator Regala: "Thank you Mr. President. Well, I believe today is a very historic day. We have had a number of very thoughtful speeches as someone earlier said 'all forty-nine of us have thought long and hard about our vote today'. Again there have been many excellent speeches with regards to people's convictions about their vote and so in the spirit of non discrimination."

REMARKS BY SENATOR BENSON

Senator Benson: "Thank you Mr. President, ladies and gentlemen of the Senate. I rise today to oppose House Bill No. 2661. I think it's important to stress that I believe bigotry is wrong. I believe racism is wrong, prejudice, the least to hate, the least of violence is wrong. If that was the question before this body today there would not be a debate and there would not be a descending vote. I also want to stress that I stand proudly as a member of the Republican Party today. Our party was founded during our countries fight against slavery. In fact Lincoln's most famous speech includes the words, 'dedicated to the proposition that all men are created equal.' Our leader so believed in that principle that he put his reputation, his political career and eventually his life on the line to defend it. I'm proud that in 1964 it was my party that was the key to passing the original Civil Rights Act. I'm proud of my party's commitment to equal treatment under equal laws for all of Washington's citizens. The legislation before us today asks a specific question, 'shall certain individuals receive special legal protection based on a broad definition of sexual orientation,' indeed, this definition includes perception and we have never had anti-discrimination laws before that included perception as a basis. Mr. President, I believe this legislation is unnecessary, it's unwise and it creates uncertainty. It's unnecessary because homosexuals do not meet the three criteria that courts historically use to characterize minority groups in need of protection, economic deprivation, political powerlessness and immutable characteristics. Homosexuals have in many cases and probably on average I guess is the best way to say it, higher incomes, better jobs, higher education levels, drive better cars, have better houses. There is not systemic evidence of a class of people that's discriminated against as we had in other cases. It's unnecessary because there's not a record of government sanction, systemic discrimination. Not only do I believe this is unnecessary, I

2006 REGULAR SESSION

believe it is unwise, it's unwise to dilute previous civil rights protection that this state has granted. Those people were granted those rights because of governmental and societal abuse. We can't compare this with laws that were designed to protect people being denied the right to vote, the right to sit where they wanted to on a bus, the right to patronize a restaurant and the right to not be rounded up by the government and placed in holding camps. Today is a different world. These are not the same class of people that we have protected in the past. I believe the average citizen in Washington wants tolerance and they want reasonable accommodations based on sexual orientation. This bill however goes well beyond that and I'll give you an example of what I believe to be reasonable accommodations. My wife works at Macy's, you know that and they have a transvestite that comes in and he'll pick out some clothes and try to slip into the women's dressing room. When they see him going in they'll always say 'I'm sorry, but you need to use the men's dressing room.' They don't tell him he can't try on those clothes, nothing along that line but they do draw the distinction that men go in the men's dressing room and women go in the women's dressing room. What happens with this bill? He is being discriminated against because he doesn't get full enjoyment of the facilities based on the liberal interpretation. It's also unwise because the citizen's of this state has spoken on this issue. Sixty percent of our state voters said no. Do not add sexual orientation to existing civil rights laws. Let me reiterate that, Initiative 677 which couldn't be argued was awkwardly worded because it was presented by the other side, passed sixty percent said no. In fact the Initiative only passed in four out of forty-nine districts. Rarely do we vote on an issue here in Olympia where the citizens of the state have spoken so unequivocally. I believe this legislation leads to uncertainty, uncertainty for business's, uncertainty for churches and uncertainty for organizations and associations around the state. Will there be discrimination against people because of their religious beliefs and those expressions of those beliefs? Mr. President, ladies and gentlemen of the Senate, is it fair of the state to label one persons morality as illegal bigotry? Because this new class of rights would be solely perception based and liberally construed, will it supersede all other rights? Will this newly created perceived right now trump all the others, even ones protected by both state and federal constitution. I believe that we're opening a Pandora's box on legal ambiguity today with this legislation. In closing Mr. President, it's very important to me to protect all the rights of all our citizens and many of the speeches today express that belief and I agree with the other side when they talk about life, liberty, pursuit of happiness, no one should have those things denied because of who they are regardless of what that definition is. But I do believe that we are diminishing our rights and our common liberties when we require citizens to publicly interpret one another's sexual orientation, gender expression or gender identity because this is based on perception. It will emphasize our differences and repress the opportunities for greater understanding. In the end I believe it will lead to a more segregated society and more divided society. Mr. President, I urge a no vote on House Bill No. 2661. Thank you."

MOTION

On motion of Senator Schoesler, Senator McCaslin was excused.

MOTION

Senator Regala moved that all remarks be spread upon the Journal. The motion was carried.

The President declared the question before the Senate to be

NINETEENTH DAY, JANUARY 27, 2006
 the final passage of Engrossed Substitute House Bill No. 2661
 as amended by the Senate.

2006 REGULAR SESSION

Spanel, Thibaudeau and Weinstein - 25.
 Excused: Senator McCaslin - 1.

ROLL CALL

The Secretary called the roll on the final passage of
 Engrossed Substitute House Bill No. 2661 as amended by the
 Senate and the bill passed the Senate by the following vote:
 Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Doumit, Eide,
 Fairley, Finkbeiner, Franklin, Fraser, Haugen, Jacobsen,
 Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen,
 Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin,
 Spanel, Thibaudeau and Weinstein - 25

Voting nay: Senators Benson, Benton, Brandland, Carrell,
 Deccio, Delvin, Esser, Hargrove, Hewitt, Honeyford, Johnson,
 Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt,
 Schoesler, Sheldon, Stevens, Swecker and Zarelli - 23

Excused: Senator McCaslin - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2661, as
 amended by the Senate, having received the constitutional
 majority, was declared passed. There being no objection, the
 title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed Substitute House Bill
 No. 2661 was immediately transmitted to the House of
 Representatives.

MOTION

On motion of Senator Esser, the Senate advanced to the
 ninth order of business to relieve the Committee on Judiciary
 further consideration of Senate Joint Resolution No. 8210.

Senator Eide objects to the motion.
 Senator Eide demanded a roll call.

The President declared that one-sixth of the Senate support
 the demand. The demand is sustained.

Senator Esser spoke in favor of the motion.
 Senator Brown spoke against the motion.

The President declared the question before the question to
 the motion by Senator Esser to advance to the ninth order of
 business for the purpose of relieving the Committee on Judiciary
 further consideration of Senate Joint Resolution No. 8210.

The President declared the question before the Senate to be
 the motion by Senator Esser to advance to the ninth order of
 business to relieve the Committee on Judiciary further
 consideration of Senate Joint Resolution No. 8210.

ROLL CALL

The Secretary called the roll on the motion by Senator Esser
 advance to the ninth order of business to relieve the Committee
 on Judiciary Senate Joint Resolution No. 8210 and the motion
 failed by the following vote: Yeas, 23; Nays, 25; Absent, 0;
 Excused, 1.

Voting yea: Senators Benson, Benton, Brandland, Carrell,
 Deccio, Delvin, Esser, Hargrove, Hewitt, Honeyford, Johnson,
 Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt,
 Schoesler, Sheldon, Stevens, Swecker and Zarelli - 23.

Voting nay: Senators Berkey, Brown, Doumit, Eide,
 Fairley, Finkbeiner, Franklin, Fraser, Haugen, Jacobsen,
 Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen,
 Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin,

MOTION

At 11:46 a.m., on motion of Senator Eide, the Senate was
 declared to be at ease subject to the call of the President.

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

MOTION

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

MESSAGE FROM THE HOUSE

January 27, 2006

MR. PRESIDENT:

The House has concurred in the Senate amendment to
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2661, and
 passed the bill as amended by the Senate.
 and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

January 27, 2006

MR. PRESIDENT:

The Speaker has signed:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2661,
 and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2661.

MOTION

At 1:32 p.m., on motion of Senator Eide, the Senate
 adjourned until 12:00 noon a.m. Monday, January 30, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

TWENTY-SECOND DAY

 NOON SESSION

Senate Chamber, Olympia, January 30, 2006

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 26, 2006

SB 6150 Prime Sponsor, Fraser: Authorizing projects recommended by the public works board. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6150 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6151 Prime Sponsor, Schoesler: Protecting aquifer levels. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6151 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken and Pridemore

MINORITY recommendation: Without recommendation. Signed by Senator Regala

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6158 Prime Sponsor, Jacobsen: Concerning public disclosure requirements for sensitive fish and wildlife data. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6158 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Fraser, Hargrove, Morton, Oke, Spanel and Stevens

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6188 Prime Sponsor, Johnson: Providing health benefit plans offering coverage for prostate cancer screening. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6188 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Brandland, Deccio, Franklin, Johnson, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6189 Prime Sponsor, Keiser: Regulating hospitals and ambulatory surgical centers. Revised for 1st Substitute: Requiring hospitals to provide patients certain billing information. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6189 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Parlette and Poulsen

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6195 Prime Sponsor, Franklin: Requiring health impact assessments. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6195 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

Passed to Committee on Ways & Means.

January 26, 2006

SB 6197 Prime Sponsor, Franklin: Creating the governor's interagency council on health disparities. Revised for 1st Substitute: Creating the governor's interagency coordinating council on health disparities. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6197 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Franklin, Kastama, Kline and Poulsen

Passed to Committee on Ways & Means.

January 26, 2006

SB 6205 Prime Sponsor, Jacobsen: Modifying provisions governing the sale of unneeded park land. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6205 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel and Stevens

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6209 Prime Sponsor, Jacobsen: Modifying utility charge provisions. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6209 be substituted therefor, and the substitute bill do

TWENTY-SECOND DAY, JANUARY 30, 2006

2006 REGULAR SESSION

pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Morton, Pridemore and Regala

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators Delvin and Honeyford

January 26, 2006
SB 6277 Prime Sponsor, Jacobsen: Designating the Garry Oak as the state oak tree. Reported by Committee on Natural Resources, Ocean & Recreation

MINORITY recommendation: Without recommendation. Signed by Senator Mulliken

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Oke and Spanel

Passed to Committee on Rules for second reading.

January 26, 2006
SB 6246 Prime Sponsor, Kastama: Outlining the duties of the lieutenant governor. Reported by Committee on Government Operations & Elections

MINORITY recommendation: Do not pass. Signed by Senators Morton and Stevens

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 6246 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

January 26, 2006
SB 6287 Prime Sponsor, Fairley: Authorizing special parking privileges for the legally blind. Reported by Committee on Transportation

MINORITY recommendation: Without recommendation. Signed by Senator Benton

MAJORITY recommendation: That Substitute Senate Bill No. 6287 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Finkbeiner, Kastama, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

January 26, 2006
SB 6248 Prime Sponsor, Haugen: Requiring the department of transportation to reimburse drainage and diking districts for maintenance and repairs to drainage facilities if the department does not respond to written notice by the districts. Reported by Committee on Transportation

January 26, 2006
SB 6339 Prime Sponsor, Haugen: Allocating federal surface transportation program enhancement funds. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Finkbeiner, Kastama, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Berkey, Eide, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

MINORITY recommendation: Without recommendation. Signed by Senators Benton and Esser

Passed to Committee on Rules for second reading.

January 27, 2006
SB 6256 Prime Sponsor, Eide: Creating the Washington community learning center program. Reported by Committee on Early Learning, K-12 & Higher Education

January 26, 2006
SB 6347 Prime Sponsor, Kline: Changing provisions relating to industrial insurance claims made due to emergency response. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

January 26, 2006
SB 6266 Prime Sponsor, Kastama: Providing for county and city participation in the rule-making process. Reported by Committee on Government Operations & Elections

January 26, 2006
SB 6359 Prime Sponsor, Kohl-Welles: Ensuring employers do not evade their contribution rate. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6266 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

MAJORITY recommendation: That Substitute Senate Bill No. 6359 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser, Parlette and Prentice

MINORITY recommendation: Do not pass. Signed by Senator Mulliken

Passed to Committee on Rules for second reading.

MINORITY recommendation: Without recommendation. Signed by Senators Benton and Roach

January 26, 2006

TWENTY-SECOND DAY, JANUARY 30, 2006

2006 REGULAR SESSION

SB 6373 Prime Sponsor, Keiser: Removing expiration of reporting to the legislature of holding a boarding home medicaid eligible resident's room or unit. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6374 Prime Sponsor, Spanel: Concerning assisted living facility medicaid minimum occupancy of fifty percent or greater. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Ways & Means.

January 26, 2006

SB 6397 Prime Sponsor, Kohl-Welles: Providing for academic employee salary increments for community and technical colleges. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6397 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Ways & Means.

January 26, 2006

SB 6428 Prime Sponsor, Pridemore: Providing electronic product recycling through manufacturer financed opportunities. Revised for 1st Substitute: Providing for electronic product recycling. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6428 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Morton, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senator Honeyford

MINORITY recommendation: Without recommendation. Signed by Senator Mulliken

Passed to Committee on Ways & Means.

January 24, 2006

SB 6429 Prime Sponsor, Jacobsen: Exempting certain Native American cultural resources information from public disclosure. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkeley, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

January 26, 2006
SB 6434 Prime Sponsor, Keiser: Compensating on-call workers for active duty hours under the state minimum wage act. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford and Parlette

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6439 Prime Sponsor, Doumit: Concerning coastal crab fisheries licenses. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6439 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel and Stevens

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6453 Prime Sponsor, Mulliken: Establishing a one thousand dollar minimum monthly benefit for certain plan 1 members of the public employees' retirement system and certain plan 1 members of the teachers' retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6454 Prime Sponsor, Mulliken: Providing annual increases in certain retirement allowances. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6455 Prime Sponsor, Fraser: Creating optional public retirement benefits for justices and judges. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6455 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

TWENTY-SECOND DAY, JANUARY 30, 2006

2006 REGULAR SESSION

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Brown, Hewitt, Keiser, Parlette and Prentice

January 26, 2006

SB 6457 Prime Sponsor, Pridemore: Permitting members of the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, the public safety employees' retirement system, plan 1 of the law enforcement officers' and fire fighters' retirement system, and the Washington state patrol retirement system to make a one-time purchase of additional service credit. Reported by Committee on Ways & Means

MINORITY recommendation: Do not pass. Signed by Senator Honeyford

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6555 Prime Sponsor, Prentice: Providing research and services for special purpose districts. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

MAJORITY recommendation: That Substitute Senate Bill No. 6555 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

January 27, 2006

SB 6464 Prime Sponsor, Delvin: Expanding the baccalaureate degree program at WSU, Tri-Cities. Reported by Committee on Early Learning, K-12 & Higher Education

January 26, 2006

MAJORITY recommendation: That Substitute Senate Bill No. 6464 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

SB 6557 Prime Sponsor, Kohl-Welles: Modifying the taxation of motion picture and video production services. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6557 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Ways & Means.

Passed to Committee on Ways & Means.

January 26, 2006

SB 6480 Prime Sponsor, Kohl-Welles: Eliminating the department of transportation's exemption from the public works apprenticeship utilization requirements. Reported by Committee on Labor, Commerce, Research & Development

January 26, 2006

MAJORITY recommendation: That Substitute Senate Bill No. 6480 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

SB 6567 Prime Sponsor, McAuliffe: Revising terms of appointment of student regents and trustees. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford and Parlette

Passed to Committee on Rules for second reading.

Passed to Committee on Transportation.

January 26, 2006

SB 6527 Prime Sponsor, Jacobsen: Extending the negotiation period for the Milwaukee Road trail. Reported by Committee on Transportation

January 26, 2006

MAJORITY recommendation: That Substitute Senate Bill No. 6527 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Finkbeiner, Kastama, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

SB 6578 Prime Sponsor, Pridemore: Regarding insurance premiums tax. Revised for 1st Substitute: Clarifying the taxation of insurers. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6578 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6539 Prime Sponsor, Kohl-Welles: Changing the formula cap on spirits, beer, and wine restaurant licenses. Reported by Committee on Labor, Commerce, Research & Development

January 26, 2006

SB 6658 Prime Sponsor, Thibaudeau: Revising experience requirements for licensed mental health counselors. Reported by Committee on Health & Long-Term Care

TWENTY-SECOND DAY, JANUARY 30, 2006

2006 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 26, 2006

SGA 9062 GEORGIA GARDNER, appointed January 1, 2003, for the term ending March 1, 2007, as Member of the Board of Tax Appeals. Reported by Committee on Ways & Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

January 26, 2006

SGA 9394 CHERYL SCOTT, appointed October 1, 2005, for the term ending October 1, 2009, as Member, Board of Trustees, The Life Sciences Discovery Fund Authority. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

January 25, 2006

SGA 9398 RUSSELL D. HAUGE, reappointed October 24, 2005, for the term ending September 2, 2008, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6480 which was referred to the Committee on Transportation.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 30, 2006

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

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

RITA COLWELL, appointed October 1, 2005, for the term ending October 1, 2007, as Member, Board of Trustees, The Life Sciences Discovery Fund Authority.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

January 30, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PAUL P. GEORGE, appointed January 9, 2006, for the term ending January 17, 2007, as Member of the Horse Racing Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

January 30, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROBERT LENIGAN, appointed October 20, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Clover Park Technical College District No. 29.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 30, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JANIS MACHALA, appointed October 1, 2005, for the term ending September 30, 2006, as Member, Board of Trustees, Technical College District #26 (Lake Washington).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 30, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CAROL MOSER, appointed January 9, 2006, for the term ending June 30, 2011, as Member of the Transportation Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

January 30, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TWENTY-SECOND DAY, JANUARY 30, 2006

2006 REGULAR SESSION

TERESA PAN, reappointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Bates Technical College District No. 28.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 30, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BRUCE REID, appointed January 25, 2005, for the term ending September 30, 2008, as Member, Board of Trustees, Technical College District #26 (Lake Washington).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 30, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOE RYAN, appointed January 9, 2006, for the term ending July 15, 2009, as Member of the Salmon Recovery Funding Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

January 30, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

STEPHEN THARINGER, reappointed January 9, 2006, for the term ending July 15, 2009, as Member of the Salmon Recovery Funding Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

January 30, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

YVONNE BIANCHI, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Technical College District #25 (Bellingham).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE HOUSE

January 27, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:

SUBSTITUTE HOUSE BILL NO. 1257

HOUSE BILL NO. 1331

SUBSTITUTE HOUSE BILL NO. 1348

SUBSTITUTE HOUSE BILL NO. 1841

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883

HOUSE BILL NO. 2367

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4003

HOUSE JOINT MEMORIAL NO. 4026

HOUSE CONCURRENT RESOLUTION NO. 4415

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

January 27, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1020

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1850

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6861 by Senators Delvin, Poulsen, Mulliken, Morton and Honeyford

AN ACT Relating to studying the competing interests of domestic water users and other water users in regards to limited water supplies where a curtailment of domestic water right use has been enacted; and creating a new section.

Referred to Committee on Water, Energy & Environment.

SB 6862 by Senator Pridemore

AN ACT Relating to requiring professionals working in the building trades to wear and visibly display licenses and certificates; amending RCW 19.27.050, 18.106.170, 19.28.251, and 70.87.120; adding a new section to chapter 19.28 RCW; adding a new section to chapter 70.87 RCW; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6863 by Senators Kline and Keiser

AN ACT Relating to credit cards; adding a new section to chapter 82.04 RCW; adding a new section to chapter 28C.04

TWENTY-SECOND DAY, JANUARY 30, 2006

2006 REGULAR SESSION

RCW; adding a new chapter to Title 19 RCW; and creating a new section.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6864 by Senators Kline and Johnson

AN ACT Relating to offenders receiving the drug offender sentencing alternative; and amending RCW 9.94A.728 and 9.94A.660.

Referred to Committee on Judiciary.

SB 6865 by Senators Kline, Kohl-Welles, Rasmussen and Pflug

AN ACT Relating to determining the service needs of people with developmental disabilities; and creating new sections.

Referred to Committee on Health & Long-Term Care.

SB 6866 by Senators Regala, Oke, Doumit, Parlette, Jacobsen, Morton and Rasmussen

AN ACT Relating to redirecting certain earnings and fees to the state wildlife account; amending RCW 77.12.177; reenacting and amending RCW 77.12.170; and repealing RCW 77.32.510.

Referred to Committee on Ways & Means.

SB 6867 by Senators Pflug, Shin, Eide, Weinstein, McAuliffe, Schmidt, Carrell, Rasmussen, Kohl-Welles and Franklin

AN ACT Relating to establishing a joint legislative task force on life sciences; creating new sections; and providing an expiration date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6868 by Senators Mulliken, Rasmussen and Schoesler

AN ACT Relating to excise tax exemptions for aircraft fuel used for crop dusting activities; amending RCW 82.42.020; adding a new section to chapter 82.42 RCW; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6869 by Senators Sheldon, Swecker, Prentice, Rasmussen, Roach, Berkey, Hargrove, Brandland, Shin and Franklin

AN ACT Relating to cooperative agreements concerning the taxation of motor vehicle fuels and special fuels sold on Indian lands; adding new sections to chapter 43.06 RCW; adding new sections to chapter 82.36 RCW; adding new sections to chapter 82.38 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 6870 by Senator Haugen

AN ACT Relating to the board of pilotage commissioners' training program; amending RCW 88.16.035; amending 2005 c 313 s 204 (uncodified); making an appropriation; and declaring an emergency.

Referred to Committee on Transportation.

SB 6871 by Senator Kastama

AN ACT Relating to removing members of the legislature from state health care coverage; and amending RCW 41.05.011.

Referred to Committee on Government Operations & Elections.

SB 6872 by Senators Kohl-Welles, Poulsen and Kline

AN ACT Relating to transportation services provided by local governments; amending RCW 35.95A.080, 35.95A.090, and 35.95A.120; repealing RCW 35.95A.010, 35.95A.020, 35.95A.030, 35.95A.040, 35.95A.050, 35.95A.060, 35.95A.070, 35.95A.100, 35.95A.110, 35.95A.120, and 35.95A.140; and providing an effective date.

Referred to Committee on Transportation.

SB 6873 by Senator Keiser

AN ACT Relating to membership in the public employees' retirement system; and reenacting and amending RCW 41.40.023.

Referred to Committee on Ways & Means.

SB 6874 by Senators Doumit, Zarelli, Hargrove, Morton, Sheldon and Rasmussen

AN ACT Relating to tax incentives for persons who extract, manufacture, or process timber; amending RCW 82.04.230, 82.04.280, 82.04.280, and 82.04.440; amending 2003 c 149 s 12 (uncodified); reenacting and amending RCW 82.04.260; and providing an effective date.

Referred to Committee on Ways & Means.

SJM 8039 by Senators Brown, Kohl-Welles, Franklin, Pridemore and Thibaudeau

Requesting changes to the Medicare Modernization Act.

Referred to Committee on Health & Long-Term Care.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

Senator Shin moved adoption of the following resolution:

SENATE RESOLUTION
8702

TWENTY-SECOND DAY, JANUARY 30, 2006

2006 REGULAR SESSION

By Senators Shin, Jacobsen, Berkey, Keiser, Schmidt, Swecker, Esser, Honeyford, Schoesler, Parlette, Mulliken, Eide, Brown, Pridemore, Weinstein, Sheldon, Hargrove, Kohl-Welles and Doumit

WHEREAS, Jae-gouk Kim served ably as Consul-General of the Republic of Korea in Seattle; and

WHEREAS, Consul-General Jae-gouk Kim's international diplomatic service of over 30 years has increased his ability to better serve the State of Washington; and

WHEREAS, Consul-General Jae-gouk Kim's previous service in the United States saw him serving as the First Secretary at the United States, Korean Embassy; and

WHEREAS, In Seattle as well as his other postings across the globe, Consul-General Jae-gouk Kim was embraced by all people of Korean descent, and showed tremendous dedication to the same; and

WHEREAS, Consul-General Jae-gouk Kim's immense knowledge of his nation and the United States led to increased trade and cultural relations between the Republic of Korea and Washington; and

WHEREAS, Consul-General Jae-gouk Kim and the Korean-American community maintain close ties with Korea and, at the same time, continue to establish and strengthen their relationship with the State of Washington; and

WHEREAS, The State of Washington owes a tremendous debt to Consul-General Jae-gouk Kim for the tremendous work he accomplished during his tenure in Seattle; and

WHEREAS, Consul-General Jae-gouk Kim went above and beyond the duties of his position and indefatigably worked to maintain and expand the crucial economic and cultural relations between the Republic of Korea and Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington honor Consul-General Jae-gouk Kim for his service to the Republic of Korea and Washington, his diplomatic nature, extreme kindness, and understanding of the crucial relationship between our peoples; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Consul-General Jae-gouk Kim and the Korean Consulate in Seattle.

Senator Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8702.

The motion by Senator Shin carried and the resolution was adopted by voice vote.

MOTION

At 12:08 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon Tuesday, January 31, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

TWENTY-THIRD DAY

NOON SESSION

Senate Chamber, Olympia, January 31, 2006

The Senate was called to order at 12:00 noon by President Pro Tempore. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 30, 2006

SB 5236 Prime Sponsor, Kohl-Welles: Providing additional funding to the prevailing wage program of the department of labor and industries by discontinuing the transfer of moneys from the public works administration account to the general fund-state account. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5236 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6132 Prime Sponsor, Prentice: Creating a use tax exemption when converting or merging a federal, foreign, or out-of-state credit union into a state charter. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6230 Prime Sponsor, Parlette: Extending the state sales and use tax credit for certain public facilities districts. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6230 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Brandland, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Schoesler and Thibaudeau

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6252 Prime Sponsor, Morton: Creating a temporary permit for the sale of one thousand or fewer rabbits. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6252 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6268 Prime Sponsor, Kastama: Addressing transportation concurrency under the growth management act. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Haugen, Kline, McCaslin and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton, Mulliken and Roach

Passed to Committee on Transportation.

January 30, 2006

SB 6269 Prime Sponsor, Kastama: Creating a public school facilities element under the growth management act. Revised for 1st Substitute: Studying public school facility needs. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6269 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Ways & Means.

January 30, 2006

SB 6280 Prime Sponsor, Regala: Removing the irrevocable dedication requirement for exemption from property taxes for nonprofit entities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6291 Prime Sponsor, Kohl-Welles: Modifying provisions for cosmetology licensing exemptions. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6291 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6338 Prime Sponsor, Haugen: Regarding the property tax exemption for seniors and for persons retired due to disability. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating

TWENTY-THIRD DAY, JANUARY 31, 2006

2006 REGULAR SESSION

Budget; Brandland, Pflug, Pridemore, Rasmussen, Roach, Schoesler and Thibaudeau

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6352 Prime Sponsor, Kohl-Welles: Protecting agricultural workers. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6352 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford and Parlette

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6369 Prime Sponsor, Haugen: Providing excise tax exemptions for water services provided by small water systems. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6369 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6399 Prime Sponsor, Kohl-Welles: Improving unemployment insurance collection and penalty tools. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6399 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Brown, Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6541 Prime Sponsor, Prentice: Regarding appeal bond requirements against signatories of the tobacco master settlement agreement. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Pflug, Pridemore, Rasmussen, Regala, Roach and Schoesler

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6573 Prime Sponsor, Zarelli: Maintaining and enhancing the viability of agriculture. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6573 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Government Operations & Elections.

January 30, 2006
SB 6577 Prime Sponsor, Prentice: Modifying the electronic administration of the real estate excise tax. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6637 Prime Sponsor, Keiser: Concerning qualifications for adult family home providers. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline and Parlette

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6701 Prime Sponsor, Rasmussen: Reaffirming Washington state's eminent domain laws with a right of first refusal. Revised for 1st Substitute: Reaffirming existing Washington state eminent domain laws. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6701 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkeley, Vice Chair; Haugen, Kline, McCaslin and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Roach and Mulliken

MINORITY recommendation: Without recommendation: Signed by Senator Benton

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6704 Prime Sponsor, Rasmussen: Modifying the excise taxation of the manufacturing, selling, and processing of certain food products. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Ways & Means.

January 30, 2006

SB 6731 Prime Sponsor, Fraser: Prohibiting sellers of travel from promoting travel for sex tourism. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

January 30, 2006

TWENTY-THIRD DAY, JANUARY 31, 2006

2006 REGULAR SESSION

SCR 8417 Prime Sponsor, Kohl-Welles: Establishing a committee on gambling policy setting. Reported by Committee on Labor, Commerce, Research & Development

Sheldon, Johnson, Honeyford, Hewitt, Schoesler, Morton, Parlette and Delvin

MAJORITY recommendation: That Substitute Senate Bill No. 8417 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Parlette

AN ACT Relating to prohibiting the superintendent of public instruction from encouraging or promoting the teaching of sexual orientation; adding a new section to chapter 28A.300 RCW; and creating a new section.

Passed to Committee on Rules for second reading.

Referred to Committee on Early Learning, K-12 & Higher Education.

MOTION

SB 6877 by Senator Kline

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

AN ACT Relating to crimes against personal property; amending RCW 9A.48.070, 9A.48.080, 9A.48.090, 9A.56.010, 9A.56.030, 9A.56.040, 9A.56.050, 9A.56.060, 9A.56.096, 9A.56.150, 9A.56.160, 9A.56.170, and 9A.82.050; adding a new section to chapter 9A.48 RCW; adding a new section to chapter 9A.56 RCW; and prescribing penalties.

MOTION

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

Referred to Committee on Judiciary.

MESSAGE FROM THE HOUSE

January 30, 2006

SB 6878 by Senators Doumit, Schoesler, Pridemore, Roach, Kline, Morton, Benton, Brandland and Rasmussen

MR. PRESIDENT:

The House has passed the following bill{s}:
 SUBSTITUTE HOUSE BILL NO. 2419,
 HOUSE BILL NO. 2544,
 HOUSE BILL NO. 2567,
 HOUSE CONCURRENT RESOLUTION NO. 4417,
 and the same are herewith transmitted.

AN ACT Relating to renewing a concealed pistol license by members of the armed forces; and amending RCW 9.41.070.

Referred to Committee on Government Operations & Elections.

RICHARD NAFZIGER, Chief Clerk

SB 6879 by Senators Esser, Poulsen, Morton, Finkbeiner, Kline and Rasmussen

MESSAGE FROM THE HOUSE

January 30, 2006

AN ACT Relating to smart grid energy technology; amending RCW 28B.20.296 and 82.63.010; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and providing expiration dates.

MR. PRESIDENT:

Referred to Committee on Water, Energy & Environment.

The House has passed the following bill{s}:
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2393
 and the same is herewith transmitted.

SB 6880 by Senators Kline, Weinstein and McCaslin

AN ACT Relating to a commission on psychoactive substance control; and creating a new section.

RICHARD NAFZIGER, Chief Clerk

Referred to Committee on Health & Long-Term Care.

MOTION

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

SJM 8040 by Senator Thibaudeau

Requesting the creation of a department of peace and nonviolence.

INTRODUCTION AND FIRST READING

SB 6875 by Senators Eide, Pflug, Brandland, Mulliken, Rasmussen, Benton and Benson

Referred to Committee on Government Operations & Elections.

AN ACT Relating to small business tax relief; amending RCW 82.32.045; adding a new section to chapter 82.04 RCW; creating a new section; repealing RCW 82.04.4451; and providing an effective date.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1020 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris and B. Sullivan)

Referred to Committee on Ways & Means.

AN ACT Relating to siting electrical transmission under the energy facility site evaluation council; amending RCW 80.50.020, 80.50.060, and 80.50.090; adding a new section to chapter 80.50 RCW; and creating a new section.

SB 6876 by Senators Mulliken, Deccio, Swecker, Stevens, Hargrove, Oke, Roach, Benton, Benson, Zarelli,

Referred to Committee on Water, Energy & Environment.

TWENTY-THIRD DAY, JANUARY 31, 2006

2006 REGULAR SESSION

SHB 1257 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Roach, Kirby, Newhouse, Simpson, Holmquist, Haler, Uptegrove, O'Brien and Nixon)

AN ACT Relating to motorcycle or motor-driven cycle insurance coverage; and amending RCW 48.22.030.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

HB 1331 by Representatives Conway, Alexander, Wood, DeBolt, Simpson, Strow, Chase and Ormsby

AN ACT Relating to electrical contractor licenses; and amending RCW 19.28.041.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 1348 by House Committee on Judiciary (originally sponsored by Representatives Williams, Newhouse and Lantz)

AN ACT Relating to jurisdiction over judgments; and amending RCW 3.66.020, 3.66.040, 3.62.060, and 12.04.130.

Referred to Committee on Judiciary.

SHB 1841 by House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Kenney, Conway, Strow, Sells, Simpson, Hasegawa and Santos)

AN ACT Relating to electrical trainees; and amending RCW 19.28.161.

Referred to Committee on Labor, Commerce, Research & Development.

ESHB 1850 by House Committee on Health Care (originally sponsored by Representatives Schual-Berke and Cody)

AN ACT Relating to retired volunteer medical workers; amending RCW 43.70.110 and 43.70.250; adding a new section to chapter 18.130 RCW; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Health & Long-Term Care.

ESHB 1883 by House Committee on Select Committee on Hood Canal (originally sponsored by Representatives McCoy, Pearson, Eickmeyer, Uptegrove and Haigh)

AN ACT Relating to collection and preservation of oral histories about Hood Canal; adding a new section to chapter 28B.40 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

HB 2367 by Representatives O'Brien, Kirby, Strow, McCoy and B. Sullivan

AN ACT Relating to the certification of tribal police officers; amending RCW 43.101.085 and 43.101.380; adding a new section to chapter 43.101 RCW; and providing an effective date.

Referred to Committee on Judiciary.

SHB 2419 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Haigh, Nixon, Clibborn and McDermott)

AN ACT Relating to hosting the national conference of lieutenant governors; amending RCW 42.52.150; creating new sections; and declaring an emergency.

HB 2544 by Representatives P. Sullivan, Jarrett, Green, Dunshee, Uptegrove, McCoy, Ericks, Simpson, Schual-Berke, Lantz, Ormsby, Springer, Kilmer and Kagi

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

Referred to Committee on Ways & Means.

HB 2567 by Representatives Wallace, Ericks, Morrell, Kilmer, Lovick, Campbell, Green, Lantz, Springer and Moeller

AN ACT Relating to the possession of methamphetamine precursors; adding a new section to chapter 9.91 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SHJM 4003 by House Committee on Transportation (originally sponsored by Representatives Ericksen, Kessler, Haler, O'Brien, Talcott, Chase, Dickerson and B. Sullivan)

Requesting Congress to consider Washington for magnetic levitation transportation funding.

Referred to Committee on Transportation.

HJM 4026 by Representatives Haler, Takko, Newhouse, Nixon, Moeller, Grant, Morris, B. Sullivan and Woods

Requesting the Columbia generating station be used for the commercial production of hydrogen.

Referred to Committee on Water, Energy & Environment.

HCR 4415 by Representatives Kessler, Armstrong and Dunn

Approving the names of certain state facilities.

HCR 4417 by Representatives Kessler, Armstrong, Morrell, Springer, Pearson, Sells, Green, Kilmer, Kristiansen, Ericks and Hankins

Honoring the recipients of the State Medal of Valor in Joint Session.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Substitute House Bill No. 2419, House Concurrent Resolution No. 4415 and House Concurrent Resolution No. 4417 were placed on the second reading calendar under suspended of the rules.

MOTION

On motion of Senator Eide, the Senate advanced to the

TWENTY-THIRD DAY, JANUARY 31, 2006
eighth order of business.

2006 REGULAR SESSION

MOTION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION
8703

By Senators Kohl-Welles, Brown, Hewitt, McAuliffe, Pridemore, Rockefeller, Regala, Doumit and Keiser

WHEREAS, Participation in athletics is one of the most effective ways for girls and women in the United States to develop leadership skills, discipline, initiative, and self-confidence; and

WHEREAS, Sport and fitness activities contribute to girls' and women's emotional and physical well-being; and

WHEREAS, The communication, competition, and cooperation skills learned through athletic experience play a key role in the contributions of athletes to the home, workplace, and society; and

WHEREAS, Early motor skill training and enjoyable experiences of physical activity strongly encourage enduring habits of physical fitness; and

WHEREAS, Girls and women who participate in sports have higher levels of self-esteem, less depression, and a reduced risk for heart disease, breast cancer, and other illness; and

WHEREAS, The bonds built among girls and women through athletics help break down the social barriers of racism and prejudice; and

WHEREAS, 58,789 female athletes participate in high school sports and athletic activities in Washington, constituting 43 percent of the total number of athletes as compared to the national average of girls participating in high school sports of 41 percent; and

WHEREAS, High school athletic teams in the state of Washington have achieved many accomplishments that serve as an inspiration to young women to promote the values of teamwork and cooperation; and

WHEREAS, Washington high schools have fostered outstanding achievements in girls' and women's sports, including: Jenny Baker, Eatonville High School girls' soccer, National Soccer Coaches Association of America (NSCAA)/Adidas Girls' High School All-American Team for the second consecutive year; Bellarmine Preparatory School girls' soccer, Washington Interscholastic Activities Association (WIAA) 4A Girls' State Champions in 2005 and 2004; Connell High School girls' cross country, WIAA 2A State Academic Champions for a team GPA of 4.0; and Holy Names Academy girls' cross country, WIAA 3A Academic Champions for a team GPA of 4.0; and

WHEREAS, Washington colleges and universities have fostered outstanding achievements in women's sports, including: Corrie McDaniel, Seattle Pacific University, National Collegiate Athletic Association (NCAA) Woman of the Year for Washington State; Western Washington University women's rowing team, winner of the 2005 NCAA Division II National Championship; Gonzaga University women's soccer, 1st National ranking; Cortney Kjar, University of Puget Sound, First Team All-American and Division III National Woman's Soccer Player of the year; Eastern Washington University women's soccer, AVCA/Molten Team Academic Award for a team GPA of 3.3 or above for the eighth consecutive year; Laura Valass, Whitman College Nordic skiing, NCAA All-American, Academic All-District first team; and Kate Soma, University of Washington, NCAA pole vault title; and

WHEREAS, Student-athletes graduate at a higher rate than nonathlete college students, 62 percent compared to 60 percent, respectively; and

WHEREAS, Institutions of higher education continue to produce elite athletes competing with pride, commitment, and passion. The participation of Washington female collegiate athletes is among the highest in the country at 48 percent of total

athletes. The participation rate of female athletes in community colleges in Washington is 46 percent of total athletes. Currently, there are 222 female athletes participating at Central Washington University, 215 female athletes participating at Eastern Washington University, 192 female athletes participating at Pacific Lutheran University, 149 female athletes participating at Seattle Pacific University, 158 female athletes participating at Gonzaga University, 48 female athletes participating at St. Martin's University, 195 female athletes participating at Western Washington University, 116 female athletes participating at Whitman College, and 172 female athletes participating at Whitworth College; and

WHEREAS, The number of funded research projects focusing on the specific needs of female athletes is limited, and the information provided by the projects is imperative to the health and performance of future female woman athletes;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize Washington Girls and Women in Sports Day on February 5, 2006, and encourage others to observe the day with appropriate ceremonies and activities.

Senator Kohl-Welles spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8703.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

MOTION

At 12:06 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, February 1, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

TWENTY-FOURTH DAY, FEBRUARY 1, 2006

2006 REGULAR SESSION

TWENTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 1, 2006

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Hargrove.

The Sergeant at Arms Color Guard consisting of Eagle Scouts Nathan Eaker, Chris Naccarato, Tyrone Pula, Sunny Uppal, Samuel Roe and Scott Robinson presented the Colors. High Priest Jim Elandson of the Community of Christ Church offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 31, 2006

SB 5333 Prime Sponsor, Regala: Modifying requirements for voter-approved property tax levies. Revised for 2nd Substitute: Modifying requirements for voter-approved regular property tax levies. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Second Substitute Senate Bill No. 5333 be substituted therefor, and the second substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin and Pridemore

MINORITY recommendation: Do not pass. Signed by Senator Benton

MINORITY recommendation: Without recommendation. Signed by Senators Mulliken and Roach

Passed to Committee on Ways & Means.

January 30, 2006

SB 5943 Prime Sponsor, Kohl-Welles: Concerning medical use of marijuana. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5943 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6106 Prime Sponsor, Brandland: Requiring disclosure of specified health care information for law enforcement purposes. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6106 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice

Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6186 Prime Sponsor, Keiser: Providing insurance coverage to dependent children. Revised for 1st Substitute: Making available optional insurance coverage to dependent children. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6186 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Deccio, Franklin, Kastama, Kline and Poulsen

Passed to Committee on Ways & Means.

January 31, 2006

SB 6200 Prime Sponsor, Rockefeller: Creating a child support performance award. Revised for 1st Substitute: Concerning child support provisions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6200 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Carrell, McAuliffe, Stevens and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senator Brandland

Passed to Committee on Ways & Means.

January 30, 2006

SB 6221 Prime Sponsor, Franklin: Revising limitations on use of public funds for political purposes. Revised for 1st Substitute: Concerning use of public funds to finance campaigns for local office. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6221 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton and Mulliken

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6242 Prime Sponsor, Kastama: Ensuring equipment accessibility for voters with visual impairments and requiring certification of voting equipment. Revised for 1st Substitute: Ensuring equipment accessibility for voters with visual impairments. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6242 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Haugen, Kline, McCaslin and Pridemore

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6243 Prime Sponsor, Kastama: Clarifying laws on

TWENTY-FOURTH DAY, FEBRUARY 1, 2006

2006 REGULAR SESSION

ballot measures. Reported by Committee on Government Operations & Elections

Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

MAJORITY recommendation: That Substitute Senate Bill No. 6243 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

MINORITY recommendation: Without recommendation. Signed by Senator Benton

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6278 Prime Sponsor, Deccio: Licensing specialty hospitals. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6278 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6305 Prime Sponsor, Keiser: Including financial literacy in work activity provisions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6305 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Carrell, McAuliffe, Stevens and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senator Brandland

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6323 Prime Sponsor, Regala: Limiting exceptions to the reporting requirements under chapter 42.17 RCW. Revised for 1st Substitute: Concerning campaign finance disclosure. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6323 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Haugen, Kline, McCaslin and Pridemore

MINORITY recommendation: Without recommendation. Signed by Senators Benton, Mulliken and Roach

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6336 Prime Sponsor, Haugen: Revising the definition of income for public assistance to exclude housing assistance or housing vouchers for military personnel or veterans. Revised for 1st Substitute: Requesting a federal exemption regarding the definition of income for public assistance. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6336 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice

January 30, 2006
SB 6362 Prime Sponsor, Kohl-Welles: Modifying voter registration provisions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6362 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6363 Prime Sponsor, Keiser: Developing worksite health promotion programs. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6363 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

MINORITY recommendation: Without recommendation. Signed by Senator Brandland

Passed to Committee on Ways & Means.

January 30, 2006

SB 6391 Prime Sponsor, Keiser: Concerning the provision of services to independent residents in a continuing care retirement community. Revised for 1st Substitute: Concerning the provision of services for nonresident individuals residing in long-term care settings. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6391 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6418 Prime Sponsor, Keiser: Adding requirements to renew initial limited licenses for dental hygienists. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6424 Prime Sponsor, Schoesler: Providing a property tax exemption for land used for growing crops used in the production of biodiesel feedstock. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6424 be substituted therefor, and the substitute bill do

TWENTY-FOURTH DAY, FEBRUARY 1, 2006

2006 REGULAR SESSION

pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Finkbeiner, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6459 Prime Sponsor, Keiser: Supporting community-based health care solutions. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6459 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Ways & Means.

January 31, 2006

SB 6488 Prime Sponsor, Franklin: Creating a program for offender education. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6488 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senator Brandland

MINORITY recommendation: Without recommendation. Signed by Senator Carrell

Passed to Committee on Ways & Means.

January 31, 2006

SB 6510 Prime Sponsor, Pridemore: Modifying county lien authority. Revised for 1st Substitute: Concerning county lien authority. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6510 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6570 Prime Sponsor, Fairley: Requiring lenders to consider retail installment contracts for the purchase of motor vehicles. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6570 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Finkbeiner, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6571 Prime Sponsor, Berkey: Refining the definition of "bushing." Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6571 be substituted therefor, and the substitute bill do

January 30, 2006

SB 6588 Prime Sponsor, Eide: Providing tax incentives for certain multiple-unit dwellings in urban centers. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Finkbeiner, Franklin, Keiser, Schmidt and Spanel

MINORITY recommendation: Without recommendation. Signed by Senator Brandland

Passed to Committee on Ways & Means.

January 30, 2006

SB 6605 Prime Sponsor, Fraser: Regarding educational interpreters for hearing-impaired students. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6605 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Ways & Means.

January 30, 2006

SB 6606 Prime Sponsor, Fraser: Requiring standards for educational interpreters for students who are deaf or hard of hearing. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Berkey, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

MINORITY recommendation: Without recommendation. Signed by Senators Benton and Carrell

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6618 Prime Sponsor, McAuliffe: Revising the high school assessment system. Revised for 1st Substitute: Requiring a study to explore options to augment the current educational assessment system. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6618 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Ways & Means.

TWENTY-FOURTH DAY, FEBRUARY 1, 2006

2006 REGULAR SESSION

SB 6630 Prime Sponsor, Kline: Protecting communities from individuals with behaviors that pose a threat of violence or sexual violence. Reported by Committee on Health & Long-Term Care

Victor A. Moore, Director
The Office of Financial Management "Post Audit of the Books, Accounts Audit Report is on file in the Office of the Secretary of the Senate.

MAJORITY recommendation: That Substitute Senate Bill No. 6630 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

MESSAGES FROM THE STATE OFFICES

Passed to Committee on Ways & Means.

January 27, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is The Evergreen State College Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Evergreen State College Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

January 31, 2006
SB 6855 Prime Sponsor, Schoesler: Authorizing the application of barley straw to waters of the state. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6855 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

January 27, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is State Investment Board Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The State Investment Board Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

January 30, 2006
SB 6870 Prime Sponsor, Haugen: Funding the board of pilotage commissioners' training program. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6870 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Finkbeiner, Mulliken, Oke, Sheldon, Spanel and Weinstein

Passed to Committee on Rules for second reading.

January 27, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State University Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Washington State University Audit Report is on file in the Office of the Secretary of the Senate.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6606 which was referred to the Committee on Rules, Senate Bill No. 5333 and Senate Bill No. 6488 which were referred to the Committee on Ways & Means.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

STATE OF WASHINGTON

January 31, 2006

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482

Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is the Office of Financial Management "Post Audit of the Books, Accounts Audit Report. This report is mandated under RCW 43.09.340.

If you have any questions about the report, please call 360-664-7675.

Sincerely,

TWENTY-FOURTH DAY, FEBRUARY 1, 2006

2006 REGULAR SESSION

MOTION

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

INTRODUCTION AND FIRST READING

SB 6881 by Senators Kline and Rasmussen

AN ACT Relating to limitation of actions involving injuries caused by acts that would constitute sex offenses; and amending RCW 4.16.080.

Referred to Committee on Judiciary.

SB 6882 by Senators Eide, Franklin, Rasmussen and McAuliffe

AN ACT Relating to protecting persons with developmental disabilities from perpetrators who commit their crimes while providing transportation, within the course of their employment, to persons with developmental disabilities; amending RCW 9A.44.050 and 9A.44.100; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

SB 6883 by Senators Deccio and Berkey

AN ACT Relating to allowing a waiver to smoking prohibitions for businesses suffering a loss of gross revenue; amending RCW 70.160.030; and adding a new section to chapter 70.160 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6884 by Senators Fairley and Rasmussen

AN ACT Relating to the care and education of children in licensed staffed residential homes; amending RCW 74.15.030; reenacting and amending RCW 74.15.020; adding a new section to chapter 74.15 RCW; adding a new section to chapter 28A.155 RCW; and creating new sections.

Referred to Committee on Ways & Means.

E2SHB 2393 by House Committee on Capital Budget (originally sponsored by Representatives Dunshee, Jarrett, Ormsby, Cox, Ericks, Newhouse, Kilmer, Chase, McCoy, Morrell, Moeller, Conway, P. Sullivan, Walsh, Springer, Buri, Haler, Wallace, Grant, Dickerson, Morris, B. Sullivan, Simpson, Uptegrove, Sells and Green)

AN ACT Relating to funding for energy freedom projects; adding a new section to chapter 43.63A RCW; adding a new section to 2005 c 488 (uncodified); creating a new section; and declaring an emergency.

Referred to Committee on Water, Energy & Environment.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6884 which was referred to the Committee on Ways & Means.

REMARKS BY THE PRESIDENT

President Owen: "Ladies and Gentlemen, we have the great privilege this morning of receiving the Boy Scouts of America Report to the State for 2006. We are having attendance a number of very distinguished Eagle Scouts that have done such a wonderful job in scouting over the last several years to reach that incredible accomplishment. One of the finest of the finest is Lucas Green, Eagle Scout Lucas Green, who's with us today who will now present the Boy Scouts of America Report to the State for 2006."

REMARKS BY LUCAS GREEN

Eagle Scout Green: "The mission of the Boy Scouts of America is to prepare young people to make ethical and moral choices over their life times. Through the efforts of over twenty-eight thousand dedicated volunteers, more than ninety-eight thousand youths in Washington State participated in scouting programs during 2005. There are many programs that the Boy Scouts of America offer some of which include: Cub Scouting, which for boys first through fifth grades, served thirty-three thousand, eight hundred seventy four, forty-seven percent participated in a camping program; Boy Scouting, for eleven to seventeen year olds, reached twenty-three thousand, sixty hundred eight boys. Fifty-five percent participated in outdoor camping adventure and one-thousand two-hundred twenty young men earned the Eagle Scout Award, the highest rank a scout can achieve; Venturing, our co-ed high adventure program for kids ages fourteen to twenty, served eight-thousand sixty-five; Learning for Life, also co-ed, is a class room and work-based character educational program which served thirty-two thousand, five hundred five; Scout Reach is an outreach initiative focusing on developing programs in inner-city and in lower income communities; Soccer and Scouting in the Hispanic community and children of incarcerated parents are two of the more significant programs offered in Washington State. Together, our programs reached sixteen percent of the market share, making it one of the largest youth serving programs in the state. The Boy Scouts of America was founded on the premise that to be a good citizen you must serve others. That belief led to the creation of Good Turn for America, a national service initiative that addresses the issues of hunger, homelessness and poor health. It is a collaborative effort with Habitat for Humanity, the American Red Cross and the Salvation Army. In 2005, Washington's Scouts and volunteers donated more than thirty-six thousand, six hundred thirty-nine hours of community hours to our state. That is volunteer time that is valued at six-hundred forty three thousand dollars. According to research conducted by Harris Interactive released in May of 2005, one out of every two American males has had an affiliation with the scouting program. Their combined contributions touch our lives every day by continuing to recruit quality leadership inviting youth from all backgrounds to join and offering a fun and exciting program we seek to help ordinary young people become extraordinary adults. Thank you."

PERSONAL PRIVILEGE

Senator McCaslin: "I would like to rise and let the body know that from Green Acres, Washington, which is in my district, two young men came over Eagle Scouts, Christopher Naccarato and Daniel Reid from Green Acres. I just wanted to acknowledge what they've done and congratulate them on achieving Eagle Scouts. Thank you Mr. President."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Megan Warner, the Washington State Dairy Ambassador, who was seated at the rostrum. Accompanied Ms. Warner Alternate Dairy Ambassador Rikki Carter of Moses Lake and Caitlin Gordon of Elma

With permission of the Senate, business was suspended to allow Dairy Ambassador Megan to address the Senate.

TWENTY-FOURTH DAY, FEBRUARY 1, 2006

2006 REGULAR SESSION

REMARKS BY DAIRY AMBASSADOR WARNER

Ms. Warner: "Lt. Governor Owen, members of the Senate and guests. How many of you consider food quality a top priority for your family? I'm happy to tell you the dairy farmers of Washington are committed to producing the highest quality milk for consumers. Dairy products are among the heavily tested and closely regulated foods, consequently one of the safest. All milk produced legally in Washington has a same high nutritional content and complies with the same stringent food safety standards set forth by Federal and State regulations. One of the most common misconceptions of dairy products concerns the use of antibiotics. Just as humans may need medication when they are sick, sick cows may also need attention. While a cow is under treatment her milk is destroyed, it never reaches consumers. Following veterinarian protocols she's only allowed back into the milking streams once certified clean. Every drop of milk is repeatedly tested to ensure that it meets the highest standards for purity. Any milk that doesn't is also destroyed. This guarantees quality control in producing dairy products. On behalf of dairy farm families I want to thank you for the efforts legislature has made to help us to continue to produce top quality milk. Together we can maintain a viable dairy industry in Washington and ensure that our citizens continue to enjoy the nutritional benefit of three servings of dairy every day. Thank you."

PERSONAL PRIVILEGE

Senator Delvin: "Thank you Mr. President. I'd like to make a recommendation as a lover of milk and ice cream but since I found out that I was diabetic I can't, I had to give up the ice cream. My wife does allow me to have no sugar added low fat ice cream once in awhile. If they could provide that in the rotunda for us diabetics I'd much appreciate it."

MOTION

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

MOTION

Senator Esser moved adoption of the following resolution:

SENATE RESOLUTION
8701

By Senators Esser, Eide, Kohl-Welles, Hewitt, Sheldon, Shin, Finkbeiner and Schmidt

WHEREAS, The Northwest Electronic Manufacturers Association, founded in 1956 by John Fluke Sr., joined together with David Packard's West Coast Manufacturing Association in 1959 to form the American Electronics Association; and

WHEREAS, The AeA Washington Council currently represents over 175 companies in Washington which employ more than 150,000 individuals, making the Washington Council the 3rd largest and one of the most active AeA councils in the United States; and

WHEREAS, AeA works diligently to ensure our citizens' economic future by providing access to investors who help entrepreneurs develop their ideas and support the growth of companies; and

WHEREAS, Recognizing the important nature of health care services for individuals, AeA provides access to health insurance programs for businesses; and

WHEREAS, The Washington Council of AeA provides ongoing business education and professional development opportunities to assist technology company leaders and employees; and

WHEREAS, Recognizing that the economy of our state and nation is undeniably intertwined with countries around the

world, AeA makes information and access to international governments available to companies and helps them gain entry into markets; and

WHEREAS, Believing education is a vital key to quality of life and a growing economy, AeA supports excellence in education through mentoring, funding, and support of programs such as the Washington State Coalition of Engineering Education, the Leadership Assistance in Science Education Reform, and the Math, Engineering, and Science Achievement program; and

WHEREAS, Understanding the importance of active participation in the public policy process for the good of all citizens, AeA facilitates individual and collective action to inform of government decisions; and

WHEREAS, AeA contributes to assist the prosperity and success of companies and individuals in the high-technology business sector, and in turn supports the economy of Washington State and our country;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate encourage all citizens to join in recognizing the Washington Council of AeA for 50 years of outstanding service to the high-technology industry and look forward to what its continued success will mean to our state in the next 50 years.

Senators Esser, Eide and Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8701.

The motion by Senator Esser carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the America Electronics Association under the leadership of Terry Byington and John Flug, Jr. who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Dairy Ambassador Program who were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4415, by Representatives Kessler, Armstrong and Dunn

Approving the names of certain state facilities.

The measure was read the second time.

MOTION

On motion of Senator Eide, House Concurrent Resolution No. 4415 was placed on the third reading calendar.

Senator Fraser spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4415.

HOUSE CONCURRENT RESOLUTION NO. 4415 was adopted by voice vote.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4417, by Representatives Kessler, Armstrong, Morrell, Springer, Pearson, Sells, Green, Kilmer, Kristiansen, Ericks and Hankins

Honoring the recipients of the State Medal of Valor in Joint Session.

TWENTY-FOURTH DAY, FEBRUARY 1, 2006

2006 REGULAR SESSION

The measure was read the second time.

MOTION

On motion of Senator Eide, House Concurrent Resolution No. 4417 was placed on the third reading calendar.

Senator Eide spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4417.

HOUSE CONCURRENT RESOLUTION NO. 4417 was adopted by voice vote.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2419, by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Haigh, Nixon, Clibborn and McDermott)

Raising funds for hosting a national conference of statewide elected officials. Revised for 1st Substitute: Raising funds for hosting the national conference of lieutenant governors.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 2419 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2419.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2419 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Hargrove - 1

SUBSTITUTE HOUSE BILL NO. 2419, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Esser: "Thank you Mr. President. I know that we're dealing with some important legislation today but looking at the very fetching cap worn by the President Pro Tempore and that fine cap that you have sitting up next to you on the rostrum, Mr. President, it reminded me that we even more important business coming up and I want to encourage the body, and I know I've discussed this matter with you, to recognize this up coming Friday on the floor as Sea hawks Cap Day and encourage all of the members to a cap bearing our beloved Sea hawks a couple days in advance of their impending Super Bowl victory. I think

it will be a wonderful way for us to send them off and show our pride in them and all their accomplishments so I couldn't let the time go by. Thanks to the inspiration from the President Pro Tempore for her very lovely cap as well. Thank you Mr. President."

REPLY BY THE PRESIDENT

President Owen: "Fine recommendation, fine recommendation. The Texas Aggies have not claimed the cap as something that they own either. Ok, alright, we're good."

SECOND READING

SENATE BILL NO. 6236, by Senators Schmidt, Kastama, Swecker, Oke, Berkey and Benson

Changing election dates and deadlines.

The measure was read the second time.

MOTION

Senator Kastama moved that the following striking amendment by Senator Kastama be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 29A.04.311 and 2004 c 271 s 105 are each amended to read as follows: Nominating primaries for general elections to be held in November, and the election of precinct committee officers, must be held on the third Tuesday of the preceding ~~((September or on the seventh Tuesday immediately preceding such general election, whichever occurs first))~~ August.

Sec. 2 RCW 29A.04.321 and 2004 c 271 s 106 are each amended to read as follows: (1) All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, and district officers, and for the submission to the voters of the state, county, city, town, or district of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A statewide general election shall be held on the first Tuesday after the first Monday of November of each year. However, the statewide general election held in odd-numbered years shall be limited to (a) city, town, and district general elections as provided for in RCW 29A.04.330, or as otherwise provided by law; (b) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the Congress of the United States; (c) the election of state and county officers for the remainder of any unexpired terms of offices created by or whose duties are described in Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (d) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (e) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate. (2) A county legislative authority may ~~((if it deems an emergency to exist,))~~ call a special county election by presenting a resolution to the county auditor ~~((at least forty-five days))~~ prior to the proposed election date. Except as provided in subsection (4) of this section, a special election called by the county legislative authority shall be held on one of the following dates as decided by such governing body: (a) The first Tuesday after the first Monday in February; (b) The second Tuesday in March; (c) The fourth Tuesday in April; (d) The third Tuesday in May; (e) The

TWENTY-FOURTH DAY, FEBRUARY 1, 2006

day of the primary as specified by RCW 29A.04.311; or (f) The first Tuesday after the first Monday in November. (3) A resolution calling for a special election on a date set forth in subsection (2)(a) through (d) of this section must be presented to the county auditor at least fifty-two days prior to the election date. A resolution calling for a special election on a date set forth in subsection (2)(e) or (f) of this section must be presented to the county auditor at least eighty-four days prior to the election date. (4) In addition to the dates set forth in subsection (2)(a) through (f) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God. Such county special election shall be noticed and conducted in the manner provided by law. ~~((4))~~ (5) In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called by the county legislative authority under subsection (2) of this section during the month of that primary is the date of the presidential primary. ~~((5))~~ (6) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections except for those elections held pursuant to a home-rule charter adopted under Article XI, section 4 of the state Constitution. This section shall not be construed as fixing the time for holding primary elections, or elections for the recall of any elective public officer.

Sec. 3 RCW 29A.04.330 and 2004 c 266 s 6 are each amended to read as follows: (1) All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years. This section shall not apply to: (a) Elections for the recall of any elective public officer; (b) Public utility districts, conservation districts, or district elections at which the ownership of property within those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto; (c) Consolidation proposals as provided for in RCW 28A.315.235 and nonhigh capital fund aid proposals as provided for in chapter 28A.540 RCW. (2) The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to the auditor ~~((at least forty-five days))~~ prior to the proposed election date, may ~~((if the county auditor deems an emergency to exist))~~ call a special election in such city, town, or district, and for the purpose of such special election he or she may combine, unite, or divide precincts. Except as provided in subsection (3) of this section, such a special election shall be held on one of the following dates as decided by the governing body: (a) The first Tuesday after the first Monday in February; (b) The second Tuesday in March; (c) The fourth Tuesday in April; (d) The third Tuesday in May; (e) The day of the primary election as specified by RCW ~~((29A.04.310))~~ 29A.04.311; or (f) The first Tuesday after the first Monday in November. (3) A resolution calling for a special election on a date set forth in subsection (2)(a) through (d) of this section must be presented to the county auditor at least fifty-two days prior to the election date. A resolution calling for a special election on a date set forth in subsection (2)(e) or (f) of this section must be presented to the county auditor at least eighty-four days prior to the election date. (4) In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called under subsection (2) of this section during the month of that primary is the date of the presidential primary. ~~((4))~~ (5) In addition to subsection (2)(a) through (f) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates

2006 REGULAR SESSION

to file for public office and the last day to certify the returns of the general election other than as provided in subsection (2)(e) and (f) of this section. Such special election shall be conducted and notice thereof given in the manner provided by law. ~~((5))~~ (6) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections.

Sec. 4 RCW 29A.20.121 and 2004 c 271 s 110 are each amended to read as follows: (1) Any nomination of a candidate for partisan public office by other than a major political party may be made only: (a) In a convention held not earlier than the ~~((last Saturday in June))~~ first Saturday in May and not later than the ~~((first))~~ second Saturday in ~~((July))~~ May or during any of the seven days immediately preceding the first day for filing declarations of candidacy as fixed in accordance with RCW 29A.28.041; (b) as provided by RCW 29A.60.021; or (c) as otherwise provided in this section. Minor political party and independent candidates may appear only on the general election ballot. (2) Nominations of candidates for president and vice president of the United States other than by a major political party may be made either at a convention conducted under subsection (1) of this section, or at a similar convention taking place not earlier than the first ~~((Sunday in July))~~ Saturday in June and not later than ~~((seventy days before))~~ the ~~((general election))~~ fourth Saturday in July. Conventions held during this time period may not nominate candidates for any public office other than president and vice president of the United States, except as provided in subsection (3) of this section. (3) If a special filing period for a partisan office is opened under RCW 29A.24.211, candidates of minor political parties and independent candidates may file for office during that special filing period. The names of those candidates may not appear on the general election ballot unless they are nominated by convention held no later than five days after the close of the special filing period and a certificate of nomination is filed with the filing officer no later than three days after the convention. The requirements of RCW 29A.20.131 do not apply to such a convention. (4) A minor political party may hold more than one convention but in no case shall any such party nominate more than one candidate for any one partisan public office or position. For the purpose of nominating candidates for the offices of president and vice president, United States senator, United States representative, or a statewide office, a minor party or independent candidate holding multiple conventions may add together the number of signatures of different individuals from each convention obtained in support of the candidate or candidates in order to obtain the number required by RCW 29A.20.141. For all other offices for which nominations are made, signatures of the requisite number of registered voters must be obtained at a single convention.

Sec. 5 RCW 29A.24.040 and 2003 c 111 s 604 are each amended to read as follows: A candidate may file his or her declaration of candidacy for an office by electronic means on a system specifically designed and authorized by a filing officer to accept filings. (1) Filings that are received electronically must capture all information specified in RCW ~~((29A.24.030))~~ 29A.24.031 (1) through (4). (2) Electronic filing may begin at 9:00 a.m. the ~~((fourth))~~ first Monday in ~~((July))~~ June and continue through 4:00 p.m. the following Friday. (3) In case of special filing periods established in this chapter, electronic filings may be accepted beginning at 9:00 a.m. on the first day of the special filing period through 4:00 p.m. the last day of the special filing period.

Sec. 6 RCW 29A.24.050 and 2003 c 111 s 605 are each amended to read as follows:

Except where otherwise provided by this title, declarations of candidacy for the following offices shall be filed during regular business hours with the filing officer no earlier than the ~~((fourth))~~ first Monday in ~~((July))~~ June and no later than the

TWENTY-FOURTH DAY, FEBRUARY 1, 2006

following Friday in the year in which the office is scheduled to be voted upon: (1) Offices that are scheduled to be voted upon for full terms or both full terms and short terms at, or in conjunction with, a state general election; and (2) Offices where a vacancy, other than a short term, exists that has not been filled by election and for which an election to fill the vacancy is required in conjunction with the next state general election. This section supersedes all other statutes that provide for a different filing period for these offices.

Sec. 7 RCW 29A.24.171 and 2004 c 271 s 165 are each amended to read as follows: Filings for a nonpartisan office shall be reopened for a period of three normal business days, such three-day period to be fixed by the election officer with whom such declarations of candidacy are filed and notice thereof given by notifying press, radio, and television in the county and by such other means as may now or hereafter be provided by law whenever before the ~~((sixth))~~ eleventh Tuesday prior to a primary: (1) A void in candidacy occurs; (2) A vacancy occurs in any nonpartisan office leaving an unexpired term to be filled by an election for which filings have not been held; or (3) A nominee for judge of the superior court entitled to a certificate of election pursuant to Article 4, section 29, Amendment 41 of the state Constitution, dies or is disqualified. Candidacies validly filed within said three-day period shall appear on the ballot as if made during the earlier filing period.

Sec. 8 RCW 29A.24.181 and 2004 c 271 s 166 are each amended to read as follows: Filings for a nonpartisan office (other than judge of the supreme court or superintendent of public instruction) shall be reopened for a period of three normal business days, such three-day period to be fixed by the election officer with whom such declarations of candidacy are filed and notice thereof given by notifying press, radio, and television in the county and by such other means as may now or hereafter be provided by law, when: (1) A void in candidacy for such nonpartisan office occurs on or after the ~~((sixth))~~ eleventh Tuesday prior to a primary but prior to the ~~((sixth))~~ eleventh Tuesday before an election; or (2) A nominee for judge of the superior court eligible after a contested primary for a certificate of election by Article 4, section 29, Amendment 41 of the state Constitution, dies or is disqualified within the ten-day period immediately following the last day allotted for a candidate to withdraw; or (3) A vacancy occurs in any nonpartisan office on or after the ~~((sixth))~~ eleventh Tuesday prior to a primary but prior to the ~~((sixth))~~ eleventh Tuesday before an election leaving an unexpired term to be filled by an election for which filings have not been held. The candidate receiving a plurality of the votes cast for that office in the general election shall be deemed elected.

Sec. 9 RCW 29A.24.191 and 2004 c 271 s 167 are each amended to read as follows:

A scheduled election shall be lapsed, the office deemed stricken from the ballot, no purported write-in votes counted, and no candidate certified as elected, when: (1) In an election for judge of the supreme court or superintendent of public instruction, a void in candidacy occurs on or after the ~~((sixth))~~ eleventh Tuesday prior to a primary, public filings and the primary being an indispensable phase of the election process for such offices; (2) Except as otherwise specified in RCW 29A.24.181, a nominee for judge of the superior court entitled to a certificate of election pursuant to Article 4, section 29, Amendment 41 of the state Constitution dies or is disqualified on or after the ~~((sixth))~~ eleventh Tuesday prior to a primary; (3) In other elections for nonpartisan office a void in candidacy occurs or a vacancy occurs involving an unexpired term to be filled on or after the ~~((sixth))~~ eleventh Tuesday prior to an election.

Sec. 10 RCW 29A.24.211 and 2004 c 271 s 116 are each amended to read as follows: Filings for a partisan elective office shall be opened for a period of three normal business days whenever, on or after the first day of the regular filing period and before the ~~((sixth))~~ eleventh Tuesday prior to a primary, a vacancy occurs in that office, leaving an unexpired term to be

2006 REGULAR SESSION

filled by an election for which filings have not been held. Any such special three-day filing period shall be fixed by the election officer with whom declarations of candidacy for that office are filed. The election officer shall give notice of the special three-day filing period by notifying the press, radio, and television in the county or counties involved, and by such other means as may be required by law. Candidacies validly filed within the special three-day filing period shall appear on the ballot as if filed during the regular filing period.

Sec. 11 RCW 29A.28.021 and 2004 c 271 s 192 are each amended to read as follows:

A vacancy caused by the death or disqualification of any candidate or nominee of a major or minor political party may be filled at any time up to and including the day prior to the election for that position. For state partisan offices in any political subdivision voted on solely by electors of a single county, an individual shall be appointed to fill such vacancy by the county central committee in the case of a major political party or by the state central committee or comparable governing body in the case of a minor political party. For other partisan offices, including federal or statewide offices, an individual shall be appointed to fill such vacancy by the state central committee or comparable governing body of the appropriate political party. If the vacancy occurs no later than the ~~((sixth))~~ eleventh Tuesday prior to the state primary or general election concerned and the ballots have been printed, it shall be mandatory that they be corrected by the appropriate election officers. In making such correction, it shall not be necessary to reprint complete ballots if any other less expensive technique can be used and the resulting correction is reasonably clear. If the vacancy occurs after the ~~((sixth))~~ eleventh Tuesday prior to the state primary or general election and time does not exist in which to correct ballots (including absentee ballots), either in total or in part, then the votes cast or recorded for the person who has died or become disqualified shall be counted for the person who has been named to fill such vacancy.

When the secretary of state is the person with whom the appointment by the major or minor political party is filed, the secretary shall, in certifying candidates or nominations to the various county officers insert the name of the person appointed to fill a vacancy. If the secretary of state has already sent forth the certificate when the appointment to fill a vacancy is filed, the secretary shall forthwith certify to the county auditors of the proper counties the name and place of residence of the person appointed to fill a vacancy, the office for which the person is a candidate or nominee, the party the person represents, and all other pertinent facts pertaining to the vacancy.

Sec. 12 RCW 29A.28.041 and 2004 c 271 s 118 are each amended to read as follows: (1) Whenever a vacancy occurs in the United States house of representatives or the United States senate from this state, the governor shall order a special election to fill the vacancy. Minor political party candidates and independent candidates may be nominated through the convention procedures provided in chapter 29A.20 RCW. (2) Within ten days of such vacancy occurring, he or she shall issue a writ of election fixing a date for the special vacancy election not less than ninety days after the issuance of the writ, fixing a date for the primary for nominating major political party candidates for the special vacancy election not less than thirty days before the day fixed for holding the special vacancy election, fixing the dates for the special filing period, and designating the term or part of the term for which the vacancy exists. If the vacancy is in the office of United States representative, the writ of election shall specify the congressional district that is vacant. (3) If the vacancy occurs less than six months before a state general election and before the second Friday following the close of the filing period for that general election, the special primary, special vacancy election, and minor party and independent candidate nominating conventions must be held in concert with the state primary and state general election in that year. (4) If the vacancy occurs on

TWENTY-FOURTH DAY, FEBRUARY 1, 2006

or after the first day for filing under RCW 29A.24.050 and on or before the second Friday following the close of the filing period, a special filing period of three normal business days shall be fixed by the governor and notice thereof given to all media, including press, radio, and television within the area in which the vacancy election is to be held, to the end that, insofar as possible, all interested persons will be aware of such filing period. The last day of the filing period shall not be later than the ~~((third))~~sixth Tuesday before the primary at which major political party candidates are to be nominated. The names of major political party candidates who have filed valid declarations of candidacy during this three-day period shall appear on the approaching primary ballot. The requirements of RCW 29A.20.131 do not apply to a minor political party or independent candidate convention held under this subsection. (5) If the vacancy occurs later than the second Friday following the close of the filing period, a special primary, special vacancy election, and the minor party and independent candidate conventions to fill the position shall be held after the next state general election but, in any event, no later than the ninetieth day following the November election.

Sec. 13 RCW 29A.40.070 and 2004 c 266 s 13 are each amended to read as follows: (1) Except where a recount or litigation under RCW ~~((29A.68.010))~~29A.68.011 is pending, the county auditor shall have sufficient absentee ballots available for absentee voters of that county, other than overseas voters and service voters, at least twenty days before any primary, general election, or special election. The county auditor must mail absentee ballots to each voter for whom the county auditor has received a request nineteen days before the primary or election at least eighteen days before the primary or election. For a request for an absentee ballot received after the nineteenth day before the primary or election, the county auditor shall make every effort to mail ballots within one business day, and shall mail the ballots within two business days.

(2) ~~((The county auditor shall make every effort to mail ballots to overseas and service voters earlier than eighteen days before a primary or election))~~ At least thirty days before any primary, general election, or special election, the county auditor shall mail ballots to all overseas and service voters. A request for a ballot made by an overseas or service voter after that day must be processed immediately. (3) Each county auditor shall certify to the office of the secretary of state the dates the ballots prescribed in subsection (1) of this section were available and mailed. (4) If absentee ballots will not be available or mailed as prescribed in subsection (1) of this section, the county auditor shall immediately certify to the office of the secretary of state when absentee ballots will be available and mailed. Copies of this certification must be provided to the county canvassing board, the press, jurisdictions with issues on the ballot in the election, and any candidates. (5) If absentee ballots were not available or mailed as prescribed in subsection (1) of this section, for a reason other than a recount or litigation, the county auditor, in consultation with the certification and training program of the office of the secretary of state, shall submit a report to the office of the secretary of state outlining why the deadline was missed and what corrective actions will be taken in future elections to ensure that absentee ballots are available and mailed as prescribed in subsection (1) of this section. (6) Failure to have absentee ballots available and mailed as prescribed in subsection (1) of this section does not by itself provide a basis for an election contest or other legal challenge to the results of a primary, general election, or special election.

Sec. 14 RCW 29A.52.011 and 2004 c 271 s 172 are each amended to read as follows: Whenever it shall be necessary to hold a special election in an odd-numbered year to fill an unexpired term of any office which is scheduled to be voted upon for a full term in an even-numbered year, no ~~((September))~~ primary election shall be held in the odd-numbered year if, after the last day allowed for candidates to withdraw, either of the following circumstances exist: (1) No more than one candidate

2006 REGULAR SESSION

of each qualified political party has filed a declaration of candidacy for the same partisan office to be filled; or (2) No more than two candidates have filed a declaration of candidacy for a single nonpartisan office to be filled. In either event, the officer with whom the declarations of candidacy were filed shall immediately notify all candidates concerned and the names of the candidates that would have been printed upon the ~~((September))~~ primary ballot, but for the provisions of this section, shall be printed as nominees for the positions sought upon the November general election ballot.

Sec. 15 RCW 29A.56.030 and 2003 c 111 s 1403 are each amended to read as follows: The name of any candidate for a major political party nomination for president of the United States shall be printed on the presidential preference primary ballot of a major political party only: (1) By direction of the secretary of state, who in the secretary's sole discretion has determined that the candidate's candidacy is generally advocated or is recognized in national news media; or (2) If members of the political party of the candidate have presented a petition for nomination of the candidate that has attached to the petition a sheet or sheets containing the signatures of at least one thousand registered voters who declare themselves in the petition as being affiliated with the same political party as the presidential candidate. The petition shall be filed with the secretary of state not later than ~~((the thirty-ninth day))~~ sixty days before the presidential preference primary. The signature sheets shall also contain the residence address and name or number of the precinct of each registered voter whose signature appears thereon and shall be certified in the manner prescribed in RCW 29A.72.230 and 29A.72.240. The secretary of state shall place the name of the candidate on the ballot unless the candidate, at least ~~((thirty-five))~~ fifty-two days before the presidential preference primary, executes and files with the secretary of state an affidavit stating without qualification that he or she is not now and will not become a candidate for the office of president of the United States at the forthcoming presidential election. The secretary of state shall certify the names of all candidates who will appear on the presidential preference primary ballot to the respective county auditors on or before the fourth Tuesday in April of each presidential election year.

Sec. 16 RCW 29A.60.190 and 2005 c 243 s 16 and 2005 c 153 s 12 are each reenacted and amended to read as follows: (1) Except as provided by subsection (3) of this section, ~~((ten))~~fifteen days after a primary or special election and twenty-one days after a general election, the county canvassing board shall complete the canvass and certify the results. Each absentee ballot that was returned before the closing of the polls ~~((on the date of the primary or election for which it was issued))~~, and each absentee ballot ~~((with))~~ bearing a postmark on or before the date of the primary or election ~~((for which it was issued))~~ and received on or before the date on which the primary or election is certified, must be included in the canvass report. (2) At the request of a caucus of the state legislature, the county auditor shall transmit copies of all unofficial returns of state and legislative primaries or elections prepared by or for the county canvassing board to either the secretary of the senate or the chief clerk of the house of representatives. (3) On or before the thirtieth day after an election conducted under the instant runoff voting method for the pilot project authorized by RCW 29A.53.020, the canvassing board shall complete the canvass and certify the results.

Sec. 17 RCW 29A.60.190 and 2005 c 243 s 16 are each amended to read as follows: (1) ~~((Ten))~~ Fifteen days after a primary or special election and twenty-one days after a general election, the county canvassing board shall complete the canvass and certify the results. Each absentee ballot that was returned before the closing of the polls ~~((on the date of the primary or election for which it was issued))~~, and each absentee ballot ~~((with))~~ bearing a postmark on or before the date of the primary or election ~~((for which it was issued))~~ and received on or before the date on which the primary or election is certified, must be

TWENTY-FOURTH DAY, FEBRUARY 1, 2006

2006 REGULAR SESSION

included in the canvass report. (2) At the request of a caucus of the state legislature, the county auditor shall transmit copies of all unofficial returns of state and legislative primaries or elections prepared by or for the county canvassing board to either the secretary of the senate or the chief clerk of the house of representatives.

Sec. 18 RCW 27.12.355 and 1987 c 138 s 1 are each amended to read as follows: (1) As provided in this section, a rural county library district, island library district, or intercounty rural library district may withdraw areas from its boundaries, or reannex areas into the library district that previously had been withdrawn from the library district under this section. (2) The withdrawal of an area shall be authorized upon: (a) Adoption of a resolution by the board of trustees requesting the withdrawal and finding that, in the opinion of the board, inclusion of this area within the library district will result in a reduction of the district's tax levy rate under the provisions of RCW 84.52.010; and (b) adoption of a resolution by the city or town council approving the withdrawal, if the area is located within the city or town, or adoption of a resolution by the county legislative authority of the county within which the area is located approving the withdrawal, if the area is located outside of a city or town. A withdrawal shall be effective at the end of the day on the thirty-first day of December in the year in which the resolutions are adopted, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the second resolution. The authority of an area to be withdrawn from a library district as provided under this section is in addition, and not subject, to the provisions of RCW 27.12.380. The withdrawal of an area from the boundaries of a library district shall not exempt any property therein from taxation for the purpose of paying the costs of redeeming any indebtedness of the library district existing at the time of the withdrawal. (3) An area that has been withdrawn from the boundaries of a library district under this section may be reannexed into the library district upon: (a) Adoption of a resolution by the board of trustees proposing the reannexation; and (b) adoption of a resolution by the city or town council approving the reannexation, if the area is located within the city or town, or adoption of a resolution by the county legislative authority of the county within which the area is located approving the reannexation, if the area is located outside of a city or town. The reannexation shall be effective at the end of the day on the thirty-first day of December in the year in which the adoption of the second resolution occurs, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the second resolution. Referendum action on the proposed reannexation may be taken by the voters of the area proposed to be reannexed if a petition calling for a referendum is filed with the city or town council, or county legislative authority, within a thirty-day period after the adoption of the second resolution, which petition has been signed by registered voters of the area proposed to be reannexed equal in number to ten percent of the total number of the registered voters residing in that area. If a valid petition signed by the requisite number of registered voters has been so filed, the effect of the resolutions shall be held in abeyance and a ballot proposition to authorize the reannexation shall be submitted to the voters of the area at the next special election date ((specified in RCW 29.13.020 that occurs forty-five or more days after the petitions have been validated)) according to RCW 29A.04.330. Approval of the ballot proposition authorizing the reannexation by a simple majority vote shall authorize the reannexation.

Sec. 19 RCW 27.12.370 and 1982 c 123 s 14 are each amended to read as follows: The county legislative authority or authorities shall by resolution call a special election to be held in such city or town at the next special election date ((provided in RCW 29.13.010 but not less than forty-five days from the date of the declaration of such finding)) according to RCW

29A.04.321, and shall cause notice of such election to be given as provided for in RCW ((29.27.080)) 29A.52.351. The election on the annexation of the city or town into the library district shall be conducted by the auditor of the county or counties in which the city or town is located in accordance with the general election laws of the state and the results thereof shall be canvassed by the canvassing board of the county or counties. No person shall be entitled to vote at such election unless he or she is registered to vote in said city or town for at least thirty days preceding the date of the election. The ballot proposition shall be in substantially the following form:

"Shall the city or town of be annexed to and be a part of library district?"

YES □

NO □"

If a majority of the persons voting on the proposition shall vote in favor thereof, the city or town shall thereupon be annexed and shall be a part of such library district.

Sec. 20 RCW 35.02.086 and 1986 c 234 s 11 are each amended to read as follows: Each candidate for a city or town elective position shall file a declaration of candidacy with the county auditor of the county in which all or the major portion of the city or town is located (~~not more than forty-five nor less than thirty days~~) prior to the primary election at which the initial elected officials are nominated, according to RCW 29A.24.050. The elective positions shall be as provided in law for the type of city or town and form or plan of government specified in the petition to incorporate, and for the population of the city or town as determined by the county legislative authority or boundary review board where applicable. Any candidate may withdraw his or her declaration ((at any time within five days after the last day allowed for filing declaration of candidacy)) according to RCW 29A.24.131. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in groups under the designation of the respective titles of offices for which they are candidates. Names of candidates printed upon the ballot need not be rotated.

Sec. 21 RCW 35.06.070 and 1994 c 81 s 8 are each amended to read as follows: A ballot proposition authorizing an advancement in classification of a town to a second class city shall be submitted to the voters of the town if either: (1) Petitions proposing the advancement are submitted to the town clerk that have been signed by voters of the town equal in number to at least ten percent of the voters of the town voting at the last municipal general election; or (2) the town council adopts a resolution proposing the advancement. The clerk shall immediately forward the petitions to the county auditor who shall review the signatures and certify the sufficiency of the petitions. A ballot proposition authorizing an advancement shall be submitted to the town voters at the next ((municipal general)) special election ((occurring forty-five or more days after the petitions are submitted)) date according to RCW 29A.04.330 if the county auditor certifies the petitions as having sufficient valid signatures. The town shall be advanced to a second class city if the ballot proposition is approved by a simple majority vote, effective when the corporation is actually reorganized and the new officers are elected and qualified. The county auditor shall notify the secretary of state if the advancement of a town to a second class city is approved.

Sec. 22 RCW 35.13.1821 and 1998 c 286 s 2 are each amended to read as follows: The annexation ordinance provided for in RCW 35.13.182 is subject to referendum for forty-five days after its passage. Upon the filing of a timely and sufficient referendum petition with the legislative body, signed by qualified electors in number equal to not less than ten percent of the votes cast in the last general state election in the area to be

TWENTY-FOURTH DAY, FEBRUARY 1, 2006

annexed, the question of annexation shall be submitted to the voters of the area in a general election if one is to be held within ninety days or at a special election called for that purpose (~~not less than forty-five days nor more than ninety days after the filing of the referendum petition~~) according to RCW 29A.04.330. Notice of the election shall be given as provided in RCW 35.13.080 and the election shall be conducted as provided in the general election law. The annexation shall be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition thereto. After the expiration of the forty-fifth day from but excluding the date of passage of the annexation ordinance, if no timely and sufficient referendum petition has been filed, the area annexed shall become a part of the city or town upon the date fixed in the ordinance of annexation.

Sec. 23 RCW 35.13.480 and 2003 c 299 s 2 are each amended to read as follows: (1) The legislative body of any county planning under chapter 36.70A RCW and subject to the requirements of RCW 36.70A.215 may initiate an annexation process with the legislative body of any other cities or towns that are contiguous to the territory proposed for annexation in RCW 35.13.470 if: (a) The county legislative body initiated an annexation process as provided in RCW 35.13.470; and (b) The affected city or town legislative body adopted a responsive resolution rejecting the proposed annexation or declined to create the requested interlocal agreement with the county; or (c) More than one hundred eighty days have passed since adoption of a county resolution as provided for in RCW 35.13.470 and the parties have not adopted or executed an interlocal agreement providing for the annexation of unincorporated territory. The legislative body for either the county or an affected city or town may, however, pass a resolution extending the negotiation period for one or more six-month periods if a public hearing is held and findings of fact are made prior to each extension. (2) Any county initiating the process provided for in subsection (1) of this section must do so by adopting a resolution commencing negotiations for an interlocal agreement as provided in chapter 39.34 RCW between the county and any city or town within the county. The annexation area must be within an urban growth area designated under RCW 36.70A.110 and at least sixty percent of the boundaries of the territory to be annexed must be contiguous to one or more cities or towns. (3) The agreement shall describe the boundaries of the territory to be annexed. A public hearing shall be held by each legislative body, separately or jointly, before the agreement is executed. Each legislative body holding a public hearing shall, separately or jointly, publish the agreement at least once a week for two weeks before the date of the hearing in one or more newspapers of general circulation within the territory proposed for annexation. (4) Following adoption and execution of the agreement by both legislative bodies, the city or town legislative body shall adopt an ordinance providing for the annexation. The legislative body shall cause notice of the proposed effective date of the annexation, together with a description of the property to be annexed, to be published at least once each week for two weeks subsequent to passage of the ordinance, in one or more newspapers of general circulation within the city and in one or more newspapers of general circulation within the territory to be annexed. If the annexation ordinance provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice shall include a statement of the requirements. Any area to be annexed through an ordinance adopted under this section is annexed and becomes a part of the city or town upon the date fixed in the ordinance of annexation, which date may not be less than forty-five days after adoption of the ordinance. (5) The annexation ordinances provided for in RCW 35.13.470(4) and subsection (4) of this section are subject to referendum for forty-five days after passage. Upon the filing of a timely and sufficient referendum petition with the legislative body, signed by registered voters in number equal to not less than fifteen percent of the votes cast in the last general state election in the

2006 REGULAR SESSION

area to be annexed, the question of annexation shall be submitted to the voters of the area in a general election if one is to be held within ninety days or at a special election called for that purpose (~~not less than forty-five days nor more than ninety days after the filing of the referendum petition~~) according to RCW 29A.04.330. Notice of the election shall be given as provided in RCW 35.13.080 and the election shall be conducted as provided in the general election law. The annexation shall be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition thereto. After the expiration of the forty-fifth day from but excluding the date of passage of the annexation ordinance, if no timely and sufficient referendum petition has been filed, the area annexed shall become a part of the city or town upon the date fixed in the ordinance of annexation. (6) If more than one city or town adopts interlocal agreements providing for annexation of the same unincorporated territory as provided by this section, an election shall be held in the area to be annexed pursuant to RCW 35.13.070 and 35.13.080. In addition to the provisions of RCW 35.13.070 and 35.13.080, the ballot shall also contain a separate proposition allowing voters to cast votes in favor of annexation to any one city or town participating in an interlocal agreement as provided by this section. If a majority of voters voting on the proposition vote against annexation, the proposition is defeated. If, however, a majority of voters voting in the election approve annexation, the area shall be annexed to the city or town receiving the highest number of votes among those cast in favor of annexation.

(7) Costs for an election required under subsection (6) of this section shall be borne by the county.

Sec. 24 RCW 35.61.360 and 1987 c 138 s 2 are each amended to read as follows: (1) As provided in this section, a metropolitan park district may withdraw areas from its boundaries, or reannex areas into the metropolitan park district that previously had been withdrawn from the metropolitan park district under this section. (2) The withdrawal of an area shall be authorized upon: (a) Adoption of a resolution by the park district commissioners requesting the withdrawal and finding that, in the opinion of the commissioners, inclusion of this area within the metropolitan park district will result in a reduction of the district's tax levy rate under the provisions of RCW 84.52.010; and (b) adoption of a resolution by the city or town council approving the withdrawal, if the area is located within the city or town, or adoption of a resolution by the county legislative authority of the county within which the area is located approving the withdrawal, if the area is located outside of a city or town. A withdrawal shall be effective at the end of the day on the thirty-first day of December in the year in which the resolutions are adopted, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the second resolution. The withdrawal of an area from the boundaries of a metropolitan park district shall not exempt any property therein from taxation for the purpose of paying the costs of redeeming any indebtedness of the metropolitan park district existing at the time of the withdrawal. (3) An area that has been withdrawn from the boundaries of a metropolitan park district under this section may be reannexed into the metropolitan park district upon: (a) Adoption of a resolution by the park district commissioners proposing the reannexation; and (b) adoption of a resolution by the city or town council approving the reannexation, if the area is located within the city or town, or adoption of a resolution by the county legislative authority of the county within which the area is located approving the reannexation, if the area is located outside of a city or town. The reannexation shall be effective at the end of the day on the thirty-first day of December in the year in which the adoption of the second resolution occurs, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the second resolution. Referendum action on the proposed reannexation

TWENTY-FOURTH DAY, FEBRUARY 1, 2006

may be taken by the voters of the area proposed to be reannexed if a petition calling for a referendum is filed with the city or town council, or county legislative authority, within a thirty-day period after the adoption of the second resolution, which petition has been signed by registered voters of the area proposed to be reannexed equal in number to ten percent of the total number of the registered voters residing in that area. If a valid petition signed by the requisite number of registered voters has been so filed, the effect of the resolutions shall be held in abeyance and a ballot proposition to authorize the reannexation shall be submitted to the voters of the area at the next special election date ~~((specified in RCW 29.13.020 that occurs forty-five or more days after the petitions have been validated))~~ according to RCW 29A.04.330. Approval of the ballot proposition authorizing the reannexation by a simple majority vote shall authorize the reannexation.

Sec. 25 RCW 35A.14.299 and 1967 ex.s. c 119 s 35A.14.299 are each amended to read as follows: Such annexation ordinance as provided for in RCW 35A.14.297 shall be subject to referendum for forty-five days after the passage thereof. Upon the filing of a timely and sufficient referendum petition with the legislative body, signed by qualified electors in number equal to not less than ten percent of the votes cast in the last general state election in the area to be annexed, the question of annexation shall be submitted to the voters of such area in a general election if one is to be held within ninety days or at a special election called for that purpose ~~((not less than forty-five days nor more than ninety days after the filing of the referendum petition))~~ according to RCW 29A.04.330. Notice of such election shall be given as provided in RCW 35A.14.070 and the election shall be conducted as provided in RCW ~~((35A.14.060))~~35A.29.151. The annexation shall be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition thereto. After the expiration of the forty-fifth day from but excluding the date of passage of the annexation ordinance, if no timely and sufficient referendum petition has been filed, the area annexed shall become a part of the code city upon the date fixed in the ordinance of annexation. From and after such date, if the ordinance so provided, property in the annexed area shall be subject to the proposed zoning regulation prepared and filed for such area as provided in RCW 35A.14.330 and 35A.14.340. If the ordinance so provided, all property within the area annexed shall be assessed and taxed at the same rate and on the same basis as the property of such annexing code city is assessed and taxed to pay for any then outstanding indebtedness of such city contracted prior to, or existing at, the date of annexation.

Sec. 26 RCW 35A.14.470 and 2003 c 299 s 4 are each amended to read as follows: (1) The legislative body of any county planning under chapter 36.70A RCW and subject to the requirements of RCW 36.70A.215 may initiate an annexation process with the legislative body of any other cities or towns that are contiguous to the territory proposed for annexation in RCW 35A.14.460 if: (a) The county legislative body initiated an annexation process as provided in RCW 35A.14.460; and (b) The affected city legislative body adopted a responsive resolution rejecting the proposed annexation or declined to create the requested interlocal agreement with the county; or (c) More than one hundred eighty days have passed since adoption of a county resolution as provided for in RCW 35A.14.460 and the parties have not adopted or executed an interlocal agreement providing for the annexation of unincorporated territory. The legislative body for either the county or an affected city may, however, pass a resolution extending the negotiation period for one or more six-month periods if a public hearing is held and findings of fact are made prior to each extension. (2) Any county initiating the process provided for in subsection (1) of this section must do so by adopting a resolution commencing negotiations for an interlocal agreement as provided in chapter 39.34 RCW between the county and any city or town within the county. The annexation area must be within an urban growth

2006 REGULAR SESSION

area designated under RCW 36.70A.110 and at least sixty percent of the boundaries of the territory to be annexed must be contiguous to one or more cities or towns. (3) The agreement shall describe the boundaries of the territory to be annexed. A public hearing shall be held by each legislative body, separately or jointly, before the agreement is executed. Each legislative body holding a public hearing shall, separately or jointly, publish the agreement at least once a week for two weeks before the date of the hearing in one or more newspapers of general circulation within the territory proposed for annexation. (4) Following adoption and execution of the agreement by both legislative bodies, the city or town legislative body shall adopt an ordinance providing for the annexation. The legislative body shall cause notice of the proposed effective date of the annexation, together with a description of the property to be annexed, to be published at least once each week for two weeks subsequent to passage of the ordinance, in one or more newspapers of general circulation within the city and in one or more newspapers of general circulation within the territory to be annexed. If the annexation ordinance provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice shall include a statement of the requirements. Any area to be annexed through an ordinance adopted under this section is annexed and becomes a part of the city or town upon the date fixed in the ordinance of annexation, which date may not be less than forty-five days after adoption of the ordinance.

(5) The annexation ordinances provided for in RCW 35A.14.460(4) and subsection (4) of this section are subject to referendum for forty-five days after passage. Upon the filing of a timely and sufficient referendum petition with the legislative body, signed by registered voters in number equal to not less than fifteen percent of the votes cast in the last general state election in the area to be annexed, the question of annexation shall be submitted to the voters of the area in a general election if one is to be held within ninety days or at a special election called for that purpose ~~((not less than forty-five days nor more than ninety days after the filing of the referendum petition))~~ according to RCW 29A.04.330. Notice of the election shall be given as provided in RCW 35A.14.070 and the election shall be conducted as provided in the general election law. The annexation shall be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition thereto. After the expiration of the forty-fifth day from but excluding the date of passage of the annexation ordinance, if no timely and sufficient referendum petition has been filed, the area annexed shall become a part of the city or town upon the date fixed in the ordinance of annexation. (6) If more than one city or town adopts interlocal agreements providing for annexation of the same unincorporated territory as provided by this section, an election shall be held in the area to be annexed pursuant to RCW 35A.14.070. In addition to the provisions of RCW 35A.14.070, the ballot shall also contain a separate proposition allowing voters to cast votes in favor of annexation to any one city or town participating in an interlocal agreement as provided by this section. If a majority of voters voting on the proposition vote against annexation, the proposition is defeated. If, however, a majority of voters voting in the election approve annexation, the area shall be annexed to the city or town receiving the highest number of votes among those cast in favor of annexation. (7) Costs for an election required under subsection (6) of this section shall be borne by the county.

Sec. 27 RCW 36.24.190 and 1996 c 108 s 2 are each amended to read as follows: In a county with a population of two hundred fifty thousand or more, the county legislative authority may, upon majority vote at an election called by the county legislative authority, adopt a system under which a medical examiner may be appointed to replace the office of the coroner. The county legislative authority must adopt a resolution or ordinance that creates the office of medical examiner at least thirty days prior to the first day of filing for the primary election for county offices. If a county adopts such a resolution or

TWENTY-FOURTH DAY, FEBRUARY 1, 2006

ordinance, the resolution or ordinance shall be referred to the voters for confirmation or rejection at the next date for a special election (~~(that is more than forty-five days from the date the resolution or ordinance was adopted)~~) according to RCW 29A.04.321. If the resolution or ordinance is approved by majority vote, no election shall be held for the position of coroner and the coroner's position is abolished following the expiration of the coroner's term of office or upon vacating of the office of the coroner for any reason. The county legislative authority shall appoint a medical examiner to assume the statutory duties performed by the county coroner and the appointment shall become effective following the expiration of the coroner's term of office or upon the vacating of the office of the coroner. To be appointed as a medical examiner pursuant to this section, a person must either be: (1) Certified as a forensic pathologist by the American board of pathology; or (2) a qualified physician eligible to take the American board of pathology exam in forensic pathology within one year of being appointed. A physician specializing in pathology who is appointed to the position of medical examiner and who is not certified as a forensic pathologist must pass the pathology exam within three years of the appointment.

Sec. 28 RCW 36.93.030 and 1991 c 363 s 91 are each amended to read as follows: (1) There is hereby created and established in each county with a population of two hundred ten thousand or more a board to be known and designated as a "boundary review board". (2) A boundary review board may be created and established in any other county in the following manner: (a) The county legislative authority may, by majority vote, adopt a resolution establishing a boundary review board; or (b) A petition seeking establishment of a boundary review board signed by qualified electors residing in the county equal in number to at least five percent of the votes cast in the county at the last county general election may be filed with the county auditor. Upon the filing of such a petition, the county auditor shall examine the same and certify to the sufficiency of the signatures thereon. No person may withdraw his or her name from a petition after it has been filed with the auditor. Within thirty days after the filing of such petition, the county auditor shall transmit the same to the county legislative authority, together with his or her certificate of sufficiency. After receipt of a valid petition for the establishment of a boundary review board, the county legislative authority shall submit the question of whether a boundary review board should be established to the electorate at the next (~~county~~) primary or (~~county~~) general election (~~(which occurs more than forty-five days from the date of receipt of the petition)~~) according to RCW 29A.04.321. Notice of the election shall be given as provided in RCW (~~29.27.080~~) 29A.52.351 and shall include a clear statement of the proposal to be submitted. If a majority of the persons voting on the proposition shall vote in favor of the establishment of the boundary review board, such board shall thereupon be deemed established.

Sec. 29 RCW 42.12.040 and 2003 c 238 s 4 are each amended to read as follows: (1) If a vacancy occurs in any partisan elective office in the executive or legislative branches of state government or in any partisan county elective office before the (~~sixth~~) eleventh Tuesday prior to the primary for the next general election following the occurrence of the vacancy, a successor shall be elected to that office at that general election. Except during the last year of the term of office, if such a vacancy occurs on or after the (~~sixth~~) eleventh Tuesday prior to the primary for that general election, the election of the successor shall occur at the next succeeding general election. The elected successor shall hold office for the remainder of the unexpired term. This section shall not apply to any vacancy occurring in a charter county which has charter provisions inconsistent with this section. (2) If a vacancy occurs in any legislative office or in any partisan county office after the general election in a year that the position appears on the ballot and before the start of the next term, the term of the successor

2006 REGULAR SESSION

who is of the same party as the incumbent may commence once he or she has qualified as defined in RCW (~~29.01.135~~) 29A.04.133 and shall continue through the term for which he or she was elected.

Sec. 30 RCW 42.17.080 and 2005 c 184 s 1 are each amended to read as follows: (1) On the day the treasurer is designated, each candidate or political committee shall file with the commission and the county auditor or elections officer of the county in which the candidate resides, or in the case of a political committee, the county in which the treasurer resides, in addition to any statement of organization required under RCW 42.17.040 or 42.17.050, a report of all contributions received and expenditures made prior to that date, if any. (2) At the following intervals each treasurer shall file with the commission and the county auditor or elections officer of the county in which the candidate resides, or in the case of a political committee, the county in which the committee maintains its office or headquarters, and if there is no office or headquarters then in the county in which the treasurer resides, a report containing the information required by RCW 42.17.090: (a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held; and (b) On the tenth day of the first month after the election (~~(- PROVIDED, That this report shall not be required following a primary election from: (i) A candidate whose name will appear on the subsequent general election ballot; or (ii) Any continuing political committee)~~); and (c) On the tenth day of each month in which no other reports are required to be filed under this section: PROVIDED, That such report shall only be filed if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed two hundred dollars. When there is no outstanding debt or obligation, and the campaign fund is closed, and the campaign is concluded in all respects, and in the case of a political committee, the committee has ceased to function and has dissolved, the treasurer shall file a final report. Upon submitting a final report, the duties of the treasurer shall cease and there shall be no obligation to make any further reports. The report filed twenty-one days before the election shall report all contributions received and expenditures made as of the end of the fifth business day before the date of the report. The report filed seven days before the election shall report all contributions received and expenditures made as of the end of the one business day before the date of the report. Reports filed on the tenth day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report. (3) For the period beginning the first day of the fourth month preceding the date on which the special (~~or general~~) election is held, or for the period beginning the first day of the fifth month before the date on which the general election is held, and ending on the date of that special or general election, each Monday the treasurer shall file with the commission and the appropriate county elections officer a report of each bank deposit made during the previous seven calendar days. The report shall contain the name of each person contributing the funds so deposited and the amount contributed by each person. However, contributions of no more than twenty-five dollars in the aggregate from any one person may be deposited without identifying the contributor. A copy of the report shall be retained by the treasurer for his or her records. In the event of deposits made by a deputy treasurer, the copy shall be forwarded to the treasurer for his or her records. Each report shall be certified as correct by the treasurer or deputy treasurer making the deposit. (4) If a city requires that candidates or committees for city offices file reports with a city agency, the candidate or treasurer so filing need not also file the report with the county auditor or elections officer. (5) The treasurer or candidate shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five

TWENTY-FOURTH DAY, FEBRUARY 1, 2006

business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day. As specified in the committee's statement of organization filed under RCW 42.17.040, the books of account must be open for public inspection by appointment at the designated place for inspections between 8:00 a.m. and 8:00 p.m. on any day from the eighth day immediately before the election through the day immediately before the election, other than Saturday, Sunday, or a legal holiday. It is a violation of this chapter for a candidate or political committee to refuse to allow and keep an appointment for an inspection to be conducted during these authorized times and days. The appointment must be allowed at an authorized time and day for such inspections that is within twenty-four hours of the time and day that is requested for the inspection. (6) The treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred. (7) All reports filed pursuant to subsection (1) or (2) of this section shall be certified as correct by the candidate and the treasurer. (8) Copies of all reports filed pursuant to this section shall be readily available for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission. (9) After January 1, 2002, a report that is filed with the commission electronically need not also be filed with the county auditor or elections officer. (10) The commission shall adopt administrative rules establishing requirements for filer participation in any system designed and implemented by the commission for the electronic filing of reports.

Sec. 31 RCW 42.17.710 and 2003 c 164 s 3 are each amended to read as follows: (1) During the period beginning on the thirtieth day before the date a regular legislative session convenes and continuing ~~((thirty days past))~~ through the date of final adjournment, and during the period beginning on the date a special legislative session convenes and continuing through the date that session adjourns, no state official or a person employed by or acting on behalf of a state official or state legislator may solicit or accept contributions to a public office fund, to a candidate or authorized committee, or to retire a campaign debt. (2) This section does not apply to activities authorized in RCW 43.07.370.

Sec. 32 RCW 52.02.080 and 1989 c 63 s 6 are each amended to read as follows: The election on the formation of the district and to elect the initial fire commissioners shall be conducted by the election officials of the county or counties in which the proposed district is located in accordance with the general election laws of the state. This election shall be held at the next general election date ~~((as specified under RCW 29.13.020))~~ according to RCW 29A.04.321 and 29A.04.330, that occurs ~~((forty-five or more days))~~ after the date of the action by the boundary review board, or county legislative authority or authorities, approving the proposal.

Sec. 33 RCW 52.04.056 and 1989 c 63 s 11 are each amended to read as follows: (1) As provided in this section, a fire protection district may withdraw areas from its boundaries, or reannex areas into the fire protection district that previously had been withdrawn from the fire protection district under this section. (2) The withdrawal of an area shall be authorized upon: (a) Adoption of a resolution by the board of fire commissioners requesting the withdrawal and finding that, in the opinion of the board, inclusion of this area within the fire protection district will result in a reduction of the district's tax levy rate under the provisions of RCW 84.52.010; and (b) adoption of a resolution by the city or town council approving the withdrawal, if the area is located within the city or town, or adoption of a resolution by

2006 REGULAR SESSION

the county legislative authority or authorities of the county or counties within which the area is located approving the withdrawal, if the area is located outside of a city or town. A withdrawal shall be effective at the end of the day on the thirty-first day of December in the year in which the resolutions are adopted, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the second resolution. The authority of an area to be withdrawn from a fire protection district as provided under this section is in addition, and not subject, to the provisions of RCW 52.04.101. The withdrawal of an area from the boundaries of a fire protection district shall not exempt any property therein from taxation for the purpose of paying the costs of redeeming any indebtedness of the fire protection district existing at the time of the withdrawal. (3) An area that has been withdrawn from the boundaries of a fire protection district under this section may be reannexed into the fire protection district upon: (a) Adoption of a resolution by the board of fire commissioners proposing the reannexation; and (b) adoption of a resolution by the city or town council approving the reannexation, if the area is located within the city or town, or adoption of a resolution by the county legislative authority or authorities of the county or counties within which the area is located approving the reannexation, if the area is located outside of a city or town. The reannexation shall be effective at the end of the day on the thirty-first day of December in the year in which the adoption of the second resolution occurs, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the second resolution. Referendum action on the proposed reannexation may be taken by the voters of the area proposed to be reannexed if a petition calling for a referendum is filed with the city or town council, or county legislative authority or authorities, within a thirty-day period after the adoption of the second resolution, which petition has been signed by registered voters of the area proposed to be reannexed equal in number to ten percent of the total number of the registered voters residing in that area. If a valid petition signed by the requisite number of registered voters has been so filed, the effect of the resolutions shall be held in abeyance and a ballot proposition to authorize the reannexation shall be submitted to the voters of the area at the next special election date ~~((specified in RCW 29.13.020 that occurs forty-five or more days after the petitions have been validated))~~ according to RCW 29A.04.330. Approval of the ballot proposition authorizing the reannexation by a simple majority vote shall authorize the reannexation.

Sec. 34 RCW 52.04.071 and 1984 c 230 s 16 are each amended to read as follows: The county legislative authority or authorities shall by resolution call a special election to be held in the city or town and in the fire protection district at the next date ~~((provided in RCW 29.13.010 but not less than forty-five days from the date of the declaration of the finding))~~ according to RCW 29A.04.321, and shall cause notice of the election to be given as provided for in RCW ~~((29.27.080))~~ 29A.52.351. The election on the annexation of the city or town into the fire protection district shall be conducted by the auditor of the county or counties in which the city or town and the fire protection district are located in accordance with the general election laws of the state. The results thereof shall be canvassed by the canvassing board of the county or counties. No person is entitled to vote at the election unless he or she is a qualified elector in the city or town or unless he or she is a qualified elector within the boundaries of the fire protection district. The ballot proposition shall be in substantially the following form: "Shall the city or town of be annexed to and be a part of fire protection district? YES. . . . NO" If a majority of the persons voting on the proposition in the city or town and a majority of the persons voting on the proposition in the fire protection district vote in favor thereof,

TWENTY-FOURTH DAY, FEBRUARY 1, 2006

2006 REGULAR SESSION

the city or town shall be annexed and shall be a part of the fire protection district.

Sec. 35 RCW 53.04.110 and 1998 c 240 s 1 are each amended to read as follows: Any port district now existing or which may hereafter be organized under the laws of the state of Washington is hereby authorized to change its corporate name under the following conditions and in the following manner: (1) On presentation(~~(, at least forty-five days before any general port election to be held in the port district,)~~) of a petition to the commissioners of any port district now existing or which may hereafter be established under the laws of the state of Washington, signed by at least ten percent of the total number of voters of the port district who voted at the last general port election and asking that the corporate name of the port district be changed, it shall be the duty of the commissioners to submit to the voters of the port district the proposition as to whether the corporate name of the port shall be changed. The proposition shall be submitted at the next general port election according to RCW 29A.04.330. (2) The petition shall contain the present corporate name of the port district and the corporate name which is proposed to be given to the port district. (3) On submitting the proposition to the voters of the port district it shall be the duty of the port commissioners to cause to be printed on the official ballot used at the election the following proposition:

"Shall the corporate name,
'Port of ' be

changed to 'Port of ' YES

"Shall the corporate name,
'Port of ' be

changed to 'Port of ' NO"

(4) At the time when the returns of the general election shall be canvassed by the commissioners of the port district, it shall be the duty of the commissioners to canvass the vote upon the proposition so submitted, recording in their record the result of the canvass. (5) Should a majority of the registered voters of the port district voting at the general port election vote in favor of the proposition it shall be the duty of the port commissioners to certify the fact to the auditor of the county in which the port district shall be situated and to the secretary of state of the state of Washington, under the seal of the port district. On and after the filing of the certificate with the county auditor as aforesaid and with the secretary of state of the state of Washington, the corporate name of the port district shall be changed, and thenceforth the port district shall be known and designated in accordance therewith.

Sec. 36 RCW 54.08.010 and 1985 c 469 s 55 are each amended to read as follows: At any general election held in an even-numbered year, the county legislative authority of any county in this state may, or, on petition of ten percent of the qualified electors of the county based on the total vote cast in the last general county election held in an even-numbered year, shall, by resolution, submit to the voters of the county the proposition of creating a public utility district which shall be coextensive with the limits of the county as now or hereafter established. A form of petition for the creation of a public utility district shall be submitted to the county auditor within ten months prior to the election at which the proposition is to be submitted to the voters. Petitions shall be filed with the county auditor not less than four months before the election and the county auditor shall within thirty days examine the signatures thereof and certify to the sufficiency or insufficiency thereof. If the petition be found to be insufficient, it shall be returned to the persons filing the same, who may amend or add names thereto for ten days, when the same shall be returned to the county auditor, who shall have an additional fifteen days to examine the

same and attach his certificate thereto. No person having signed the petition shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor: PROVIDED, That each signature shall be dated and that no signature dated prior to the date on which the form of petition was submitted to the county auditor shall be valid. Whenever the petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his certificate of sufficiency attached thereto, to the county legislative authority which shall submit the proposition to the voters of the county at the next general election in an even-numbered year (~~(occurring forty-five days after submission of the proposition to the legislative authority)~~) according to RCW 29A.04.330. The notice of the election shall state the boundaries of the proposed public utility district and the object of such election, and shall in other respects conform to the requirements of the general laws of the state of Washington, governing the time and manner of holding elections. In submitting the question to the voters for their approval or rejection, the proposition shall be expressed on the ballot substantially in the following terms: Public Utility District No. YES & Square; Public Utility District No. NO & Square; Any petition for the formation of a public utility district may describe a less area than the entire county in which the petition is filed, the boundaries of which shall follow the then existing precinct boundaries and not divide any voting precinct; and in the event that such a petition is filed the county legislative authority shall fix a date for a hearing on such petition, and shall publish the petition, without the signatures thereto appended, for two weeks prior to the date of the hearing, together with a notice stating the time of the meeting when the petition will be heard. The publication, and all other publications required by chapter 1, Laws of 1931, shall be in a newspaper of general circulation in the county in which the district is situated. The hearing on the petition may be adjourned from time to time, not exceeding four weeks in all. If upon the final hearing the county legislative authority shall find that any lands have been unjustly or improperly included within the proposed public utility district and will not be benefited by inclusion therein, it shall change and fix the boundary lines in such manner as it shall deem reasonable and just and conducive to the public welfare and convenience, and make and enter an order establishing and defining the boundary lines of the proposed public utility district: PROVIDED, That no lands shall be included within the boundaries so fixed lying outside the boundaries described in the petition, except upon the written request of the owners of those lands. Thereafter the same procedure shall be followed as prescribed in this chapter for the formation of a public utility district including an entire county, except that the petition and election shall be confined solely to the lesser public utility district. No public utility district created after September 1, 1979, shall include any other public utility district within its boundaries: PROVIDED, That this paragraph shall not alter, amend, or modify provisions of chapter 54.32 RCW.

Sec. 37 RCW 54.08.070 and 1979 ex.s. c 240 s 2 are each amended to read as follows: Any district which does not own or operate electric facilities for the generation, transmission or distribution of electric power on March 25, 1969, or any district which hereafter does not construct or acquire such electric facilities within ten years of its creation, shall not construct or acquire any such electric facilities without the approval of such proposal by the voters of such district: PROVIDED, That a district shall have the power to construct or acquire electric facilities within ten years following its creation by action of its commission without voter approval of such action. At any general election held in an even-numbered year, the proposal to construct or acquire electric facilities may be submitted to the voters of the district by resolution of the public utility district commission or shall be submitted to the voters of the district by the county legislative authority on petition of ten percent of the qualified electors of such district, based on the total vote cast in

TWENTY-FOURTH DAY, FEBRUARY 1, 2006

the last general county election held in an even-numbered year. A form of petition for the construction or acquisition of electric facilities by the public utility district shall be submitted to the county auditor within ten months prior to the election at which such proposition is to be submitted to the voters. Petitions shall be filed with the county auditor not less than four months before such election and the county auditor shall within thirty days examine the signatures thereof and certify to the sufficiency or insufficiency thereof. If such petition is found to be insufficient, it shall be returned to the persons filing the same, who may amend and add names thereto for ten days, when the same shall be returned to the county auditor, who shall have an additional fifteen days to examine the same and attach his certificate thereto. No person having signed such petition shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor: PROVIDED, That each signature shall be dated and that no signature dated prior to the date on which the form of petition was submitted to the county auditor shall be valid. Whenever such petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his certificate of sufficiency attached thereto, to the county legislative authority which shall submit such proposition to the voters of said district at the next general election in an even-numbered year ~~((occurring forty-five days after submission of the proposition to said legislative authority))~~ according to RCW 29A.04.330. The notice of the election shall state the object of such election, and shall in other respects conform to the requirements of the general laws of Washington, governing the time and manner of holding elections. The proposal submitted to the voters for their approval or rejection, shall be expressed on the ballot substantially in the following terms: Shall Public Utility District No. of County construct or acquire electric facilities for the generation, transmission or distribution of electric power?

Yes & Square;

No & Square;

Within ten days after such election, the election board of the county shall canvass the returns, and if at such election a majority of the voters voting on such proposition shall vote in favor of such construction or acquisition of electric facilities, the district shall be authorized to construct or acquire electric facilities.

Sec. 38 RCW 57.04.050 and 1999 c 153 s 1 are each amended to read as follows: Upon entry of the findings of the final hearing on the petition if one or more county legislative authorities find that the proposed district will be conducive to the public health, welfare, and convenience and will benefit the land therein, they shall present a resolution to the county auditor calling for a special election to be held at a date ~~((specified under RCW 29.13.020, that occurs forty-five or more days after the resolution is presented))~~ according to RCW 29A.04.330, at which a ballot proposition authorizing the district to be created shall be submitted to voters for their approval or rejection. The commissioners shall cause to be published a notice of the election for four successive weeks in a newspaper of general circulation in the proposed district, which notice shall state the hours during which the polls will be open, the boundaries of the district as finally adopted and the object of the election, and the notice shall also be posted ten days in ten public places in the proposed district. The district shall be created if the ballot proposition authorizing the district to be created is approved by a majority of the voters voting on the proposition. A separate ballot proposition authorizing the district, if created, to impose a single-year excess levy for the preliminary expenses of the district shall be submitted to voters for their approval or rejection at the same special election, if the petition to create the district also proposed that a ballot proposition authorizing an excess levy be submitted to voters for their approval or rejection. The excess levy shall be proposed in the amount specified in the petition to create the district, not to exceed one dollar and twenty-five cents per thousand dollars of assessed value, and may only be submitted to voters for their approval or

2006 REGULAR SESSION

rejection if the special election is held in February, March, April, or May. The proposition to be effective must be approved in the manner set forth in Article VII, section 2(a) of the state Constitution.

Sec. 39 RCW 70.44.235 and 1987 c 138 s 4 are each amended to read as follows: (1) As provided in this section, a public hospital district may withdraw areas from its boundaries, or reannex areas into the public hospital district that previously had been withdrawn from the public hospital district under this section. (2) The withdrawal of an area shall be authorized upon: (a) Adoption of a resolution by the hospital district commissioners requesting the withdrawal and finding that, in the opinion of the commissioners, inclusion of this area within the public hospital district will result in a reduction of the district's tax levy rate under the provisions of RCW 84.52.010; and (b) adoption of a resolution by the city or town council approving the withdrawal, if the area is located within the city or town, or adoption of a resolution by the county legislative authority of the county within which the area is located approving the withdrawal, if the area is located outside of a city or town. A withdrawal shall be effective at the end of the day on the thirty-first day of December in the year in which the resolutions are adopted, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the second resolution. The withdrawal of an area from the boundaries of a public hospital district shall not exempt any property therein from taxation for the purpose of paying the costs of redeeming any indebtedness of the public hospital district existing at the time of the withdrawal. (3) An area that has been withdrawn from the boundaries of a public hospital district under this section may be reannexed into the public hospital district upon: (a) Adoption of a resolution by the hospital district commissioners proposing the reannexation; and (b) adoption of a resolution by the city or town council approving the reannexation, if the area is located within the city or town, or adoption of a resolution by the county legislative authority of the county within which the area is located approving the reannexation, if the area is located outside of a city or town. The reannexation shall be effective at the end of the day on the thirty-first day of December in the year in which the adoption of the second resolution occurs, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the second resolution. Referendum action on the proposed reannexation may be taken by the voters of the area proposed to be reannexed if a petition calling for a referendum is filed with the city or town council, or county legislative authority, within a thirty-day period after the adoption of the second resolution, which petition has been signed by registered voters of the area proposed to be reannexed equal in number to ten percent of the total number of the registered voters residing in that area. If a valid petition signed by the requisite number of registered voters has been so filed, the effect of the resolutions shall be held in abeyance and a ballot proposition to authorize the reannexation shall be submitted to the voters of the area at the next special election date ~~((specified in RCW 29.13.020 that occurs forty-five or more days after the petitions have been validated))~~ according to RCW 29A.04.330. Approval of the ballot proposition authorizing the reannexation by a simple majority vote shall authorize the reannexation.

NEW SECTION. Sec. 40 RCW 29A.04.158 (September primary) and 2004 c 271 s 187 are each repealed.

NEW SECTION. Sec. 41 Sections 1 through 16 and 18 through 40 of this act take effect January 1, 2007.

NEW SECTION. Sec. 42 Section 16 of this act expires July 1, 2013.

NEW SECTION. Sec. 43 Section 17 of this act takes effect July 1, 2013.

Senator Kastama spoke in favor of adoption of the striking amendment.

TWENTY-FOURTH DAY, FEBRUARY 1, 2006

2006 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kastama to Engrossed Senate Bill No. 6236.

The motion by Senator Kastama carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "deadlines;" strike the remainder of the title and insert "amending RCW 29A.04.311, 29A.04.321, 29A.04.330, 29A.20.121, 29A.24.040, 29A.24.050, 29A.24.171, 29A.24.181, 29A.24.191, 29A.24.211, 29A.28.021, 29A.28.041, 29A.40.070, 29A.52.011, 29A.56.030, 29A.60.190, 27.12.355, 27.12.370, 35.02.086, 35.06.070, 35.13.1821, 35.13.480, 35.61.360, 35A.14.299, 35A.14.470, 36.24.190, 36.93.030, 42.12.040, 42.17.080, 42.17.710, 52.02.080, 52.04.056, 52.04.071, 53.04.110, 54.08.010, 54.08.070, 57.04.050, and 70.44.235; reenacting and amending RCW 29A.60.190; repealing RCW 29A.04.158; providing effective dates; and providing an expiration date."

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Senate Bill No. 6236 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schmidt, Haugen and Kohl-Welles spoke in favor of passage of the bill.

Senator Fairley spoke against passage of the bill.

PARLIAMENTARY INQUIRY

Senator Sheldon: "Mr. President, in fact we know that initiative 872 was passed by the voters last year. The ruling on this I believe last year by you from the rostrum was that this bill would take a two-thirds majority. It is my understanding that the initiative has been overturned by the Ninth Circuit Court of Appeals by District Court, excuse me, and it is now in appeal at the Ninth Circuit Court level. I may be wrong about my dates but I believe the oral arguments are set for that appeal next month. I wonder, Mr. President, if this bill needs a two-thirds majority or a simple majority to pass?"

REMARKS BY SENATOR KASTAMA

Senator Kastama: "Just to recap the history last year, the Lt. Governor, President of the Senate ruled that a two-thirds majority was necessary to enact a bill moving the dates of the primary. This ruling was based upon the passage of Initiative 872 as Senator Sheldon has pointed out. Initiative 872 was then found unconstitutional by the Federal Courts. Mr. President, I would like to read a paragraph from page thirty-eight of that decision with your permission? Thank you. The effects of the invalidity of the States Statutes is governed by state law. Washington law holds that an invalid statute is a nullity. It is an inoperative as if it had never been passed and those are the exact words of the judge. The Washington State Supreme Court has held that the natural effect of this rule is that once the invalid statute has been declared a nullity it leaves the law as it stood prior to the enactment of the invalid statute. In this case the courts holding that Initiative 872 is unconstitutional renders it anility including any provision within it purporting to repeals sections of that revised code of Washington. Therefore, the law

as it existed before the passage of Initiative 872 including the Montana primary system stands as if Initiative 872 had never been approved. Mr. President, I would offer these words and ask that in fact we have a simple majority. I know it's your decision. Thank you."

MOTION

On motion of Senator Regala, Senators Hargrove and Thibaudeau were excused.

MOTION

On motion of Senator Eide, further consideration of Engrossed Senate Bill No. 6236 was deferred and the bill held its place on the third reading calendar.

The President Pro Tempore assumed the chair.

REMARKS BY SENATOR EIDE

Senator Eide: "Madam President, for the members information we are going to still remain in the sixth order of business. We are going to do a few Gubernatorial Appointments while the Lt. Governor makes his decision."

MOTION

On motion of Senator Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointment 9118, Lyle Lovingfoss, Gubernatorial Appointment 9205, Thuy Vo, and Gubernatorial Appointment 9238, Kay Cochran as members of the Board of Trustees, Lower Columbia Community College District No. 13 and the vote of the Senate was recorded as a separate vote for each appointment.

Senator Doumit moved that Gubernatorial Appointment No. 9118, Lyle Lovingfoss, Gubernatorial Appointment No. 9205, Thuy Vo and Gubernatorial Appointment No. 9238, Kay Cochran as members of the Board of Trustees, Lower Columbia Community College District No. 13 be confirmed.

Senator Doumit spoke in favor of the confirmations.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

APPOINTMENT OF LYLE LOVINGFOSS

MOTION

On motion of Senator Regala, Senator Fairley was excused.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9118, Lyle Lovingfoss as a member of the Board of Trustees, Lower Columbia Community College District No. 13 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach,

TWENTY-FOURTH DAY, FEBRUARY 1, 2006

2006 REGULAR SESSION

Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Hargrove - 1

APPOINTMENT OF THUY VO

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9205, Thuy Vo as a member of the Board of Trustees, Lower Columbia Community College District No. 13 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Hargrove - 1

APPOINTMENT OF KAY COCHRAN

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9238, Kay Cochran as a member of the Board of Trustees, Lower Columbia Community College District No. 13 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Hargrove - 1

Gubernatorial Appointments No. 9238, Kay Cochran, 9118, Lyle Lovingfoss and 9205, Thuy Vo having received the constitutional majority were declared confirmed as a member of the Board of Trustees, Lower Columbia Community College District No. 13.

MOTION

On motion of Senator Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointment 9246, Michael Grunwald, Gubernatorial Appointment 9274, Stanley Rumbaugh, and Gubernatorial Appointment 9309, Karen Seinfeld as members of the Board of Trustees, Bates Technical College District No. 28 and the vote of the Senate was recorded as a separate vote for each appointment.

Senator Regala moved that Gubernatorial Appointment No. 9246, Michael Grunwald, Gubernatorial Appointment No. 9274, Stanley Rumbaugh and Gubernatorial Appointment No. 9309, Karen Seinfeld as members of the Board of Trustees, Bates Technical College District No. 28 be confirmed.

Senator Regala spoke in favor of the confirmations.

MOTION

On motion of Senator Schoesler, Senator Pflug was excused.

APPOINTMENT OF MICHAEL GRUNWALD

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9246, Michael Grunwald as a member of the Board of Trustees, Bates Technical College District No. 28 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Hargrove and Pflug - 2

APPOINTMENT OF STANLEY RUMBAUGH

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9274, Stanley Rumbaugh as a member of the Board of Trustees, Bates Technical College District No. 28 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Hargrove and Pflug - 2

APPOINTMENT OF KAREN SEINFELD

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9309, Karen Seinfeld as a member of the Board of Trustees, Bates Technical College District No. 28 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Hargrove and Pflug - 2

Gubernatorial Appointments No. 9309, Karen Seinfeld, 9246, Michael Grunwald and 9274, Stanley Rumbaugh having received the constitutional majority were declared confirmed as a member of the Board of Trustees, Bates Technical College District No. 28.

The President assumed the chair.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of inquiry raised by Senator Sheldon that this measure takes a two-thirds vote for final passage because it amends sections enacted by Initiative Number 872, the President finds and rules as follows:

Last Session, the President did rule that a similar measure required a two-thirds vote for final passage because it amended sections of the law enacted by I-872. Since that time, this has been a high-profile issue that is being litigated in the courts. The President begins by reminding the body that its presiding officers have a long tradition of ruling on parliamentary issues, not legal or constitutional matters. The President's rulings do not, however, take place in a vacuum. When appropriate, the

TWENTY-FOURTH DAY, FEBRUARY 1, 2006

President must, as a matter of comity and parliamentary necessity, take notice of actions undertaken by other branches of government which have a practical impact on parliamentary issues.

On July 15, 2005, a federal judge issued an order declaring, among other things, I-872 to be unconstitutional, and the judge's ruling is relevant to the analysis on this point of order. It is important to note the precise language used by the judge in the case because it bears directly on the state of the law before us. The judge wrote on page 38 of his Order:

In this case, the Court's holding that Initiative 872 is unconstitutional renders it a nullity, including any provisions within it purporting to repeal sections of the Revised Code of Washington. Therefore, the law as it existed before the passage of Initiative 872, including the Montana primary system, stands as if Initiative 872 had never been approved.

It is hard to imagine the Court being clearer in its statement that the law is returned to its former status as if I-872 had never been approved. Since this is the case, it necessarily follows that any change to the law proposed by this body takes only a simple majority vote because there is no initiative left to amend.

It may well be that the federal judge's ruling will not be the final word on this matter. The President is aware that the matter is being appealed and further litigated in the courts, and it is uncertain when or how further court action might change the trial court's decision. It may be prudent for proponents of this measure to seek a two-thirds vote as a means of removing all doubt and risk which may flow from subsequent and different court action. It is precisely because of this uncertainty, however, that the President cannot engage in speculative analysis, but must instead confine himself to the state of the law as it exists at the time of his ruling. Presently, a duly-constituted Court has declared I-872 unconstitutional and returned the law to its pre-I-872 status. In appropriate deference to this Order, the President finds and rules that the measure before us takes only a simple majority vote for final passage.

The Senate resumed consideration of Engrossed Senate Bill No. 6236.

PARLIAMENTARY INQUIRY

Senator Jacobsen: "If the Appeals Court did reinstate the initiative and we'd acted without two-thirds at that time, would that still be the proper action or would the initiative take affect and repeal the changes in what we enact today, if that became the law?"

REPLY BY THE PRESIDENT

President Owen: "Senator Jacobsen, if in fact the court ruled as you stated then the action of this body would be in question as of others but the President does not speculate on what the court may determine."

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6236.

Senators Sheldon, Jacobsen, Roach, Franklin spoke against passage of the bill.

Senators McCaslin, Thibaudeau and Kastama spoke in favor of passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6236 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Berkey, Brandland, Brown,

2006 REGULAR SESSION

Carrell, Deccio, Delvin, Doumit, Eide, Finkbeiner, Fraser, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Shin, Swecker, Thibaudeau, Weinstein and Zarelli - 37

Voting nay: Senators Benton, Esser, Fairley, Franklin, Jacobsen, Parlette, Roach, Schoesler, Sheldon, Spanel and Stevens - 11

Excused: Senator Hargrove - 1

ENGROSSED SENATE BILL NO. 6236, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Senator Sheldon's mother, Mrs. Lillian Sheldon, who was seated in the rear of the chamber.

REMARKS BY THE PRESIDENT

President Owen: "We would like to give her a very hardy happy birthday having turned ninety yesterday. Welcome Mrs. Sheldon and Happy Birthday."

PERSONAL PRIVILEGE

Senator Sheldon: "Thank you Mr. President for recognizing my mom. My mom always told us that birthdays don't matter unless they ended in five or zero and yesterday, of course was her ninetieth birthday. She was born at Swedish Hospital, January 31, 1916 and, you history buffs, that day in history, ninety years ago was the biggest snow fall that ever occurred ever in Seattle. There was over four feet of snow. Her mother traveled to Swedish Hospital before the birth and it took her father, my grandfather, over four days to get there in the snow. The snow was so heavy that it collapsed the roof of St. James Cathedral. So often the PI will run those pictures of that large snow fall. I just want to say about my mom, she's a proud Husky. She graduated from the University of Washington in 1937, of course from the class of Shelton High School in 1933. She is the proud member of the Panorama Republicans and is very active in politics at ninety years old. I want to just wish her a great Happy Birthday Mom. It's terrific. She's a wonderful person that has had a wonderful life and has a sharp, sharp memory about all the historical things that's happened, is well read and we're going to have a wonderful party, families traveling from all over to meet over the weekend out at Potlatch. So Happy Birthday Mom."

PERSONAL PRIVILEGE

Senator Jacobsen: "Would Mrs. Sheldon yield to a question? How did you end up with a Democratic son?"

PERSONAL PRIVILEGE

Senator McCaslin: "I must bring to the body's attention that Senator Deccio and Lucille will be celebrating their sixtieth. I know he looks ninety but the sixtieth wedding anniversary and if you haven't met Lucille, she's the charming one of the group. She's the most wonderful lady. How she put up with him for sixty years heaven only knows. Anyway, I do congratulate

TWENTY-FOURTH DAY, FEBRUARY 1, 2006

2006 REGULAR SESSION

Senator Deccio and Lucille on their sixtieth wedding anniversary.”

SECOND READING

SENATE BILL NO. 6059, by Senators Berkey, Haugen, McAuliffe, Franklin, Rockefeller, Schoesler, Eide, Weinstein, Rasmussen, Shin, Delvin, Mulliken, Oke, Parlette and Kohl-Welles

Authorizing state agencies to create sick leave pools for employees.

The measure was read the second time.

MOTION

On motion of Senator Berkey, the rules were suspended, Senate Bill No. 6059 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6059.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6059 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Finkbeiner - 1

Excused: Senator Hargrove - 1

SENATE BILL NO. 6059, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:48 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, February 2, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

TWENTY-FIFTH DAY

NOON SESSION

Senate Chamber, Olympia, February 2, 2006

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 1, 2006

SB 5017 Prime Sponsor, Jacobsen: Requiring that certain moneys from the sale of logs or wood from aquatic lands be used to fund the Thomas Burke Memorial Museum. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5017 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Ways & Means.

February 1, 2006

SB 5327 Prime Sponsor, Fairley: Creating an office of privacy protection. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5327 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Finkbeiner, Franklin and Schmidt

MINORITY recommendation: Do not pass. Signed by Senators Benton and Keiser. Without recommendation. Signed by Senator Brandland

Passed to Committee on Ways & Means.

January 31, 2006

SSB 5789 Prime Sponsor, Committee on Labor, Commerce, Research & Development: Expanding the role of self-insurers in the workers' compensation system. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6157 Prime Sponsor, Jacobsen: Modifying provisions concerning the administration of a crab pot buoy tag program. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by

Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6163 Prime Sponsor, Kastama: Addressing regional fire protection service authorities. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6208 Prime Sponsor, Rockefeller: Simplifying session law publication. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6223 Prime Sponsor, Rockefeller: Modifying provisions regarding abandoned or derelict vessels. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6223 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6234 Prime Sponsor, Fairley: Creating the insurance fraud program. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6234 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Franklin, Keiser, Schmidt and Spanel

MINORITY recommendation: Do not pass. Signed by Senator Benton. Without recommendation. Signed by Senator Brandland

Passed to Committee on Ways & Means.

January 31, 2006

SB 6292 Prime Sponsor, Kohl-Welles: Providing an exemption from unemployment compensation contributions for certain small performing arts industries. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6292 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

January 31, 2006

TWENTY-FIFTH DAY, FEBRUARY 2, 2006

2006 REGULAR SESSION

SB 6298 Prime Sponsor, Mulliken: Providing tax incentives to promote the use of renewable fuels. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken and Pridemore

MINORITY recommendation: Without recommendation. Signed by Senator Regala

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6321 Prime Sponsor, Regala: Changing the eligibility requirement for the special sex offender sentencing alternative. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6324 Prime Sponsor, Regala: Expanding foster care and support services provisions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6324 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, McAuliffe, Stevens and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senator Carrell

Passed to Committee on Ways & Means.

January 31, 2006

SB 6327 Prime Sponsor, Shin: Financing local economic development projects. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6327 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6341 Prime Sponsor, Prentice: Including failure to secure a load in the first degree as a compensable crime under the crime victims' compensation program. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Ways & Means.

January 31, 2006

SB 6404 Prime Sponsor, Johnson: Regarding the certification of tribal police officers. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6416 Prime Sponsor, Keiser: Prohibiting pyramid promotional schemes. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6462 Prime Sponsor, Shin: Providing biotechnology product and medical device manufacturing tax incentives. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Ways & Means.

February 1, 2006

SB 6463 Prime Sponsor, Fairley: Allowing banks and savings banks to organize as limited liability companies. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Finkbeiner, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6469 Prime Sponsor, Thibaudeau: Creating a blue ribbon commission on health care cost and access. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6469 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Deccio, Franklin, Kline and Poulsen

MINORITY recommendation: Do not pass. Signed by Senators Benson, Johnson and Parlette. Without recommendation. Signed by Senator Brandland

Passed to Committee on Ways & Means.

January 31, 2006

SB 6470 Prime Sponsor, Shin: Creating Washington manufacturing services in statute. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6470 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Roach and Zarelli

MINORITY recommendation: Do not pass. Signed by Senator Pflug

Passed to Committee on Rules for second reading.

January 31, 2006

TWENTY-FIFTH DAY, FEBRUARY 2, 2006

2006 REGULAR SESSION

SB 6479 Prime Sponsor, Regala: Revising the privilege for sexual assault advocates. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6482 Prime Sponsor, Honeyford: Providing funds for energy assistance. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6482 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Honeyford, Morton, Mulliken and Pridemore

Passed to Committee on Ways & Means.

February 1, 2006

SB 6487 Prime Sponsor, Schoesler: Prohibiting false academic credentials. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6487 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6490 Prime Sponsor, Rasmussen: Specifying additional mitigating circumstances allowing departures from sentencing guidelines. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6490 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6495 Prime Sponsor, Kline: Assigning a seriousness level to selected unranked felonies. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6495 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Ways & Means.

January 31, 2006

SB 6503 Prime Sponsor, Finkbeiner: Providing tax incentives for the generation of electricity using renewable resources. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6503 be substituted therefor, and the substitute bill do

pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Honeyford, Morton, Mulliken and Pridemore

Passed to Committee on Ways & Means.

January 31, 2006

SB 6504 Prime Sponsor, Berkey: Prohibiting public hospital district employees from serving as commissioners. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6507 Prime Sponsor, Honeyford: Concerning watershed management partnerships. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6507 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken and Regala

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6508 Prime Sponsor, Rasmussen: Developing minimum renewable fuel content requirements and fuel quality standards in an alternative fuels market. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6508 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Delvin and Morton. Without recommendation. Signed by Senators Honeyford and Mulliken

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6513 Prime Sponsor, Fraser: Requiring biomonitoring as an element of the environmental health tracking program. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6513 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Morton and Mulliken. Without recommendation. Signed by Senator Delvin

Passed to Committee on Ways & Means.

January 31, 2006

SB 6514 Prime Sponsor, Fraser: Regarding biodiesel mandates for state agencies and contractors. Revised for 1st Substitute: Regarding biodiesel mandates for state agencies. Reported by Committee on Water, Energy & Environment

TWENTY-FIFTH DAY, FEBRUARY 2, 2006

2006 REGULAR SESSION

MAJORITY recommendation: That Substitute Senate Bill No. 6514 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Honeyford, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Delvin and Morton. Without recommendation. Signed by Senator Mulliken

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6516 Prime Sponsor, Fraser: Providing sales and use tax exemptions to encourage the use of alternative fuels. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6516 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6518 Prime Sponsor, Fraser: Modifying state energy policy. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6518 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6520 Prime Sponsor, Benton: Regulating the cashing of checks by the payor institution. Revised for 1st Substitute: Regulating cashing checks. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6520 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benton, Finkbeiner, Franklin, Keiser, Prentice and Schmidt

MINORITY recommendation: Without recommendation. Signed by Senator Brandland

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6524 Prime Sponsor, Rasmussen: Providing incentives for conversion of landfill methane gas to liquid fuel. Revised for 1st Substitute: Providing incentives for converting methane gas to a useable fuel. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6524 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Ways & Means.

January 31, 2006

SB 6531 Prime Sponsor, Weinstein: Preserving remedies when limited liability companies dissolve. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6532 Prime Sponsor, Delvin: Regarding Washington's academic assessment system. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6532 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6566 Prime Sponsor, Eide: Revising commute trip reduction provisions. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6566 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Berkey, Eide, Esser, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Benton and Finkbeiner

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6590 Prime Sponsor, Kline: Changing the effective date of the uniform interstate family support act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6596 Prime Sponsor, Kline: Revising the dissolution of Washington corporations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6603 Prime Sponsor, Doumit: Establishing the wildfire prevention and protection work group. Reported by Committee on Natural Resources, Ocean & Recreation

TWENTY-FIFTH DAY, FEBRUARY 2, 2006

2006 REGULAR SESSION

MAJORITY recommendation: That Substitute Senate Bill No. 6603 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6609 Prime Sponsor, Rasmussen: Exempting wholesale sales of bulk raw milk from business and occupation tax. Revised for 1st Substitute: Exempting wholesale sales of raw milk for processing from business and occupation tax. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6609 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Ways & Means.

January 31, 2006

SB 6610 Prime Sponsor, Oke: Promoting underwater viewing. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6610 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Ways & Means.

January 31, 2006

SB 6617 Prime Sponsor, Haugen: Regarding the contents of farm plans prepared by conservation districts. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6617 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6621 Prime Sponsor, Kohl-Welles: Allowing tax deductions for nonprofit convention and tourism promotion corporations. Revised for 1st Substitute: Authorizing a business and occupation tax exemption for amounts received for the promotion of conventions and tourism. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6621 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide and Pflug

MINORITY recommendation: Without recommendation. Signed by Senator Roach

Passed to Committee on Ways & Means.

February 1, 2006

SB 6622 Prime Sponsor, Keiser: Allowing limited reporting of vulnerable adult abuse investigation results. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6622 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Ways & Means.

February 1, 2006

SB 6625 Prime Sponsor, Parlette: Concerning the management of public lands. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6625 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6643 Prime Sponsor, Kastama: Authorizing additional payroll deductions for state employees. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6655 Prime Sponsor, Fraser: Revising retirement benefits for judges. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6657 Prime Sponsor, Keiser: Regarding checks for employees of bureau of Indian affairs-funded schools. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6668 Prime Sponsor, Kastama: Updating public records provisions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6668 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

MINORITY recommendation: Without recommendation. Signed by Senator Benton

Passed to Committee on Rules for second reading.

January 31, 2006

TWENTY-FIFTH DAY, FEBRUARY 2, 2006

2006 REGULAR SESSION

SB 6689 Prime Sponsor, Brown: Expanding the provisions of economic development grants and assistance. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Ways & Means.

January 31, 2006

SB 6691 Prime Sponsor, Weinstein: Requiring notice to prosecutors when crime victims' records are sought. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6695 Prime Sponsor, Schmidt: Regarding tuition waivers for veterans and national guard members. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6695 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6699 Prime Sponsor, Pridemore: Concerning cost savings on course materials for students at state universities, regional universities, and The Evergreen State College. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6699 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6700 Prime Sponsor, Brown: Promoting economic development and community revitalization. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Ways & Means.

January 31, 2006

SB 6711 Prime Sponsor, Eide: Establishing a statewide online business training and entrepreneurial curriculum. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6711 be substituted therefor, and the substitute bill do

pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit and Eide

MINORITY recommendation: Without recommendation. Signed by Senators Pflug and Zarelli

Passed to Committee on Ways & Means.

January 31, 2006

SB 6712 Prime Sponsor, Eide: Providing small businesses whose owners are trained in entrepreneurial development with excise tax relief. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide and Pflug

MINORITY recommendation: Without recommendation. Signed by Senators Roach and Zarelli

Passed to Committee on Ways & Means.

January 31, 2006

SB 6713 Prime Sponsor, Eide: Authorizing the development of self-employment assistance programs. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit and Eide

MINORITY recommendation: Do not pass. Signed by Senator Pflug. Without recommendation. Signed by Senator Zarelli

Passed to Committee on Ways & Means.

January 31, 2006

SB 6714 Prime Sponsor, Brown: Establishing the microenterprise development program. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit and Eide

MINORITY recommendation: Without recommendation. Signed by Senators Pflug, Roach and Zarelli

Passed to Committee on Ways & Means.

January 31, 2006

SB 6715 Prime Sponsor, Brown: Concerning entrepreneurial training opportunities. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6716 Prime Sponsor, Fairley: Changing the criteria for investigating and assessing performance in meeting community credit needs. Revised for 1st Substitute: Investigating and assessing performance in meeting community credit needs. Reported by Committee on Financial Institutions, Housing & Consumer Protection

TWENTY-FIFTH DAY, FEBRUARY 2, 2006

2006 REGULAR SESSION

MAJORITY recommendation: That Substitute Senate Bill No. 6716 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Finkbeiner, Franklin, Keiser and Spanel

MINORITY recommendation: Without recommendation. Signed by Senators Benson, Benton, Brandland and Schmidt

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6717 Prime Sponsor, Kohl-Welles: Extending the joint task force on criminal background check processes. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6717 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6720 Prime Sponsor, Brandland: Revising reporting requirements for criminal history record information. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6729 Prime Sponsor, Fraser: Including water conservation in energy conservation provisions. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6739 Prime Sponsor, Deccio: Modifying campaign contribution provisions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6739 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and McCaslin

MINORITY recommendation: Do not pass. Signed by Senator Pridemore. Without recommendation. Signed by Senators Mulliken and Roach

Passed to Committee on Ways & Means.

January 31, 2006

SB 6741 Prime Sponsor, Stevens: Regarding the joint task force on the administration and delivery of services to children. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6759 Prime Sponsor, Keiser: Requiring a report on the employment status of basic health plan and medical assistance recipients. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6759 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Brandland, Deccio, Franklin, Kastama, Kline and Poulsen

Passed to Committee on Ways & Means.

February 1, 2006

SB 6766 Prime Sponsor, Schmidt: Regarding the national guard conditional scholarship. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6779 Prime Sponsor, Morton: Authorizing a public utility tax credit for the cost of providing certain special needs transportation services. Revised for 1st Substitute: Addressing special needs transportation services provided by rural public utility districts. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6779 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Ways & Means.

February 1, 2006

SB 6780 Prime Sponsor, Kohl-Welles: Creating a mathematics/science scholar high school diploma and scholarship. Revised for 1st Substitute: Creating a mathematics/science scholar diploma designation and scholarship. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6780 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

MINORITY recommendation: Do not pass. Signed by Senator Pflug

Passed to Committee on Ways & Means.

February 1, 2006

SB 6783 Prime Sponsor, Shin: Creating the qualified professions conditional scholarship. Reported by Committee on Early Learning, K-12 & Higher Education

TWENTY-FIFTH DAY, FEBRUARY 2, 2006

2006 REGULAR SESSION

MAJORITY recommendation: That Substitute Senate Bill No. 6783 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Ways & Means.

February 1, 2006

SB 6790 Prime Sponsor, Roach: Studying whether to require a class in first aid for high school graduation. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6798 Prime Sponsor, Schoesler: Describing the time period during which state officials may accept campaign contributions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6800 Prime Sponsor, Haugen: Refining the roles of the transportation commission and department of transportation. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6800 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Finkbeiner, Kastama, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6810 Prime Sponsor, Keiser: Concerning temporary management in boarding homes. Revised for 1st Substitute: Concerning temporary management of boarding homes. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6810 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama and Kline

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6821 Prime Sponsor, McAuliffe: Creating a work group to explore the creation of college and career readiness centers. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6821 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6844 Prime Sponsor, Shin: Evaluating the business climate in mature biotechnology and medical device manufacturing sectors. Revised for 1st Substitute: Evaluating the business climate in areas with successful biotechnology and medical device manufacturing businesses. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6844 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Ways & Means.

January 31, 2006

SJM 8030 Prime Sponsor, Kline: Calling on the President to provide a solution to the crisis in Sudan. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 1, 2006

SJM 8031 Prime Sponsor, Jacobsen: Requesting federal action on inventoried roadless areas. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Oke and Spanel

MINORITY recommendation: Do not pass. Signed by Senators Morton and Stevens. Without recommendation. Signed by Senator Swecker

Passed to Committee on Rules for second reading.

February 1, 2006

SJM 8038 Prime Sponsor, McAuliffe: Petitioning Congress to raise funding levels of the No Child Left Behind Act. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller and Schmidt

MINORITY recommendation: Do not pass. Signed by Senator Carrell. Without recommendation. Signed by Senators Pflug and Schoesler

Passed to Committee on Rules for second reading.

TWENTY-FIFTH DAY, FEBRUARY 2, 2006

2006 REGULAR SESSION

January 30, 2006
SGA 9006 SONIA AREVALO-HAYES, appointed November 19, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Technical College District #25 (Bellingham). Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Rasmussen, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

January 30, 2006
SGA 9300 ALICE TAWRESEY, appointed February 14, 2005, for the term ending September 30, 2009, as Member, Board of Trustees, Olympic Community College District No. 3. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

January 30, 2006
SGA 9333 LYLE QUASIM, appointed April 5, 2005, for the term ending April 3, 2009, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Rasmussen, Schmidt and Shin

MINORITY recommendation: That said appointment not be confirmed. Signed by Senators Pflug and Schoesler

Passed to Committee on Rules for second reading.

January 30, 2006
SGA 9337 CAROL CARLSTAD, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Community College District No. 2 (Grays Harbor College). Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

January 30, 2006
SGA 9338 JAMES CARVO, reappointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Community College District No. 16 (Yakima Valley Community College). Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

January 26, 2006
SGA 9342 R. JAMES COOK, appointed October 1, 2005, for the term ending October 1, 2009, as Member, Board of Trustees, The Life Sciences Discovery Fund Authority. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

January 30, 2006
SGA 9344 JAMES CUNNINGHAM, appointed May 26, 2005, for the term ending September 30, 2007, as Member, Board of Trustees, Bellingham Technical College District No. 25. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

January 30, 2006
SGA 9350 JUDY GUENTHER, reappointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Centralia Community College District No. 12. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

January 30, 2006
SGA 9354 ADDISON JACOBS, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Clark Community College District No. 14. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt and Schoesler

Passed to Committee on Rules for second reading.

TWENTY-FIFTH DAY, FEBRUARY 2, 2006

2006 REGULAR SESSION

January 30, 2006

SGA 9367 STEVE S. MILLER, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Bellevue Community College District No. 8. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

January 26, 2006

SGA 9368 BRUCE MONTGOMERY, appointed October 1, 2005, for the term ending October 1, 2007, as Member, Board of Trustees, The Life Sciences Discovery Fund Authority. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

January 30, 2006

SGA 9373 KRIS POMIANEK, reappointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Wenatchee Valley Community College District No. 15. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

January 30, 2006

SGA 9382 CLAIRE SPAIN-REMY, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Pierce Community College District No. 11. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

January 30, 2006

SGA 9386 MARILYN WALTON, reappointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Tacoma Community College District No. 22. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair;

Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

January 30, 2006

SGA 9392 WAYNE J. MARTIN, reappointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Columbia Basin Community College District No. 19. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

January 26, 2006

SGA 9393 LURA POWELL, appointed October 1, 2005, for the term ending at the governor's pleasure, as Chair, Board of Trustees, The Life Sciences Discovery Fund Authority. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

January 30, 2006

SGA 9400 DON MUKAI, appointed October 7, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Technical College District #26 (Lake Washington). Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

January 26, 2006

SGA 9402 GARY LOCKE, appointed October 1, 2005, for the term ending October 1, 2009, as Member, Board of Trustees, The Life Sciences Discovery Fund Authority. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: That said appointment not be confirmed. Signed by Senators Hewitt and Honeyford

Passed to Committee on Rules for second reading.

January 31, 2006

SGA 9404 LENELL NUSSBAUM, reappointed October 24, 2005, for the term ending August 2, 2008, as Member of the

TWENTY-FIFTH DAY, FEBRUARY 2, 2006

2006 REGULAR SESSION

Sentencing Guidelines Commission. Reported by Committee on Judiciary

Darneille, O'Brien, Haler, Clibborn, Hunt, Lovick, Hasegawa, McDermott, Rodne, Moeller, Kessler, Strow, Fromhold, Sells and Ericks)

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

AN ACT Relating to prohibiting the distribution of false sex offender notifications; adding a new section to chapter 9A.84 RCW; creating a new section; and prescribing penalties.

Passed to Committee on Rules for second reading.

Referred to Committee on Judiciary.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6341 and Senate Bill No. 6495 which were referred to the Committee on Ways & Means.

HB 3252 by Representatives O'Brien, Rodne, Santos, Strow, Green, Simpson, McDonald, Morrell, Ericks, Kilmer, Williams and Hasegawa

MOTION

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

AN ACT Relating to prohibiting offenders who enter Alford pleas from receiving a special sex offender sentencing alternative; reenacting and amending RCW 9.94A.670; and prescribing penalties.

Referred to Committee on Judiciary.

MESSAGE FROM THE HOUSE

February 1, 2006

MR. PRESIDENT:

The House has passed the following bill(s):
 SUBSTITUTE HOUSE BILL NO. 2576,
 SUBSTITUTE HOUSE BILL NO. 3238,
 HOUSE BILL NO. 3252,
 HOUSE BILL NO. 3277,
 and the same are herewith transmitted.

HB 3277 by Representatives O'Brien, Rodne, Kirby, Williams, Darneille, Sells, Kessler, Lovick, Ericks, Simpson, Kilmer, Lantz, Anderson, Takko, Green, Moeller, Campbell, Morris, Hunt, Conway, Fromhold, Chase and Woods

RICHARD NAFZIGER, Chief Clerk

MOTION

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

AN ACT Relating to authorizing special verdicts that would result in more severe punishment for certain sex offenses against children and vulnerable adults by increasing the minimum sentences to twenty-five years or the maximum of the standard sentence range, whichever is greater, for rape of a child in the first degree, rape of a child in the second degree, and child molestation in the first degree, when a special allegation that the offense was predatory has been made and proven beyond a reasonable doubt, by increasing the minimum sentences to twenty-five years or the maximum of the standard sentence range, whichever is greater, for rape in the first degree, rape in the second degree, indecent liberties by forcible compulsion, and kidnapping in the first degree with sexual motivation, when a special allegation that the victim was under age fifteen at the time of the crime has been made and proven beyond a reasonable doubt, and by increasing the minimum sentences to twenty-five years or the maximum of the standard sentence range, whichever is greater, for rape in the first degree, rape in the second degree by forcible compulsion, indecent liberties by forcible compulsion, and kidnapping in the first degree with sexual motivation, when a special allegation that the victim was, at the time of the crime, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult, has been made and proven beyond a reasonable doubt, without making any change to the sentencing grid, RCW 9.94A.510, or the seriousness level table, RCW 9.94A.515; amending RCW 9.94A.712, 9.94A.712, 9.94A.030, and 9.94A.030; adding new sections to chapter 9.94A RCW; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

INTRODUCTION AND FIRST READING

SB 6885 by Senators Kohl-Welles, McAuliffe, Thibaudeau, Keiser and Fairley

AN ACT Relating to unemployment insurance; amending RCW 50.20.120, 50.24.010, 50.29.025, 50.29.041, and 50.16.030; creating new sections; repealing 2005 c 133 s 10 (uncodified); and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 2576 by House Committee on Judiciary (originally sponsored by Representatives Williams, Green, O'Brien, Kirby, Hunt, Ericks, Simpson, Lovick, McCoy, Lantz, Ormsby, Springer and Conway)

AN ACT Relating to protection of sexual assault victims; amending RCW 9A.46.060, 10.14.130, 10.31.100, 19.220.010, 26.50.110, and 59.18.575; reenacting and amending RCW 26.50.160; adding a new chapter to Title 7 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

Referred to Committee on Human Services & Corrections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

SHB 3238 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Simpson, Lantz, Wallace, Morrell, Kilmer, Green, Springer, Dunshee, P. Sullivan, Quall, B. Sullivan, Grant, Appleton, Williams,

On motion of Senator Eide, the Senate advanced to the

TWENTY-FIFTH DAY, FEBRUARY 2, 2006
eighth order of business.

2006 REGULAR SESSION
THOMAS HOEMANN, Secretary of the Senate

MOTION

Senator Brandland moved adoption of the following resolution:

SENATE RESOLUTION
8698

By Senator Brandland

WHEREAS, British Columbia and Washington State share a border, and a mutual appreciation for the region of the world in which we live; and

WHEREAS, British Columbia and Washington State work together to accomplish the objectives set forth by our governments to preserve our respective regions; and

WHEREAS, British Columbia and Whatcom county work closely to secure our border to ensure the welfare of the residents of the province, the state, and countries alike; and

WHEREAS, The primary purpose of the Washington State Constitution is to educate our youth and prepare them to lead us into the future; and

WHEREAS, Washington State provides strong education to its students through a distinguished internship program with the state legislature; and

WHEREAS, British Columbia also recognizes the importance and value of quality civic education; and

WHEREAS, The British Columbia parliamentary internship provides university graduates with the opportunity to fortify their education and professionalism through observation and involvement with the Legislative Assembly; and

WHEREAS, Before working with the Legislative Assembly, interns are assigned to sponsoring ministries and becoming exposed to the mandate and scope of the ministry; and

WHEREAS, Legislative interns conduct research to aid in the creation of policy and facilitate planning; and

WHEREAS, Interns acquire the tools necessary to enter into their respective professional careers which help them to use their education in making positive contributions to their communities; and

WHEREAS, For the fourth year, the British Columbia and Washington State legislative interns have participated in an exchange program to explore their neighbor's governmental process; and

WHEREAS, We welcome the British Columbia Legislative Assembly interns to the Washington State Legislature, and commend their various academic achievements and professional accomplishments;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the hard work and dedication it takes to put each of these exceptional programs together by also honoring Karen Aitken, the British Columbia Legislative Intern Program Director, and extending gratitude to our own legislative intern coordinators, Judi Best and Joan Elgee, for putting together such excellent programs; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Karen Aitken, Judi Best, and Joan Elgee.

Senator Brandland spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8698.

The motion by Senator Brandland carried and the resolution was adopted by voice vote.

MOTION

At 12:06 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, February 3, 2006.

BRAD OWEN, President of the Senate

TWENTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 3, 2006

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benson, Brown, Deccio, Doumit and Finkbeiner.

The Sergeant at Arms Color Guard consisting of Pages Yvonna Peterson, Chelsea Bailey and John Mighell, presented the Colors. High Priest Jim Erlandson of the Community of Christ Church offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 2, 2006

SB 5590 Prime Sponsor, Fairley: Dissolving joint housing authorities. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5590 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Finkbeiner, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6134 Prime Sponsor, Keiser: Allowing canvassing boards to issue notices of civil infractions. Revised for 1st Substitute: Concerning remedies for improper challenges to a voter's registration. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6134 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Kline, McCaslin and Pridemore

MINORITY recommendation: Without recommendation. Signed by Senator Roach

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6308 Prime Sponsor, Carrell: Creating a joint select committee on offenders programs, sentencing, and supervision. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6308 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6331 Prime Sponsor, Carrell: Concerning unfounded or meritless child abuse or neglect reports. Revised for 1st Substitute: Changing provisions relating to child welfare. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6331 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6342 Prime Sponsor, Kline: Changing the election and appointment provisions for municipal court judges. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Esser, Johnson and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senators Carrell, Hargrove and McCaslin. Without recommendation. Signed by Senator Rasmussen

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6344 Prime Sponsor, Kline: Monitoring personal information collected by state agencies. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6365 Prime Sponsor, Rasmussen: Changing the registration fees for weighing and measuring devices. Revised for 1st Substitute: Changing fees in the weights and measures program. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6365 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton and Schoesler

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6420 Prime Sponsor, Pridemore: Regarding community and technical college part-time academic employee health benefits. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6420 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

Passed to Committee on Ways & Means.

February 2, 2006

SB 6423 Prime Sponsor, Haugen: Modifying absentee

TWENTY-SIXTH DAY, FEBRUARY 3, 2006

2006 REGULAR SESSION

or provisional ballot notice requirements. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6423 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken and Pridemore

MINORITY recommendation: Without recommendation. Signed by Senator Roach

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6433 Prime Sponsor, Kastama: Establishing the emergency management, preparedness, and assistance account. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6433 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton, McCaslin, Mulliken and Roach

Passed to Committee on Ways & Means.

February 2, 2006

SB 6494 Prime Sponsor, Kline: Eliminating the requirement for a seller's real estate disclosure of proximity to farming. Revised for 1st Substitute: Changing the required seller's real estate disclosure of proximity to farming. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6494 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Finkbeiner, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6502 Prime Sponsor, Roach: Creating a statewide automated victim information and notification system. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6502 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Ways & Means.

February 2, 2006

SB 6509 Prime Sponsor, Kastama: Modifying the cancellation process for public contracts. Revised for 1164th Substitute: Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6509 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 1, 2006
SB 6526 Prime Sponsor, Jacobsen: Authorizing the use of automated traffic safety cameras in state highway work zones. Revised for 1st Substitute: Authorizing the use of automated traffic safety cameras in state roadway construction zones. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6526 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Oke, Sheldon, Spanel, Swecker and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Benton, Esser and Finkbeiner

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6542 Prime Sponsor, Mulliken: Exempting farming services from business and occupation tax. Revised for 1st Substitute: Exempting farming services from tax. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6542 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Ways & Means.

January 31, 2006

SB 6547 Prime Sponsor, Weinstein: Clarifying procedures for sound and video recordings by law enforcement officers. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6579 Prime Sponsor, McAuliffe: Requiring parents be notified when a juvenile is taken into custody. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6579 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6580 Prime Sponsor, McAuliffe: Creating work groups to evaluate issues relating to juvenile sex offenders and kidnapping offenders in schools. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6580 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

February 1, 2006

TWENTY-SIXTH DAY, FEBRUARY 3, 2006

2006 REGULAR SESSION

SB 6587 Prime Sponsor, Kastama: Creating an office of mental health ombudsman. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6587 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senator Regala, Vice Chair

Passed to Committee on Ways & Means.

February 1, 2006

SB 6601 Prime Sponsor, Eide: Creating the freight mobility multimodal account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benton, Eide, Esser, Finkbeiner, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6628 Prime Sponsor, Fairley: Preserving the WorkFirst child safety net program. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6628 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Ways & Means.

February 1, 2006

SB 6635 Prime Sponsor, Franklin: Changing provisions relating to adoption. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6635 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Ways & Means.

February 2, 2006

SB 6646 Prime Sponsor, Doumit: Regarding outdoor burning in areas of small towns and cities. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6646 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Delvin, Honeyford, Morton and Mulliken

MINORITY recommendation: Do not pass. Signed by Senators Rockefeller, Vice Chair and Pridemore. Without recommendation. Signed by Senator Regala

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6652 Prime Sponsor, Kohl-Welles: Protecting

victims of human trafficking. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6652 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Ways & Means.

February 1, 2006

SB 6654 Prime Sponsor, Haugen: Modifying photo enforcement of traffic infraction provisions. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6654 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Finkbeiner, Kastama, Mulliken, Spanel, Swecker and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senators Benton and Esser

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6682 Prime Sponsor, Kastama: Increasing the number of demonstration projects that may be authorized by the school district project review board. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6682 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Pridemore and Roach

MINORITY recommendation: Without recommendation. Signed by Senator Mulliken

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6685 Prime Sponsor, Regala: Establishing a council on mentally ill offenders. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6685 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Ways & Means.

February 2, 2006

SB 6687 Prime Sponsor, Fraser: Strengthening provisions governing ORV noise. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6687 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Delvin, Honeyford, Morton and Mulliken

Passed to Committee on Rules for second reading.

TWENTY-SIXTH DAY, FEBRUARY 3, 2006

2006 REGULAR SESSION

February 1, 2006

SB 6749 Prime Sponsor, Hargrove: Establishing a foster parent critical support and retention program. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6749 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; McAuliffe and Stevens

MINORITY recommendation: Without recommendation. Signed by Senators Brandland and Carrell

Passed to Committee on Ways & Means.

February 2, 2006

SB 6767 Prime Sponsor, Regala: Addressing government performance and accountability. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Ways & Means.

February 2, 2006

SB 6776 Prime Sponsor, Finkbeiner: Prohibiting the unauthorized sale of cell phone numbers. Revised for 1st Substitute: Prohibiting the unauthorized sale of telephone records. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6776 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken and Pridemore

MINORITY recommendation: Without recommendation. Signed by Senator Regala

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6785 Prime Sponsor, Jacobsen: Modifying the administration of fuel taxes. Revised for 164th Substitute: Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6785 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Benton, Berkey, Eide, Kastama, Mulliken, Spanel and Weinstein

MINORITY recommendation: Do not pass. Signed by Senator Sheldon. Without recommendation. Signed by Senators Esser, Finkbeiner and Swecker

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6787 Prime Sponsor, Rockefeller: Modifying funding for local government passenger ferry service. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Benson,

Berkey, Eide, Finkbeiner, Kastama, Oke, Spanel and Swecker

MINORITY recommendations: Do not pass. Signed by Senators Poulsen, Vice Chair; Benton, Mulliken and Weinstein. Without recommendation. Signed by Senator Esser

Passed to Committee on Ways & Means.

February 2, 2006

SB 6802 Prime Sponsor, Brown: Regarding air pollution control authority boards. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6802 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Morton, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senator Honeyford. Without recommendation. Signed by Senator Mulliken

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6816 Prime Sponsor, Zarelli: Allowing county cemetery districts to include areas within cities and towns. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6824 Prime Sponsor, Kohl-Welles: Providing additional protections for safe residential housing for persons with developmental disabilities. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Brandland, Carrell, McAuliffe and Thibaudeau

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6851 Prime Sponsor, Prentice: Revising provisions concerning closure of mobile home parks and manufactured housing communities. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6851 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Finkbeiner, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6854 Prime Sponsor, Rasmussen: Regarding disclosure of animal information. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton and Schoesler

Passed to Committee on Rules for second reading.

February 2, 2006
SB 6860 Prime Sponsor, Doumit: Renaming buildings on the state capitol grounds. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and McCaslin

MINORITY recommendation: Do not pass. Signed by Senators Benton, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 2, 2006
SB 6868 Prime Sponsor, Mulliken: Providing excise tax exemptions for aircraft fuel used for crop dusting activities. Revised for 671st Substitute: Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6868 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Ways & Means.

February 2, 2006
SB 6878 Prime Sponsor, Doumit: Revising provisions relating to renewing a concealed pistol license by members of the armed forces. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 2, 2006
SJM 8039 Prime Sponsor, Brown: Requesting changes to the Medicare Modernization Act. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Franklin, Kastama, Kline and Poulsen

MINORITY recommendations: Without recommendation. Signed by Senators Brandland and Parlette

Passed to Committee on Rules for second reading.

February 2, 2006
SJR 8220 Prime Sponsor, Carrell: Repealing a conflicting residency requirement for voting in a presidential election. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
 GUBERNATORIAL APPOINTMENTS

January 30, 2006

SGA 9343 PETE CRANE, reappointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Olympic Community College District No. 3. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 2, 2006
SGA 9399 KATHLEEN D. MIX, appointed December 5, 2005, for the term ending June 30, 2010, as Member of the Pollution Control/Shorelines Hearings Board. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6502, Senate Bill No. 6628, Senate Bill No. 6635, Senate Bill No. 6652, Senate Bill No. 6685 and Senate Bill No. 6767 which were referred to the Committee on Ways & Means.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6886 by Senators Prentice, Franklin and Kohl-Welles

AN ACT Relating to bilingual voting assistance; reenacting and amending RCW 29A.44.240; and adding a new section to chapter 29A.04 RCW.

Referred to Committee on Government Operations & Elections.

SB 6887 by Senators Kline, Schoesler, Doumit, Brandland and Rasmussen

AN ACT Relating to juror compensation at the superior court level; amending RCW 2.36.150; and adding a new section to chapter 2.36 RCW.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

INTRODUCTION OF SPECIAL GUESTS

TWENTY-SIXTH DAY, FEBRUARY 3, 2006

2006 REGULAR SESSION

The President welcomed and introduced members of the Consulate General of Ukraine, Mr. Mykola Tochytskyi, Consul General of Ukraine in San Francisco; Serhiy Nikolaichuk, Vice Consul; and Mr. Oleg Pynda, Executive Director, Ukrainian Community Center of Washington, who were seated in the gallery.

MOTION

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

PERSONAL PRIVILEGE

Senator Hargrove: "I believe we have a member on the floor that has violated the dress code. I can't see Senator McCaslin's tie and that is a requirement. It should be hanging outside your shirt then Senator. Senator Schmidt, you're in trouble too."

REPLY BY THE PRESIDENT

President Owen: "Senator Hargrove, as you might recall the President has allowed for a modification of the very strict dress code for this week-and this week alone-for, which allows for, any type of Sea hawks attire that the members so choose to wear which, in fact, if that covers the tie, that is allowed. Your point is not well taken."

PERSONAL PRIVILEGE

Senator McCaslin: "Did the previous speaker ask for a point of personal privilege. It's not a point of order. It's a point of personal privilege if you want to insult another Senator."

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

MOTION

On motion of Senator Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointment No. 9013, Michael Blakely and Gubernatorial Appointment No. 9091, Katherine Kenison as members of the Board of Trustees, Big Bend Community College District No. 18 and the vote of the Senate was recorded as a separate vote for each appointment.

Senator Mulliken moved that Gubernatorial Appointment No. 9013 and Gubernatorial Appointment No. 9091 as members of Board of Trustees, Big Bend Community College District No. 18 be confirmed.

Senator Mulliken spoke in favor of the confirmations.

APPOINTMENT OF MICHAEL BLAKELY

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9013, Michael Blakely as a member of the Board of Trustees, Big Bend Community College District No. 18 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 5; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senators Benson, Brown, Deccio, Doumit and Finkbeiner - 5

Senator Rasmussen spoke in favor of passage of the motion.

APPOINTMENT OF KATHERINE KENISON

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9091, Katherine Kenison as a member of the Board of Trustees, Big Bend Community College District No. 18 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 5; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senators Benson, Brown, Deccio, Doumit and Finkbeiner - 5

Gubernatorial Appointments No. 9091, Katherine Kenison and 9013, Michael Blakely having received the constitutional majority were declared confirmed as a member of the Board of Trustees, Big Bend Community College District No. 18.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Prentice, moved that Gubernatorial Appointment No. 9150, Bertha Ortega, as a member of the Board of Trustees, Eastern Washington University, be confirmed.

Senator Prentice spoke in favor of the motion.

MOTION

On motion of Senator Schoesler, Senators Finkbeiner and Deccio were excused.

MOTION

On motion of Senator Regala, Senators Brown and Doumit were excused.

APPOINTMENT OF BERTHA ORTEGA

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9150, Bertha Ortega as a member of the Board of Trustees, Eastern Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9150, Bertha Ortega as a member of the Board of Trustees, Eastern Washington University and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Brown, Deccio, Doumit and Finkbeiner - 4

Gubernatorial Appointment No. 9150, Bertha Ortega, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Eastern Washington University.

TWENTY-SIXTH DAY, FEBRUARY 3, 2006

2006 REGULAR SESSION

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Jacobsen, moved that Gubernatorial Appointment No. 9095, Joe King, as a member of the Board of Trustees, Washington State University, be confirmed.

Senator Jacobsen spoke in favor of the motion.

APPOINTMENT OF JOE KING

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9095, Joe King as a member of the Board of Trustees, Washington State University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9095, Joe King as a member of the Board of Trustees, Washington State University and the appointment was confirmed by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 38

Voting nay: Senators Carrell, Honeyford, McCaslin, Morton, Mulliken, Parlette, Pflug, Schoesler and Stevens - 9

Excused: Senators Deccio and Finkbeiner - 2

Gubernatorial Appointment No. 9095, Joe King, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Washington State University.

PERSONAL PRIVILEGE

Senator Esser: "Thank you very much Mr. President. Well, Mr. President there's an event that happening this weekend that's going to impact our entire state in a very profound way and I think that after Sunday the entire nation is going to celebrating our beloved Seattle Sea hawks but as trend setters here in the Washington State Senate I think we should start that celebration a little bit early. In honor of the Sea hawks impending Super Bowl victory on Sunday, I'm going to encourage all members to take advantage of the President's kind offer to allow us to wander a little bit from the usual decorum here on the Senate floor. At this point, please join me in putting on your Sea hawks caps, neck ties, jerseys, shirts, buttons anything else that is to show them support, for the Sea hawks, and let us do what we can to show our support for Sea hawks and their coming victory on Sunday. Thank you very much Mr. President."

REPLY BY THE PRESIDENT

President Owen: "Well said. Go Sea hawks."

MOTION

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

REMARKS BY THE PRESIDENT

President Owen: "Ladies and Gentlemen of the Senate; Although we've just received this request from Senator Esser, if I could have your attention for one moment please. This

resolution that we're going to do is a very serious resolution and I would ask that you do, with this particular resolution, remove your hats."

MOTION

Senator Rockefeller moved adoption of the following resolution:

SENATE RESOLUTION
8694

By Senators Rockefeller, Oke, Hewitt, Schmidt, Berkey, Delvin, Thibaudeau, Doumit, Benson, Kastama, Mulliken, Swecker, Esser, Brandland, Stevens, Deccio, Keiser, Sheldon, Hargrove, Weinstein, Pridemore, Parlette, Jacobsen and Kohl-Welles

WHEREAS, Marty Smith, a loving, caring father and devoted husband who served the most vulnerable members of the community with passion as a County Designated Mental Health Professional, was brutally killed on November 4, 2005, at the hands of a critically ill patient for whom he was attempting to provide care; and

WHEREAS, Hundreds of Designated Mental Health Professionals and crisis workers, endanger their personal safety, and even their very lives in responding twenty-four hours a day, seven days a week, to calls for help from a patient's family, friends, loved ones, and others throughout the state; and

WHEREAS, These dedicated professionals, armed with their knowledge, skills, and commitment to provide the highest quality of care, have the special ability to provide unique care for the most critically ill patients; and

WHEREAS, Their selfless commitment and personal compassion assure the highest care of the patient and greatest safety of the community in which they serve;

NOW, THEREFORE, BE IT RESOLVED, That members of the Washington State Senate of the 59th Legislature salute Marty Smith's dedication to caring for his patients, and recognize the supreme sacrifice he has made in carrying out this dedication; and

BE IT FURTHER RESOLVED, That members of the Washington State Senate of the 59th Legislature unite in extending their deepest and heartfelt sympathy to each member of Marty Smith's family; and

BE IT FURTHER RESOLVED, That members of the Washington State Senate of the 59th Legislature express appreciation to the County Mental Health Professionals and crisis workers whose willingness to accept grave personal risks daily in order to provide the highest quality health care to the most dangerous, yet vulnerable, patients serves as a testament to their exemplary commitment to the people of this state.

Senators Rockefeller, Brandland, Shin and Thibaudeau spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8694.

The motion by Senator Rockefeller carried and the resolution was adopted by voice vote.

INTRODUCTION OS SPECIAL GUEST

The President introduced Mrs. Marty Smith, widow of Mr. Smith and the family and friends of Mr. Smith who were seated in the gallery and recognized by the Senate.

PERSONAL PRIVILEGE

Senator Mulliken: "Thank you Mr. President. Well, I don't have a resolution to offer. I wanted to let the body know that on January 20 of this year Governor Gregoire recognized one of my constituents in Moses Lake A hero. A teacher named John Lane who was recognized for his heroic action ten years ago when the Frontier Junior High-or Middle School in-Moses Lake had a terrible tragedy in which a school teacher by the name of

TWENTY-SIXTH DAY, FEBRUARY 3, 2006

2006 REGULAR SESSION

Leona Caires and two students, Arnie Fritz and Manuel Vela were fatally shot and wounded. Natalie Hintz was also one of the victims that was wounded and survived. John Lane on the other hand, he was the teacher that stepped in front and saved further tragedy. The reason I'm rising to bring this to our attention is first of all, it was ten years ago yesterday that this event happened and often times in the busyness, we sometimes over look some of the things that have happened. I was contacted by a constituent asking if I would please remember the victims and their families and I think that is important for us to do that. I also would like to share the positive side of the things that have happened in Moses Lake in the last ten years as a result of the tragedy. The community pulled together. There were laws in place that could of prevented but were not able to prevent. So we didn't change any laws because they were already there and the beauty of our recognizing that. It's a community that needed to pull together was what made them successful. The parents are very involved. They've had a lot of community meetings over the years. The teachers, people, are more aware of young students, fourteen year olds, thirteen year olds, when they're going through difficult times. When they have changes that can sometimes put them over the edge. I just wanted to let you know that John Lane, today, is a principal at my St. Rose of Lima Catholic School because he retired from the public school system, and we love having him there. John Lane and I sing in the church choir at Our Lady of Fatima at Moses Lake and I've so enjoyed getting to know him. I wrote him a note congratulating him on the Governor's recognition and in it I said 'Now that I know you personally, I know it was your faith and your trust in God that enabled you to step forward that day and prevent even further tragedy.' So I just wanted to thank the body for the opportunity of recognizing the ten year anniversary of Frontier Junior High's tragedy but also the celebration of the positive things that have happened in Moses Lake and for John Lane. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator McAuliffe: "Thank you Mr. President. I would like to join Senator Mulliken in her recognition of John Lane and his commitment to saving children in that incident in Moses Lake ten years ago. We did learn from that incident and I met with the emergency personnel that had responded that day and with the school people who are also present. What we learned was that, when the school people went to the school, they did not know where to go because they did not know where room 101 was or where room 102 was. Today, we map all of our schools so that when the emergency people are called to a school they know exactly where to go because it is mapped for them. Each of our schools we have done this too and we are continuing to do it now beginning to finish off our elementary schools. We also know that what happened in Moses Lake and many other incidents across the country, the students that felt alone and isolated and alienated and these actions were somewhat a result of that. So we have passed it from this legislature the anti-harassment bill and that was under leadership of Governor Christine Gregoire two years ago. We are, today, seeing that we are training people to know and recognize what harassment is. What it means to children and how it isolates them as well. So we learn from this incident and we always need to look every time something happens in our schools to our children who are in our care how we can better protect them. Thank you Mr. President."

MOTION

On motion of Senator Eide, the Senate reverted to the sixth

order of business.

SECOND READING

SENATE BILL NO. 6231, by Senator Spanel

Exempting certain private air ambulance services from licensing under the insurance code.

The measure was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, Senate Bill No. 6231 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Spanel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6231.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6231 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Finkbeiner - 2

SENATE BILL NO. 6231, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Rasmussen, Senator Fairley was excused.

SECOND READING

SENATE BILL NO. 5318, by Senators Thibaudeau, Keiser, Kline, Franklin, Poulsen, McAuliffe and Kohl-Welles

Improving patient safety practices.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5318 was substituted for Senate Bill No. 5318 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5318 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Thibaudeau and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5318.

TWENTY-SIXTH DAY, FEBRUARY 3, 2006

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5318 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senator Hewitt - 1

Excused: Senators Deccio, Fairley and Finkbeiner - 3

SUBSTITUTE SENATE BILL NO. 5318, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SENATE BILL NO. 5160, by Senators Eide, Swecker, Berkey and Regala.

Restricting use of wireless communications devices in moving motor vehicles.

The bill was read on Third Reading.

Senators Eide, Rockefeller and Swecker spoke in favor of passage of the bill.

Senators Zarelli, Hargrove, Pflug, Sheldon and Roach spoke against passage of the bill.

POINT OF INQUIRY

Senator Johnson: "I was looking at the, where the bill set forth, and I was looking for my old bugaboo, the emergency clause and it's not there. Rather the bill takes effect January 1, 2006. That's over a month ago. So, can that be explained? Can we have retroactive a fines coming forth?"

Senator Eide: "Thank you Senator Johnson. Yes, it is on third reading and I have already talked to the gentlemen in Transportation in the House of Representatives and they are going to be amending this date. I just wanted to get it over there."

POINT OF ORDER

Senator Sheldon: "Mr. President, I don't have my little red constitution book here to tell me this but I think that it is a violation to pass a bill that would take effect retroactively. Maybe our attorneys up there could take a look at that because I think that the bill would have to be recalled to second reading and the date corrected if this bill would be able to move forward out of this house, this chamber."

REMARKS BY THE PRESIDENT

2006 REGULAR SESSION

President Owen: "Senator Sheldon, it has been the consistent practice of the President not to try to rule on nor does he think it's appropriate to rule on the constitutionality of a measure being dealt with by the Legislature. That is for the courts to decide."

MOTION

Senator Sheldon moved that the rules be suspended and Engrossed Senate Bill No. 5160 be returned to second reading for the purpose of an amendment.

Senator Eide spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Sheldon that the rules be suspended and Engrossed Senate Bill No. 5160 be returned to second reading for the purpose of an amendment.

The motion by Senator Sheldon failed by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5160.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5160 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Berkey, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Mulliken, Oke, Poulsen, Prentice, Rasmussen, Regala, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 28

Voting nay: Senators Benton, Brandland, Delvin, Doumit, Esser, Hargrove, Hewitt, Honeyford, Johnson, McAuliffe, Morton, Parlette, Pflug, Pridemore, Roach, Schoesler, Sheldon, Stevens and Zarelli - 19

Excused: Senators Deccio and Finkbeiner - 2

ENGROSSED SENATE BILL NO. 5160, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

POINT OF ORDER

Senator Honeyford: "The Senator from the Thirty-ninth was in a midst of her speech when she was interrupted by the request on the propriety of the date and voting for retroactive date. She never got to finish her speech."

REPLY BY THE PRESIDENT

President Owen: "Senator, the President looked over to Senator Stevens, she was in conversation with somebody, I paused to wait for her to stand and she did not do so, so I called for the vote."

REMARKS BY SENATOR STEVENS

Senator Stevens: "May I continue my speech on the next bill?"

REPLY BY THE PRESIDENT

TWENTY-SIXTH DAY, FEBRUARY 3, 2006

2006 REGULAR SESSION

President Owen: "Senator Stevens, it is possible if you choose to submit remarks for the Journal."

REMARKS BY SENATOR STEVENS

Senator Stevens: "Thank you Mr. President. I appreciate that indulgence on your part."

MOTION

On motion of Senator Eide, Engrossed Senate Bill No. 5160 was immediately transmitted to the House of Representatives.

PERSONAL PRIVILEGE

Senator Zarelli: "I just want to share real quick with the body, Mr. President. As you all know, I lost my father on the 25th of January and we buried him on Monday. Tomorrow we will be doing a memorial service in Kirkland. The piece that I wanted to share, Mr. President, is my thanks, my gratitude from my family, from me for the kindness, the love, the support, the words of prayer and encouragement that have come from members of this body, from the Governor, from you, Mr. President, from constituents. Its unbelievable, that the number of letters that we've received. In fact, I wish I had that kind of tum around on the mailing politically Mr. President. It's really been a demonstration of the family that I think that we all feel up here regardless of our disagreement as just demonstrated on the last bill. I just wanted to say to all of you, very publically, and anybody that might be watching, thank you so much. It's meant so much to all of us Mr. President."

President Pro Tempore assumed the chair.

SECOND READING

SENATE BILL NO. 5849, by Senators Kohl-Welles, Schmidt, Pridemore and Shin

Requiring cyberbullying to be included in school district harassment prevention policies.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5849 was substituted for Senate Bill No. 5849 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles be adopted.

On page 2, line 37, after "August 1," strike "2006" and insert "2007"

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles on page 2, line 37 to Senate Bill No. 5849.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 5849 was advanced to third reading, the second reading considered the

third and the bill was placed on final passage.

Senators Kohl-Welles and McAuliffe spoke in favor of passage of the bill.

Senator Pflug spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5849.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5849 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 32

Voting nay: Senators Benson, Benton, Brandland, Carrell, Hewitt, Honeyford, McCaslin, Morton, Mulliken, Parlette, Pflug, Schoesler, Stevens, Swecker and Zarelli - 15

Excused: Senators Deccio and Finkbeiner - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5849, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:52 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 6:18 p.m. by President Owen.

MOTION

There being no objection, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 2, 2006

HB 1471 Prime Sponsor, Lovick: Changing provisions relating to authentication of documents. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 2, 2006

SB 5005 Prime Sponsor, Jacobsen: Supporting nature-based tourism. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5005 be substituted therefor, and the second substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Oke and Spanel

TWENTY-SIXTH DAY, FEBRUARY 3, 2006

2006 REGULAR SESSION

MINORITY recommendation: Do not pass. Signed by Senators Morton and Stevens

Passed to Committee on Rules for second reading.

February 2, 2006
SB 5016 Prime Sponsor, Jacobsen: Creating the wildlife conservationist award program. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Oke and Spanel

MINORITY recommendation: Do not pass. Signed by Senators Morton and Stevens

Passed to Committee on Ways & Means.

February 2, 2006
SB 5844 Prime Sponsor, McAuliffe: Changing provisions relating to self-service storage units. Revised for 1st Substitute: Concerning self-service storage facilities. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5844 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 1, 2006
SB 6144 Prime Sponsor, Stevens: Clarifying the effect of retroactive registration requirements on sex offenders convicted in Washington who leave and then return to the state. Revised for 1st Substitute: Changing registration requirements for sex offenders coming from outside the state who establish or reestablish Washington residency. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6144 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

February 1, 2006
SB 6164 Prime Sponsor, Kohl-Welles: Regulating fire-safe cigarettes. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6164 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendations: Do not pass. Signed by Senators Hewitt and Honeyford. Without recommendation. Signed by Senator Parlette

Passed to Committee on Ways & Means.

February 2, 2006
SB 6165 Prime Sponsor, Hargrove: Providing collective bargaining for family child care providers. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6165 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; McAuliffe and Thibaudeau

MINORITY recommendations: Do not pass. Signed by Senator Carrell. Without recommendation. Signed by Senators Brandland and Stevens

Passed to Committee on Ways & Means.

February 2, 2006
SB 6172 Prime Sponsor, McAuliffe: Strengthening sex offender provisions. Revised for 1st Substitute: Increasing penalties for specified sex offenses. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6172 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Ways & Means.

February 1, 2006
SB 6185 Prime Sponsor, Keiser: Modifying the family and medical leave act. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6185 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford and Parlette

Passed to Committee on Rules for second reading.

February 2, 2006
SB 6211 Prime Sponsor, Jacobsen: Creating the timber land revitalization board. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6211 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove and Spanel

MINORITY recommendation: Do not pass. Signed by Senators Morton and Stevens

Passed to Committee on Ways & Means.

February 1, 2006
SB 6213 Prime Sponsor, Regala: Providing a religious exemption to the clean indoor air act. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6213 be substituted therefor, and the substitute bill do

TWENTY-SIXTH DAY, FEBRUARY 3, 2006

2006 REGULAR SESSION

pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6214 Prime Sponsor, Keiser: Modifying requirements for security guard training. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6214 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford and Parlette

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6216 Prime Sponsor, Kline: Protecting the news media from being compelled to testify in legal proceedings. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6216 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6222 Prime Sponsor, Rockefeller: Making assault of a teacher on school premises a class C felony. Revised for 1st Substitute: Making assault of a teacher or school district employee on school premises a class C felony. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6222 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Esser, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6225 Prime Sponsor, Rasmussen: Regulating the installation, repair, and maintenance of domestic well water systems. Revised for 1st Substitute: Regulating the business of installing, repairing, and maintaining domestic water pumping systems. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6225 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 1, 2006
SB 6239 Prime Sponsor, Hargrove: Changing provisions relating to crimes. Revised for 1st Substitute: Changing provisions relating to controlled substances. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6239 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Ways & Means.

February 2, 2006

SB 6284 Prime Sponsor, Kastama: Concerning the definition of veteran. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6301 Prime Sponsor, Prentice: Concerning off-reservation tribal gaming. Revised for 1st Substitute: Concerning concurrence communications from the governor to the secretary of the interior. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6301 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6315 Prime Sponsor, Carrell: Modifying sex offender provisions. Revised for 1st Substitute: Providing liability protection for landlords. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6315 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6319 Prime Sponsor, Regala: Changing provisions for sex offender registration. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6319 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Ways & Means.

TWENTY-SIXTH DAY, FEBRUARY 3, 2006

2006 REGULAR SESSION

February 1, 2006
SB 6320 Prime Sponsor, Regala: Revising the model policy for disclosure of sex offender information. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6320 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

February 1, 2006
SB 6322 Prime Sponsor, Regala: Relating to electronic monitoring of sex offenders. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6322 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

February 1, 2006
SB 6325 Prime Sponsor, Regala: Establishing residences for sex offenders. Revised for 1st Substitute: Establishing residence restrictions for sex offenders. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6325 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

February 1, 2006
SB 6348 Prime Sponsor, Kline: Extending availability of legal aid to undocumented alien victims of domestic violence and human trafficking. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Hargrove, Rasmussen and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

February 2, 2006
SB 6354 Prime Sponsor, Sheldon: Concerning recreational landowners' liability. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Morton, Oke, Spanel and Stevens

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6356 Prime Sponsor, Kohl-Welles: Establishing minimum labor standards for certain large employers as related to health care services expenditures. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6356 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford and Parlette

Passed to Committee on Rules for second reading.

February 1, 2006
SB 6357 Prime Sponsor, Kohl-Welles: Authorizing additional locations for the transfer of newborn children. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

February 2, 2006
SB 6364 Prime Sponsor, Roach: Prohibiting certain activities on motor driven boats and vessels. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel and Stevens

Passed to Committee on Rules for second reading.

February 2, 2006
SB 6367 Prime Sponsor, Haugen: Requiring voluntary measures be included in critical area development regulations. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6367 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 2, 2006
SB 6372 Prime Sponsor, Keiser: Requiring timely assessment of assisted living facility applicants. Revised for 1st Substitute: Regarding adjustment of boarding home rates. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6372 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Benson, Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Without recommendation. Signed by Senators Brandland and Parlette

Passed to Committee on Ways & Means.

February 2, 2006

TWENTY-SIXTH DAY, FEBRUARY 3, 2006

2006 REGULAR SESSION

SB 6378 Prime Sponsor, Shin: Licensing persons offering athletic training services. Reported by Committee on Health & Long-Term Care

SB 6411 Prime Sponsor, Doumit: Allowing six-year long collective bargaining agreements. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6378 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Brandland, Franklin, Johnson, Kastama, Kline and Poulsen

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Keiser, Parlette and Prentice

MINORITY recommendation: Without recommendation. Signed by Senator Parlette

MINORITY recommendation: Do not pass. Signed by Senator Honeyford

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 2, 2006

February 2, 2006

SB 6401 Prime Sponsor, Doumit: Modifying definitions of charter licenses. Reported by Committee on Natural Resources, Ocean & Recreation

SB 6412 Prime Sponsor, Doumit: Increasing the number of superior court judges in Clallam and Cowlitz counties. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6401 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel and Stevens

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 2, 2006

February 2, 2006

SB 6402 Prime Sponsor, Doumit: Creating the Columbia river safety and coastal crab mitigation work group. Reported by Committee on Natural Resources, Ocean & Recreation

SB 6415 Prime Sponsor, Pridemore: Allowing interpreters to assist hearing impaired persons during driver's license examinations. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6402 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel and Stevens

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Finkbeiner, Kastama, Mulliken, Oke, Sheldon, Spanel and Weinstein

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 1, 2006

February 2, 2006

SB 6406 Prime Sponsor, Hargrove: Including assault of a child in the second degree in the list of two-strike offenses. Reported by Committee on Human Services & Corrections

SB 6417 Prime Sponsor, Roach: Prohibiting sexual conduct or sexual contact with an animal. Revised for 1st Substitute: Changing provisions relating to animal cruelty. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6406 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

MAJORITY recommendation: That Substitute Senate Bill No. 6417 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 1, 2006

February 1, 2006

SB 6409 Prime Sponsor, Hargrove: Revising provisions relating to sex offender sentencing and disposition alternatives. Reported by Committee on Human Services & Corrections

SB 6419 Prime Sponsor, Thibaudeau: Creating pilot projects for dental hygienists. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6409 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

MAJORITY recommendation: That Substitute Senate Bill No. 6419 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Brandland, Deccio, Franklin, Kastama and Kline

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senator Benson

Passed to Committee on Rules for second reading.

February 2, 2006

TWENTY-SIXTH DAY, FEBRUARY 3, 2006

2006 REGULAR SESSION

February 2, 2006
SB 6427 Prime Sponsor, Kastama: Concerning schedules for the review of comprehensive plans and development regulations. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6427 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, McCaslin and Pridemore

MINORITY recommendations: Do not pass. Signed by Senators Benton and Mulliken. Without recommendation. Signed by Senator Roach

Passed to Committee on Rules for second reading.

February 1, 2006
SB 6460 Prime Sponsor, Hargrove: Increasing penalties for crimes committed with sexual motivation. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6460 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Stevens

Passed to Committee on Ways & Means.

February 1, 2006
SB 6465 Prime Sponsor, McAuliffe: Changing provisions relating to sex offenders. Revised for 1st Substitute: Creating the crime of failure to cooperate with law enforcement regarding another's failure to register. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6465 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

February 2, 2006
SB 6478 Prime Sponsor, Regala: Creating sexual assault protection orders. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6478 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Esser, Hargrove, Johnson, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 1, 2006
SB 6491 Prime Sponsor, Kline: Revising penalty provisions relating to taking a motor vehicle without permission. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6491 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 2, 2006
SB 6492 Prime Sponsor, Kline: Authorizing conversion of legal financial obligations to community restitution. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Hargrove, Rasmussen and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Esser and Johnson

Passed to Committee on Ways & Means.

February 1, 2006
SB 6493 Prime Sponsor, Kline: Revising the jurisdiction of drug courts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Esser, Hargrove, Johnson, Rasmussen and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

February 2, 2006
SB 6496 Prime Sponsor, Kline: Requiring that defendants be given notice of the possibility that an exceptional sentence may be imposed. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Hargrove, Rasmussen and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Esser, Johnson and McCaslin

Passed to Committee on Rules for second reading.

February 2, 2006
SB 6497 Prime Sponsor, Kline: Revising felony sentence ranges. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6497 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Hargrove, Rasmussen and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Esser, Johnson and McCaslin

Passed to Committee on Ways & Means.

February 2, 2006
SB 6501 Prime Sponsor, Rockefeller: Creating the Washington bioenergy loan program. Revised for 1st Substitute: Creating the Washington bioenergy assistance program. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6501 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice

TWENTY-SIXTH DAY, FEBRUARY 3, 2006

2006 REGULAR SESSION

Chair; Delvin, Fraser, Honeyford, Morton, Mulliken, Pridemore and Regala

pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin and Pridemore

Passed to Committee on Ways & Means.

MINORITY recommendation: Without recommendation. Signed by Senator Roach

February 1, 2006

SB 6519 Prime Sponsor, Benton: Requiring sex offenders to verify twice a year that registration information is accurate. Revised for 1st Substitute: Requiring level III sex offenders to report to law enforcement every three months. Reported by Committee on Human Services & Corrections

Passed to Committee on Ways & Means.

MAJORITY recommendation: That Substitute Senate Bill No. 6519 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

February 2, 2006
SB 6568 Prime Sponsor, Regala: Modifying animal fighting provisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6523 Prime Sponsor, Kohl-Welles: Increasing the minimum age for gambling. Reported by Committee on Labor, Commerce, Research & Development

February 2, 2006
SB 6569 Prime Sponsor, Kastama: Clarifying the best available science requirements to protect critical areas. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6523 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser, Parlette and Prentice

MAJORITY recommendation: That Substitute Senate Bill No. 6569 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

Passed to Committee on Ways & Means.

MINORITY recommendation: Do not pass. Signed by Senators Benton, Mulliken and Roach

February 2, 2006

SB 6535 Prime Sponsor, Jacobsen: Concerning aquatic land leases. Reported by Committee on Natural Resources, Ocean & Recreation

February 2, 2006
SB 6572 Prime Sponsor, Hargrove: Revising the unlawful detainer process under the residential landlord-tenant act. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6535 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Hargrove, Morton, Oke, Spanel and Stevens

MAJORITY recommendation: That Substitute Senate Bill No. 6572 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6558 Prime Sponsor, Brown: Improving the state of Washington's economic, cultural, and educational standing in the motion picture industry. Reported by Committee on Labor, Commerce, Research & Development

February 1, 2006
SB 6576 Prime Sponsor, Hargrove: Clarifying procedures for forwarding sex offender information. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6558 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Keiser, Parlette and Prentice

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6562 Prime Sponsor, Swecker: Authorizing critical areas safe harbor agreements. Revised for 1st Substitute: Establishing a pilot project to develop critical areas safe harbor agreements. Reported by Committee on Government Operations & Elections

February 2, 2006
SB 6581 Prime Sponsor, Poulsen: Regarding water resource management in the Columbia river basin. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6562 be substituted therefor, and the substitute bill do

MAJORITY recommendation: That Substitute Senate Bill No. 6581 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Morton and Regala

TWENTY-SIXTH DAY, FEBRUARY 3, 2006

2006 REGULAR SESSION

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Mulliken

Passed to Committee on Ways & Means.

February 1, 2006

SB 6595 Prime Sponsor, Franklin: Requiring hospitals to establish a safe patient handling committee. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6595 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendations: Do not pass. Signed by Senators Hewitt and Honeyford. Without recommendation. Signed by Senator Parlette

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6597 Prime Sponsor, Johnson: Modifying trusts and estates, generally. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6597 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6598 Prime Sponsor, Haugen: Concerning hunting on certain county-owned lands. Revised for 1st Substitute: Concerning shooting on certain county-owned lands. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6598 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Fraser, Morton, Oke and Spanel

MINORITY recommendation: Do not pass. Signed by Senator Stevens

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6599 Prime Sponsor, Haugen: Modifying central Puget Sound regional transportation governance and funding. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6599 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Berkey, Eide, Esser, Finkbeiner, Kastama, Oke, Sheldon, Spanel and Weinstein

MINORITY recommendations: Do not pass. Signed by Senator Benton. Without recommendation. Signed by Senator Mulliken

Passed to Committee on Rules for second reading.

SB 6613 Prime Sponsor, Prentice: Prohibiting internet gambling. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6613 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6615 Prime Sponsor, Prentice: Limiting social card games. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6615 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford and Parlette

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6632 Prime Sponsor, Kastama: Authorizing Washington state participation in the Johns Hopkins University Atlantic cardiovascular patient outcomes research team elective angioplasty study to determine, through evidence-based medicine, whether nonemergency percutaneous coronary interventions can be performed safely and effectively at hospitals without on-site open heart surgery programs. Revised for 1st Substitute: Authorizing Washington state participation in the Johns Hopkins Atlantic cardiovascular patient outcomes research team elective angioplasty study to determine, through evidence-based medicine, whether nonemergency percutaneous coronary interventions can be performed safely and effectively at hospitals without on-site open heart surgery programs. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6632 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Brandland, Johnson, Kastama, Kline and Parlette

MINORITY recommendation: Do not pass. Signed by Senator Benson

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6633 Prime Sponsor, Regala: Concerning background checks of metropolitan park district employees. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6633 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 2, 2006

TWENTY-SIXTH DAY, FEBRUARY 3, 2006

2006 REGULAR SESSION

SB 6660 Prime Sponsor, Spanel: Implementing the compensation and fringe benefit provisions in the master collective bargaining agreement. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6660 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendations: Do not pass. Signed by Senators Hewitt and Honeyford. Without recommendation. Signed by Senator Parlette

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6670 Prime Sponsor, Shin: Changing court filing fee provisions. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6670 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Esser, Hargrove, Johnson, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6676 Prime Sponsor, Roach: Prohibiting fraudulent transfers of motor vehicles. Revised for 1st Substitute: Prohibiting fraudulent filings of vehicle reports of sale. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6676 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6683 Prime Sponsor, Fairley: Concerning visitation rights for grandparents. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Hargrove, Rasmussen and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Esser, Johnson and McCaslin

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6690 Prime Sponsor, Thibaudeau: Providing a certification exemption for the conduct of blood-drawing procedures by research staff in the homes of research study participants. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6690 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Johnson, Kline and Parlette

Passed to Committee on Rules for second reading.

February 3, 2006

SB 6697 Prime Sponsor, Berkey: Establishing technology priorities for institutions of higher education. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6697 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6703 Prime Sponsor, Schoesler: Allowing spas to serve wine to their customers. Revised for 1st Substitute: Allowing spas and art galleries to serve wine to their customers. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6703 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6706 Prime Sponsor, Rockefeller: Requiring that a review of classified school employee funding be considered in the Washington Learns study. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Delvin, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6708 Prime Sponsor, Jacobsen: Providing guidelines for the issuance and renewal of a geoduck diver license and requiring harvesters to help reseed state commercial beds. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6708 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Morton, Oke and Stevens

MINORITY recommendation: Do not pass. Signed by Senator Fraser

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6710 Prime Sponsor, Keiser: Providing for personal

TWENTY-SIXTH DAY, FEBRUARY 3, 2006

2006 REGULAR SESSION

liability for failure to pay unemployment taxes. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6710 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendations: Do not pass. Signed by Senators Hewitt and Honeyford. Without recommendation. Signed by Senator Parlette

Passed to Committee on Rules for second reading.

February 3, 2006

SB 6718 Prime Sponsor, Kohl-Welles: Expanding record check requirements for school employees. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Without recommendation. Signed by Senators McAuliffe, Chair; Benton, Berkey, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Ways & Means.

February 2, 2006

SB 6719 Prime Sponsor, Brandland: Ratifying the crime prevention and privacy compact. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6730 Prime Sponsor, Fraser: Changing provisions relating to reclaimed water. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6730 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Morton and Mulliken

Passed to Committee on Ways & Means.

February 2, 2006

SB 6732 Prime Sponsor, Franklin: Studying military uranium exposure. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

Passed to Committee on Ways & Means.

February 2, 2006

SB 6735 Prime Sponsor, McAuliffe: Requiring a study of environmental education. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Delvin, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt and Shin

MINORITY recommendation: Do not pass. Signed by Senator Schoesler

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6740 Prime Sponsor, Fraser: Protecting homeowners who hire contractors to remodel or build their homes. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6740 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendations: Do not pass. Signed by Senators Hewitt and Honeyford. Without recommendation. Signed by Senator Parlette

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6745 Prime Sponsor, Carrell: Expanding the definition of a bail bond recovery agent. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin and Rasmussen

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6747 Prime Sponsor, Rockefeller: Regarding comprehensive safe school plans. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6747 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Benton, Carrell, Delvin, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt and Shin

Passed to Committee on Ways & Means.

February 3, 2006

SB 6754 Prime Sponsor, McAuliffe: Changing public works provisions for institutions of higher education. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6754 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schoesler and Shin

MINORITY recommendations: Do not pass. Signed by

TWENTY-SIXTH DAY, FEBRUARY 3, 2006

2006 REGULAR SESSION

Senator Schmidt. Without recommendation. Signed by Senator Delvin

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6775 Prime Sponsor, Hargrove: Creating the crime of criminal trespass against children. Reported by Committee on Human Services & Corrections

SB 6823 Prime Sponsor, Kohl-Welles: Modifying provisions relating to the distribution of beer and wine. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6775 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Thibaudeau

MAJORITY recommendation: That Substitute Senate Bill No. 6823 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

Passed to Committee on Ways & Means.

February 2, 2006

February 2, 2006

SB 6778 Prime Sponsor, Morton: Requiring the department of fish and wildlife to draft a grey wolf management plan. Reported by Committee on Natural Resources, Ocean & Recreation

SB 6826 Prime Sponsor, Benton: Exempting fees and charges for public transportation services from public utility taxes. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6778 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Morton, Oke, Spanel and Stevens

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Finkbeiner, Kastama, Mulliken, Oke, Sheldon, Spanel and Weinstein

Passed to Committee on Ways & Means.

Passed to Committee on Ways & Means.

February 2, 2006

February 2, 2006

SB 6791 Prime Sponsor, Poulsen: Allowing the sale of alcoholic beverages on state ferries. Revised for 1st Substitute: Concerning liquor licenses issued to entities providing concession services on ferries. Reported by Committee on Labor, Commerce, Research & Development

SB 6838 Prime Sponsor, Jacobsen: Regulating the sale of wine by a society or organization. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6791 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser, Parlette and Prentice

MAJORITY recommendation: That Substitute Senate Bill No. 6838 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 2, 2006

February 2, 2006

SB 6806 Prime Sponsor, Esser: Establishing the domestic violence hope card study committee. Reported by Committee on Judiciary

SB 6840 Prime Sponsor, Morton: Modifying energy efficiency provisions. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6806 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

MAJORITY recommendation: That Substitute Senate Bill No. 6840 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 1, 2006

February 2, 2006

SB 6820 Prime Sponsor, Keiser: Concerning application requirements for licensing physicians. Reported by Committee on Health & Long-Term Care

SB 6842 Prime Sponsor, Kohl-Welles: Concerning financial arrangements involving sports/entertainment facility license holders. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6820 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Deccio, Franklin, Kastama, Kline and Poulsen

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

TWENTY-SIXTH DAY, FEBRUARY 3, 2006

2006 REGULAR SESSION

February 3, 2006

SB 6846 Prime Sponsor, McAuliffe: Creating the college in the high school program. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6846 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Ways & Means.

February 2, 2006

SB 6852 Prime Sponsor, Kline: Addressing state and local agency tort liability for the acts of supervised persons in the community. Revised for 1st Substitute: Addressing tort liability for local and state government employees, agents, officers, and representatives involved in the delivery of social, health, correctional, or supervision services. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6852 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Hargrove, Rasmussen and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Esser and Johnson

Passed to Committee on Rules for second reading.

February 1, 2006

SB 6856 Prime Sponsor, Prentice: Concerning jurisdiction under the Indian gaming regulatory act. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford and Parlette

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6861 Prime Sponsor, Delvin: Requiring a study of competing interests of domestic water users. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6864 Prime Sponsor, Kline: Changing provisions relating to persons receiving the drug offender sentencing alternative. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6864 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Ways & Means.

February 2, 2006

SB 6867 Prime Sponsor, Pflug: Establishing a joint legislative task force on life sciences. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6867 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 2, 2006

SB 6880 Prime Sponsor, Kline: Creating a commission on psychoactive substance control. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Without recommendation. Signed by Senators Benson, Brandland, Johnson and Parlette

Passed to Committee on Ways & Means.

February 2, 2006

SB 6885 Prime Sponsor, Kohl-Welles: Modifying unemployment insurance provisions. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6885 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford and Parlette

Passed to Committee on Rules for second reading.

February 2, 2006

SJM 8032 Prime Sponsor, Keiser: Asking for over-the-counter access status to "Plan B." Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 8032 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

MINORITY recommendations: Do not pass. Signed by Senators Benson and Johnson. Without recommendation. Signed by Senators Brandland and Parlette

Passed to Committee on Rules for second reading.

TWENTY-SIXTH DAY, FEBRUARY 3, 2006
MOTION

2006 REGULAR SESSION
BRAD OWEN, President of the Senate

On motion of Fraser, all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Senate Bill No. 6598, Senate Bill No. 6697 and Senate Bill No. 6740 which were referred to the Rules Committee, Senate Bill No. 6718, Senate Bill No. 6460, Senate Bill No. 6492, Senate Bill No. 6497, Senate Bill No. 6569, Senate Bill No. 6823 and Senate Bill No. 6864 which were referred to the Committee on Ways & Means.

THOMAS HOEMANN, Secretary of the Senate

MOTION

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

MESSAGE FROM THE HOUSE

February 3, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:
HOUSE BILL NO. 1145
HOUSE BILL NO. 1184
SUBSTITUTE HOUSE BILL NO. 1279
SECOND SUBSTITUTE HOUSE BILL NO. 1359
SECOND SUBSTITUTE HOUSE BILL NO. 1384
SUBSTITUTE HOUSE BILL NO. 2569
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 3, 2006

MR. PRESIDENT:

The House has passed the following bill(s):
SUBSTITUTE HOUSE BILL NO. 2335
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 3, 2006

MR. PRESIDENT:

The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 2419,
HOUSE CONCURRENT RESOLUTION NO. 4415,
HOUSE CONCURRENT RESOLUTION NO. 4417,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 2419,
HOUSE CONCURRENT RESOLUTION NO. 4415,
HOUSE CONCURRENT RESOLUTION NO. 4417,

MOTION

At 6:22 p.m., on motion of Senator Fraser, the Senate adjourned until 10:00 a.m. Monday, February 6, 2006.

TWENTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 6, 2006

The Senate was called to order at 10:00 a.m. by President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Benton, Esser, Finkbeiner, Jacobsen, Kline and Kohl-Welles.

The Sergeant at Arms Color Guard consisting of Pages Aparajitha Chalamalachetty and Katie McNeil, presented the Colors. Imam Benjamin Shabazz of the Al Islam Center offered the prayer.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 6888 by Senator Kastama

AN ACT Relating to shared parental responsibility; amending RCW 26.09.002, 26.09.004, and 26.09.187; adding a new section to chapter 26.09 RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

SB 6889 by Senators Honeyford, Deccio, Schoesler and Pridemore

AN ACT Relating to taxation of punch boards and pull-tabs; and amending RCW 9.46.110.

Referred to Committee on Government Operations & Elections.

SB 6890 by Senators Morton and Kline

AN ACT Relating to social security number privacy; and adding a new section to chapter 50.13 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

FIRST READING OF HOUSE BILLS

HB 1145 by Representatives Clibborn, Tom, Morrell, Springer, Curtis, Ormsby, Kagi, Eickmeyer, Kenney and Darneille

AN ACT Relating to donation of unclaimed personal property to nonprofit charitable organizations; amending RCW 63.32.050 and 63.40.060; and adding a new section to chapter 63.35 RCW.

Referred to Committee on Government Operations & Elections.

HB 1184 by Representatives Flannigan, Hinkle, Takko and Shabro

AN ACT Relating to training for newly elected county officers; and adding a new section to chapter 36.16 RCW.

Referred to Committee on Government Operations & Elections.

SHB 1279 by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Kagi, Hinkle, Dickerson, McDonald, Clibborn, P. Sullivan, Pettigrew, Roach, Orcutt, Morrell, Kenney, Wallace and Chase)

AN ACT Relating to public access to child in need of services and at-risk youth hearings; and amending RCW 13.32A.200.

Referred to Committee on Human Services & Corrections.

2SHB 1359 by House Committee on Appropriations (originally sponsored by Representatives Darneille, Jarrett, Grant, Appleton, Kirby, Walsh, Kagi, Pettigrew, Lovick, Lantz, Campbell, Fromhold, Haigh, Priest, Kessler, Hinkle, Buck, Ormsby, Upthegrove, Dickerson, McIntire, Chase, McDermott and Holmquist)

AN ACT Relating to the interest rate on legal financial obligations; and amending RCW 10.82.090 and 4.56.110.

Referred to Committee on Judiciary.

2SHB 1384 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Haler, B. Sullivan, Morris, Crouse, P. Sullivan, Chase and Hudgins)

AN ACT Relating to construction and operation of renewable energy projects by joint operating agencies; and adding a new section to chapter 43.52 RCW.

Referred to Committee on Water, Energy & Environment.

SHB 2335 by House Committee on Health Care (originally sponsored by Representatives Appleton, Campbell, Cody, Moeller, Green, Clibborn, Lantz, Morrell, Chase, Murray, Darneille, Santos, Wallace, Dickerson, Kenney and Schual-Berke)

AN ACT Relating to preventing the spread of disease in body piercing practices through standard universal precautions and sterilization requirements; amending RCW 5.40.050; adding new sections to chapter 70.54 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

SHB 2569 by House Committee on Finance (originally sponsored by Representatives Morrell, Roach, Campbell, Williams, Kilmer, Clibborn, Conway, Blake, Eickmeyer, Flannigan, Wallace, Roberts, Upthegrove, McCoy, McDonald, Green, Dickerson, Lantz and Springer)

AN ACT Relating to the property tax deferral program; amending RCW 84.38.100; and creating new sections.

Referred to Committee on Ways & Means.

MOTION

TWENTY-NINTH DAY, FEBRUARY 6, 2006

2006 REGULAR SESSION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

Senator Weinstein moved adoption of the following resolution:

SENATE RESOLUTION
8691

By Senator Weinstein

WHEREAS, In the Sudan, innocent civilians in the Darfur region have been and continue to be the victims of murder, rape, and displacement based on a campaign of genocide; and

WHEREAS, Former Secretary of State Colin Powell and the United States State Department provided information to the United States Senate Foreign Relations Committee that the government of the Sudan bore responsibility for supporting this campaign of violence in Darfur; and

WHEREAS, There is a growing concern in the international community and among investors about the Sudanese government's unwillingness to put a stop to the ongoing violence in Darfur; and

WHEREAS, The Washington State Investment Board is entrusted with managing investments for public pension and other trust funds and is committed to doing so with the utmost integrity, prudence, and skill; and

WHEREAS, The Washington State Investment Board's external money managers screen its portfolios to identify specific companies that may be doing business in the Sudan and, if possible, determine the nature of these business activities; and

WHEREAS, The Washington State Investment Board joins other national retirement organizations in writing and requesting that relevant federal agencies identify, monitor, and report companies that -- by virtue of doing business in the Sudan -- may be acting contrary to United States foreign policy and humanitarian objectives; and

WHEREAS, The Washington State Investment Board regularly monitors the United States Department of Treasury and the United States Securities and Exchange Commission's Office of Global Security Risk to see if any companies, who do business with terrorist-supporting nations, including the Sudan, are listed illegally; and

WHEREAS, Through these ongoing efforts, the Washington State Investment Board is doing everything within its power to ensure that the state's retirement assets are not knowingly invested in companies that support terrorist activities or activities that violate human rights;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington recognize and express its appreciation for the Washington State Investment Board's efforts to ensure that Washington's funds are not knowingly invested in companies that support terrorist activities and the violence and atrocities in Darfur; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Washington State Investment Board Executive Director Joseph A. Dear.

Senator Weinstein spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8691.

The motion by Senator Weinstein carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth

order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9362, John Lee, as Director of the Department of Veterans Affairs, be confirmed.

Senators Rockefeller, Oke and Rasmussen spoke in favor of the motion.

MOTION

On motion of Senator Schoesler, Senators Benton, Esser and Finkbeiner were excused.

MOTION

On motion of Senator Regala, Senators Kohl-Welles, Kline, Jacobsen and Poulsen were excused.

APPOINTMENT OF JOHN LEE

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9362, John Lee as a Director of the Department of Veterans Affairs.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9362, John Lee as a Director of the Department of Veterans Affairs and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Excused: Senators Benton, Esser, Finkbeiner, Jacobsen, Kline and Kohl-Welles - 6

Gubernatorial Appointment No. 9362, John Lee, having received the constitutional majority was declared confirmed as Director of the Department of Veterans Affairs.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller, moved that Gubernatorial Appointment No. 9328, Cindi Holmstrom, as Director of the Department of Revenue, be confirmed.

Senator Rockefeller spoke in favor of the motion.

APPOINTMENT OF CINDI HOLMSTROM

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9328, Cindi Holmstrom as a Director of the Department of Revenue.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9328, Cindi Holmstrom as a Director of the Department of Revenue and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Berkey, Brandland, Brown,

TWENTY-NINTH DAY, FEBRUARY 6, 2006

Carrell, Deccio, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Excused: Senators Benton, Esser, Finkbeiner, Jacobsen, Kline and Kohl-Welles - 6

Gubernatorial Appointment No. 9328, Cindi Holmstrom, having received the constitutional majority was declared confirmed as Director of the Department of Revenue.

SECOND READING

SENATE BILL NO. 5913, by Senators Kastama, Kohl-Welles and Rasmussen

Regulating tattooing and body piercing.

MOTION

On motion of Senator Kastama, Substitute Senate Bill No. 5913 was substituted for Senate Bill No. 5913 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kastama moved that the following striking amendment by Senator Kastama be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds and declares that the practices of body piercing, tattooing, and other forms of body art involve an invasive procedure with the use of needles, single-use disposable sharps, reusable sharps, instruments, and jewelry. These practices may be dangerous when improper sterilization techniques are used, presenting a risk of infecting the client with bloodborne pathogens including, but not limited to, HIV, hepatitis B, and hepatitis C. It is in the interests of the public health, safety, and welfare to establish requirements in the commercial practice of these activities in this state.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter and RCW 5.40.050 unless the context clearly requires otherwise.

(1) "Body art" means the practice of physical cosmetic body adornment including the use of branding and scarification. "Body art" also includes the intentional production of scars upon the body. "Body art" does not include medical procedures performed by a licensed physician or medical practitioner.

(2) "Body piercing" means the process of penetrating the skin or mucous membrane to insert an object, including jewelry, for cosmetic purposes. "Body piercing" also includes any scar tissue resulting from or relating to the piercing. "Body piercing" does not include the use of stud and clasp piercing systems to pierce the earlobe in accordance with the manufacturer's directions and applicable United States food and drug administration requirements. "Body piercing" does not include any medical procedures performed by a licensed physician or medical practitioner, nor does anything in this act authorize a person registered to engage in the business of body piercing to implant or embed foreign objects into the human body or otherwise engage in the practice of medicine.

(3) "Director" means the director of the department of licensing.

(4) "Tattoo artist" means a person who practices the business of tattooing for a fee.

(5) "Tattooing" means the introduction of an indelible mark, figure, or decorative design by inserting nontoxic dyes or pigments into or under the subcutaneous portion of the skin

2006 REGULAR SESSION

upon the body of a live human being for cosmetic or figurative purposes.

NEW SECTION. Sec. 3. (1) Any person who practices body art, body piercing, or tattooing shall comply with the rules adopted by the department of health under RCW 70.54.340.

(2) Any person who practices body art, body piercing, or tattooing shall comply with the rules adopted by the department of licensing, after consulting with the department of health, which rules shall include provisions relating to compliance with:

(a) Universal precautions for infection control, as recommended by the United States centers for disease control, and guidelines for infection control, as recommended by the national environmental health association and the alliance of professional tattooists;

(b) Sterilization procedures using sterilization equipment approved by the United States food and drug administration for the purpose of sterilization, and adequate in size to accommodate necessary utensils and instruments; and

(c) Retention of case history information for each client.

(3) Any person engaging in the practice of body art, body piercing, or tattooing shall, within seventy-two hours of becoming aware of the occurrence of any infection or allergic reaction resulting from body art, body piercing, or tattooing performed by the person, provide a written report to the department of health and the department of licensing containing the following information:

(a) The name of the infected client;

(b) The name and address of the salon/shop where the body art, body piercing, or tattooing was performed;

(c) The name, and registration number if any, of the tattoo artist or person that performed the body art or body piercing;

(d) The date that the tattooing, body art, or body piercing was performed;

(e) The location of the infection;

(f) The name and address of the health care practitioner, if any, who was notified of the infection by either the client or the person making the report; and

(g) Any other information that the department of licensing, by rule, deems relevant to the situation.

(4) A violation of this section is a misdemeanor.

NEW SECTION. Sec. 4. No person, firm, or corporation may act or engage in the practice of body art, body piercing, or tattooing unless, prior to engaging in the business of body art, body piercing, or tattooing, the person, firm, or corporation registers with the director under this chapter and rules adopted under this chapter.

(1) The registration number must be conspicuously posted in the place of business and must be included in all advertisements.

(2) The director shall issue duplicate registrations upon payment of a duplicate registration fee to valid registration holders operating more than one office. The duplicate registration fee for each office shall be an amount equal to the original registration fee.

(3) No registration is assignable or transferable.

(4) If a person registered as engaging in the business of body art, body piercing, or tattooing sells his or her business, when the new owner becomes responsible for the business, the new owner must comply with this chapter, including the registration provisions.

NEW SECTION. Sec. 5. An application to register as engaging in the business of body art, body piercing, or tattooing shall be submitted in the form prescribed by rule by the director, and shall contain but not be limited to the following:

(1) The name, residence address, and telephone number of the person applying to register as engaging in the business of body art, body piercing, or tattooing;

(2) The business name, address, and telephone number where the applicant will engage in the practice of body art, body piercing, or tattooing;

(3) Proof that the person applying to register as engaging in the practice of body art, body piercing, or tattooing holds a valid

TWENTY-NINTH DAY, FEBRUARY 6, 2006

2006 REGULAR SESSION

business license or is employed by an entity that holds a valid business license in the jurisdiction where the person will engage in business; and

(4) A registration fee in an amount determined by rule.

NEW SECTION. Sec. 6. (1) Each person registered as engaging in the business of body art, body piercing, or tattooing shall renew his or her registration on or before the registrant's birthday of every year or as otherwise determined by the director.

(2) Renewal of a registration is subject to the same provisions covering disciplinary action as a registration originally issued.

(3) The director may refuse to renew a registration for any of the grounds set out under RCW 18.235.130, and where the past conduct of the applicant affords reasonable grounds for belief that the applicant will not carry out the applicant's duties in accordance with law and with integrity and honesty. The director shall promptly notify the applicant in writing by certified mail of the director's intent to refuse to renew the registration. The registrant may request a hearing on the refusal as provided in RCW 18.235.050. The director may permit the registrant to honor commitments already made to its customers, but no new commitments may be incurred.

NEW SECTION. Sec. 7. (1) In addition to the unprofessional conduct described in RCW 18.235.130, the director may take disciplinary action based on the following conduct, acts, or conditions if the applicant or registrant:

(a) Was previously the holder of a registration issued under this chapter, and the registration was revoked for cause and never reissued by the director, or the registration was suspended for cause and the terms of the suspension have not been fulfilled;

(b) Suffers a judgment in a civil action involving willful fraud, misrepresentation, or conversion;

(c) Has violated this chapter or failed to comply with a rule adopted by the director under this chapter; or

(d) Has failed to display the registration as provided in this chapter.

(2) If the person registered as engaging in the business of body art, body piercing, or tattooing is found in violation of this chapter or in violation of the consumer protection act, chapter 19.86 RCW, by the entry of a judgment or by settlement of a claim, the director may revoke the person's registration, and the director may reinstate the registration at the director's discretion.

(3) The director shall immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

NEW SECTION. Sec. 8. (1) A nonresident person registered as engaging in the business of body art, body piercing, or tattooing soliciting business or engaging in the business of body art, body piercing, or tattooing in the state of Washington, by mail, telephone, or otherwise, either directly or indirectly, is deemed, absent any other appointment, to have appointed the director to be the nonresident's true and lawful attorney upon whom may be served any legal process against that nonresident arising or growing out of a transaction involving the practice of body art, body piercing, or tattooing. That solicitation signifies the nonresident's agreement that process against the nonresident that is served as provided in this chapter is of the same legal force and validity as if served personally on the nonresident.

(2) Service of process upon a nonresident shall be made by leaving a copy of the process with the director. The fee for the service of process shall be determined by the director by rule. That service is sufficient service upon the nonresident if the

plaintiff or plaintiff's attorney of record sends notice of the service and a copy of the process by certified mail before service or immediately after service to the defendant at the address given by the nonresident in a solicitation furnished by the nonresident, and the sender's post office receipt of sending and the plaintiff's or plaintiff's attorney's affidavit of compliance with this section are returned with the process in accordance with Washington superior court civil rules. Notwithstanding the foregoing requirements, however, once service has been made on the director as provided in this section, in the event of failure to comply with the requirement of notice to the nonresident, the court may order that notice be given that will be sufficient to apprise the nonresident.

NEW SECTION. Sec. 9. The director has the following powers and duties:

(1) To adopt, amend, and repeal rules to carry out the purposes of this chapter;

(2) To establish and collect fees, to be deposited into the business and professions account under RCW 43.24.150;

(3) Upon receipt of a complaint, to inspect and audit the books and records of a person engaging in the business of body art, body piercing, or tattooing. The person engaging in the business of body art, body piercing, or tattooing shall immediately make available to the director those books and records as may be requested at the place of business of the person engaging in the business of body art, body piercing, or tattooing, or at a location designated by the director. For that purpose, the director shall have full and free access to the office and places of business of the person engaging in the business of body art, body piercing, or tattooing during regular business hours;

(4) To do all things necessary to carry out the functions, powers, and duties set forth in this chapter.

NEW SECTION. Sec. 10. The director, in the director's discretion, may:

(1) Annually, or more frequently, make public or private investigations within or without this state as the director deems necessary to determine whether a registration should be subject to disciplinary action, or whether a person has violated or is about to violate this chapter or a rule adopted or order issued under this chapter, or to aid in the enforcement of this chapter or in the prescribing of rules and forms of this chapter;

(2) Publish information concerning a violation of this chapter or a rule adopted or order issued under this chapter; and

(3) Investigate complaints concerning practices by persons engaging in the business of body art, body piercing, or tattooing for which registration is required by this chapter.

NEW SECTION. Sec. 11. The director or individuals acting on the director's behalf are immune from suit in any action, civil or criminal, based on acts performed in the course of their duties in the administration and enforcement of this chapter.

NEW SECTION. Sec. 12. (1) A civil penalty may be imposed by the court for each violation of this chapter in an amount not less than five hundred dollars nor more than two thousand dollars per violation.

(2) If a person fails to pay an assessment after it has become a final and unappealable order, or after the court has entered final judgment in favor of the state, the director may recover the amount assessed by action in the appropriate superior court. In the action, the validity and appropriateness of the final order imposing the penalty shall not be subject to review.

NEW SECTION. Sec. 13. In order to maintain or defend a lawsuit, a person engaging in the business of body art, body piercing, or tattooing must be registered with the department as required by this chapter and rules adopted under this chapter.

NEW SECTION. Sec. 14. (1) Each person who knowingly violates this chapter or who knowingly gives false or incorrect information to the director, attorney general, or county prosecuting attorney in filing statements required by this chapter, whether or not the statement or report is verified, is

TWENTY-NINTH DAY, FEBRUARY 6, 2006

guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

(2) A person who violates this chapter or who gives false or incorrect information to the director, attorney general, or county prosecuting attorney in filing statements required by this chapter, whether or not the statement or report is verified, is guilty of a misdemeanor punishable under chapter 9A.20 RCW.

NEW SECTION. Sec. 15. In addition to any other penalties or remedies under chapter 19.86 RCW, a person who is injured by a violation of this chapter may bring an action for recovery of actual damages, including court costs and attorneys' fees. No provision in this chapter shall be construed to limit any right or remedy provided under chapter 19.86 RCW.

NEW SECTION. Sec. 16. The legislature finds that the practices governed by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Any violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair and deceptive act or practice and unfair method of competition in the conduct of trade or commerce in violation of RCW 19.86.020. Remedies provided by chapter 19.86 RCW are cumulative and not exclusive.

NEW SECTION. Sec. 17. All information, documents, and reports filed with the director under this chapter are matters of public record and shall be open to public inspection, subject to reasonable regulation. The director may make public, on a periodic or other basis, the information as may be necessary or appropriate in the public interest concerning the registration, reports, and information filed with the director or any other matters to the administration and enforcement of this chapter.

NEW SECTION. Sec. 18. The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 20. This act takes effect July 1, 2007.

NEW SECTION. Sec. 21. The director of licensing, beginning July 1, 2006, may take such steps as are necessary to ensure that this act is implemented on its effective date.

Sec. 22. RCW 70.54.340 and 2001 c 194 s 3 are each amended to read as follows:

The secretary of health shall adopt by rule requirements, in accordance with nationally recognized professional standards, for precautions against the spread of disease, including the sterilization of needles and other instruments, including single-use disposable sharps, reusable sharps, and jewelry, employed by electrologists, persons engaged in the practice of body piercing, and tattoo artists ((in accordance with nationally recognized professional standards)). The secretary shall consider the universal precautions for infection control, as recommended by the United States centers for disease control, and guidelines for infection control, as recommended by the national environmental health association and the alliance of professional tattooists, in the adoption of these sterilization requirements.

Sec. 23. RCW 5.40.050 and 2001 c 194 s 5 are each amended to read as follows:

A breach of a duty imposed by statute, ordinance, or administrative rule shall not be considered negligence per se, but may be considered by the trier of fact as evidence of negligence; however, any breach of duty as provided by statute, ordinance, or administrative rule relating to: (1) Electrical fire safety, (2) the use of smoke alarms, (3) sterilization of needles and instruments used by persons engaged in the practice of body art, body piercing, tattooing, or electrology, or other precaution against the spread of disease, as required under RCW 70.54.350 or section 3 of this act, or (4) driving while under the influence

2006 REGULAR SESSION

of intoxicating liquor or any drug, shall be considered negligence per se.

Sec. 24. RCW 43.24.150 and 2005 c 25 s 1 are each amended to read as follows:

(1) The business and professions account is created in the state treasury. All receipts from business or professional licenses, registrations, certifications, renewals, examinations, or civil penalties assessed and collected by the department from the following chapters must be deposited into the account:

- (a) Chapter 18.11 RCW, auctioneers;
- (b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;
- (c) Chapter 18.96 RCW, landscape architects;
- (d) Chapter 18.145 RCW, court reporters;
- (e) Chapter 18.165 RCW, private investigators;
- (f) Chapter 18.170 RCW, security guards;
- (g) Chapter 18.185 RCW, bail bond agents;
- (h) Chapter 19.16 RCW, collection agencies;
- (i) Chapter 19.31 RCW, employment agencies;
- (j) Chapter 19.105 RCW, camping resorts;
- (k) Chapter 19.138 RCW, sellers of travel;
- (l) Chapter 42.44 RCW, notaries public; ~~((and))~~
- (m) Chapter 64.36 RCW, timeshares; and
- (n) Sections 1 through 21 of this act.

Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for expenses incurred in carrying out these business and professions licensing activities of the department. Any residue in the account shall be accumulated and shall not revert to the general fund at the end of the biennium.

(2) The director shall biennially prepare a budget request based on the anticipated costs of administering the business and professions licensing activities listed in subsection (1) of this section, which shall include the estimated income from these business and professions fees.

NEW SECTION. Sec. 25. Sections 1 through 21 of this act constitute a new chapter in Title 18 RCW."

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Kastama to Substitute Senate Bill No. 5913.

The motion by Senator Kastama carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 2 of the title, after "businesses;" strike the remainder of the title and insert "amending RCW 70.54.340, 5.40.050, and 43.24.150; adding a new chapter to Title 18 RCW; prescribing penalties; and providing an effective date."

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute Senate Bill No. 5913 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, Roach and Parlette spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5913.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5913 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0;

TWENTY-NINTH DAY, FEBRUARY 6, 2006

2006 REGULAR SESSION

Excused, 6.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Excused: Senators Benton, Esser, Finkbeiner, Jacobsen, Kline and Kohl-Welles - 6

ENGROSSED SUBSTITUTE SENATE BILL NO. 5913, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5305, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Rasmussen, Benton, Roach, Swecker, Zarelli, Regala, Stevens, Shin, Delvin, Franklin and Mulliken).

Prohibiting vaccinating pregnant women and children with mercury-containing vaccines.

The bill was read on Third Reading.

Senators Rasmussen and Deccio spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5305.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5305 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Esser, Finkbeiner, Jacobsen, Kline and Kohl-Welles - 5

ENGROSSED SUBSTITUTE SENATE BILL NO. 5305, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5551 was returned to second reading for the purpose of amendment.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5551, by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Hargrove, Hewitt, Schoesler, Mulliken, Parlette and Oke)

Studying the minimum wage.

The measure was read the second time.

MOTION

Senator Parlette moved that the following amendment by Senators Parlette and Eide be adopted.

On page 2, line 35, after "December 1," strike "2005" and insert "2006"

Re-number the sections consecutively and correct any internal references accordingly.

Senator Parlette spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Parlette and Eide on page 2, line 35 to Substitute Senate Bill No. 5551.

The motion by Senator Parlette carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5551 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Keiser spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5551.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5551 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 43

Voting nay: Senator Thibaudeau - 1

Excused: Senators Esser, Finkbeiner, Jacobsen, Kline and Kohl-Welles - 5

ENGROSSED SUBSTITUTE SENATE BILL NO. 5551, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 5106, by Senators Swecker, Jacobsen, Kastama and Oke.

Clarifying authority over hazardous materials inspections.

TWENTY-NINTH DAY, FEBRUARY 6, 2006

The bill was read on Third Reading.

Senator Swecker spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5106.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5106 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 5; Absent, 2; Excused, 5.

Voting yea: Senators Benson, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Hewitt, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 37

Voting nay: Senators Benton, Honeyford, Mulliken, Roach and Stevens - 5

Absent: Senators Brown and Hargrove - 2

Excused: Senators Esser, Finkbeiner, Jacobsen, Kline and Kohl-Welles - 5

SENATE BILL NO. 5106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 5636, by Senators Keiser, Benson, Franklin, Parlette, Kline, Thibaudeau and Kastama.

Revising provision for imposition of sanctions on health professionals.

The bill was read on Third Reading.

Senators Keiser and Deccio spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5636.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5636 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Esser, Finkbeiner, Jacobsen, Kline and Kohl-Welles - 5

SENATE BILL NO. 5636, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6359, by Senators Kohl-Welles, Parlette and Kline

Ensuring employers do not evade their contribution rate.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 6359 was substituted for Senate Bill No. 6359 and the substitute bill was placed on the second reading and read the second time.

Senators Keiser and Parlette spoke in favor of the substitute bill.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 6359 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6359.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6359 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Esser, Finkbeiner, Jacobsen, Kline and Kohl-Welles - 5

SUBSTITUTE SENATE BILL NO. 6359, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:10 a.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Tuesday, February 7, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

THIRTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 7, 2006

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exceptions of Senators Brown, Deccio, Doumit and Prentice.

The Sergeant at Arms Color Guard consisting of Pages Jesse Mulliken and Alex Stanley, presented the Colors. Reverend Tony Irving of the St. Benedict's Episcopal Church offered the prayer.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

February 3, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is DSHS: WorkFirst Contract Outcome Measures Report. This report is mandated under Chapter 58, Laws of 1997, Section 704.

If you have any questions about the report, please call 360-725-7508.

Sincerely,

Robin Arnold-Williams, Secretary

The DSHS: Work First Contract Outcome Measures Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 6, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is DSHS: GA -U Managed Care Pilot Report. This report is mandated under Chapter 518, Laws of 2005, Section 209(19).

If you have any questions about the report, please call 360-725-1646.

Sincerely,

Robin Arnold-Williams, Secretary

The DSHS: GA -U Managed Care Pilot Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 3, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Accountability Audit Report, Clark College Audit Report. This report is mandated under .

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Accountability Audit Report, Clark College Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 3, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Accountability Audit Report, Department of Agriculture. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Accountability Audit Report, Department of Agriculture is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 3, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Accountability Audit Report, State Parks & Recreation Commission Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Accountability Audit Report, State Parks & Recreation Commission Audit Report is on file in the Office of the Secretary of the Senate.

MOTION

THIRTIETH DAY, FEBRUARY 7, 2006

2006 REGULAR SESSION

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

INTRODUCTION AND FIRST READING

SB 6891 by Senators Parlette, Keiser, Roach, Poulsen, Brandland, Kastama, Mulliken, Hewitt, Stevens, Pflug, Thibaudeau, Rasmussen, Oke, McAuliffe, Esser and Kohl-Welles

AN ACT Relating to providing continuing coverage for medicare part D beneficiaries; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

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

MOTION

Senator Pridemore moved adoption of the following resolution:

SENATE RESOLUTION
8707

By Senators Keiser, Pridemore, Eide, Delvin and Brandland

WHEREAS, It is the policy of the Washington State Legislature to recognize and honor the contributions of individuals and organizations that reflect standards of excellence which have enhanced the well-being and quality of life of the citizens of the State of Washington; and

WHEREAS, Toastmasters International is a leading movement in making effective oral communication a national and international reality for all persons; and

WHEREAS, Toastmasters International, through its member Toastmaster Clubs, helps men and women of all ages learn the arts of speaking, listening, and thinking, vital skills that promote self-actualization, enhance leadership potential, foster human understanding, and contribute to the betterment of all mankind; and

WHEREAS, Toastmasters International, through its member Toastmaster Clubs, provides a mutually supportive and positive learning environment in which every member has the opportunity to develop the communication and leadership skills that foster self-confidence and personal growth; and

WHEREAS, Member Toastmaster Clubs usually meet each week for one to two hours and usually cover three main elements: Prepared speeches; impromptu speeches; and evaluations of speeches, which provide both feedback on the positive aspects of the speeches and friendly suggestions for improvement; and

WHEREAS, Toastmasters International, through its member Toastmaster Clubs, benefits individuals, companies, communities, and countries by providing potential leaders in all walks of life the skills, discipline, and confidence needed to succeed; and

WHEREAS, Toastmasters International currently has over 10,500 member Toastmaster Clubs worldwide made up of approximately 211,000 members in 90 countries with over 5,000 members in the State of Washington, and it is growing by approximately 250 new members worldwide each day;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Toastmasters International, and its member Toastmaster Clubs, for the contributions it has provided to the citizens of this state; and

BE IT FURTHER RESOLVED, That in honor of Toastmaster Week, January 30 through February 5, 2006, all persons be encouraged to participate in the beneficial programs Toastmasters International provides through its member Toastmaster Clubs; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Dennis Boyd, DTM, District 2 Public Relation Officer, Toastmasters International, Washington State Toastmasters Club, District 2.

Senators Pridemore and Keiser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8707.

The motion by Senator Pridemore carried and the resolution was adopted by voice vote.

PERSONAL PRIVILEGE

Senator Deccio: "In Yakima County where I come from, we raise more cattle than anywhere else in the state. There's an old saying, when you look at somebody, 'They're all hat and no cattle'."

MOTION

At 9:12 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:19 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9329, Steve Hill, as Administrator of the Washington State Health Care Authority, be confirmed.

Senator Rockefeller spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators Brown, Prentice and Haugen were excused.

APPOINTMENT OF STEVE HILL

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9329, Steve Hill as Administrator of the Washington State Health Care Authority.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9329, Steve Hill as Administrator of the Washington State Health Care Authority and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe,

THIRTIETH DAY, FEBRUARY 7, 2006

2006 REGULAR SESSION

McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senators Deccio and Doumit - 2

Excused: Senators Brown and Prentice - 2

Gubernatorial Appointment No. 9329, Steve Hill, having received the constitutional majority was declared confirmed as Administrator of the Washington State Health Care Authority.

PERSONAL PRIVILEGE

Senator McCaslin: “Ladies and gentlemen, Cowboy Hat Day developed, by God look at Kline, Senator Kline. Where did you get that hat and when do you have to take it back? Or if they’ll take it back, I’m not sure about that. Cowboy Hat developed from the Red Hat Day which all you wonderful wonderful lady Senators developed including crowds in the gallery with red hats on. So, we developed-Senator Honeyford, was this your idea or mine? You can have it because it’s one of the dumbest ideas I have ever heard of in my life. Anyway, I went along with it and I just want to tell you because of my age and we’re talking about cowboys. I’ve got a list of cowboys I remember as a kid. There was Tom Mix. Does anybody remember Tom Mix? Roy Rogers, Hopalong Cassidy, Ken Maynard. Do you remember Ken Maynard? How about Boots Randolph? Well actually, he’s a sax player but I thought I’d slip that in to see if any of you remembered. But this is a wonderful day and I wish to thank the President who is an absolute perfect gentleman. Probably one of the finest President’s that we’ve had in my twenty-six years on this floor. Probably is the finest since I probably want to make some speeches later on in the session, I want him to call on me. Senator Jacobsen and Senator Weinstein. Senator Weinstein. I know you’re a freshman, but try to pay attention to when a senior citizen is on the floor speaking. Senator, it could be my last. I know that your hoping it is but anyway. This is a great day and it will go down in the annuals of the Washington State Senate as Cowboy Day. They’ll be some other speeches made unfortunately, Senator Shin, what are you grinning about? Anyway, this is a wonderful day. I appreciate all you ladies with hats on, especially, Senator Rockefeller, oh your not a lady. Senator Rockefeller I’m glad you look splendid in your hat. A tall, slim, great attorney, anyway whose next?”

PERSONAL PRIVILEGE

Senator Roach: “Actually I’m humbled today, I got these flowers today because someone last night said at the gala that they had. I guess someone said ‘Who needs Oprah Winfrey, we have Pam Roach?’ and so they thought...but anyway. I guess that I wanted to point out that we forgot Dale Evans in that long list of cowboys and certainly cowgirls. I’m surprised and suspected that you didn’t remember Dale Evans and I remember, also Gene Autry, did you get him?”

POINT OF INQUIRY

Senator Roach: “Will Senator McCaslin yield to a question? Senator McCaslin, how is it that you did not list, I mean you seem to have forgotten, Dale Evans.”

Senator McCaslin: “Poor Senator Roach, the word I used was cowboys. Understand, she’s not a cowboy, she’s a cowgirl.”

Senator Roach: “Well, I appreciate that, but we don’t have any cowboys without the cowgirls!”

PERSONAL PRIVILEGE

Senator Keiser: “Mr. President, I think there’s a famous novelist in our state who wrote ‘Even Cowgirls Get the Blues’.”

PERSONAL PRIVILEGE

Senator Oke: “I’m up front here and I hope this offends no one. Nothing to do about me getting bills here either but Senator Eide, you’re just lovely under that hat. You’ve got to be the best looking cow person out there.”

PERSONAL PRIVILEGE

Senator Swecker: “Well, I noticed one of the previous speakers mentioned Hopalong Cassidy and I just wanted to share a historical note. I knew the double for Hopalong Cassidy and Hopalong Cassidy was afraid of horses so all the pictures of him on a horse in the distance were his double and the pictures up close riding a horse, he was on a dummy horse on the back of a truck. You know, it was going like this, and so a historical note. Thank you Mr. President.”

PERSONAL PRIVILEGE

Senator Rasmussen: “Well, Mr. President, I feel like I’ve been impugned. I am a cowgirl. Now how many on this floor have cows? Somebody’s got a cow? Ok, well then maybe but I also have a horse and I have sixteen cows and I really feel like I am a cowgirl but if you are concerned that maybe I’m not who I am that’s my horse and yet I don’t ride him. I, he’s in a cart. I’m in the cart, he’s pulling it. Ok, but I would really like to thank the good Senator McCaslin for bringing up this Cowgirl Hat Day.”

PERSONAL PRIVILEGE

Senator Honeyford: “Well thank you. I think most of us are all hat and no cattle, but there are a few that have some cattle. Myself? I haven’t had any since I got elected to this job but I would like to ask that you recognize some of the real cattlemen that are in the balcony that provide us the good food that we have. I would be very proud if you’d do that and also mention most of them are from the Fifteenth district. Thank you.”

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Washington Cattleman’s Association and the Board of the Cattleman’s Association who were seated in the gallery.

MOTION

On motion of Senator Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointment 9009, Salvador Beltran; Gubernatorial Appointment No. 9037, R. Gary Culbert; Gubernatorial Appointment No. 9126, Enriqueta Mayuga; and Gubernatorial Appointment No. 9204, Josie Villa as members of the Board of Trustees, Columbia Basin Community College District No. 19 and the vote of the Senate was recorded as a separate vote for each appointment.

Senator Delvin moved that Gubernatorial Appointment No. 9009, Salvador Beltran; Gubernatorial Appointment No. 9037, R. Gary Culbert; Gubernatorial Appointment No. 9126, Enriqueta Mayuga and Gubernatorial Appointment No. 9204, Josie Villa as members of the Board of Trustees, Columbia

THIRTIETH DAY, FEBRUARY 7, 2006

Basin Community College District No. 19 be confirmed.

Senator Delvin spoke in favor of the confirmations.

The President declared the question before the Senate to be the confirmations of Gubernatorial Appointment No. 9009, Salvador Beltran, Gubernatorial Appointment No. 9037, R. Gary Hulbert, Gubernatorial Appointment No. 9126, Enriqueta Mayuga and Gubernatorial Appointment No. 9204, Josie Villa as members of the Board of Trustees, Columbia Basin Community College District No. 19.

MOTION

On motion of Senator Schoesler, Senator Deccio was excused.

APPOINTMENT OF SALVADOR BELTRAN, JR.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9009, Salvador Beltran, Jr as a member of the Board of Trustees, Columbia Basin Community College District No. 19 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Pridemore - 1

APPOINTMENT OF R. GARY CULBERT

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9037, R. Gary Culbert as a member of the Board of Trustees, Columbia Basin Community College District No. 19 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Pridemore - 1

APPOINTMENT OF ENRIQUETA MAYUGA, MD

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9126, Enriqueta Mayuga, M. D. as a member of the Board of Trustees, Columbia Basin Community College District No. 19 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Pridemore - 1

APPOINTMENT OF JOSIE VILLA

2006 REGULAR SESSION

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9204, Josie Villa as a member of the Board of Trustees, Columbia Basin Community College District No. 19 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Pridemore - 1

Gubernatorial Appointment No. 9204, Josie Villa; Gubernatorial Appointment No. 9009, Salvador Beltran; Gubernatorial Appointment No. 9037, R. Gary Hulbert; Gubernatorial Appointment No. 9126, Enriqueta Mayuga having received the constitutional majority were declared confirmed as a members of the Board of Trustees, Columbia Basin Community College District No. 19.

MOTION

On motion of Senator Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointment 9288, Jean Magladry; Gubernatorial Appointment No. 9291, Roy Wilkinson; and Gubernatorial Appointment No. 9302, Mark Wolfram as members of the Board of Trustees, Cascadia Community College District No. 30 and the vote of the Senate was recorded as a separate vote for each appointment.

Senator McAuliffe moved that Gubernatorial Appointment No. 9288, Jean Magladry; Gubernatorial Appointment No. 9291, Roy Wilkinson; and Gubernatorial Appointment No. 9302, Mark Wolfram as members of the Board of Trustees, Cascadia Community College District No. 30 be confirmed.

Senator McAuliffe spoke in favor of the confirmations.

The President declared the question before the Senate to be the confirmations of Gubernatorial Appointment No. 9288, Jean Magladry; Gubernatorial Appointment No. 9291, Roy Wilkinson; and Gubernatorial Appointment No. 9302, Mark Wolfram as members of the Board of Trustees, Cascadia Community College District No. 30.

APPOINTMENT OF JEAN MAGLADRY

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9288, Jean Magladry as a member of the Board of Trustees, Cascadia Community College District No. 30 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

APPOINTMENT OF MICHAEL MARTINO

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9289, Michael Martino as a member of the Board of Trustees, Cascadia Community College District No. 30 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

THIRTIETH DAY, FEBRUARY 7, 2006

2006 REGULAR SESSION

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

APPOINTMENT OF ROY WILKINSON

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9291, Roy Wilkinson as a member of the Board of Trustees, Cascadia Community College District No. 30 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

APPOINTMENT OF MARK WOLFRAM

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9302, Mark Wolfram as a member of the Board of Trustees, Cascadia Community College District No. 30 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9302, Mark Wolfram; Gubernatorial Appointment No. 9288, Jean Magladry; Gubernatorial Appointment No. 9289, Michael Martino; Gubernatorial Appointment No. 9291, Roy Wilkinson having received the constitutional majority were declared confirmed as members of the Board of Trustees, Cascadia Community College District No. 30.

SECOND READING

SENATE BILL NO. 6161, by Senator Oke

Concerning group fishing permits.

MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 6161 was substituted for Senate Bill No. 6161 and the substitute bill was placed on the second reading and read the second time.

Senator Oke spoke in favor of the Substitute bill.

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 6161 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oke spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6161.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6161 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 6161, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6187, by Senator Keiser

Removing tricare supplemental insurance policies from the definition of health plan or health benefit plan.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 6187 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Deccio spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6187.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6187 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SENATE BILL NO. 6187, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6257, by Senator Delvin

Exempting guest services or crowd management employees from the requirements of chapter 18.170 RCW.

MOTIONS

On motion of Senator Delvin, Substitute Senate Bill No. 6257 was substituted for Senate Bill No. 6257 and the substitute bill was placed on the second reading and read the second time.

THIRTIETH DAY, FEBRUARY 7, 2006

2006 REGULAR SESSION

On motion of Senator Delvin, the rules were suspended, Substitute Senate Bill No. 6257 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Delvin and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6257.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6257 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 6257, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6264, by Senators Kohl-Welles, Parlette, Honeyford, Keiser, Prentice, Kline, McAuliffe and Roach

Allowing an injured worker to change total permanent disability pension options under certain circumstances.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 6264 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6264.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6264 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Finkbeiner - 1

SENATE BILL NO. 6264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6192, by Senators Poulsen, Rockefeller, Rasmussen and Fraser

Requiring a feasibility study of the viability of a solar electric generating facility.

MOTIONS

On motion of Senator Poulsen, Substitute Senate Bill No. 6192 was substituted for Senate Bill No. 6192 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Poulsen, the rules were suspended, Substitute Senate Bill No. 6192 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Poulsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6192.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6192 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Voting nay: Senator Carrell - 1

SUBSTITUTE SENATE BILL NO. 6192, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Johnson gave notice of his intent to move to reconsider the vote by which Substitute Senate Bill No. 6192 passed the Senate.

MOTION

On motion of Senator Honeyford, Senator Hewitt was excused.

SECOND READING

SENATE BILL NO. 6377, by Senators Doumit, Rasmussen, Schoesler, Swecker, Morton, Zarelli, Shin and Pflug

Regarding milk sales under cow share agreements. Revised for 1st Substitute: Changing the regulation of milk and milk products.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6377 was substituted for Senate Bill No. 6377 and the substitute bill was placed on the second reading and read the second time.

THIRTIETH DAY, FEBRUARY 7, 2006

2006 REGULAR SESSION

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6377 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen, Schoesler, Doumit and Kline spoke in favor of passage of the bill.

Senator Benson spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6377.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6377 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senators Benson and McCaslin - 2

Excused: Senator Hewitt - 1

SUBSTITUTE SENATE BILL NO. 6377, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Johnson withdrew his notice of intent to reconsider the vote by which on Substitute Senate Bill No. 6192 passed the Senate.

PERSONAL PRIVILEGE

Senator Kline: "It's about the hat. Saw it in a movie once. I'm learning to talk without moving my mouth much. Can't say a whole lot."

MOTION

On motion of Senator Schoesler, Senators Hewitt and Oke were excused.

SECOND READING

SENATE BILL NO. 6305, by Senators Keiser, Prentice, Johnson and Kohl-Welles

Including financial literacy in work activity provisions.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 6305 was substituted for Senate Bill No. 6305 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 6305 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6305.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6305 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Hewitt and Oke - 2

SUBSTITUTE SENATE BILL NO. 6305, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6728, by Senators Fraser, Swecker, Fairley, Prentice, Spanel, Thibaudeau and Franklin

Regarding a seller's disclosure of information concerning unimproved real property zoned residential.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6728 was substituted for Senate Bill No. 6728 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6728 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6728.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6728 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Hewitt and Oke - 2

SUBSTITUTE SENATE BILL NO. 6728, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Schoesler, Senator McCaslin was excused.

THIRTIETH DAY, FEBRUARY 7, 2006

2006 REGULAR SESSION

MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

MOTION

On motion of Senator Brandland, the rules were suspended, Substitute Senate Bill No. 5204 was returned to second reading for the purpose of amendment.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5204, by Senate Committee on Judiciary (originally sponsored by Senators Brandland, Kastama, Sheldon, Rasmussen, Spanel, Hargrove and Shin)

Modifying the chattel lien process.

The measure was read the second time.

MOTION

Senator Brandland moved that the following striking amendment by Senator Brandland be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 60.08 RCW to read as follows:

(1) Any owner of property subject to a recorded claim of lien under this chapter, or contractor, subcontractor, lender, or lien claimant who believes the claim of lien to be frivolous and made without reasonable cause, or clearly excessive may apply by motion to the superior court for the county where the property is located, for an order directing the lien claimant to appear before the court at a time no earlier than six nor later than fifteen days following the date of service of the application and order on the lien claimant, and show cause, if any he or she has, why the relief requested should not be granted. The motion shall state the grounds upon which relief is asked, and shall be supported by the affidavit of the applicant or his or her attorney setting forth a concise statement of the facts upon which the motion is based.

(2) The order shall clearly state that if the lien claimant fails to appear at the time and place noted the lien shall be released, with prejudice, and that the lien claimant shall be ordered to pay the costs requested by the applicant including reasonable attorneys' fees.

(3) If no action to foreclose the lien claim has been filed, the clerk of the court shall assign a cause number to the application and obtain from the applicant a filing fee of thirty-five dollars. If an action has been filed to foreclose the lien claim, the application shall be made a part of that action.

(4) The applicant must give notice of the hearing to the lien claimant by providing copies of the motion, order, and any other documents filed with the court, to the lien claimant by first class mail, by certified or registered mail, or by personal service.

(5) If, following a hearing on the matter, the court determines that the lien is frivolous and made without reasonable cause, or clearly excessive, the court shall issue an order releasing the lien if frivolous and made without reasonable cause, or reducing the lien if clearly excessive, and awarding costs and reasonable attorneys' fees to the applicant to be paid by the lien claimant. If the court determines that the lien is not frivolous and was made with reasonable cause, and is not clearly excessive, the court shall issue an order so stating and awarding costs and reasonable attorneys' fees to the lien claimant to be paid by the applicant.

(6) Proceedings under this section shall not affect other rights and remedies available to the parties under this chapter or otherwise.

NEW SECTION. Sec. 2. A new section is added to chapter 60.08 RCW to read as follows:

The department of licensing, and the department's agents and subagents, shall not transfer title of a vehicle through the chattel lien process under this chapter and chapter 60.10 RCW unless an affidavit of sale and the following documentation is submitted: (1) A certified copy of the lien filing that is filed with the county auditor; (2) a copy of the letter, sent by the lien claimant via first class mail, and certified or registered mail, including the return receipt, to the address of the current registered owner notifying the current registered owner of the lien filing; and (3) an affidavit of service by mail.

Sec. 3. RCW 60.10.030 and 1969 c 82 s 4 are each amended to read as follows:

(1) A lien foreclosure authorized by RCW 60.10.020 may be summarily foreclosed by notice and sale as provided herein. The lien holder may sell, or otherwise dispose of the collateral in its then condition or following any commercially reasonable preparation or processing. The proceeds of disposition shall be applied in the order following to

(a) the reasonable expenses of retaking, holding, preparing for sale, selling and the like and, to the extent provided for in the agreement and not prohibited by law, the reasonable attorneys' fees and legal expenses incurred by the secured party;

(b) the satisfaction of indebtedness secured by the lien under which the disposition is made;

(c) the satisfaction of indebtedness secured by any subordinate security interest in the collateral if written notification of demand therefor is received before distribution of the proceeds is completed. If requested by the lien holder, the holder of a subordinate security interest must seasonably furnish reasonable proof of his or her interest, and unless ~~((he does so))~~ that is done, the lien holder need not comply with ~~((his))~~ that demand.

(2) The lien holder must account to the lien debtor for any surplus, and, unless otherwise agreed, the lien debtor is not liable for any deficiency.

(3) Disposition of the collateral may be by public or private proceedings and may be made by way of one or more contracts. Sale or other disposition may be as a unit or in parcels and at any time and place and on any terms but every aspect of the disposition including the method, manner, time, place and terms must be commercially reasonable which shall be construed as provided in RCW 60.10.070. Unless collateral is perishable or threatens to decline speedily in value or is of a type customarily sold on a recognized market, reasonable notification of the time and place of any public sale or reasonable notification of the time after which any private sale or other intended disposition is to be made shall be sent by the lien holder to the lien debtor, by first class mail, and registered or certified mail, and except in the case of consumer goods to any other person who has a security interest in the collateral and who has duly filed a financing statement indexed in the name of the lien debtor in this state or who is known by the lien holder to have a security interest in the collateral. The lien holder may buy at any public sale and if the collateral is of a type customarily sold in a recognized market or is of a type which is the subject of widely distributed standard price quotations he or she may buy at private sale. Before accepting any bid or offer for purchase, the lien holder shall inform the bidder or purchaser of the existence of any prior lien or security interest in the collateral, and the identity of the holder of the prior lien or security interest. If the lien holder does not know this information, he or she shall advise the prospective purchaser of that.

Sec. 4. RCW 60.10.040 and 1995 c 62 s 6 are each amended to read as follows:

When a lien is foreclosed in accordance with the provisions of this chapter, the disposition transfers to a purchaser for value

THIRTIETH DAY, FEBRUARY 7, 2006

2006 REGULAR SESSION

all of the lien debtor's rights therein, discharges the lien under which it is made and any security interest or lien subordinate thereto. The purchaser takes free of all such rights and interests even though the lien holder fails to comply with the requirements of this chapter:

(1) In the case of a public sale, if the purchaser has no knowledge of any defects in the sale and if he or she does not buy in collusion with the lien holder, other bidders, or the person conducting the sale; or

(2) In any other case, if the purchaser acts in good faith. The purchaser takes subject to any security interest or lien that is superior to the lien under which the sale is made. In the case of property that is subject to a certificate of title, the department of licensing and the department's agents and subagents shall not transfer title through this process unless the new certificate of title reflects the security interest that is superior to the lien under which the sale is made. If a new certificate of title is issued that does not reflect the security interest that is superior to the lien under which the sale is made, the holder of such interest may request and obtain from the department of licensing a replacement certificate of title reflecting such security interest, and showing the purchaser as the registered owner. The department of licensing shall notify the purchaser of the issuance of any replacement title.

NEW SECTION. Sec. 5. This act takes effect October 1, 2006."

Senator Brandland spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Brandland to Substitute Senate Bill No. 5204.

The motion by Senator Brandland carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted: On page 1, line 1 of the title, after "liens;" strike the remainder of the title and insert "amending RCW 60.10.030 and 60.10.040; adding new sections to chapter 60.08 RCW; and providing an effective date."

MOTION

On motion of Senator Brandland, the rules were suspended, Engrossed Substitute Senate Bill No. 5204 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5204.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5204 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Hewitt, McCaslin and Oke - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 5204, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Brandland: "A clarification needs to be made here because this is truly a sheriff's hat. Some of you on both sides of this aisle have come up to me and suggested that it's inappropriate for me to be bringing this hat in for a Cowboy Hat Day because this is not a cowboy hat. I just want you to know that it's been my experience that whenever I'm around cowboy's it's probably necessary to have law enforcement close by. I would say in this room it's very appropriate to have law enforcement close by, so just wanted to clarify that. Thank you."

PERSONAL PRIVILEGE

Senator Honeyford: "Would you please give the previous speaker a warning on impugning the integrity of the cowboys."

PERSONAL PRIVILEGE

Senator Franklin: "Thank you Mr. President. Ladies and gentlemen, many of you that Coretta Scott King the widow of Dr. Martin Luther King died a few days ago and as we sit here they are having her funeral in Lithonia, Georgia. We know that Coretta Scott King was a woman who continued her husband's work after he was assassinated. He also has the Non-violence Institute in Atlanta, Georgia, in which I have visited. This was a courageous, very courageous, woman. A woman who was very quiet but continued to work for non violence in the spirit of her husband and of course dedicating that she would have a holiday, and the remembrance from her husband, and that was signed by President Reagan and it was a wonderful time for her. In her memory, and for the work that she has done, Mr. President I would ask that we have a moment of silence in her memory. Thank you."

MOMENT OF SILENCE

The Senate observed a moment of silence in memory of Mrs. Coretta Scott King, who passed away January 30, 2006.

MOTION

At 11:56 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 7:43 p.m. by President Pro Tempore.

MOTION

There being no objection, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

February 6, 2006
SB 5141 Prime Sponsor, Rasmussen: Providing for early intervention services for children with disabilities. Reported by Committee on Ways & Means

THIRTIETH DAY, FEBRUARY 7, 2006

2006 REGULAR SESSION

MAJORITY recommendation: That Substitute Senate Bill No. 5141 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 6, 2006

SB 5333 Prime Sponsor, Regala: Modifying requirements for voter-approved property tax levies. Revised for 2nd Substitute: Modifying requirements for voter-approved regular property tax levies. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5333 as recommended by Committee on Government Operations & Elections be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau

MINORITY recommendations: Do not pass. Signed by Senators Pflug and Zarelli. Without recommendation. Signed by Senator Parlette

Passed to Committee on Rules for second reading.

February 7, 2006

SB 5724 Prime Sponsor, Kohl-Welles: Requiring collective bargaining regarding hours of work for individual providers. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5724 as recommended by Committee on Labor, Commerce, Research & Development be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

MINORITY recommendation: Do not pass. Signed by Senator Pflug

Passed to Committee on Rules for second reading.

February 6, 2006

SB 6005 Prime Sponsor, Rockefeller: Regarding preservation of state publications by the state library services. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6005 as recommended by Committee on Government Operations & Elections be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6130 Prime Sponsor, Parlette: Requiring the public employees' benefits board to develop a health savings account option for employees. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6130 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Parlette, Pflug, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Regala

Passed to Committee on Rules for second reading.

February 6, 2006

SB 6141 Prime Sponsor, Honeyford: Including the value of wind turbine facilities in the property tax levy limit calculation. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6141 as recommended by Committee on Water, Energy & Environment be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6145 Prime Sponsor, Keiser: Providing parity for home care agency workers. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6145 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6165 Prime Sponsor, Hargrove: Providing collective bargaining for family child care providers. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6165 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Thibaudeau and Zarelli

MINORITY recommendations: Do not pass. Signed by Senator Pflug. Without recommendation. Signed by Senators Brandland, Parlette and Schoesler

Passed to Committee on Rules for second reading.

THIRTIETH DAY, FEBRUARY 7, 2006

2006 REGULAR SESSION

February 6, 2006
SB 6171 Prime Sponsor, McAuliffe: Creating a demonstration project to help prepare bilingual and special education teachers. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6171 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 7, 2006
SB 6172 Prime Sponsor, McAuliffe: Strengthening sex offender provisions. Revised for 2nd Substitute: Increasing penalties for specified sex offenses. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6172 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Parlette, Pflug, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 7, 2006
SB 6175 Prime Sponsor, Jacobsen: Concerning the regulation of surface mining. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6175 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller and Thibaudeau

MINORITY recommendations: Do not pass. Signed by Senator Schoesler. Without recommendation. Signed by Senators Parlette and Zarelli

Passed to Committee on Rules for second reading.

February 6, 2006
SB 6183 Prime Sponsor, Kastama: Creating provisions relating to the hepatitis C virus. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6183 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 6, 2006

SB 6193 Prime Sponsor, Franklin: Requiring surveys of health professions work force supply and demographics. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6193 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 6, 2006
SB 6194 Prime Sponsor, Franklin: Requiring multicultural education for health professionals. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Roach, Rockefeller and Thibaudeau

MINORITY recommendations: Do not pass. Signed by Senator Pflug. Without recommendation. Signed by Senators Brandland, Parlette, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 6, 2006
SB 6195 Prime Sponsor, Franklin: Requiring health impact assessments. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6195 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 6, 2006
SB 6197 Prime Sponsor, Franklin: Creating the governor's interagency council on health disparities. Revised for 2nd Substitute: Creating the governor's interagency coordinating council on health disparities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6197 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Roach, Rockefeller and Thibaudeau

MINORITY recommendation: Without recommendation.

THIRTIETH DAY, FEBRUARY 7, 2006

2006 REGULAR SESSION

Signed by Senators Brandland, Parlette, Pflug, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6207 Prime Sponsor, Rockefeller: Reauthorizing the pollution liability insurance agency. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6207 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6234 Prime Sponsor, Fairley: Creating the insurance fraud program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6234 as recommended by Committee on Financial Institutions, Housing & Consumer Protection be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendations: Do not pass. Signed by Senators Pflug and Zarelli. Without recommendation. Signed by Senators Parlette, Roach and Schoesler

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6239 Prime Sponsor, Hargrove: Changing provisions relating to crimes. Revised for 2nd Substitute: Changing provisions relating to controlled substances. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6239 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Parlette, Pflug, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 6, 2006

SB 6255 Prime Sponsor, Eide: Improving student performance through student-centered planning. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6255 as recommended by Committee on Early Learning, K-12 & Higher Education be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Parlette, Pflug and Zarelli

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6319 Prime Sponsor, Regala: Changing provisions for sex offender registration. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6319 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Parlette, Pflug, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 6, 2006

SB 6330 Prime Sponsor, Shin: Establishing the Washington trade corps fellowship program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6330 as recommended by Committee on International Trade & Economic Development be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Thibaudeau and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senators Parlette and Schoesler

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6341 Prime Sponsor, Prentice: Including failure to secure a load in the first degree as a compensable crime under the crime victims' compensation program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 6, 2006

SB 6366 Prime Sponsor, Keiser: Concerning preparation and response to pandemic influenza. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6366 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

THIRTIETH DAY, FEBRUARY 7, 2006

2006 REGULAR SESSION

Passed to Committee on Rules for second reading.

Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler and Zarelli

February 6, 2006

SB 6396 Prime Sponsor, Kohl-Welles: Modifying the accumulation and use of sick leave accrued by part-time faculty. Reported by Committee on Ways & Means

MINORITY recommendation: Without recommendation. Signed by Senators Parlette and Roach

MAJORITY recommendation: That Substitute Senate Bill No. 6396 as recommended by Committee on Labor, Commerce, Research & Development be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6436 Prime Sponsor, McAuliffe: Transferring duties of the reconstituted state board of education. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6436 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Rasmussen, Rockefeller, Schoesler and Thibaudeau

Passed to Committee on Rules for second reading.

February 6, 2006

SB 6398 Prime Sponsor, Jacobsen: Limiting the issuance of special permits for oversized vehicles. Revised for 1st Substitute: Creating penalties for violation of peak commute period travel restrictions on size, weight, and load vehicle permits. Reported by Committee on Transportation

MINORITY recommendations: Do not pass. Signed by Senator Zarelli. Without recommendation. Signed by Senators Brandland, Parlette and Roach

MAJORITY recommendation: That Substitute Senate Bill No. 6398 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Berkey, Eide, Kastama, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6438 Prime Sponsor, Weinstein: Modifying school district levy provisions. Reported by Committee on Ways & Means

MINORITY recommendation: Without recommendation. Signed by Senators Benton and Esser

MAJORITY recommendation: That Substitute Senate Bill No. 6438 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

Passed to Committee on Rules for second reading.

February 6, 2006

SB 6428 Prime Sponsor, Pridemore: Providing electronic product recycling through manufacturer financed opportunities. Revised for 1st Substitute: Providing for electronic product recycling. Reported by Committee on Ways & Means

MINORITY recommendations: Do not pass. Signed by Senator Schoesler. Without recommendation. Signed by Senators Brandland, Parlette and Roach

MAJORITY recommendation: That Substitute Senate Bill No. 6428 as recommended by Committee on Water, Energy & Environment be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller and Thibaudeau

Passed to Committee on Rules for second reading.

February 6, 2006

SB 6449 Prime Sponsor, Fraser: Making changes to general provisions in the public safety employees' retirement system. Reported by Committee on Ways & Means

MINORITY recommendations: Do not pass. Signed by Senator Schoesler. Without recommendation. Signed by Senators Parlette and Zarelli

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau

Passed to Committee on Rules for second reading.

MINORITY recommendations: Do not pass. Signed by Senator Pflug. Without recommendation. Signed by Senators Parlette and Zarelli

February 7, 2006

SB 6433 Prime Sponsor, Kastama: Establishing the emergency management, preparedness, and assistance account. Reported by Committee on Ways & Means

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6459 Prime Sponsor, Keiser: Supporting community-based health care solutions. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6433 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice

THIRTIETH DAY, FEBRUARY 7, 2006

2006 REGULAR SESSION

MAJORITY recommendation: That Second Substitute Senate Bill No. 6459 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senator Pflug

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6460 Prime Sponsor, Hargrove: Increasing penalties for crimes committed with sexual motivation. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6460 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Parlette, Pflug, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6464 Prime Sponsor, Delvin: Expanding the baccalaureate degree program at WSU, Tri-Cities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6464 as recommended by Committee on Early Learning, K-12 & Higher Education be substituted therefor, and the substitute bill do pass. Signed by Senators Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 6, 2006

SB 6467 Prime Sponsor, Schmidt: Modifying the laws concerning armed forces license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Kastama, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6475 Prime Sponsor, McAuliffe: Authorizing alternative methods of assessment and appeal processes for the certificate of academic achievement. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6475 as recommended by Committee on Early Learning, K-12 & Higher Education be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Schoesler and Thibaudeau

MINORITY recommendations: Do not pass. Signed by Senators Pflug and Zarelli. Without recommendation. Signed by Senators Brandland, Parlette and Roach

Passed to Committee on Rules for second reading.

February 6, 2006

SB 6480 Prime Sponsor, Kohl-Welles: Eliminating the department of transportation's exemption from the public works apprenticeship utilization requirements. Revised for 2nd Substitute: Modifying public works apprenticeship utilization requirements. Reported by Committee on Transportation

MAJORITY recommendation: That Second Substitute Senate Bill No. 6480 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Berkey, Eide, Kastama, Oke, Spanel, Swecker and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Benson, Esser, Mulliken and Sheldon

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6484 Prime Sponsor, Doumit: Providing local assistance for state narcotics task forces. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 6, 2006

SB 6486 Prime Sponsor, Schoesler: Permitting commercial driver's license reciprocity agreements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Kastama, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6497 Prime Sponsor, Kline: Revising felony sentence ranges. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6497 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Parlette, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

THIRTIETH DAY, FEBRUARY 7, 2006

2006 REGULAR SESSION

February 6, 2006

SB 6500 Prime Sponsor, Haugen: Extending the moorage period for sales tax exemptions for nonresident vessel purchasers. Revised for 1st Substitute: Modifying the sales and use taxation of vessels. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6500 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6501 Prime Sponsor, Rockefeller: Creating the Washington bioenergy loan program. Revised for 1st Substitute: Creating the Washington bioenergy assistance program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6501 as recommended by Committee on Water, Energy & Environment be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senator Zarelli

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6502 Prime Sponsor, Roach: Creating a statewide automated victim information and notification system. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6502 as recommended by Committee on Human Services & Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 6, 2006

SB 6548 Prime Sponsor, Jacobsen: Modifying procedures for applications for title reissuance when a vehicle has been declared a total loss. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6548 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Kastama, Oke, Sheldon, Spanel, Swecker and Weinstein

MINORITY recommendation: Do not pass. Signed by Senator Mulliken

Passed to Committee on Rules for second reading.

February 6, 2006

SB 6549 Prime Sponsor, Benson: Modifying commercial vehicle provisions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Kastama, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

Passed to Committee on Transportation.

February 6, 2006

SB 6552 Prime Sponsor, Benson: Modifying commercial driver's license provisions. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6552 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Kastama, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 6, 2006

SB 6563 Prime Sponsor, Haugen: Revising admissibility in a civil action of failing to wear safety belt assemblies and failing to use child restraint systems. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Berkey, Eide, Esser, Kastama, Oke, Sheldon, Spanel and Swecker

MINORITY recommendations: Do not pass. Signed by Senator Weinstein. Without recommendation. Signed by Senators Benton and Mulliken

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6569 Prime Sponsor, Kastama: Clarifying the best available science requirements to protect critical areas. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6569 as recommended by Committee on Government Operations & Elections be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6581 Prime Sponsor, Poulsen: Regarding water

THIRTIETH DAY, FEBRUARY 7, 2006

2006 REGULAR SESSION

resource management in the Columbia river basin. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6581 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Hewitt, Rasmussen, Regala, Rockefeller, Schoesler, Thibaudeau and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Parlette, Pflug and Roach

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6605 Prime Sponsor, Fraser: Regarding educational interpreters for hearing-impaired students. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6605 as recommended by Committee on Early Learning, K-12 & Higher Education be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rockefeller, Thibaudeau and Zarelli

MINORITY recommendations: Do not pass. Signed by Senators Brandland and Pflug. Without recommendation. Signed by Senators Parlette and Schoesler

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6618 Prime Sponsor, McAuliffe: Revising the high school assessment system. Revised for 1st Substitute: Requiring a study to explore options to augment the current educational assessment system. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6618 as recommended by Committee on Early Learning, K-12 & Higher Education be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6628 Prime Sponsor, Fairley: Preserving the WorkFirst child safety net program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6628 as recommended by Committee on Human Services & Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Rockefeller, Thibaudeau and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senators Pflug and Schoesler

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6630 Prime Sponsor, Kline: Protecting communities from individuals with behaviors that pose a threat of violence or sexual violence. Revised for 2nd Substitute: Establishing the community protection program for persons with developmental disabilities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6630 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 6, 2006

SB 6635 Prime Sponsor, Franklin: Changing provisions relating to adoption. Reported by Committee on Ways & Means

MAJORITY recommendation: Without recommendation. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6652 Prime Sponsor, Kohl-Welles: Protecting victims of human trafficking. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6652 as recommended by Committee on Human Services & Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 6, 2006

SB 6656 Prime Sponsor, Kastama: Revising snowmobile operation provisions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Kastama, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 6, 2006

SB 6674 Prime Sponsor, Oke: Requiring that funds collected from construction of the second Tacoma Narrows bridge be deposited in the Tacoma Narrows toll bridge account. Reported by Committee on Transportation

THIRTIETH DAY, FEBRUARY 7, 2006

2006 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Kastama, Mulliken, Oke, Sheldon, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Weinstein

Passed to Committee on Rules for second reading.

February 6, 2006

SB 6679 Prime Sponsor, Haugen: Introducing federal law preemption in regulating train speeds. Revised for 1st Substitute: Introducing federal law preemption in regulating train speeds. (REVISED FOR ENGROSSED: Revising the provisions regulating train speeds.) Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6679 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Poulsen, Vice Chair; Benson, Berkey, Eide, Esser, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senators Jacobsen, Vice Chair and Benton

Passed to Committee on Rules for second reading.

February 6, 2006

SB 6684 Prime Sponsor, Swecker: Revising the provisions relating to abstracts of driving records. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6684 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Benson, Berkey, Esser, Kastama, Mulliken, Oke, Sheldon, Swecker and Weinstein

MINORITY recommendation: Do not pass. Signed by Senator Benton

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6711 Prime Sponsor, Eide: Establishing a statewide online business training and entrepreneurial curriculum. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6711 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala and Rockefeller

MINORITY recommendation: Without recommendation. Signed by Senators Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6713 Prime Sponsor, Eide: Authorizing the development of self-employment assistance programs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6713 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Hewitt, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 6, 2006

SB 6722 Prime Sponsor, Franklin: Establishing a catastrophic disability allowance under the law enforcement officers' and fire fighters' retirement system, plan 2. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 6, 2006

SB 6723 Prime Sponsor, Eide: Determining the retirement allowance of a member who is killed in the course of employment. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6724 Prime Sponsor, Parlette: Addressing death benefit payments for law enforcement officers' and fire fighters' retirement system, plan 2. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6724 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 6, 2006

SB 6727 Prime Sponsor, Haugen: Authorizing the impoundment of motorcycles and motor-driven cycles operated by improperly licensed persons. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6727 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice

THIRTIETH DAY, FEBRUARY 7, 2006

2006 REGULAR SESSION

Chair; Poulsen, Vice Chair; Berkey, Eide, Esser, Kastama, Oke, Spanel, Swecker and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Parlette, Pflug, Roach, Schoesler and Zarelli

MINORITY recommendation: Do not pass. Signed by Senators Benton, Mulliken and Sheldon

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 6, 2006

SB 6762 Prime Sponsor, Mulliken: Limiting the posting of hazards to motorcycles to paved roadways. Reported by Committee on Transportation

SB 6794 Prime Sponsor, Haugen: Concerning collective bargaining by state ferry employees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Kastama, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

MAJORITY recommendation: That Substitute Senate Bill No. 6794 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Kastama, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

Passed to Committee on Transportation.

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6780 Prime Sponsor, Kohl-Welles: Creating a mathematics/science scholar high school diploma and scholarship. Revised for 1st Substitute: Creating a mathematics/science scholar diploma designation and scholarship. Reported by Committee on Ways & Means

February 7, 2006

SB 6823 Prime Sponsor, Kohl-Welles: Modifying provisions relating to the distribution of beer and wine. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6780 as recommended by Committee on Early Learning, K-12 & Higher Education be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Schoesler

MAJORITY recommendation: That Second Substitute Senate Bill No. 6823 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau

MINORITY recommendations: Do not pass. Signed by Senator Zarelli. Without recommendation. Signed by Senators Brandland, Parlette and Roach

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6826 Prime Sponsor, Benton: Exempting fees and charges for public transportation services from public utility taxes. Reported by Committee on Ways & Means

SB 6786 Prime Sponsor, Jacobsen: Clarifying the dissolution process for a voter-mandated dissolution of a city transportation authority. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 6786 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Benson, Benton, Berkey, Esser, Kastama, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 6, 2006

SB 6830 Prime Sponsor, Benton: Creating a "Support Our Troops" special license plate. Reported by Committee on Transportation

SB 6789 Prime Sponsor, Brown: Modifying the authorized uses of certain county sales and use taxes. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6830 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Kastama, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 6789 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

February 6, 2006

SB 6839 Prime Sponsor, Haugen: Modifying transportation accounts and revenue distributions. Reported by Committee on Transportation

THIRTIETH DAY, FEBRUARY 7, 2006

2006 REGULAR SESSION

MAJORITY recommendation: That Substitute Senate Bill No. 6839 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Berkey, Eide, Kastama, Oke, Sheldon, Spanel, Swecker and Weinstein

MINORITY recommendations: Do not pass. Signed by Senator Esser. Without recommendation. Signed by Senator Jacobsen, Vice Chair

MINORITY recommendation: Do not pass. Signed by Senators Esser and Mulliken

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 7, 2006

SB 6853 Prime Sponsor, Haugen: Modifying phase three procurement provisions for design-build ferries. Revised for 1st Substitute: Modifying vessel procurement provisions for design-build ferries. Reported by Committee on Transportation

HB 2424 Prime Sponsor, Grant: Providing sales and use tax exemptions for users of farm fuel. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Hewitt, Parlette, Pflug, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 6853 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Berkey, Eide, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

MOTION

MINORITY recommendation: Without recommendation. Signed by Senator Esser

On motion of Senator Fraser, all measures listed on the Standing Committee report were referred to the committees as designated.

Passed to Committee on Rules for second reading.

MOTION

SB 6873 Prime Sponsor, Keiser: February 7, 2006
Allowing the state director of fire protection to refuse membership in the public employees' retirement system. Reported by Committee on Ways & Means

At 7:45 p.m., on motion of Senator Fraser, the Senate adjourned until 9:00 a.m. Wednesday, February 8, 2006.

BRAD OWEN, President of the Senate

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Parlette, Pflug, Pridemore, Roach, Rockefeller, Schoesler and Zarelli

THOMAS HOEMANN, Secretary of the Senate

Passed to Committee on Rules for second reading.

SB 6887 Prime Sponsor, Kline: February 7, 2006
Adding provisions regarding superior court juror fees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

SJM 8037 Prime Sponsor, Haugen: February 6, 2006
Calling on the President and Congress to repeal the REAL ID Act of 2005. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Poulsen, Vice Chair; Benson, Berkey, Eide, Mulliken, Sheldon, Spanel, Swecker and Weinstein

THIRTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 8, 2006

The Senate was called to order at 9:00 a.m. by President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Poulsen and Shin.

The Sergeant at Arms Color Guard consisting of Pages Ashley Gilpin and Kelsey Gurtiza, presented the Colors. Pastor Dwayne Deskins of the New Life Fellowship Church offered the prayer.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR

February 8, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

WILLIAM J. MCDOWELL, reappointed February 10, 2005, for the term ending September 30, 2008, as Member, Board of Trustees, Wenatchee Valley Community College District No. 15.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 8, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BRIAN VANCE, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, South Puget Sound Community College District No. 24.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

MOTION

On motion of Senator Eide, all appointees listed on the gubernatorial appointments report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE HOUSE

February 7, 2006

MR. PRESIDENT:

The House has passed the following bill(s):
ENGROSSED HOUSE BILL NO. 3074,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 7, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:
SUBSTITUTE HOUSE BILL NO. 1120,
HOUSE BILL NO. 2331,
SUBSTITUTE HOUSE BILL NO. 2339,
SUBSTITUTE HOUSE BILL NO. 2341,
HOUSE BILL NO. 2358,
HOUSE BILL NO. 2375,
HOUSE BILL NO. 2380,
SUBSTITUTE HOUSE BILL NO. 2402,
SUBSTITUTE HOUSE BILL NO. 2405,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 7, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:
HOUSE BILL NO. 2366,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 7, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:
HOUSE BILL NO. 2564,
SUBSTITUTE HOUSE BILL NO. 3003,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 7, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:
SUBSTITUTE HOUSE BILL NO. 2233,
SUBSTITUTE HOUSE BILL NO. 2432,
SUBSTITUTE HOUSE BILL NO. 2439,
SUBSTITUTE HOUSE BILL NO. 2497,
SECOND SUBSTITUTE HOUSE BILL NO. 2754,
SUBSTITUTE HOUSE BILL NO. 2881,
HOUSE BILL NO. 3078,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

THIRTY-FIRST DAY, FEBRUARY 8, 2006

2006 REGULAR SESSION

INTRODUCTION AND FIRST READING

SB 6892 by Senators Prentice, Esser, Fraser, Brandland, Kohl-Welles, Rasmussen and Oke

AN ACT Relating to the 2006 Seahawks championship account; amending RCW 43.99N.060; and making an appropriation.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

At 9:07 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:34 a.m. by President Owen.

MOTION

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

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Prentice, moved that Gubernatorial Appointment No. 9174, Margaret Rojas, as a member of the Board of Trustees, Skagit Valley Community College District No. 4, be confirmed.

Senator Prentice spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators Poulsen and Shin were excused.

APPOINTMENT OF MARGARET ROJAS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9174, Margaret Rojas as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9174, Margaret Rojas as a member of the Board of Trustees, Skagit Valley Community College District No. 4 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Poulsen and Shin - 2

Gubernatorial Appointment No. 9174, Margaret Rojas, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Prentice, moved that Gubernatorial Appointment No. 9249, Jesus Hernandez, as a member of the Higher Education Coordinating Board, be confirmed.

Senators Prentice and Parlette spoke in favor of passage of the motion.

APPOINTMENT OF JESUS HERNANDEZ

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9249, Jesus Hernandez as a member of the Higher Education Coordinating Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9249, Jesus Hernandez as a member of the Higher Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 46

Absent: Senator Zarelli - 1

Excused: Senators Poulsen and Shin - 2

Gubernatorial Appointment No. 9249, Jesus Hernandez, having received the constitutional majority was declared confirmed as a member of the Higher Education Coordinating Board.

MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Senate Bill No. 6010 was returned to second reading for the purpose of amendment.

SECOND READING

ENGROSSED SENATE BILL NO. 6010, by Senator Fairley

Granting a right of return to employment to state employees who leave employment to serve in the Peace Corps. (REVISED FOR ENGROSSED: Granting a right of return to employment to state employees who leave employment to serve as Peace Corps or humanitarian organization volunteers or on faith-based missions.)

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senator Fairley be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 41.06 RCW to read as follows:

THIRTY-FIRST DAY, FEBRUARY 8, 2006

(1) An agency shall grant leave without pay to any exempt or nonexempt full-time permanent employee who requests such leave to serve in the United States peace corps, participate in a program sponsored by a humanitarian organization, or participate in a faith-based mission.

(2) The employee's participation in insurance, vacation, retirement pay, or other benefits offered by the employer shall be governed by rules and practices, existing at the time the leave is granted, relating to leave without pay under subsection (1) of this section.

(3) Upon the employee's return, the employee shall be restored, without loss of seniority, to his or her previous position or an equivalent one.

(4) The employee may not be dismissed from his or her position without cause within one year after restoration."

Senator Kohl-Welles spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Fairley to Engrossed Senate Bill No. 6010.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Second Engrossed Senate Bill No. 6010 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley, Kohl-Welles and Shin spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Second Engrossed Senate Bill No. 6010.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 6010 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senator Swecker - 1

Excused: Senators Brown and Poulsen - 2

SECOND ENGROSSED SENATE BILL NO. 6010, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED SENATE BILL NO. 5527, by Senators Morton, Mulliken, Schoesler, Carrell, Benson, Honeyford, McCaslin and Stevens

Prohibiting automatic fee increases.

The measure was read the second time.

MOTION

Senator Weinstein moved that the following amendment by Senator Weinstein be adopted.

On page 2, beginning on line 1 delete all of Section 2.

Senator Weinstein spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Weinstein on page 2, line 1 to Engrossed Senate Bill No. 5527.

The motion by Senator Weinstein carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Morton, the rules were suspended, Second Engrossed Senate Bill No. 5527 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Morton spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Jacobsen: "Would Senator Morton yield to a question? I'm curious, later on today, sometime today or tomorrow, we're going to have a bill that automatically increase fines in the PDC that goes up by the rate of inflation and so on. Will this bill affect that bill?"

Senator Morton: "Not being familiar with that bill, Senator, I believe that it would not affect that bill."

Senator Jacobsen: "It is a state agency though."

Senator Morton: "Without looking at it, I can not answer in full accuracy."

MOTION

On motion of Senator Prentice, further consideration of Second Engrossed Senate Bill No. 5527 was deferred and the bill held its place on the third reading calendar.

SECOND READING

SENATE BILL NO. 6540, by Senators Kohl-Welles, Parlette and Keiser

Concerning the processing of liquor licenses.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6540 was substituted for Senate Bill No. 6540 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6540 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6540.

ROLL CALL

THIRTY-FIRST DAY, FEBRUARY 8, 2006

2006 REGULAR SESSION

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6540 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Poulsen - 1

SUBSTITUTE SENATE BILL NO. 6540, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McCaslin, Senator Deccio was excused.

SECOND READING

SENATE JOINT MEMORIAL NO. 8039, by Senators Brown, Kohl-Welles, Franklin, Pridemore and Thibaudeau

Requesting changes to the Medicare Modernization Act.

The measure was read the second time.

MOTION

Senator Benson moved that the following amendment by Senator Benson be adopted.

On page 1, beginning with "WHEREAS" on line 8, strike all material through "medications." on page 3, line 14, and insert the following:

"WHEREAS, Beginning January 1, 2006, 831,000 Medicare enrollees in Washington state were among the 43 million Americans provided prescription drug coverage through the Medicare Part D program, giving many, for the first time, access to prescription drugs that they had previously struggled to afford; and

WHEREAS, Medicare beneficiaries now have numerous choices for prescription drug coverage, allowing them to pick the plan which best suits their personal circumstances, but for which they need sufficient time and information to understand and select; and

WHEREAS, Problems and administrative delays when initiating a nationwide assistance program of this magnitude are extremely unfortunate, but inevitable; and

WHEREAS, It is essential to be particularly attentive to the impact of this program on "dual eligibles," the approximately 96,000 low-income residents of Washington who will now receive prescription drug coverage under Medicare rather than Medicaid; and

WHEREAS, In the transition to this new program, where dual eligibles are particularly vulnerable in the face of technological glitches and poor communication that could delay their access to needed medications, we should insist that as much as possible be done to avoid these problems and that they be addressed immediately when they occur; and

WHEREAS, Even for someone correctly transitioned, there is concern that the particular drugs the person needs will not be covered by Part D, or that newly required co-pays will prove unaffordable; and

WHEREAS, The federal government has been working diligently to address these transition issues, including a \$14 million credit which will allow this state to cover any

unaffordable co-pays, and the development of a waiver program to assist states with other unanticipated costs, but will benefit from continued input and information from the states regarding particular steps which might be taken to reach the full promise of the Medicare Part D program;

NOW, THEREFORE, Your Memorialists respectfully pray that the Congress and the Administration address concerns with the Medicare Part D program through rule making and, as necessary, through changes to the Medicare Modernization Act, by specifically doing the following:

(1) Upgrading the Centers for Medicare and Medicaid's customer service system to assist clients seeking information;

(2) Extending the enrollment period beyond the May 15, 2006, deadline;

(3) Requiring all health plans that contract with the Centers for Medicare and Medicaid Services to provide uniform transition policies that provide a 30-day supply of needed drugs;

(4) Reimbursing states and pharmacists who have assumed the costs for covering individuals who have had transition problems; and

(5) Repealing the prohibition on the use of Medicaid funds to provide: Wraparound Medicare prescription drug benefits for the transition of dual eligibles; copayments for dual eligibles and low-income beneficiaries; and needed coverage if a particular plan's restricted formulary or network denies access to the most medically appropriate medications."

Senator Benson spoke in favor of adoption of the amendment.

Senator Brown spoke against adoption of the amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benson on page 1, line 8 to Senate Joint Memorial No. 8039.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Benson and the amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens, Swecker and Zarelli - 22

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senators Deccio and Poulsen - 2

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Joint Memorial No. 8039 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Keiser, Franklin and Thibaudeau spoke in favor of passage of the memorial.

Senators Benson and Parlette spoke against passage of the memorial.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8039.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8039 and the memorial passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

THIRTY-FIRST DAY, FEBRUARY 8, 2006

2006 REGULAR SESSION

Voting yea: Senators Berkey, Brandland, Brown, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 27

Voting nay: Senators Benson, Benton, Carrell, Deccio, Delvin, Esser, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens, Swecker and Zarelli - 21

Excused: Senator Poulsen - 1

SENATE JOINT MEMORIAL NO. 8039, having received the constitutional majority, was declared passed.

MOTION

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

MOTION

Senator Sheldon moved adoption of the following resolution:

SENATE RESOLUTION
8690

By Senator Sheldon

WHEREAS, It is the paramount duty of the state to provide all Washington children a public education, and its citizens recognize the vital role educators play in a quality system of learning; and

WHEREAS, It is important to honor the dedication and hard work of educators, and the teacher awarded individual recognition as Washington State Teacher of the Year in 2006 is distinguished as an exceptional educator with outstanding skills and innovation; and

WHEREAS, Ms. Susan Bernard is a highly respected language arts and reading teacher with more than ten years of experience at CHOICE Alternative High School in Shelton, Washington; and

WHEREAS, Ms. Bernard acts as a language arts curriculum leader and literacy team leader in addition to her classroom responsibilities, as well as an advocate for her community through volunteer endeavors; and

WHEREAS, Ms. Bernard uses innovative reading programs that encourage her students to learn and challenge themselves; and

WHEREAS, Ms. Bernard was named as a Regional Teacher of the Year to acknowledge her significant involvement in advancing the education and future of every one of her students; and

WHEREAS, Nothing is more central to the future of our state than our children's education, and Ms. Bernard embodies the selfless commitment that distinguishes our finest educators;

NOW, THEREFORE, BE IT RESOLVED, That the Senate express its gratitude to Ms. Susan Bernard for her outstanding contributions to public education and offer its congratulations upon her being chosen for the honor of Washington State Teacher of the Year; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Ms. Susan Bernard, CHOICE Alternative High School, and the Shelton School District Superintendent.

Senators Sheldon, McAuliffe, Shin and Schmidt spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8690.

The motion by Senator Sheldon carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the

Teacher of the Year, Ms. Susan Bernard and her husband Mike Bernard and guests; Joan Zook, Shelton School District Superintendent, Gordie Hanson, Principle of CHOICE High School and special guest, Amanda Anderson, a former student of Ms. Bernard who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Executive Director of the Washington Mentoring Partnership, Mr. Jim Marsh, who was seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Jae-gouk Kim, Consul General of Korea, who was seated at the rostrum. The President presented Consul General Kim with Senate Resolution No. 8702 adopted by the Senate on January 30, 2006 in his honor.

PERSONAL PRIVILEGE

Senator Shin: "First of all, I'd like to express my appreciation to our Senate colleagues who cosponsor with me for this resolution honoring, 8702 Consul General Jae-gouk Kim, on behalf of the Washington State and Korean-Americans in this state. Consul General Kim has served here for three years. On word, he is indefatigable. He's everywhere, to the Washington State Trade Corps, also Economic Development, trade relations also community relations and I haven't served in many Consul General's but never before have I seen such a work horse who is day and night everywhere serving for the people of Washington State and Korea-Americans to do better in this country. Therefore we thank you so much and bon voyage to you Consul General Kim."

MOTION

At 11:38 a.m., on motion of Senator Eide, the Senate was declared to be at subject to the call of the President.

AFTERNOON SESSION

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

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller, moved that Gubernatorial Appointment No. 9253, Hartly Kruger, as a member of the Horse Racing Commission, be confirmed.

Senator Rockefeller spoke in favor of the motion.

MOTION

On motion of Senator Mulliken, Senators Schoesler and Honeyford were excused.

MOTION

On motion of Senator Regala, Senator Brown was excused.

THIRTY-FIRST DAY, FEBRUARY 8, 2006

2006 REGULAR SESSION

APPOINTMENT OF HARTLY KRUGER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9253, Hartly Kruger as a member of the Horse Racing Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9253, Hartly Kruger as a member of the Horse Racing Commission and the appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 5; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker and Weinstein - 40

Absent: Senators Deccio, Hewitt, McCaslin, Thibaudeau and Zarelli - 5

Excused: Senators Brown, Honeyford, Poulsen and Schoesler - 4

Gubernatorial Appointment No. 9253, Hartly Kruger, having received the constitutional majority was declared confirmed as a member of the Horse Racing Commission.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller, moved that Gubernatorial Appointment No. 9282, Melinda E. Travis, as a member of the Lottery Commission, be confirmed.

Senator Rockefeller spoke in favor of the motion.

MOTION

On motion of Senator Mulliken, Senators Deccio, Hewitt, Honeyford and Zarelli were excused.

MOTION

On motion of Senator Regala, Senator Poulsen was excused.

APPOINTMENT OF MELINDA E. TRAVIS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9282, Melinda E. Travis as a member of the Lottery Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9282, Melinda E. Travis as a member of the Lottery Commission and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 43

Absent: Senator Thibaudeau - 1

Excused: Senators Brown, Hewitt, Honeyford, Poulsen and Schoesler - 5

Gubernatorial Appointment No. 9282, Melinda E. Travis, having received the constitutional majority was declared confirmed as a member of the Lottery Commission.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Spanel, moved that Gubernatorial Appointment No. 9372, Stacy Pederson, as a member of the Board of Trustees, Western Washington University, be confirmed.

Senators Spanel and Kohl-Welles spoke in favor of passage of the motion.

MOTION

On motion of Senator Regala, Senator Thibaudeau was excused.

APPOINTMENT OF STACY PEDERSON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9372, Stacy Pederson as a member of the Board of Trustees, Western Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9372, Stacy Pederson as a member of the Board of Trustees, Western Washington University and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 45

Absent: Senator Franklin - 1

Excused: Senators Brown, Honeyford and Thibaudeau - 3

Gubernatorial Appointment No. 9372, Stacy Pederson, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Western Washington University.

SECOND READING

SENATE BILL NO. 6246, by Senators Kastama, Roach, Eide, Pflug and Shin; by request of Lieutenant Governor

Outlining the duties of the lieutenant governor.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 6246 was substituted for Senate Bill No. 6246 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 6246 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

THIRTY-FIRST DAY, FEBRUARY 8, 2006

2006 REGULAR SESSION

MOTION

On motion of Senator Oke, Senator McCaslin was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6246.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6246 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Honeyford and McCaslin - 2

SUBSTITUTE SENATE BILL NO. 6246, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6617, by Senators Haugen and Rasmussen

Regarding the contents of farm plans prepared by conservation districts.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6617 was substituted for Senate Bill No. 6617 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6617 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6617.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6617 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Brown - 1

Excused: Senators Honeyford and McCaslin - 2

SUBSTITUTE SENATE BILL NO. 6617, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6371, by Senators Rasmussen, Schoesler, Shin, Jacobsen and Sheldon

Regulating the disposal of dead animals.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 6371 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Schoesler spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6371.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6371 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Brown, Honeyford and McCaslin - 3

SENATE BILL NO. 6371, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6188, by Senators Johnson, Keiser, Oke, Rockefeller, Thibaudeau and Kohl-Welles

Providing health benefit plans offering coverage for prostate cancer screening.

MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 6188 was substituted for Senate Bill No. 6188 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 6188 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Johnson and Keiser spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senators Delvin and Swecker were excused.

MOTION

On motion of Senator Regala, Senator Rockefeller was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6188.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6188 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 2; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 42

Voting nay: Senator Benson - 1

Absent: Senators Finkbeiner and Kline - 2

Excused: Senators Brown, Delvin, Honeyford and Swecker - 4

SUBSTITUTE SENATE BILL NO. 6188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6280, by Senator Regala

Removing the irrevocable dedication requirement for exemption from property taxes for nonprofit entities.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Senate Bill No. 6280 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Zarelli spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senator Stevens was excused.

MOTION

On motion of Senator Regala, Senators Hargrove and Kline were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6280.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6280 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Thibaudeau, Weinstein and Zarelli - 42

Absent: Senator Finkbeiner - 1

Excused: Senators Brown, Hargrove, Honeyford, Kline, Stevens and Swecker - 6

SENATE BILL NO. 6280, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

The Senate resumed consideration of Second Engrossed Senate Bill No. 5527 which had been deferred earlier in the day.

Senator Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Senate Bill No. 5527.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 5527 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 1; Absent, 3; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Weinstein and Zarelli - 40

Voting nay: Senator Fairley - 1

Absent: Senators Carrell, Poulsen and Thibaudeau - 3

Excused: Senators Brown, Hargrove, Honeyford, Stevens and Swecker - 5

SECOND ENGROSSED SENATE BILL NO. 5527, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 5325, by Senators Zarelli, Brown, Doumit, Kline, Shin, Sheldon, Pflug, Mulliken, Kohl-Welles, Rasmussen and Pridemore.

Promoting economic development and community revitalization.

The bill was read on Third Reading.

Senators Zarelli and Shin spoke in favor of passage of the bill.

MOTION

THIRTY-FIRST DAY, FEBRUARY 8, 2006

2006 REGULAR SESSION

On motion of Senator Regala, Senator Thibaudeau was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5325.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5325 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senator Fairley - 1

Excused: Senators Brown and Honeyford - 2

SENATE BILL NO. 5325, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6262, by Senators Kohl-Welles, Parlette, Honeyford, Keiser, Prentice and Kline

Establishing a pilot program to allow employers to assist employees in completing applications for industrial insurance benefits.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6262 was substituted for Senate Bill No. 6262 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6262 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6262.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6262 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Hargrove - 1

Excused: Senators Brown and Honeyford - 2

SUBSTITUTE SENATE BILL NO. 6262, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6870, by Senator Haugen

Funding the board of pilotage commissioners' training program.

MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 6870 was substituted for Senate Bill No. 6870 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Haugen moved that the following amendment by Senators Haugen and Benson be adopted.

On page 4, after line 2, insert the following:

"NEW SECTION. Sec. 3. This act is intended to clarify the authority of the board of pilotage commissioners to pay stipends to pilot trainees that have indicated they wish to receive a stipend during the board of pilotage commissioners' training program. Section 1 of this act is remedial and curative in nature and applies retroactively to December 1, 2005. Specifically, the board may pay stipends, pursuant to the rules established by the board, to any pilot trainees that qualified for the stipends on, or after, December 1, 2005."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Haugen and Benson spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Benson on page 4, line 2 to Substitute Senate Bill No. 6870.

The motion by Senator Haugen carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "(uncodified);" insert "creating a new section;"

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6870 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Hargrove and Prentice were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6870.

THIRTY-FIRST DAY, FEBRUARY 8, 2006

2006 REGULAR SESSION

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6870 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Brown and Prentice - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6870, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

MOTION

On motion of Senator Morton, the rules were suspended, Senate Bill No. 5179 was returned to second reading for the purpose of amendment.

SECOND READING

SENATE BILL NO. 5179, by Senators Morton, Jacobsen, Sheldon and Stevens

Studying forest health issues.

The measure was read the second time.

MOTION

Senator Morton moved that the following striking amendment by Senator Morton be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) A work group is created to study opportunities to improve the forest health issues enumerated in RCW 76.06.140 that are facing forest land in Washington and to help the commissioner of public lands develop a strategic plan under section 3, chapter 218, Laws of 2004. The work group may, if deemed necessary, identify and focus on regions of the state where forest health issues enumerated in section 1 of this act are the most critical.

(2)(a) The work group is comprised of individuals selected on the basis of their knowledge of forests, forest ecology, or forest health issues and, if determined by the commissioner of public lands to be necessary, should represent a mix of individuals with knowledge regarding specific regions of the state. Members of the work group shall be appointed by the commissioner of public lands, unless otherwise specified, and shall include:

- (i) The commissioner of public lands or the commissioner's designee, who shall serve as chair;
- (ii) A representative of a statewide industrial timber landowner's group;
- (iii) A landowner representative from the small forest landowner advisory committee established in RCW 76.13.110;

- (iv) A representative of a college within a state university that specializes in forestry or natural resources science;
 - (v) A representative of an environmental organization;
 - (vi) A representative of a county that has within its borders state-owned forest lands that are known to suffer from the forest health deficiencies enumerated in RCW 76.06.140;
 - (vii) A representative of the Washington state department of fish and wildlife;
 - (viii) A forest hydrologist, an entomologist, and a fire ecologist, if available;
 - (ix) A representative of the governor appointed by the governor; and
 - (x) A representative of a professional forestry organization.
- (b) In addition to the membership of the work group outlined in this section, the commissioner of public lands shall also invite the full and equal participation of:
- (i) A representative of a tribal government located in a region of the state where the forest health issues enumerated in RCW 76.06.140 are present; and
 - (ii) A representative of both the United States forest service and the United States fish and wildlife service stationed to work primarily in Washington.
- (3) The work group shall:
- (a) Determine whether the goals and requirements of chapter 76.06 RCW are being met with regard to the identification, designation, and reduction of significant forest insect and disease threats to public and private forest resources, and whether the provisions of chapter 76.06 RCW are the most effective and appropriate way to address forest health issues;
 - (b) Study what incentives could be used to assist landowners with the costs of creating and maintaining forest health;
 - (c) Identify opportunities and barriers for improved prevention of losses of public and private resources to forest insects, diseases, wind, and fire;
 - (d) Assist the commissioner in developing a strategic plan under section 3, chapter 218, Laws of 2004 for increasing forest resistance and resilience to forest insects, disease, wind, and fire in Washington;
 - (e) Develop funding alternatives for consideration by the legislature;
 - (f) Explore possible opportunities for the state to enter into cooperative agreements with the federal government, or other avenues for the state to provide input on the management of federally owned land in Washington;
 - (g) Develop recommendations for the proper treatment of infested and fire and wind damaged forests on public and private lands within the context of working with interdisciplinary teams under the forest practices act to ensure that forest health is achieved with the protection of fish, wildlife, and other public resources;
 - (h) Analyze the state noxious weed control statutes and procedures (chapter 17.10 RCW) and the extreme hazard regulations adopted under the forest protection laws, to determine if the policies and procedures of these laws are applicable, or could serve as a model to support improved forest health; and
 - (i) Recommend whether the work group should be extended beyond the time that the required report has been submitted.
- (4) The work group shall submit to the department of natural resources and the appropriate standing committees of the legislature, no later than December 30, 2006, its findings and recommendations for legislation that is necessary to implement the findings.
- (5) The department of natural resources shall provide technical and staff support from existing staff for the work group created by this section.
- (6) The work group is required to hold a minimum of five meetings, at diverse locations throughout the state, to gather public input regarding the group's proposed legislation.
- (7) This section expires June 30, 2007.

THIRTY-FIRST DAY, FEBRUARY 8, 2006

2006 REGULAR SESSION

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Morton spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Morton to Senate Bill No. 5179.

The motion by Senator Morton carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "health;" strike the remainder of the title and insert "creating a new section; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Morton, the rules were suspended, Engrossed Senate Bill No. 5179 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5179.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5179 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Brown and Prentice - 2

ENGROSSED SENATE BILL NO. 5179, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6185, by Senators Keiser, Kohl-Welles, Thibaudeau, Kline and Poulsen

Modifying the family and medical leave act.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 6185 was substituted for Senate Bill No. 6185 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 6185 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Kohl-Welles spoke in favor of passage of the bill.

Senator Parlette spoke against passage of the bill

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6185.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6185 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Thibaudeau, Weinstein and Zarelli - 37

Voting nay: Senators Benson, Brandland, Delvin, Hewitt, Honeyford, Mulliken, Parlette, Pflug, Schoesler, Sheldon, Stevens and Swecker - 12

SUBSTITUTE SENATE BILL NO. 6185, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6221, by Senators Franklin, Kline, Kastama, Keiser, Regala and Jacobsen

Revising limitations on use of public funds for political purposes. Revised for 1st Substitute: Concerning use of public funds to finance campaigns for local office.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 6221 was substituted for Senate Bill No. 6221 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 6221 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, Franklin, Kline, Sheldon and Pridemore spoke in favor of passage of the bill.

Senators Benton, Roach and Pflug spoke against passage of the bill.

Senator Berkey spoke on passage of the bill.

Senator Benton again spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6221.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6221 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe,

THIRTY-FIRST DAY, FEBRUARY 8, 2006

2006 REGULAR SESSION

Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 27

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens, Swecker and Zarelli - 22

SUBSTITUTE SENATE BILL NO. 6221, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:32 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:08 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 6159, by Senators Jacobsen, Oke and Spanel

Concerning recreational fishing for albacore tuna.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 6159 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Oke spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senator McCaslin was excused.

MOTION

On motion of Senator Regala, Senators Brown, Prentice and Doumit were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6159.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6159 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 39

Voting nay: Senators Benson, Benton, Brandland, Carrell, Honeyford, Mulliken, Pflug, Roach, Schoesler and Stevens - 10

SENATE BILL NO. 6159, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6776, by Senators Finkbeiner, Poulsen, Weinstein, Esser, Rasmussen, Keiser, Oke, Kline and Kohl-Welles

Prohibiting the unauthorized sale of cell phone numbers. Revised for 1st Substitute: Prohibiting the unauthorized sale of telephone records.

MOTION

On motion of Senator Finkbeiner, Substitute Senate Bill No. 6776 was substituted for Senate Bill No. 6776 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Finkbeiner moved that the following striking amendment by Senators Finkbeiner and Poulsen be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9.26A RCW to read as follows:

(1) A person is guilty of the unauthorized sale or procurement of telephone records if the person:

(a) Intentionally sells the telephone record of any resident of this state without the authorization of the customer to whom the record pertains;

(b) By fraudulent, deceptive, or false means obtains the telephone record of any resident of this state to whom the record pertains;

(c) Knowingly purchases the telephone record of any resident of this state without the authorization of the customer to whom the record pertains; or

(d) Knowingly receives the telephone record of any resident of this state without the authorization of the customer to whom the record pertains.

(2) This section does not apply to:

(a) Any action by a government agency, or any officer, employee, or agent of such agency, to obtain telephone records in connection with the performance of the official duties of the agency;

(b) A telecommunications company that obtains, uses, discloses, or permits access to any telephone record, either directly or indirectly through its agents, that is:

(i) With the lawful consent of the customer or subscriber;

(ii) Authorized by law;

(iii) Necessarily incident to the rendition of the service or to the protection of the rights or property of the provider of that service, or to protect users of those services and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, such services; or

(iv) In connection with the sale or transfer of all or part of its business, or the purchase or acquisition of a portion or all of a business, or the migration of a customer from one carrier to another.

(3) A violation of subsection (1)(a), (b), or (c) of this section is a class C felony. A violation of subsection (1)(d) of this section is a gross misdemeanor.

(4) A person who violates this section is subject to legal action for injunctive relief and either actual damages, including mental pain and suffering, or liquidated damages of five thousand dollars per violation, whichever is greater. Reasonable attorneys' fees and other costs of litigation are also recoverable.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

THIRTY-FIRST DAY, FEBRUARY 8, 2006

2006 REGULAR SESSION

(a) "Telecommunications company" has the meaning provided in RCW 9.26A.100 and includes "radio communications service companies" as defined in RCW 80.04.010.

(b) "Telephone record" means information retained by a telecommunications company that relates to the telephone number dialed by the customer or the incoming number or call directed to a customer, or other data related to such calls typically contained on a customer telephone bill such as the time the call started and ended, the duration of the call, the time of day the call was made, and any charges applied. "Telephone record" does not include any information collected and retained by customers using caller identification or other similar technologies.

(c) "Procure" means to obtain by any means, whether electronically, in writing, or in oral form, with or without consideration.

Sec. 2. RCW 9A.82.010 and 2003 c 119 s 6, 2003 c 113 s 3, and 2003 c 53 s 85 are each reenacted and amended to read as follows:

Unless the context requires the contrary, the definitions in this section apply throughout this chapter.

(1)(a) "Beneficial interest" means:

(i) The interest of a person as a beneficiary under a trust established under Title 11 RCW in which the trustee for the trust holds legal or record title to real property;

(ii) The interest of a person as a beneficiary under any other trust arrangement under which a trustee holds legal or record title to real property for the benefit of the beneficiary; or

(iii) The interest of a person under any other form of express fiduciary arrangement under which one person holds legal or record title to real property for the benefit of the other person.

(b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in a general partnership or limited partnership.

(c) A beneficial interest is considered to be located where the real property owned by the trustee is located.

(2) "Control" means the possession of a sufficient interest to permit substantial direction over the affairs of an enterprise.

(3) "Creditor" means a person making an extension of credit or a person claiming by, under, or through a person making an extension of credit.

(4) "Criminal profiteering" means any act, including any anticipatory or completed offense, committed for financial gain, that is chargeable or indictable under the laws of the state in which the act occurred and, if the act occurred in a state other than this state, would be chargeable or indictable under the laws of this state had the act occurred in this state and punishable as a felony and by imprisonment for more than one year, regardless of whether the act is charged or indicted, as any of the following:

(a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;

(b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;

(c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;

(d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;

(e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060, 9A.56.080, and 9A.56.083;

(f) Unlawful sale of subscription television services, as defined in RCW 9A.56.230;

(g) Theft of telecommunication services or unlawful manufacture of a telecommunication device, as defined in RCW 9A.56.262 and 9A.56.264;

(h) Child selling or child buying, as defined in RCW 9A.64.030;

(i) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and 9A.68.050;

(j) Gambling, as defined in RCW 9.46.220 and 9.46.215 and 9.46.217;

(k) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;

(l) Unlawful production of payment instruments, unlawful possession of payment instruments, unlawful possession of a personal identification device, unlawful possession of fictitious identification, or unlawful possession of instruments of financial fraud, as defined in RCW 9A.56.320;

(m) Extortionate extension of credit, as defined in RCW 9A.82.020;

(n) Advancing money for use in an extortionate extension of credit, as defined in RCW 9A.82.030;

(o) Collection of an extortionate extension of credit, as defined in RCW 9A.82.040;

(p) Collection of an unlawful debt, as defined in RCW 9A.82.045;

(q) Delivery or manufacture of controlled substances or possession with intent to deliver or manufacture controlled substances under chapter 69.50 RCW;

(r) Trafficking in stolen property, as defined in RCW 9A.82.050;

(s) Leading organized crime, as defined in RCW 9A.82.060;

(t) Money laundering, as defined in RCW 9A.83.020;

(u) Obstructing criminal investigations or prosecutions in violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130, 9A.76.070, or 9A.76.180;

(v) Fraud in the purchase or sale of securities, as defined in RCW 21.20.010;

(w) Promoting pornography, as defined in RCW 9.68.140;

(x) Sexual exploitation of children, as defined in RCW 9.68A.040, 9.68A.050, and 9.68A.060;

(y) Promoting prostitution, as defined in RCW 9A.88.070 and 9A.88.080;

(z) Arson, as defined in RCW 9A.48.020 and 9A.48.030;

(aa) Assault, as defined in RCW 9A.36.011 and 9A.36.021;

(bb) Assault of a child, as defined in RCW 9A.36.120 and 9A.36.130;

(cc) A pattern of equity skimming, as defined in RCW 61.34.020;

(dd) Commercial telephone solicitation in violation of RCW 19.158.040(1);

(ee) Trafficking in insurance claims, as defined in RCW 48.30A.015;

(ff) Unlawful practice of law, as defined in RCW 2.48.180;

(gg) Commercial bribery, as defined in RCW 9A.68.060;

(hh) Health care false claims, as defined in RCW 48.80.030;

(ii) Unlicensed practice of a profession or business, as defined in RCW 18.130.190(7);

(jj) Improperly obtaining financial information, as defined in RCW 9.35.010;

(kk) Identity theft, as defined in RCW 9.35.020;

(ll) Unlawful shipment of cigarettes in violation of RCW 70.155.105(6) (a) or (b); ~~(mm)~~

(mm) Unlawful shipment of cigarettes in violation of RCW 82.24.110(2); or

(nn) Unauthorized sale or procurement of telephone records in violation of section 1 of this act.

(5) "Dealer in property" means a person who buys and sells property as a business.

(6) "Debtor" means a person to whom an extension of credit is made or a person who guarantees the repayment of an extension of credit or in any manner undertakes to indemnify the creditor against loss resulting from the failure of a person to whom an extension is made to repay the same.

(7) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonograph record, magnetic tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into usable form, or other tangible item.

(8) "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business trust, or other profit or nonprofit legal entity, and includes any union, association, or group of individuals associated in fact although not a legal

THIRTY-FIRST DAY, FEBRUARY 8, 2006

2006 REGULAR SESSION

entity, and both illicit and licit enterprises and governmental and nongovernmental entities.

(9) "Extortionate extension of credit" means an extension of credit with respect to which it is the understanding of the creditor and the debtor at the time the extension is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(10) "Extortionate means" means the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(11) "Financial institution" means any bank, trust company, savings and loan association, savings bank, mutual savings bank, credit union, or loan company under the jurisdiction of the state or an agency of the United States.

(12) "Pattern of criminal profiteering activity" means engaging in at least three acts of criminal profiteering, one of which occurred after July 1, 1985, and the last of which occurred within five years, excluding any period of imprisonment, after the commission of the earliest act of criminal profiteering. In order to constitute a pattern, the three acts must have the same or similar intent, results, accomplices, principals, victims, or methods of commission, or be otherwise interrelated by distinguishing characteristics including a nexus to the same enterprise, and must not be isolated events. However, in any civil proceedings brought pursuant to RCW 9A.82.100 by any person other than the attorney general or county prosecuting attorney in which one or more acts of fraud in the purchase or sale of securities are asserted as acts of criminal profiteering activity, it is a condition to civil liability under RCW 9A.82.100 that the defendant has been convicted in a criminal proceeding of fraud in the purchase or sale of securities under RCW 21.20.400 or under the laws of another state or of the United States requiring the same elements of proof, but such conviction need not relate to any act or acts asserted as acts of criminal profiteering activity in such civil action under RCW 9A.82.100.

(13) "Real property" means any real property or interest in real property, including but not limited to a land sale contract, lease, or mortgage of real property.

(14) "Records" means any book, paper, writing, record, computer program, or other material.

(15) "Repayment of an extension of credit" means the repayment, satisfaction, or discharge in whole or in part of a debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

(16) "Stolen property" means property that has been obtained by theft, robbery, or extortion.

(17) "To collect an extension of credit" means to induce in any way a person to make repayment thereof.

(18) "To extend credit" means to make or renew a loan or to enter into an agreement, tacit or express, whereby the repayment or satisfaction of a debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or shall be deferred.

(19) "Traffic" means to sell, transfer, distribute, dispense, or otherwise dispose of stolen property to another person, or to buy, receive, possess, or obtain control of stolen property, with intent to sell, transfer, distribute, dispense, or otherwise dispose of the property to another person.

(20)(a) "Trustee" means:

(i) A person acting as a trustee under a trust established under Title 11 RCW in which the trustee holds legal or record title to real property;

(ii) A person who holds legal or record title to real property in which another person has a beneficial interest; or

(iii) A successor trustee to a person who is a trustee under (a)(i) or (ii) of this subsection.

(b) "Trustee" does not mean a person appointed or acting as:

(i) A personal representative under Title 11 RCW;

(ii) A trustee of any testamentary trust;

(iii) A trustee of any indenture of trust under which a bond is issued; or

(iv) A trustee under a deed of trust.

(21) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in the state in full or in part because the debt was incurred or contracted:

(a) In violation of any one of the following:

(i) Chapter 67.16 RCW relating to horse racing;

(ii) Chapter 9.46 RCW relating to gambling;

(b) In a gambling activity in violation of federal law; or

(c) In connection with the business of lending money or a thing of value at a rate that is at least twice the permitted rate under the applicable state or federal law relating to usury."

Senator Finkbeiner spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Finkbeiner and Poulsen to Substitute Senate Bill No. 6776.

The motion by Senator Finkbeiner carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "records;" strike the remainder of the title and insert "reenacting and amending RCW 9A.82.010; adding a new section to chapter 9.26A RCW; and prescribing penalties."

MOTION

On motion of Senator Finkbeiner, the rules were suspended, Engrossed Substitute Senate Bill No. 6776 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Finkbeiner spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Brown, Doumit and Prentice were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6776.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6776 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Doumit and Prentice - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6776, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

THIRTY-FIRST DAY, FEBRUARY 8, 2006

SENATE BILL NO. 6816, by Senator Zarelli

Allowing county cemetery districts to include areas within cities and towns.

The measure was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, Senate Bill No. 6816 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zarelli and Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6816.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6816 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Doumit and Prentice - 2

SENATE BILL NO. 6816, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5126, by Senators Kohl-Welles, Kastama, Roach and Keiser

Developing policies, procedures, and mandatory training programs on sexual harassment for all state employees.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5126 was substituted for Senate Bill No. 5126 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5126 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5126.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5126 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland,

2006 REGULAR SESSION

Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Doumit and Prentice - 2

SUBSTITUTE SENATE BILL NO. 5126, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6344, by Senators Kline, Kohl-Welles, Hargrove, Rockefeller, Shin and Benton

Monitoring personal information collected by state agencies.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 6344 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6344.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6344 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Doumit and Prentice - 2

SENATE BILL NO. 6344, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6428, by Senators Pridemore, Esser, Poulsen, Morton, Schmidt, Fairley, Benson, Berkey, Regala, Kohl-Welles, Weinstein, Prentice, Kastama, Johnson, Thibaudeau, Kline, Eide, Shin, Rockefeller, Jacobsen, Haugen, Doumit, Oke, Franklin, Swecker, Carrell, Rasmussen, Spanel, Fraser, McAuliffe, Keiser, Brown, Finkbeiner, Brandland and Benton

Providing electronic product recycling through manufacturer financed opportunities. Revised for 1st Substitute: Providing for electronic product recycling.

MOTION

THIRTY-FIRST DAY, FEBRUARY 8, 2006

On motion of Senator Pridemore, Substitute Senate Bill No. 6428 was substituted for Senate Bill No. 6428 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Pridemore moved that the following striking amendment by Senator Pridemore be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that a convenient, safe, and environmentally sound system for the collection, transportation, and recycling of covered electronic products must be established. The legislature further finds that the system must encourage the design of electronic products that are less toxic and more recyclable. The legislature further finds that the responsibility for this system must be shared among all stakeholders, with manufacturers financing the collection, transportation, and recycling system.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the Washington materials management and financing authority created under section 28 of this act.

(2) "Authorized party" means a manufacturer who submits an individual independent plan or the entity authorized to submit an independent plan for more than one manufacturer.

(3) "Board" means the board of directors of the Washington materials management and financing authority created under section 29 of this act.

(4) "Collector" means an entity licensed to do business in the state that gathers unwanted covered electronic products from households, small businesses, school districts, small governments, and charities for the purpose of recycling and meets minimum standards that may be developed by the department.

(5) "Contract for services" means an instrument executed by the authority and one or more persons or entities that delineates collection, transportation, and recycling services, in whole or in part, that will be provided to the citizens of the state within service areas as described in the approved standard plan.

(6) "Covered electronic product" includes a cathode ray tube or flat panel computer monitor having a viewable area greater than four inches when measured diagonally, a desktop computer, a laptop or a portable computer, or a cathode ray tube or flat panel television having a viewable area greater than four inches when measured diagonally that has been used in the state by any covered entity regardless of original point of purchase. "Covered electronic product" does not include: (a) A motor vehicle or replacement parts for use in motor vehicles or aircraft, or any computer, computer monitor, or television that is contained within, and is not separate from, the motor vehicle or aircraft; (b) monitoring and control instruments or systems; (c) medical devices; (d) products including materials intended for use as ingredients in those products as defined in the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.) or the virus-serum-toxin act of 1913 (21 U.S.C. Sec. 151 et seq.), and regulations issued under those acts; (e) equipment used in the delivery of patient care in a health care setting; (f) a computer, computer monitor, or television that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; or (g) hand-held portable voice or data devices used for commercial mobile services as defined in 47 U.S.C. Sec. 332 (d)(1).

(7) "Covered entity" means any household, charity, school district, small business, or small government located in Washington state.

2006 REGULAR SESSION

(8) "Curbside service" means a collection service providing regularly scheduled pickup of covered electronic products from households or other covered entities in quantities similar to households.

(9) "Department" means the department of ecology.

(10) "Electronic product" includes a cathode ray tube or flat panel computer monitor having a viewable area greater than four inches when measured diagonally; a desktop computer; a laptop or a portable computer; or a cathode ray tube or flat screen television having a viewable area greater than four inches when measured diagonally.

(11) "Equivalent share" means the weight in pounds of covered electronic products for which an individual manufacturer is responsible under this chapter as determined by the department under section 20 of this act.

(12) "Household" means a single detached dwelling unit or a single unit of a multiple dwelling unit and appurtenant structures.

(13) "Independent plan" means a plan for the collection, transportation, and recycling of unwanted covered electronic products that is developed, implemented, and financed by an individual manufacturer or by an authorized party.

(14) "Manufacturer" means any person, in business or no longer in business but having a successor in interest, who, irrespective of the selling technique used, including by means of distance or remote sale:

(a) Manufactures or has manufactured a covered electronic product under its own brand names for sale in or into this state;

(b) Assembles or has assembled a covered electronic product that uses parts manufactured by others for sale in or into this state under the assembler's brand names;

(c) Resells or has resold in or into this state under its own brand names a covered electronic product produced by other suppliers, including retail establishments that sell covered electronic products under their own brand names;

(d) Imports or has imported a covered electronic product into the United States that is sold in or into this state. However, if a company from whom an importer purchases or has purchased the merchandise performs activities conducted under the standards established for interstate commerce under the commerce clause of the United States Constitution, that company is deemed to be the manufacturer; or

(e) Manufactures or manufactured a cobranded product for sale in or into this state that carries the name of both the manufacturer and a retailer.

(15) "New entrant" means: (a) A manufacturer of televisions that have been sold in the state for less than ten years; or (b) a manufacturer of desktop computers, laptop and portable computers, or computer monitors that have been sold in the state for less than five years. However, a manufacturer of both televisions and computers or a manufacturer of both televisions and computer monitors that is deemed a new entrant under either only (a) or (b) of this subsection is not considered a new entrant for purposes of this chapter.

(16) "Orphan product" means a covered electronic product that lacks a manufacturer's brand or for which the manufacturer is no longer in business and has no successor in interest.

(17) "Plan's equivalent share" means the weight in pounds of covered electronic products for which a plan is responsible. A plan's equivalent share is equal to the sum of the equivalent shares of each manufacturer participating in that plan.

(18) "Plan's return share" means the sum of the return shares of each manufacturer participating in that plan.

(19) "Premium service" means services such as at-location system upgrade services provided to covered entities and at-home pickup services offered to households. "Premium service" does not include curbside service.

(20) "Processor" means an entity engaged in disassembling, dismantling, or shredding electronic products to recover materials contained in the electronic products and prepare those materials for reclaiming or reuse in new products in accordance

THIRTY-FIRST DAY, FEBRUARY 8, 2006

with processing standards established by this chapter and by the department. A processor may also salvage parts to be used in new products.

(21) "Product type" means one of the following categories: Computer monitors; desktop computers; laptop and portable computers; and televisions.

(22) "Program" means the collection, transportation, and recycling activities conducted to implement an independent plan or the standard plan.

(23) "Program year" means each full calendar year after the program has been initiated.

(24) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration. "Recycling" does not include energy recovery or energy generation by means of combusting electronic waste with or without other waste. Smelting of electronic wastes to recover metals for reuse in conformance with all applicable laws and regulations is not considered disposal or energy recovery.

(25) "Retailer" means a person who offers covered electronic products for sale at retail through any means including, but not limited to, remote offerings such as sales outlets, catalogs, or the internet, but does not include a sale that is a wholesale transaction with a distributor or a retailer.

(26) "Return share" means the percentage of covered electronic products by weight identified for an individual manufacturer, as determined by the department under section 19 of this act.

(27) "Reuse" means any operation by which an electronic product or a component of a covered electronic product changes ownership and is used for the same purpose for which it was originally purchased.

(28) "Small business" means a business employing less than fifty people.

(29) "Small government" means a city in the state with a population less than fifty thousand, a county in the state with a population less than one hundred twenty-five thousand, and special purpose districts in the state.

(30) "Standard plan" means the plan for the collection, transportation, and recycling of unwanted covered electronic products developed, implemented, and financed by the authority on behalf of manufacturers participating in the authority.

(31) "Transporter" means an entity that transports covered electronic products from collection sites or services to processors or other locations for the purpose of recycling, but does not include any entity or person that hauls their own unwanted electronic products.

(32) "Unwanted electronic product" means a covered electronic product that has been discarded or is intended to be discarded by its owner.

(33) "White box manufacturer" means a person who manufactured unbranded covered electronic products offered for sale in the state within ten years prior to a program year for televisions or within five years prior to a program year for desktop computers, laptop or portable computers, or computer monitors.

NEW SECTION. Sec. 3. (1) A manufacturer must participate in an independent plan or the standard plan to implement and finance the collection, transportation, and recycling of covered electronic products.

(2) An independent plan or the standard plan must be implemented and fully operational no later than January 1, 2009.

(3) The manufacturers participating in an approved plan are responsible for covering all administrative and operational costs associated with the collection, transportation, and recycling of their plan's equivalent share of covered electronic products. If costs are passed on to consumers, it must be done without any fees at the time the unwanted electronic product is delivered or collected for recycling. However, this does not prohibit collectors providing premium or curbside services from

2006 REGULAR SESSION

charging customers a fee for the additional collection cost of providing this service, when funding for collection provided by an independent plan or the standard plan does not fully cover the cost of that service.

(4) Nothing in this chapter changes or limits the authority of the Washington utilities and transportation commission to regulate collection of solid waste in the state of Washington, including curbside collection of residential recyclable materials, nor does this chapter change or limit the authority of a city or town to provide such service itself or by contract pursuant to RCW 81.77.020.

(5) Manufacturers are encouraged to collaborate with electronic product retailers, certificated waste haulers, processors, recyclers, charities, and local governments within the state in the development and implementation of their plans.

NEW SECTION. Sec. 4. (1) By January 1, 2007, and annually thereafter, each manufacturer must register with the department.

(2) A manufacturer must submit to the department with each registration or annual renewal a fee to cover the administrative costs of this chapter as determined by the department under section 23 of this act.

(3) The department shall review a registration and notify the manufacturer if their registration does not meet the requirements of this section. Within thirty days of receipt of such a notification from the department, the manufacturer must file with the department a revised registration addressing the requirements noted by the department.

(4) The registration may only include the following information:

(a) The name and contact information of the manufacturer submitting the registration;

(b) The manufacturer's brand names of covered electronic products, including all brand names sold in the state in the past, all brand names currently being sold in the state, and all brand names for which the manufacturer has legal responsibility under section 10 of this act;

(c) The method or methods of sale used in the state; and

(d) Whether the registrant will be participating in the standard plan or submitting an independent plan to the department for approval.

(5) The registrant shall submit any changes to the information provided in the registration to the department within fourteen days of such change.

(6) The department shall determine, using all reasonable means, manufacturers that are in business or that are no longer in business but that have a successor in interest by examining best available return share data and other pertinent data. The department shall notify manufacturers that have been identified and for whom an address has been found of the requirements of this chapter, including registration and plan requirements under this section and section 5 of this act.

NEW SECTION. Sec. 5. (1) A manufacturer must participate in the standard plan administered by the authority, unless the manufacturer obtains department approval for an independent plan for the collection, transportation, and recycling of unwanted electronic products.

(2) An independent plan may be submitted by an individual manufacturer or by a group of manufacturers, provided that:

(a) Each independent plan represents at least a five percent return share of covered electronic products; and

(b) No manufacturer may participate in an independent plan if they are a new entrant or a white box manufacturer.

(3) An individual manufacturer submitting an independent plan to the department is responsible for collecting, transporting, and recycling its equivalent share of covered electronic products.

(4)(a) Manufacturers collectively submitting an independent plan are responsible for collecting, transporting, and recycling the sum of the equivalent shares of each participating manufacturer.

THIRTY-FIRST DAY, FEBRUARY 8, 2006

2006 REGULAR SESSION

(b) Each group of manufacturers submitting an independent plan must designate a party authorized to file the plan with the department on their behalf. A letter of certification from each of the manufacturers designating the authorized party must be submitted to the department together with the plan.

(5) Each manufacturer in the standard plan or in an independent plan retains responsibility and liability under this chapter in the event that the plan fails to meet the manufacturer's obligations under this chapter.

NEW SECTION. Sec. 6. (1) All initial independent plans and the initial standard plan required under section 5 of this act must be submitted to the department by February 1, 2008. The department shall review each independent plan and the standard plan.

(2) The authority submitting the standard plan and each authorized party submitting an independent plan to the department must pay a fee to the department to cover the costs of administering and implementing this chapter. The department shall set the fees as described under section 23 of this act.

(3) The fees in subsection (2) of this section apply to the initial plan submission and plan updates and revisions required in section 7 of this act.

(4) Within ninety days after receipt of a plan, the department shall determine whether the plan complies with this chapter. If the plan is approved, the department shall send a letter of approval. If a plan is rejected, the department shall provide the reasons for rejecting the plan to the authority or authorized party. The authority or authorized party has sixty days after receipt of the letter of disapproval to submit a new plan.

(5) An independent plan and the standard plan must contain the following elements:

(a) Contact information for the authority or authorized party and a comprehensive list of all manufacturers participating in the plan and their contact information;

(b) A description of the collection, transportation, and recycling systems and service providers used, including a description of how the authority or authorized party will:

(i) Seek to use businesses within the state, including retailers, charities, processors, and collection and transportation services; and

(ii) Fairly compensate collectors for providing collection services;

(c) The method or methods for the reasonably convenient collection of all product types of covered electronic products in rural and urban areas throughout the state, including how the plan will provide for collection services in each county of the state and for a minimum of one collection site or alternate collection service for each city or town with a population greater than ten thousand. A collection site for a county may be the same as a collection site for a city or town in the county;

(d) A description of how the plan will provide service to small businesses, small governments, charities, and school districts in Washington state;

(e) The processes and methods used to recycle covered electronic products including a description of the processing that will be used and the facility location;

(f) Documentation of audits of each processor used in the plan and compliance with processing standards established under section 25 of this act;

(g) A description of the accounting and reporting systems that will be employed to track progress toward the plan's equivalent share;

(h) A timeline describing startup, implementation, and progress towards milestones with anticipated results;

(i) The public information campaign to inform consumers about how to recycle their covered electronic products at the end of the product's life.

(6) The standard plan shall address how it will incorporate and fairly compensate registered collectors providing curbside or premium services such that they are not compensated at a

lower rate for collection costs than the compensation offered other collectors providing drop-off collection sites in that geographic area.

(7) All transporters and collectors used to fulfill the requirements of this section must be registered as described in section 24 of this act.

NEW SECTION. Sec. 7. (1) An independent plan and the standard plan must be updated at least every five years and as required in (a) and (b) of this subsection.

(a) If the program fails to provide service in each county in the state or meet other plan requirements, the authority or authorized party shall submit to the department within sixty days of failing to provide service an updated plan addressing how the program will be adjusted to meet program geographic coverage and collection service requirements.

(b) The authority or authorized party shall notify the department of any modification to the plan. If the department determines that the authority or authorized party has significantly modified the program described in the plan, the authority or authorized party shall submit a revised plan describing the changes to the department within sixty days of notification by the department.

(2) Within sixty days after receipt of a revised plan, the department shall determine whether the revised plan complies with this chapter. If the revised plan is approved, the department shall send a letter of approval. If the revised plan is rejected, the department shall provide the reasons for rejecting the plan to the authority or authorized party. The authority or authorized party has sixty days after receipt of the letter of disapproval to submit a new plan revision.

(3) The authority or authorized parties may buy and sell tonnage of covered electronic products with other plans without submitting a plan revision for review.

NEW SECTION. Sec. 8. (1) A manufacturer participating in an independent plan may join the standard plan by notifying the authority and the department of its intention at least five months prior to the start of the next program year.

(2) Manufacturers may not change from one plan to another plan during a program year.

(3) A manufacturer participating in the standard plan wishing to implement or participate in an independent plan may do so by complying with rules adopted by the department under section 23 of this act.

NEW SECTION. Sec. 9. (1) A program must provide collection services for covered electronic products of all product types that are reasonably convenient and available to all citizens of the state residing within its geographic boundaries, including both rural and urban areas. Each program must provide collection service in every county of the state. A program may provide collection services jointly with another plan or plans.

(a) For any city or town with a population of greater than ten thousand, each program shall provide a minimum of one collection site or alternate collection service described in subsection (3) of this section or a combination of sites and alternate service that together provide at least one collection opportunity for all product types. A collection site for a county may be the same as a collection site for a city or town in the county.

(b) Collection sites may include electronics recyclers and repair shops, recyclers of other commodities, reuse organizations, charities, retailers, government recycling sites, or other suitable locations.

(c) Collection sites must be staffed, open to the public at a frequency adequate to meet the needs of the area being served, and on an on-going basis.

(2) A program may limit the number of covered electronic products or covered electronic products by product type accepted per customer per day or per delivery at a collection site or service. All covered entities may use a collection site as long as the covered entities adhere to any restrictions established in the plans.

THIRTY-FIRST DAY, FEBRUARY 8, 2006

2006 REGULAR SESSION

(3) A program may provide collection services in forms different than collection sites, such as curbside services, if those alternate services provide equal or better convenience to citizens and equal or increased recovery of unwanted covered electronic products.

(4) For rural areas without commercial centers or areas with widely dispersed population, a program may provide collection at the nearest commercial centers or solid waste sites, collection events, mail-back systems, or a combination of these options.

(5) For small businesses, small governments, charities, and school districts that may have large quantities of covered electronic products that cannot be handled at collection sites or curbside services, a program may provide alternate services. At a minimum, a program must provide for processing of these large quantities of covered electronic products at no charge to the small businesses, small governments, charities, and school districts.

NEW SECTION. Sec. 10. Any person acquiring a manufacturer, or who has acquired a manufacturer, shall have all responsibility for the acquired company's covered electronic products, including covered electronic products manufactured prior to the effective date of this section, unless that responsibility remains with another entity per the purchase agreement and the acquiring manufacturer provides the department with a letter from the other entity accepting responsibility for the covered electronic products. Cobranding manufacturers may negotiate with retailers for responsibility for those products and must notify the department of the results of their negotiations.

NEW SECTION. Sec. 11. (1) An independent plan and the standard plan must implement and finance an auditable, statistically significant sampling of covered electronic products entering its program every program year. The information collected must include a list of the brand names of covered electronic products by product type, the number of covered electronic products by product type, the weight of covered electronic products that are identified for each brand name or that lack a manufacturer's brand, the total weight of the sample by product type, and any additional information needed to assign return share.

(2) The sampling must be conducted in the presence of the department or a third-party organization approved by the department. The department may, at its discretion, audit the methodology and the results.

(3) After the fifth program year, the department may reassess the sampling required in this section. The department may adjust the frequency at which manufacturers must implement the sampling or may adjust the frequency at which manufacturers must provide certain information from the sampling. Prior to making any changes, the department shall notify the public, including all registered manufacturers, and provide a comment period. The department shall notify all registered manufacturers of any such changes.

NEW SECTION. Sec. 12. (1) An independent plan and the standard plan must inform covered entities about where and how to reuse and recycle their covered electronic products at the end of the product's life, including providing a web site or a toll-free telephone number that gives information about the recycling program in sufficient detail to educate covered entities regarding how to return their covered electronic products for recycling.

(2) The department shall promote covered electronic product recycling by:

(a) Posting information describing where to recycle unwanted covered electronic products on its web site;

(b) Providing information about recycling covered electronic products through a toll-free telephone service; and

(c) Developing and providing artwork for use in flyers and signage to retailers upon request.

(3) Local governments shall promote covered electronic product recycling, including listings of local collection sites and

services, through existing educational methods typically used by each local government.

(4) A retailer who sells new covered electronic products shall provide information to consumers describing where and how to recycle covered electronic products and opportunities and locations for the convenient collection or return of the products. This requirement can be fulfilled by providing the department's toll-free telephone number and web site. Remote sellers may include the information in a visible location on their web site as fulfillment of this requirement.

(5) Manufacturers, state government, local governments, retailers, and collection sites and services shall collaborate in the development and implementation of the public information campaign.

NEW SECTION. Sec. 13. (1) The electronic products recycling account is created in the custody of the state treasurer. All payments resulting from plans not reaching their equivalent share, as described in section 22 of this act, shall be deposited into the account. Any moneys collected for manufacturer registration fees, fees associated with reviewing and approving plans and plan revisions, and penalties levied under this chapter shall be deposited into the account.

(2) Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(3) Moneys in the account may be used solely by the department for the purposes of fulfilling department responsibilities specified in this chapter and for expenditures to the authority and authorized parties resulting from plans exceeding their equivalent share, as described in section 22 of this act. Funds in the account may not be diverted for any purpose or activity other than those specified in this section.

NEW SECTION. Sec. 14. (1) By March 1st of the second program year and each program year thereafter, the authority and each authorized party shall file with the department an annual report for the preceding program year.

(2) The annual report must include the following information:

(a) The total weight in pounds of covered electronic products collected and recycled, by county, during the preceding program year including documentation verifying collection and processing of that material. The total weight in pounds includes orphan products. The report must also indicate and document the weight in pounds received from each nonprofit charitable organization primarily engaged in the business of reuse and resale used by the plan. The report must document the weight in pounds that were received in large quantities from small businesses, small governments, charities and school districts as described in section 9(5) of this act;

(b) The collection services provided in each county and for each city with a population over ten thousand including a list of all collection sites and services operating in the state in the prior program year and the parties who operated them;

(c) A list of processors used, the weight of covered electronic products processed by each direct processor, and a description of the processes and methods used to recycle the covered electronic products including a description of the processing and facility locations. The report must also include a list of subcontractors who further processed or recycled unwanted covered electronic products, electronic components, or electronic scrap described in section 25(1)(b) of this act, including facility locations;

(d) Other documentation as established under section 25(1)(d) of this act;

(e) Educational and promotional efforts that were undertaken;

(f) The results of sampling and sorting as required in section 11 of this act, including a list of the brand names of covered electronic products by product type, the number of covered electronic products by product type, the weight of covered

THIRTY-FIRST DAY, FEBRUARY 8, 2006

electronic products that are identified for each brand name or that lack a manufacturer's brand, and the total weight of the sample by product type;

(g) Any other information deemed necessary by the department.

(3) The authority shall also include in its annual report to the department the list of manufacturers that are participating in the standard plan.

(4) The department shall review each report within ninety days of its submission and shall notify the authority or authorized party of any need for additional information or documentation, or any deficiency in its program.

(5) All reports submitted to the department must be available to the general public through the internet. Proprietary information submitted to the department under this chapter is exempt from public disclosure under RCW 42.56.270.

NEW SECTION. Sec. 15. Nonprofit charitable 501(c)3 organizations that are primarily engaged in the business of reuse and resale and that are used by a plan to collect covered electronic products shall file a report with the department by March 1st of the second program year and each program year thereafter. The report must indicate and document the weight of covered electronic products sent for recycling during the previous program year attributed to each plan that the charitable organization is participating in.

NEW SECTION. Sec. 16. (1) Beginning January 1, 2007, no person may sell or offer for sale an electronic product to any person in the state unless the electronic product is labeled with the manufacturer's brand. The label must be permanently affixed and readily visible.

(2) In-state retailers in possession of unlabeled products on January 1, 2007, may exhaust their stock through sales to the public.

NEW SECTION. Sec. 17. No person may sell or offer for sale a covered electronic product to any person in this state unless the manufacturer of the covered electronic product has filed a registration with the department under section 4 of this act and is participating in an approved plan under section 5 of this act. A person that sells or offers for sale a covered electronic product in the state shall consult the department's web site for lists of manufacturers with registrations and approved plans prior to selling a covered electronic product in the state. A person is considered to have complied with this section if on the date the product was ordered from the manufacturer or its agent, the manufacturer was listed as having registered and having an approved plan on the department's web site.

NEW SECTION. Sec. 18. (1) The department shall maintain on its web site the following information:

(a) The names of the manufacturers and the manufacturer's brands that are registered with the department under section 3 of this act;

(b) The names of the manufacturers and the manufacturer's brands that are participating in an approved plan under section 5 of this act;

(c) The names and addresses of the collectors and transporters that are listed in registrations filed with the department under section 24 of this act;

(d) The names and addresses of the processors used to fulfill the requirements of the plans;

(e) Return and equivalent shares for all manufacturers.

(2) The department shall update this web site information promptly upon receipt of a registration or a report.

NEW SECTION. Sec. 19. (1) The department shall determine the return share for each manufacturer in the standard plan or an independent plan by dividing the weight of covered electronic products identified for each manufacturer by the total weight of covered electronic products identified for all manufacturers in the standard plan or an independent plan, then multiplying the quotient by one hundred.

(2) For the first program year, the department shall determine the return share for such manufacturers using all

2006 REGULAR SESSION

reasonable means and based on best available information regarding return share data from other states and other pertinent data.

(3) For the second and each subsequent program year, the department shall determine the return share for such manufacturers using all reasonable means and based on the most recent sampling of covered electronic products conducted in the state under section 11 of this act.

NEW SECTION. Sec. 20. (1) The department shall determine the total equivalent share for each manufacturer in the standard plan or an independent plan by dividing the return share percentage for each manufacturer by one hundred, then multiplying the quotient by the total weight in pounds of covered electronic products collected for that program year, allowing as needed for the additional credit authorized in subsection (3) of this section.

(2)(a) By June 1st of each program year, the department shall notify each manufacturer of the manufacturer's equivalent share of covered electronic products to be applied to the previous program year. The department shall also notify each manufacturer of how its equivalent share was determined.

(b) By June 1st of each program year, the department shall bill any authorized party or authority that has not attained its equivalent share as determined under section 22 of this act. The authorized party or authority shall remit payment to the department within sixty days from the billing date.

(c) By September 1st of each program year, the department shall pay any authorized party or authority that exceeded its equivalent share.

(3) Plans that utilize the collection services of nonprofit charitable 501(c)3 organizations that are primarily engaged in the business of reuse and resale must be given an additional five percent credit to be applied toward a plan's equivalent share for pounds that are received for recycling from those organizations. The department may adjust the percentage of credit annually.

NEW SECTION. Sec. 21. (1) By June 1, 2007, the department shall notify each manufacturer of its preliminary return share of covered electronic products for the first program year.

(2) Preliminary return share of covered electronic products must be announced annually by June 1st of each program year for the next program year.

(3) Manufacturers may challenge the preliminary return share by written petition to the department. The petition must be received by the department within thirty days of the date of publication of the preliminary return shares.

(4) The petition must contain a detailed explanation of the grounds for the challenge, an alternative calculation, and the basis for such a calculation, documentary evidence supporting the challenge, and complete contact information for requests for additional information or clarification.

(5) Sixty days after the publication of the preliminary return share, the department shall make a final decision on return share, having fully taken into consideration any and all challenges to its preliminary calculations.

(6) A written record of challenges received and a summary of the bases for the challenges, as well as the department's response, must be published at the same time as the publication of the final return share.

(7) By August 1, 2007, the department shall publish the final return shares for the first program year. By August 1st of each program year, the department shall publish the final return shares for use in the coming program year.

NEW SECTION. Sec. 22. (1) For an independent plan and the standard plan, if the total weight in pounds of covered electronic products collected during a program year is less than the plan's equivalent share of covered electronic products for that year, then the authority or authorized party shall submit to the department a payment equal to the weight in pounds of the deficit multiplied by the reasonable collection, transportation, and recycling cost for covered electronic products and the

THIRTY-FIRST DAY, FEBRUARY 8, 2006

administrative fee. Moneys collected by the department must be deposited in the electronic products recycling account.

(2) For an independent plan and the standard plan, if the total weight in pounds of covered electronic products collected during a program year is more than the plan's equivalent share of covered electronic products for that year, then the department shall submit to the authority or authorized party, a payment equal to the weight in pounds of the surplus multiplied by the reasonable collection, transportation, and recycling cost for covered electronic products.

(3) For purposes of this section, the initial reasonable collection, transportation, and recycling cost for covered electronic products is forty-five cents per pound and the administrative fee is five cents per pound.

(4) The department may annually adjust the reasonable collection, transportation, and recycling cost for covered electronic products and the administrative fee described in this section. Prior to making any changes in the fees described in this section, the department shall notify the public, including all registered manufacturers, and provide a comment period. The department shall notify all registered manufacturers of any changes to the reasonable collection, transportation, and recycling cost or the administrative fee by January 1st of the program year in which the change is to take place.

NEW SECTION. Sec. 23. (1) The department shall adopt rules to determine the process for manufacturers to change plans under section 8 of this act.

(2) The department shall establish annual registration and plan review fees for administering this chapter. An initial fee schedule must be established by rule and be adjusted no more often than once every two years. All fees charged must be based on factors relating to administering this chapter and be based on a sliding scale that is representative of annual sales of covered electronic products in the state. Fees must be established in amounts to fully recover and not to exceed expenses incurred by the department to implement this chapter.

(3) The department shall establish an annual process for local governments and local communities to report their satisfaction with the services provided by plans under this chapter. This information must be used by the department in reviewing plan updates and revisions.

(4) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

NEW SECTION. Sec. 24. Each collector and transporter of covered electronic products in the state must register annually with the department. The registration must include all identification requirements for licensure in the state and the geographic area of the state that they serve. The department shall develop a single form for registration of both collectors and transporters.

NEW SECTION. Sec. 25. (1)(a) The authority and each authorized party shall ensure that each processor used directly by the authority or the authorized party to fulfill the requirements of their respective standard plan or independent plan has provided the authority or the authorized party a written statement that the processor will comply with the requirements of this section.

(b) The international export of any unwanted covered electronic products or electronic components or electronic scrap derived from such products destined for disposal or recycling that are capable of leaching lead, cadmium, mercury, hexavalent chromium, or selenium or selenium compounds in concentrations above the limits listed in 40 C.F.R. Sec. 261.24 as of the effective date of this act shall be prohibited except for exports to:

(i) Countries that are members of the organization for economic cooperation and development;

(ii) Countries that are members of the European community;

or

2006 REGULAR SESSION

(iii) Countries that have entered into an agreement with the United States that allows for such exports.

(c) Any unwanted electronic products or electronic components derived from such products that are capable of leaching lead, cadmium, mercury, hexavalent chromium, or selenium or selenium compounds in concentrations exceeding the levels established in 40 C.F.R. Sec. 261.24 as of the effective date of this act and exported to countries that are not members of the organization for economic cooperation and development or the European community or with whom the United States has not entered into an agreement for such export for reuse, must be tested and labeled as fully functional or needing only repairs that do not result in the replacement of components capable of leaching these substances in concentrations exceeding the levels established in 40 C.F.R. Sec. 261.24 as of the effective date of this act.

(d) The department shall establish rules to implement this section, including any requirements necessary to ensure that full compliance is adequately documented.

(2) The department shall establish by rule performance standards for environmentally sound management for processors directly used to fulfill the requirements of an independent plan or the standard plan. Performance standards may include financial assurance to ensure proper closure of facilities in the state consistent with environmental standards.

(3) The department shall establish by rule guidelines regarding nonrecycled residual that may be properly disposed after covered electronic products have been processed.

(4) The department may audit processors that are utilized to fulfill the requirements of an independent plan or the standard plan.

(5) No plan or program required under this chapter may include the use of federal or state prison labor for processing.

NEW SECTION. Sec. 26. (1) No manufacturer may sell or offer for sale a covered electronic product in or into the state unless the manufacturer of the covered electronic product is participating in an approved plan. The department shall send a written warning to a manufacturer that does not have an approved plan or is not participating in an approved plan as required under section 5 of this act. The written warning must inform the manufacturer that it must participate in an approved plan within thirty days of the notice. Any violation after the initial written warning shall be assessed a penalty of up to ten thousand dollars for each violation.

(2) If the authority or any authorized party fails to implement their approved plan, the department must assess a penalty of up to five thousand dollars for the first violation along with notification that the authority or authorized party must implement its plan within thirty days of the violation. After thirty days, the authority or any authorized party failing to implement their approved plan must be assessed a penalty of up to ten thousand dollars for the second and each subsequent violation.

(3) Any person that does not comply with manufacturer registration requirements under section 4 of this act, education and outreach requirements under section 12 of this act, reporting requirements under section 14 of this act, labeling requirements under section 16 of this act, retailer responsibility requirements under section 17 of this act, collector or transporter registration requirements under section 24 of this act, or requirements under section 25 of this act, must first receive a written warning including a copy of the requirements under this chapter and thirty days to correct the violation. After thirty days, a person must be assessed a penalty of up to one thousand dollars for the first violation and up to two thousand dollars for the second and each subsequent violation.

(4) All penalties levied under this section must be deposited into the electronic products recycling account created under section 13 of this act.

(5) The department shall enforce this section.

THIRTY-FIRST DAY, FEBRUARY 8, 2006

2006 REGULAR SESSION

NEW SECTION. Sec. 27. By December 31, 2012, the department shall provide a report to the legislature that includes the following information:

(1) For each of the preceding program years, the weight of covered electronic products recycled in the state by plan, by county, and in total;

(2) The performance of each plan in meeting its equivalent share, and payments received from and disbursed to each plan from the electronic products recycling account;

(3) A description of the various collection programs used to collect covered electronic products in the state;

(4) An evaluation of how the pounds per capita recycled of covered electronic products in the state compares to programs in other states;

(5) Comments received from local governments and local communities regarding satisfaction with the program, including accessibility and convenience of services provided by the plans;

(6) Recommendations on how to improve the statewide collection, transportation, and recycling system for convenient, safe, and environmentally sound recycling of electronic products; and

(7) An analysis of whether and in what amounts unwanted electronic products and electronic components and electronic scrap exported from Washington have been exported to countries that are not members of the organization for economic cooperation and development or the European union, and recommendations for addressing such exports.

NEW SECTION. Sec. 28. (1) The Washington materials management and financing authority is established as a public body corporate and politic, constituting an instrumentality of the state of Washington exercising essential governmental functions.

(2) The authority shall plan and implement a collection, transportation, and recycling program for manufacturers that have registered with the department their intent to participate in the standard program as required under section 4 of this act.

(3) Membership in the authority is comprised of registered participating manufacturers. Any manufacturer who does not qualify or is not approved to submit an independent plan, or whose independent plan has not been approved by the department, is a member of the authority.

(4) The authority shall act as a business management organization on behalf of the citizens of the state to manage financial resources and contract for services for collection, transportation, and recycling of covered electronic products.

(5) The authority's standard plan is responsible for collecting, transporting, and recycling the sum of the equivalent shares of each participating manufacturer. All new entrants and white box manufacturers must participate in the standard plan.

(6) The authority shall accept into the standard program covered electronic products from any registered collector who meets the requirements of this chapter. The authority shall compensate registered collectors for the reasonable costs associated with collection, but is not required to compensate nor restricted from compensating the additional collection costs resulting from the additional convenience offered to customers through premium and curbside services.

(7) Except as specifically allowed in this chapter, the authority shall operate without using state funds or lending the credit of the state or local governments.

(8) The authority shall develop innovative approaches to improve materials management efficiency in order to ensure and increase the use of secondary material resources within the economy.

NEW SECTION. Sec. 29. (1)(a) The authority is governed by a board of directors. The initial board of directors is comprised of eleven participating manufacturers, elected by the membership of the authority. Five board positions are reserved for representatives of the top ten brand owners by return share of covered electronic products, and six board positions are reserved for representatives of other brands, including at least

one board position reserved for a manufacturer who is also a retailer selling their own private label. The return share of covered electronic products used to determine the top ten brand owners for purposes of electing the board must be determined by the department by January 1, 2007.

(b) The board must have representation from both television and computer manufacturers.

(2) The board shall select from its membership the chair of the board and such other officers as it deems appropriate.

(3) A majority of the board constitutes a quorum.

(4) The directors of the department of community, trade, and economic development and the department of ecology, and the state treasurer serve as ex officio members. The state agency directors and the state treasurer serving in ex officio capacity may each designate an employee of their respective departments to act on their behalf in all respects with regard to any matter to come before the authority. Ex officio designations must be made in writing and communicated to the authority director.

(5) The board shall create its own bylaws in accordance with the laws of the state of Washington.

(6) Any member of the board may be removed for misfeasance, malfeasance, or willful neglect of duty after notice and a public hearing, unless the notice and hearing are expressly waived in writing by the affected member.

(7) The members of the board serve without compensation but are entitled to reimbursement, solely from the funds of the authority, for expenses incurred in the discharge of their duties under this chapter.

NEW SECTION. Sec. 30. (1) Participating manufacturers shall pay the authority to cover all administrative and operational costs associated with the collection, transportation, and recycling of covered electronic products within the state of Washington incurred by the standard program operated by the authority.

(2) The authority shall assess charges and collect funds from participating manufacturers based on return share, market share, any combination thereof, or any other equitable method, and collect assessments directly to fund the activities of the standard program. The authority shall adjust the assessments as necessary in order to ensure that all costs associated with the identified activities are covered. If a manufacturer has not met its financial obligations as determined by the authority under this section, the authority shall notify the department that the manufacturer is no longer participating in the standard plan.

NEW SECTION. Sec. 31. (1) Except as provided in subsection (2) of this section, the authority shall use any funds legally available to it for any purpose specifically authorized by this chapter to:

(a) Contract and pay for collecting, transporting, and recycling of covered electronic products and education and other services as identified in the standard plan;

(b) Pay for the expenses of the authority including, but not limited to, salaries, benefits, operating costs and consumable supplies, equipment, office space, and other expenses related to the costs associated with operating the authority;

(c) Pay into the electronic products recycling account amounts billed by the department to the authority for any deficit in reaching the standard plan's equivalent share as required under section 22 of this act; and

(d) Pay the department for the fees for submitting the standard plan and any plan revisions.

(2) If practicable, the authority shall avoid creating new infrastructure already available through private industry in the state.

(3) The authority may not receive an appropriation of state funds, other than:

(a) Funds that may be provided as a one-time loan to cover administrative costs associated with start up of the authority, such as electing the board of directors and conducting the public hearing for the operating plan, provided that no appropriated

THIRTY-FIRST DAY, FEBRUARY 8, 2006

funds may be used to pay for collection, transportation, or recycling services; and

(b) Funds received from the department from the electronic products recycling account for exceeding the standard plan's equivalent share.

(4) The authority may receive additional sources of funding that do not obligate the state to secure debt except as described in subsection (1) of this section.

(5) All funds collected by the authority under this chapter, including interest, dividends, and other profits, are and must remain under the complete control of the authority and its board of directors, be fully available to achieve the intent of this chapter, and be used for the sole purpose of achieving the intent of this chapter.

NEW SECTION. Sec. 32. (1) The board shall adopt a general operating plan of procedures for the authority. The board shall also adopt operating procedures for collecting fees from participating covered electronic manufacturers and for providing funding for contracted services. These operating procedures must be adopted by resolution prior to the authority operating the applicable programs.

(2) The general operating plan must include, but is not limited to: (a) Appropriate minimum reserve requirements to secure the authority's financial stability; and (b) appropriate standards for contracting for services.

(3) The board shall conduct at least one public hearing on the general operating plan prior to its adoption. The authority shall provide and make public a written response to all comments received by the public.

(4) The general operating plan must be adopted by resolution of the board. The board may periodically update the general operating plan as necessary, but must update the plan no less than once every four years. The general operating plan or updated plan must include a report on authority activities conducted since the commencement of authority operation or since the last reported general operating plan, whichever is more recent, including a statement of results achieved under the purposes of this chapter and the general operating plan. Upon adoption, the authority shall conduct its programs in observance of the objectives established in the general operating plan.

NEW SECTION. Sec. 33. (1) The authority shall employ a chief executive officer, appointed by the board, and a chief financial officer, as well as professional, technical, and support staff, appointed by the chief executive officer, necessary to carry out its duties.

(2) Employees of the authority are not classified employees of the state. Employees of the authority are exempt from state service rules and may receive compensation only from the authority at rates competitive with state service.

(3) The authority must retain its own legal counsel.

(4) The departments of ecology and community, trade, and economic development shall provide staff to assist in the creation of the authority. If requested by the authority, the departments of ecology and community, trade, and economic development shall also provide start-up support staff to the authority for its first twelve months of operation, or part thereof, to assist in the quick establishment of the authority. Staff expenses must be paid through fees and funds collected by the authority and must be reimbursed to the departments from the authority's financial resources within the first twenty-four months of operation.

(5) In addition to accomplishing the activities specifically authorized in this chapter, the authority may:

(a) Maintain an office or offices;

(b) Make and execute all manner of contracts, agreements, and instruments and financing documents with public and private parties as the authority deems necessary, useful, or convenient to accomplish its purposes;

(c) Make expenditures as appropriate for paying the administrative costs and expenses of the authority in carrying out the provisions of this chapter;

2006 REGULAR SESSION

(d) Give assistance to private and public bodies contracted to provide collection, transportation, and recycling services by providing information, guidelines, forms, and procedures for implementing their programs;

(e) Delegate, through contract, any of its powers and duties if consistent with the purposes of this chapter; and

(f) Exercise any other power the authority deems necessary, useful, or convenient to accomplish its purposes and exercise the powers expressly granted in this chapter.

NEW SECTION. Sec. 34. This chapter is void if a federal law, or a combination of federal laws, takes effect that establishes a national program for the collection and recycling of covered electronic products that substantially meets the intent of this chapter, including the creation of a financing mechanism for collection, transportation, and recycling of all covered electronic products from households, small businesses, school districts, small governments, and charities in the United States.

NEW SECTION. Sec. 35. A new section is added to chapter 43.19 RCW to read as follows:

(1) The department of general administration shall establish purchasing and procurement policies that establish a preference for electronic products that meet environmental performance standards relating to the reduction or elimination of hazardous materials.

(2) The department of general administration shall ensure that their surplus electronic products, other than those sold individually to private citizens, are managed only by registered transporters and by processors meeting the requirements of section 25 of this act.

(3) The department of general administration shall ensure that their surplus electronic products are directed to legal secondary materials markets by requiring a chain of custody record that documents to whom the products were initially delivered through to the end use manufacturer.

Sec. 36. RCW 42.56.270 and 2005 c 274 s 407 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the

THIRTY-FIRST DAY, FEBRUARY 8, 2006

2006 REGULAR SESSION

clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011; ~~((and))~~

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter; and

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.-- RCW (sections 1 through 34 of this act) to implement chapter 70.-- RCW (sections 1 through 34 of this act).

NEW SECTION. Sec. 37. This act must be liberally construed to carry out its purposes and objectives.

NEW SECTION. Sec. 38. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 39. This act takes effect July 1, 2006.

NEW SECTION. Sec. 40. Sections 1 through 34 of this act constitute a new chapter in Title 70 RCW."

Senator Pridemore spoke in favor of adoption of the striking amendment.

MOTION

Senator Mulliken moved that the following amendment by Senator Mulliken to the striking amendment be adopted.

On page 6, beginning on line 26, strike everything through "act." on line 29.

Renumber the subsections consecutively and correct any internal references accordingly.

On page 8, beginning on line 14, strike everything through "act." on line 21.

Renumber the subsections consecutively and correct any internal references accordingly.

On page 13, line 34, after "for" strike everything through "revisions, and" on line 35.

On page 19, line 24, strike everything through "chapter." on line 31.

Renumber the subsections consecutively and correct any internal references accordingly.

On page 25, line 25, strike everything through "revisions." on line 26.

On page 26, line 11, after "procedures" strike everything through "and" on line 12.

On page 27, line 14, after "through" strike "fees and"

Renumber the sections consecutively and correct any internal references accordingly.

Senator Mulliken spoke in favor of adoption of the amendment to the striking amendment.

Senator Pridemore spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pridemore on page 6, line 26 to the striking amendment to Substitute Senate Bill No. 6428.

The motion by Senator Mulliken failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Pridemore to Substitute Senate Bill No. 6428.

The motion by Senator Pridemore carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "opportunities;" strike the remainder of the title and insert "amending RCW 42.56.270; adding a new section to chapter 43.19 RCW; adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; and providing an effective date."

MOTION

On motion of Senator Pridemore, the rules were suspended, Engrossed Substitute Senate Bill No. 6428 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore, Esser and Poulsen spoke in favor of passage of the bill.

Senator Hewitt spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6428.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6428 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley,

THIRTY-FIRST DAY, FEBRUARY 8, 2006

2006 REGULAR SESSION

Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 41

Voting nay: Senators Hewitt, Honeyford, Jacobsen, Mulliken, Schoesler, Sheldon, Stevens and Zarelli - 8

ENGROSSED SUBSTITUTE SENATE BILL NO. 6428, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

February 8, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:

HOUSE BILL NO. 1361,
SECOND SUBSTITUTE HOUSE BILL NO. 1430,
HOUSE BILL NO. 1813,
SUBSTITUTE HOUSE BILL NO. 2463,
HOUSE BILL NO. 2562,
SUBSTITUTE HOUSE BILL NO. 2563,
HOUSE BILL NO. 2587,
HOUSE BILL NO. 2615,
SUBSTITUTE HOUSE BILL NO. 2654,
HOUSE BILL NO. 2655,
SUBSTITUTE HOUSE BILL NO. 2656,
HOUSE BILL NO. 2676,
HOUSE BILL NO. 2825,
HOUSE BILL NO. 2897,
HOUSE BILL NO. 2900,
SUBSTITUTE HOUSE BILL NO. 2908,
HOUSE BILL NO. 2960,
HOUSE BILL NO. 2975,
SUBSTITUTE HOUSE BILL NO. 2979,
HOUSE BILL NO. 2983,
HOUSE BILL NO. 2991,
HOUSE BILL NO. 3019,
HOUSE BILL NO. 3041,
HOUSE BILL NO. 3048,
HOUSE BILL NO. 3056,
HOUSE BILL NO. 3073,
HOUSE BILL NO. 3205,
HOUSE JOINT MEMORIAL NO. 4038,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 8, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:

HOUSE BILL NO. 2477,
HOUSE BILL NO. 2520,
SUBSTITUTE HOUSE BILL NO. 2543,
SUBSTITUTE HOUSE BILL NO. 2601,
HOUSE JOINT MEMORIAL NO. 4023,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 8, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:

HOUSE BILL NO. 2328,
HOUSE BILL NO. 2381,
SUBSTITUTE HOUSE BILL NO. 2394,
HOUSE BILL NO. 2718,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

At 5:03 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Thursday, February 9, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

THIRTY-SECOND DAY, FEBRUARY 9, 2006

2006 REGULAR SESSION

THIRTY-SECOND DAY**MORNING SESSION**

Senate Chamber, Olympia, Thursday, February 9, 2006

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Brown, Deccio, Franklin, Johnson, Mulliken, Pflug and Rasmussen.

The Sergeant at Arms Color Guard consisting of Pages Eileen Pollet and Lydia Shepard, presented the Colors. The Most Reverend Bishop Carlos Sevilla of the Catholic Diocese Church offered the prayer.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 6893 by Senators Mulliken, Doumit, Finkbeiner and Rasmussen

AN ACT Relating to creating unfunded liabilities stabilization accounts within the public employees' retirement system plan 1 and teachers' retirement system plan 1 funds and making appropriations into the accounts; amending RCW 41.50.075 and 41.50.075; adding a new section to chapter 41.45 RCW; creating new sections; making appropriations; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1120 by House Committee on Capital Budget (originally sponsored by Representatives Dunshee, Jarrett, Ormsby, Morrell, Roberts, Chase and Linville)

AN ACT Relating to the community and technical college capital projects account; reenacting and amending RCW 43.84.092; and providing an effective date.

Referred to Committee on Ways & Means.

HB 1361 by Representatives Alexander, Simpson, Schindler and Holmquist

AN ACT Relating to the disbursement of funds by air pollution control agencies; and amending RCW 70.94.094.

Referred to Committee on Water, Energy & Environment.

2SHB 1430 by House Committee on Commerce & Labor (originally sponsored by Representatives Wood and Condotta)

AN ACT Relating to sale by spirit, beer, and wine licensees of malt liquor in containers that are capable of holding four gallons or more and are registered in accordance with RCW 66.28.200; and amending RCW 66.24.400, 66.28.200, and 66.28.220.

Referred to Committee on Labor, Commerce, Research & Development.

HB 1813 by Representatives Williams, DeBolt, Hunt and Moeller

AN ACT Relating to increasing the maximum term of rural, island, and intercounty rural district general obligation bonds; and amending RCW 27.12.222.

Referred to Committee on Government Operations & Elections.

SHB 2233 by House Committee on Higher Education & Workforce Education (originally sponsored by Representatives Kristiansen, B. Sullivan, Cox, Sells, Woods, Rodne, Bailey, Pearson, Strow, Campbell, Serben, O'Brien, Ahern, Kretz and Murray)

AN ACT Relating to prioritizing tuition waivers for war veterans; amending RCW 28B.15.910; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

HB 2328 by Representatives Lantz and Priest

AN ACT Relating to the insanity defense; amending RCW 10.77.020; and creating a new section.

Referred to Committee on Judiciary.

HB 2331 by Representatives Blake, Buck, Upthegrove, Sump and B. Sullivan

AN ACT Relating to clarifying the public disclosure of sensitive fish and wildlife data; amending RCW 42.56.430; and providing an effective date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 2339 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kirby, Roach and Chase)

AN ACT Relating to business development companies and the participation of financial institutions and nondepository lenders in economic development within the state; amending RCW 31.24.010, 31.24.020, 31.24.030, 31.24.070, 31.24.080, 31.24.090, 31.24.100, 31.24.110, 31.24.120, 31.24.130, 31.24.140, 31.24.150, 31.24.170, 31.24.190, and 31.40.090; adding new sections to chapter 31.24 RCW; adding a new section to chapter 31.35 RCW; adding a new section to chapter 31.40 RCW; and repealing RCW 31.24.040, 31.24.050, 31.24.060, and 31.24.180.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SHB 2341 by House Committee on Health Care (originally sponsored by Representatives Moeller, Hinkle, Williams, Sells, Upthegrove, Lantz, Morrell, Clibborn, Conway, Kenney and Campbell)

AN ACT Relating to optometry; amending RCW 18.53.010; and adding a new section to chapter 18.53 RCW.

THIRTY-SECOND DAY, FEBRUARY 9, 2006

2006 REGULAR SESSION

Referred to Committee on Health & Long-Term Care.

HB 2358 by Representatives Haigh, Hunt, Nixon, McDermott, Miloscia, Moeller, Chase, Morrell, Springer, Wallace, Ormsby and Schual-Berke

AN ACT Relating to penalties for violation of chapter 42.17 RCW, the public disclosure and fair campaign practices act; amending RCW 42.17.390 and 42.17.395; adding a new section to chapter 42.17 RCW; and prescribing penalties.

Referred to Committee on Government Operations & Elections.

HB 2366 by Representatives B. Sullivan, Appleton, Moeller, Buck, Haler, Fromhold, Ericks, Strow, Simpson, Campbell and Ormsby

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

Referred to Committee on Judiciary.

HB 2375 by Representatives Williams, Priest, Rodne and Haler

AN ACT Relating to session law publication; amending RCW 44.20.030 and 44.20.050; adding a new section to chapter 40.04 RCW; and repealing RCW 40.04.035 and 40.04.040.

Referred to Committee on Judiciary.

HB 2380 by Representatives Serben, Lantz, Rodne, Haler and Schual-Berke

AN ACT Relating to the uniform transfers to minors act; amending RCW 11.114.010, 11.114.020, 11.114.090, 11.114.120, 11.114.140, 11.114.180, 11.114.190, and 11.114.200; and providing an effective date.

Referred to Committee on Judiciary.

HB 2381 by Representatives Kretz, Blake, Sump, Buri, Haler, Ericks and Holmquist

AN ACT Relating to allowing the reintroduction of beavers into the historic habitat of the species; adding a new section to chapter 77.32 RCW; adding a new section to chapter 77.36 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 2394 by House Committee on Children & Family Services (originally sponsored by Representatives Dickerson, Morrell, Appleton, Moeller, Lantz, Hasegawa, Williams, Darneille, Santos, Haler, Wallace, Walsh, McIntire and Simpson)

AN ACT Relating to financial literacy; amending RCW 74.08A.250 and 74.08A.260; creating a new section; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SHB 2402 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Hudgins and B. Sullivan)

AN ACT Relating to expedited processing of energy facilities and alternative energy resources under the energy facility site evaluation council; and amending RCW 80.50.020, 80.50.075, and 80.50.090.

Referred to Committee on Water, Energy & Environment.

SHB 2405 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kirby and Roach)

AN ACT Relating to the compensation paid by an insurer to an insurance broker; and amending RCW 48.17.270.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SHB 2432 by House Committee on Finance (originally sponsored by Representatives Campbell, Morrell, McCune, McCoy, Appleton, Talcott, Linville, Conway, Sump, Springer, Green, Ericks, Dunn and Sells)

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

Referred to Committee on Ways & Means.

SHB 2439 by Representatives Hudgins, Kilmer, McCoy, Morrell, Appleton, Moeller, Rodne, Linville, Conway, P. Sullivan, Morris, B. Sullivan, Green, Ericks, Upthegrove and Ormsby

AN ACT Relating to the support of military families stationed in Washington state through an exemption from the state and local real estate excise taxes for home sales resulting from military relocation orders within three years of home purchase; adding a new section to chapter 82.45 RCW; providing an effective date; and providing a contingent expiration date.

Referred to Committee on Ways & Means.

SHB 2463 by House Committee on Health Care (originally sponsored by Representatives Moeller and Morrell)

AN ACT Relating to dental licensure; and amending RCW 18.32.030 and 18.32.215.

Referred to Committee on Health & Long-Term Care.

HB 2477 by Representatives Green, Nixon, Haigh, Hunt, Moeller and Rodne

AN ACT Relating to technical changes to election laws; amending RCW 29A.04.530, 29A.04.611, 29A.24.091, 29A.24.101, 29A.24.111, 29A.40.110, 29A.40.150, and 29A.48.050; and repealing RCW 29A.04.157, 29A.04.610, 29A.20.110, 29A.20.130, 29A.20.200, 29A.24.200, 29A.28.010, 29A.28.020, 29A.36.190, 29A.44.220, 29A.46.140, 29A.46.150, 29A.46.210, 29A.46.220, 29A.46.230, 29A.46.240, 29A.46.250, and 29A.72.220.

Referred to Committee on Government Operations & Elections.

SHB 2497 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kilmer, Buri, Hudgins, Skinner, Green, Morrell, Linville, Ormsby, Lantz, Williams, McCoy, Appleton, Moeller, Chase, Conway, P.

THIRTY-SECOND DAY, FEBRUARY 9, 2006

2006 REGULAR SESSION

Sullivan, Haler, Wallace, Sells, Morris, Ericks, Upthegrove and Woods)

Flannigan, Eickmeyer, B. Sullivan, Wallace, Dunshee, Haigh, Kenney, Lantz, Hunt and Conway

AN ACT Relating to assistance for business owners who are active duty national guard members; amending RCW 38.42.010; and adding a new section to chapter 38.42 RCW.

AN ACT Relating to designating the Lady Washington as the official ship of the state of Washington; and adding a new section to chapter 1.20 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

Referred to Committee on Government Operations & Elections.

HB 2520 by Representative Nixon

SHB 2601 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Hunter, Anderson, Morris, Jarrett, Nixon, O'Brien, Hudgins, Tom, Kilmer and Wallace)

AN ACT Relating to recodifying and making technical corrections to public disclosure law; amending RCW 7.07.050, 15.53.9018, 18.20.390, 29A.60.165, 48.31.405, 42.56.250, 42.56.270, 42.56.330, 42.56.360, 74.15.310, 74.15.320, 74.15.330, 74.42.640, and 90.64.190; adding new sections to chapter 42.56 RCW; recodifying RCW 42.17.253, 42.17.31922, and 42.17.31923; and providing an effective date.

AN ACT Relating to information technology projects; and amending RCW 43.88A.020, 43.105.160, 43.105.041, and 43.105.825.

Referred to Committee on Government Operations & Elections.

Referred to Committee on Government Operations & Elections.

SHB 2543 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Kilmer, Crouse, Nixon, Hudgins, Morrell, Green and Lantz)

HB 2615 by Representatives Quall, Morris and Clibborn

AN ACT Relating to the enhanced 911 advisory committee; amending RCW 38.52.530; and adding a new section to chapter 38.52 RCW.

AN ACT Relating to exempting certain private air ambulance services from licensing under the insurance code; and adding a new section to chapter 48.01 RCW.

Referred to Committee on Government Operations & Elections.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

HB 2562 by Representatives Wood, Conway, Fromhold and Condotta

SHB 2654 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Darneille, Strow, O'Brien, Lantz, Rodne, Simpson, Clibborn, McDonald, Conway, Miloscia, B. Sullivan and Ericks)

AN ACT Relating to flavored malt beverage; and amending RCW 66.04.010.

AN ACT Relating to sex offender treatment providers; and amending RCW 18.155.070 and 18.155.075.

Referred to Committee on Labor, Commerce, Research & Development.

Referred to Committee on Human Services & Corrections.

SHB 2563 by House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Conway, Fromhold and Condotta)

HB 2655 by Representatives Takko, Orcutt, Dunn and Fromhold

AN ACT Relating to processing liquor licenses; and amending RCW 66.24.010.

AN ACT Relating to disbursement of the metropolitan park district fund; and amending RCW 35.61.210.

Referred to Committee on Labor, Commerce, Research & Development.

Referred to Committee on Government Operations & Elections.

HB 2564 by Representatives Kilmer, Strow, Wallace, Appleton, Morrell, Haler, Eickmeyer, Haigh, Campbell, Upthegrove, Hasegawa, McCoy, Ericks, Linville, Darneille, Green, Lantz, Ormsby, Woods, Moeller and Conway

SHB 2656 by House Committee on Local Government (originally sponsored by Representatives Takko, Schindler, Simpson, Dunn, Moeller, Ahern and Fromhold)

AN ACT Relating to protecting persons with veteran or military status from discrimination; amending RCW 49.60.010, 49.60.020, 49.60.030, 49.60.040, 49.60.120, 49.60.130, 49.60.175, 49.60.176, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.223, 49.60.224, and 49.60.225; and reenacting and amending RCW 49.60.222.

AN ACT Relating to allowing counties to have a lien against properties that were levied for storm water control facilities; and amending RCW 36.89.090.

Referred to Committee on Government Operations & Elections.

Referred to Committee on Government Operations & Elections.

HB 2587 by Representatives Blake, Buck, Takko, Chase, Morrell, Kessler, Williams, Buri, Linville, McCoy, Morris,

HB 2676 by Representatives Linville, Jarrett, Simpson, Ericksen, Ahern, Dunn and Upthegrove

AN ACT Relating to making interlocal cooperative agreements available in electronic format; and amending RCW 39.34.040.

Referred to Committee on Government Operations & Elections.

THIRTY-SECOND DAY, FEBRUARY 9, 2006

2006 REGULAR SESSION

HB 2718 by Representatives Morris, Holmquist, O'Brien, Miloscia and Schindler

AN ACT Relating to manufactured home parks or manufactured housing communities; and amending RCW 35.63.160.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

2SHB 2754 by House Committee on Appropriations (originally sponsored by Representatives Morrell, Campbell, Green, Haigh, Appleton, Kilmer, Darneille, Cox, Ormsby, Haler, Chase, P. Sullivan, McCoy, Wallace, Sells, Serben, Curtis, Moeller, Blake, Cody, Kenney, Conway, Ericks, Clibborn, Kessler, Simpson and Linville)

AN ACT Relating to creation of the veterans innovations program; amending RCW 43.60A.010; adding new sections to chapter 43.60A RCW; and adding new sections to chapter 43.131 RCW.

Referred to Committee on Government Operations & Elections.

HB 2825 by Representatives Lovick and McCoy

AN ACT Relating to deferred disposition of juveniles; and amending RCW 13.40.127.

Referred to Committee on Human Services & Corrections.

SHB 2881 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Appleton, Jarrett, Dickerson, Takko, Morris, Williams, Moeller, Flannigan, Haigh, Hudgins, Wallace, Sells, Kilmer, Schual-Berke, Darneille, Hunt, Campbell, Simpson and Ormsby)

AN ACT Relating to military borrowers doing business with check cashers and sellers; and amending RCW 31.45.210.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

HB 2897 by Representatives Condotta and Dunn

AN ACT Relating to liquor licensees holding a caterer's endorsement; and amending RCW 66.04.010, 66.24.320, 66.24.420, and 66.24.210.

Referred to Committee on Labor, Commerce, Research & Development.

HB 2900 by Representative B. Sullivan

AN ACT Relating to the issuance of checks by joint operating agencies; and amending RCW 43.52.375.

Referred to Committee on Government Operations & Elections.

SHB 2908 by House Committee on Local Government (originally sponsored by Representatives Bailey, Schindler and Strow)

AN ACT Relating to Island county boundaries; and amending RCW 36.04.150.

Referred to Committee on Government Operations & Elections.

HB 2960 by Representative Kessler

AN ACT Relating to rates for the rental of county equipment; and amending RCW 36.33A.040.

Referred to Committee on Government Operations & Elections.

HB 2975 by Representatives Newhouse, Kirby and Dunn

AN ACT Relating to exempt transactions under the securities act of Washington; and amending RCW 21.20.320.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SHB 2979 by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Hasegawa, Chase, Roberts and Santos)

AN ACT Relating to addressing cultural upbringing in parenting plans; and amending RCW 26.09.184, 26.09.015, and 26.09.187.

Referred to Committee on Human Services & Corrections.

HB 2983 by Representatives O'Brien, Ericks, Upthegrove, Sells, Kilmer, Green, Pearson, Springer, Conway and Simpson

AN ACT Relating to forwarding of sex offender information; and amending RCW 43.43.540.

Referred to Committee on Human Services & Corrections.

HB 2991 by Representatives Darneille, Walsh, Springer and Simpson

AN ACT Relating to a record check of a metropolitan park district's job applicants, volunteers, and independent contractors; and amending RCW 35.61.130.

Referred to Committee on Government Operations & Elections.

SHB 3003 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Wallace, Jarrett, Wood, Hankins, Murray, Haler, Ormsby, Morrell, Strow, McCoy, Upthegrove, Chase, Simpson, Appleton, Sells, Dickerson, Hasegawa, Kenney and Hudgins)

AN ACT Relating to apprenticeship utilization requirements for department of transportation public works projects; amending RCW 39.04.300 and 39.04.320; and adding a new section to chapter 39.04 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

HB 3019 by Representatives Haigh, Alexander, Dunshee and B. Sullivan

AN ACT Relating to chief financial officers in charter counties; and amending RCW 36.22.140.

Referred to Committee on Government Operations & Elections.

HB 3041 by Representatives Alexander, Nixon, Haigh, Darneille and P. Sullivan

THIRTY-SECOND DAY, FEBRUARY 9, 2006

2006 REGULAR SESSION

AN ACT Relating to voter registration; and amending RCW 29A.08.140 and 29A.08.145.

Referred to Committee on Government Operations & Elections.

HB 3048 by Representatives Moeller and Darnelle

AN ACT Relating to the uniform interstate family support act; and amending RCW 26.21A.900.

Referred to Committee on Judiciary.

HB 3056 by Representatives Takko, Woods, Clibborn, B. Sullivan and Springer

AN ACT Relating to payment of claims by checks or warrants; adding a new section to chapter 35.23 RCW; and adding a new section to chapter 35.27 RCW.

Referred to Committee on Government Operations & Elections.

HB 3073 by Representatives McIntire, Nixon, Sommers, Haigh, Morrell, McDermott, Simpson, Hunt, Ericks and Schual-Berke

AN ACT Relating to shared leave for declared emergencies; and amending RCW 41.04.665.

Referred to Committee on Government Operations & Elections.

EHB 3074 by Representatives Serben, Lantz, Haler, McCoy, Chase, Dunn, Green and Morrell

AN ACT Relating to determining the military status of defendants; and amending RCW 38.42.050.

Referred to Committee on Judiciary.

HB 3078 by Representatives Conway, Haigh, McCoy, Linville and Dunn

AN ACT Relating to transferring responsibilities for the World War II oral history project; amending RCW 28A.300.370; adding a new section to chapter 43.60A RCW; creating a new section; recodifying RCW 28A.300.370; and providing an effective date.

Referred to Committee on Government Operations & Elections.

HB 3205 by Representatives O'Brien, Clements, Pettigrew, Santos, McDermott, Ericks, Sells, Kilmer, Green and Morrell

AN ACT Relating to the authority to apprehend conditionally released persons; and amending RCW 71.09.098.

Referred to Committee on Human Services & Corrections.

HJM 4023 by Representatives Moeller, Buck, Kessler, DeBolt, Haigh, Talcott, Morrell, Newhouse, Williams, Serben and Eickmeyer

Requesting Congress to enact the Kidney Care Quality Improvement Act of 2005.

Referred to Committee on Health & Long-Term Care.

HJM 4038 by Representatives Hinkle, Cody and Santos

Requesting that certified diabetes educators be added as Medicare providers.

Referred to Committee on Health & Long-Term Care.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Jacobsen, moved that Gubernatorial Appointment No. 9198, Joan K. Thomas, as a member of the Parks and Recreation Commission, be confirmed.

Senators Jacobsen and Oke spoke in favor of passage of the motion.

MOTION

On motion of Senator Regala, Senator Pridemore was excused.

MOTION

On motion of Senator Schoesler, Senators Parlette, Johnson, Deccio, Finkbeiner, Benton and Pflug were excused.

APPOINTMENT OF JOAN K. THOMAS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9198, Joan K. Thomas as a member of the Parks and Recreation Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9198, Joan K. Thomas as a member of the Parks and Recreation Commission and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 4; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Absent: Senators Brown, Franklin, Mulliken and Rasmussen - 4

Excused: Senators Deccio, Johnson and Pflug - 3

Gubernatorial Appointment No. 9198, Joan K. Thomas, having received the constitutional majority was declared confirmed as a member of the Parks and Recreation Commission.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

ROLL CALL

Senator Spanel, moved that gubernatorial appointment No. 9062, Georgia Gardner, as a member of the Board of Tax Appeals, be confirmed.

Senators Spanel and Benton spoke in favor of passage of the motion.

MOTION

On motion of Senator Regala, Senator Brown was excused.

APPOINTMENT OF GEORGIA GARDNER

The President declared the question before the Senate to be the confirmation of gubernatorial appointment No. 9062, Georgia Gardner as a member of the Board of Tax Appeals.

The Secretary called the roll on the confirmation of gubernatorial appointment No. 9062, Georgia Gardner as a member of the Board of Tax Appeals and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senators Carrell and Mulliken - 2

Excused: Senators Deccio, Johnson and Pflug - 3

Gubernatorial appointment No. 9062, Georgia Gardner, having received the constitutional majority was declared confirmed as a member of the Board of Tax Appeals.

MOTION

At 9:20 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:32 a.m. by President Owen.

SECOND READING

SENATE BILL NO. 6571, by Senators Berkey, Benton, Fairley, Honeyford, Franklin and Parlette

Refining the definition of "bushing."

MOTIONS

On motion of Senator Berkey, Substitute Senate Bill No. 6571 was substituted for Senate Bill No. 6571 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Berkey, the rules were suspended, Substitute Senate Bill No. 6571 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Berkey and Benson spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators McAuliffe and Doumit were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6571.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6571 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Deccio, Doumit, Johnson and McAuliffe - 4

SUBSTITUTE SENATE BILL NO. 6571, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6336, by Senators Haugen, Prentice, Fairley, Oke, Fraser, Swecker, Shin, Kline, Rockefeller, Eide, Kohl-Welles, Keiser, McAuliffe, Rasmussen, Franklin, Thibaudeau, Jacobsen, Brown and Sheldon

Revising the definition of income for public assistance to exclude housing assistance or housing vouchers for military personnel or veterans. Revised for 1st Substitute: Requesting a federal exemption regarding the definition of income for public assistance.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6336 was substituted for Senate Bill No. 6336 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6336 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senator Esser was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6336.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6336 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senator Prentice - 1

Excused: Senators Deccio, Doumit and McAuliffe - 3

SUBSTITUTE SENATE BILL NO. 6336, having received the constitutional majority, was declared passed. There being no

THIRTY-SECOND DAY, FEBRUARY 9, 2006

2006 REGULAR SESSION

objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6338, by Senators Haugen, Oke, Berkey, Swecker, Eide, Mulliken, Spanel, Kline, Rasmussen, McAuliffe, Shin and Fairley

Regarding the property tax exemption for seniors and for persons retired due to disability.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6338 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Finkbeiner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6338.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6338 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, Doumit and McAuliffe - 3

SENATE BILL NO. 6338, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6166, by Senators Fairley, Benton, Prentice, Keiser, Franklin, Berkey, Brandland and Benson

Regulating mortgage brokers and loan originators.

MOTION

On motion of Senator Fairley, Substitute Senate Bill No. 6166 was substituted for Senate Bill No. 6166 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Benton moved that the following amendment by Senators Benton and Fairley be adopted.

On page 31, after line 10, insert the following:

"**NEW SECTION. Sec. 23.** The director of the department of financial institutions or the director's designee may take such steps as are necessary to ensure that this act is implemented on the effective date of this section."

Re-number the remaining section.

Senators Benton and Fairley spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton and Fairley on page 31, line 10 to Substitute Senate Bill No. 6166.

The motion by Senator Benton carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 6 of the title, after "19.146 RCW;" insert "creating a new section;"

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute Senate Bill No. 6166 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Benton spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senator Pflug was excused.

MOTION

On motion of Senator Weinstein, Senators Regala and Thibaudeau were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6166.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6166 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 42

Absent: Senator Fraser - 1

Excused: Senators Deccio, Doumit, McAuliffe, Pflug, Regala and Thibaudeau - 6

ENGROSSED SUBSTITUTE SENATE BILL NO. 6166, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

MOTION

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 5385 was returned to second reading for the purpose of amendment.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5385, by Senate Committee on Natural Resources, Ocean & Recreation

THIRTY-SECOND DAY, FEBRUARY 9, 2006

2006 REGULAR SESSION

(originally sponsored by Senators Jacobsen, Oke, Fraser, Swecker and Kline)

Creating the Washington invasive species council.

The measure was read the second time.

MOTION

Senator Oke moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

(1) The land, water, and other resources of Washington are being severely impacted by the invasion of an increasing number of harmful invasive plant and animal species.

(2) These impacts are resulting in damage to Washington's environment and causing economic hardships.

(3) The multitude of public and private organizations with an interest in controlling and preventing the spread of harmful invasive species in Washington need a mechanism for cooperation, communication, collaboration, and developing a statewide plan of action to meet these threats.

NEW SECTION. Sec. 2. (1) There is created the Washington invasive species council to exist until December 31, 2011. Staff support to the council shall be provided by the committee and from the agencies represented on the council. For administrative purposes, the council shall be located within the committee.

(2) The purpose of the council is to provide policy level direction, planning, and coordination for combating harmful invasive species throughout the state and preventing the introduction of others that may be potentially harmful.

(3) The council is a joint effort between local, tribal, state, and federal governments, as well as the private sector and nongovernmental interests. The purpose of the council is to foster cooperation, communication, and coordinated approaches that support local, state, and regional initiatives for the prevention and control of invasive species.

(4) For the purposes of this chapter, "invasive species" include nonnative organisms that cause economic or environmental harm and are capable of spreading to new areas of the state. "Invasive species" does not include domestic livestock, intentionally planted agronomic crops, or nonharmful exotic organisms.

NEW SECTION. Sec. 3. (1) Membership in the council includes a representative from the following state entities:

(a) The department of agriculture, represented by the director or the director's designee;

(b) The department of fish and wildlife, represented by the director or the director's designee;

(c) The department of ecology, represented by the director or the director's designee;

(d) The department of natural resources, represented by the commissioner or the commissioner's designee;

(e) The department of transportation, represented by the secretary or the secretary's designee; and

(f) The Washington state noxious weed control board, appointed by the board.

(2) The councilmembers may add members to the council as the councilmembers deem appropriate to accomplish its goals.

(3) The council must invite one representative each from the United States department of agriculture, the United States fish and wildlife service, the United States environmental protection agency, and the United States coast guard to participate on the council in a nonvoting, ex officio capacity.

(4) A representative of the office of the governor must convene the first meeting of the council and serve as chair until the council selects a chair. At the first meeting of the council, the council shall address issues including, but not limited to, voting methods, meeting schedules, and the need for and use of advisory and technical committees.

NEW SECTION. Sec. 4. The council's goals are to:

(1) Minimize the effects of harmful invasive species on Washington's citizens and ensure the economic and environmental well-being of the state;

(2) Serve as a forum for identifying and understanding invasive species issues from all perspectives;

(3) Serve as a forum to facilitate the communication, cooperation, and coordination of local, tribal, state, federal, private, and nongovernmental entities for the prevention, control, and management of nonnative invasive species;

(4) Serve as an avenue for public outreach and for raising public awareness of invasive species issues;

(5) Develop and implement a statewide invasive species strategic plan as described in this chapter;

(6) Review the current funding mechanisms and levels for state agencies to manage noxious weeds on the lands under their authority;

(7) Make recommendations for legislation necessary to carry out the purposes of this chapter;

(8) Establish criteria for the prioritization of invasive species response actions and projects; and

(9) Utilizing the process described in subsection (8) of this section, select at least one project per year from the strategic plan for coordinated action by the Washington invasive species councilmember entities.

NEW SECTION. Sec. 5. (1) The council shall develop and periodically update a statewide strategic plan for addressing invasive species. The strategic plan should incorporate the reports and activities of the aquatic nuisance species committee, the biodiversity council, the state noxious weed control board, and other appropriate reports and activities.

(2) The strategic plan must, at a minimum, address:

(a) Statewide coordination and intergovernmental cooperation;

(b) Prevention of new biological invasions through deliberate or unintentional introduction;

(c) Inventory and monitoring of invasive species;

(d) Early detection of and rapid response to new invasions;

(e) Control, management, and eradication of established populations of invasive species;

(f) Projects that can be implemented during the period covered by the strategic plan for the control, management, and eradication of new or established populations of invasive species;

(g) Revegetation, reclamation, or restoration of native species following control or eradication of invasive species;

(h) Research and public education;

(i) Funding and resources available for invasive species prevention, control, and management; and

(j) Recommendations for legislation necessary to carry out the purposes of this chapter.

(3) The strategic plan must be updated at least once every three years following its initial development. The strategic plan must be submitted to the governor and appropriate committees of the legislature by September 15th of each applicable year. The council shall complete the initial strategic plan within two years of the effective date of this section.

(4) Each state department and agency named to the council shall, consistent with state law, make best efforts to implement elements of the completed plan that are applicable to the department or agency.

NEW SECTION. Sec. 6. (1) The council shall submit an annual report of its activities to the governor and the relevant policy committees of the senate and house of representatives by December 15th of each year. The annual report must include an evaluation of progress made in the preceding year to implement or carry out the strategic plan and an identification of projects from the strategic plan that will be a focus for the following year.

(2) Prior to the start of the 2011 legislative session, the council must prepare a report to the appropriate committees of the legislature that makes recommendations as to the extension or modification of the council.

NEW SECTION. Sec. 7. The council may establish advisory and technical committees that it considers necessary to aid and advise the council in the performance of its functions.

THIRTY-SECOND DAY, FEBRUARY 9, 2006

2006 REGULAR SESSION

The committees may be continuing or temporary committees. The council shall determine the representation, membership, terms, and organization of the committees and appoint their members.

NEW SECTION. Sec. 8. The invasive species council account is created in the custody of the state treasurer. All receipts from appropriations, gifts, grants, and donations must be deposited into the account. Expenditures from the account may be used only to carry out the purposes of the council. The account is subject to allotment procedures under chapter 43.88 RCW and the approval of the director of the committee is required for expenditures. All expenditures must be directed by the council.

Sec. 9. RCW 79A.25.010 and 1989 c 237 s 2 are each amended to read as follows:

Definitions: As used in this chapter:

(1) "Marine recreation land" means any land with or without improvements which (a) provides access to, or in whole or in part borders on, fresh or salt water suitable for recreational use by watercraft, or (b) may be used to create, add to, or make more usable, bodies of water, waterways, or land, for recreational use by watercraft.

(2) "Public body" means any county, city, town, port district, park and recreation district, metropolitan park district, or other municipal corporation which is authorized to acquire or improve public outdoor recreation land, and shall also mean Indian tribes now or hereafter recognized as such by the federal government for participation in the land and water conservation program.

(3) "Tax on marine fuel" means motor vehicle fuel tax which is (a) tax on fuel used in, or sold or distributed for use in, any watercraft, (b) refundable pursuant to chapter 82.36 RCW, and (c) paid to the director of licensing with respect to taxable sales, distributions, or uses occurring on or after December 3, 1964.

(4) "Watercraft" means any boat, vessel, or other craft used for navigation on or through water.

(5) "Committee" means the interagency committee for outdoor recreation.

(6) "Director" means the director of the interagency committee for outdoor recreation.

(7) "Council" means the Washington invasive species council created in section 2 of this act.

NEW SECTION. Sec. 10. Section 8 of this act expires December 31, 2011.

NEW SECTION. Sec. 11. Sections 1 through 8 of this act are each added to chapter 79A.25 RCW."

Senator Oke spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Oke and Jacobsen to Substitute Senate Bill No. 5385.

The motion by Senator Oke carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "council;" strike the remainder of the title and insert "amending RCW 79A.25.010; adding new sections to chapter 79A.25 RCW; and providing an expiration date."

MOTION

On motion of Senator Schoesler, Senator Finkbeiner was excused.

MOTION

On motion of Senator Oke, the rules were suspended, Engrossed Substitute Senate Bill No. 5385 was advanced to

third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oke and Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5385.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5385 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 8; Absent, 1; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Weinstein and Zarelli - 34

Voting nay: Senators Carrell, Delvin, Honeyford, Johnson, Mulliken, Pflug, Schoesler and Stevens - 8

Absent: Senator Hewitt - 1

Excused: Senators Deccio, Doumit, Finkbeiner, McAuliffe, Regala and Thibaudeau - 6

ENGROSSED SUBSTITUTE SENATE BILL NO. 5385, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6219, by Senators Keiser, Weinstein, Eide, Pridemore, Prentice, Berkey, Fraser and Kohl-Welles

Providing for financial literacy education.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 6219 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Benton and Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6219.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6219 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 43

Absent: Senator Hewitt - 1

Excused: Senators Deccio, Doumit, McAuliffe, Regala and Thibaudeau - 5

THIRTY-SECOND DAY, FEBRUARY 9, 2006

2006 REGULAR SESSION

SENATE BILL NO. 6219, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Schoesler, Senator Hewitt was excused.

SECOND READING

SENATE BILL NO. 6439, by Senators Doumit, Oke, Jacobsen, Schoesler and Delvin

Concerning coastal crab fisheries licenses.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 6439 was substituted for Senate Bill No. 6439 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 6439 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Oke spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6439.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6439 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Deccio, Doumit, Hewitt, McAuliffe and Regala - 5

SUBSTITUTE SENATE BILL NO. 6439, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6823, by Senator Kohl-Welles

Modifying provisions relating to the distribution of beer and wine.

MOTIONS

On motion of Senator Kohl-Welles, Second Substitute Senate Bill No. 6823 was substituted for Senate Bill No. 6823 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Second Substitute Senate Bill No. 6823 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6823.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6823 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 6823, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6152, by Senators Kastama and Kline

Regarding penalties for violations of the public disclosure act.

The measure was read the second time.

MOTION

Senator Kastama moved that the following striking amendment by Senator Kastama be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 42.17 RCW to read as follows:

It is the intent of the legislature to increase the authority of the public disclosure commission to more effectively foster compliance with our state's public disclosure and fair campaign practices act. It is the intent of the legislature to make the agency's penalty authority for violations of this chapter more consistent with other agencies that enforce state ethics laws and more commensurate with the level of political spending in the state of Washington.

Sec. 2. RCW 42.17.390 and 1993 c 2 s 28 are each amended to read as follows:

One or more of the following civil remedies and sanctions may be imposed by court order in addition to any other remedies provided by law:

(1) If the court finds that the violation of any provision of this chapter by any candidate or political committee probably affected the outcome of any election, the result of said election may be held void and a special election held within sixty days of such finding. Any action to void an election shall be commenced within one year of the date of the election in question. It is intended that this remedy be imposed freely in all appropriate cases to protect the right of the electorate to an informed and knowledgeable vote.

(2) If any lobbyist or sponsor of any grass roots lobbying campaign violates any of the provisions of this chapter, his or her registration may be revoked or suspended and he or she may be enjoined from receiving compensation or making expenditures for lobbying: PROVIDED, HOWEVER, That imposition of such sanction shall not excuse said lobbyist from filing statements and reports required by this chapter.

(3) Any person who violates any of the provisions of this chapter may be subject to a civil penalty of not more than ten thousand dollars for each such violation. However, a person or entity who violates RCW 42.17.640 may be subject to a civil

THIRTY-SECOND DAY, FEBRUARY 9, 2006

2006 REGULAR SESSION

penalty of ten thousand dollars or three times the amount of the contribution illegally made or accepted, whichever is greater.

(4) Any person who fails to file a properly completed statement or report within the time required by this chapter may be subject to a civil penalty of ten dollars per day for each day each such delinquency continues.

(5) Any person who fails to report a contribution or expenditure as required by this chapter may be subject to a civil penalty equivalent to the amount ~~((he failed to report))~~ not reported as required.

(6) The court may enjoin any person to prevent the doing of any act herein prohibited, or to compel the performance of any act required herein.

Sec. 3. RCW 42.17.395 and 1989 c 175 s 91 are each amended to read as follows:

(1) The commission may (a) determine whether an actual violation of this chapter has occurred; and (b) issue and enforce an appropriate order following such determination.

(2) The commission, in cases where it chooses to determine whether an actual violation ~~((of this chapter))~~ has occurred, shall hold a hearing pursuant to the Administrative Procedure Act, chapter 34.05 RCW, to make such determination. Any order that the commission issues under this section shall be pursuant to such hearing.

(3) In lieu of holding a hearing or issuing an order under this section, the commission may refer the matter to the attorney general or other enforcement agency as provided in RCW 42.17.360.

(4) The person against whom an order is directed under this section shall be designated as the respondent. The order may require the respondent to cease and desist from the activity that constitutes a violation and in addition, or alternatively, may impose one or more of the remedies provided in RCW 42.17.390~~((1) (b), (c), (d), or (e) PROVIDED, That))~~ (2) through (5). No individual penalty assessed by the commission may exceed one thousand seven hundred dollars, and in any case where multiple violations are involved in a single complaint or hearing, the maximum aggregate penalty may not exceed ~~((two))~~ four thousand ~~((five))~~ two hundred dollars.

(5) An order issued by the commission under this section shall be subject to judicial review under the Administrative Procedure Act, chapter 34.05 RCW. If the commission's order is not satisfied and no petition for review is filed within thirty days as provided in RCW 34.05.542, the commission may petition a court of competent jurisdiction of any county in which a petition for review could be filed under that section, for an order of enforcement. Proceedings in connection with the commission's petition shall be in accordance with RCW 42.17.397.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senators Kastama and Roach spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kastama to Senate Bill No. 6152.

The motion by Senator Kastama carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 42.17.390 and 42.17.395; adding a new section to chapter 42.17 RCW; and prescribing penalties."

REMARKS BY THE PRESIDENT

President Owen: "The President would just make a note to the members' questions come up about moving title amendments. We have agreed when a title amendment is

necessary because of the passage of an amendment it goes with the amendment. It is not necessary to move it."

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Senate Bill No. 6152 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6152.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6152 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senators Benton, Hewitt and Pflug - 3

Excused: Senator Deccio - 1

ENGROSSED SENATE BILL NO. 6152, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

Senator Spanel moved adoption of the following resolution:

SENATE RESOLUTION
8706

By Senators Spanel, Fraser, Swecker and Brandland

WHEREAS, Puget Sound Energy's Green Power Program offers the use of environmentally friendly and renewable energy sources, such as wind, solar, and biomass to its customers; and

WHEREAS, Western Washington University and The Evergreen State College students voted overwhelmingly to implement student fees in order to purchase 100% renewable energy; and

WHEREAS, The United States Environmental Protection Agency and the United States Department of Energy awarded Western Washington University the 2005 National Green Power Leadership Award, and recognized its achievement as one of the Top 25 leaders in the transition to renewable energy; and

WHEREAS, Western Washington University is Puget Sound Energy's top purchaser of Green Power; and

WHEREAS, The Evergreen State College and its students were commended by Puget Sound Energy for their 100% commitment to Green Power; and

WHEREAS, Western Washington University and The Evergreen State College each received a "Power Player Award" sponsored by Puget Sound Energy and Seattle City Light for their commitment to environmental stewardship;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate commend The Evergreen State

THIRTY-SECOND DAY, FEBRUARY 9, 2006

College and Western Washington University for exemplary implementation of earth-friendly energy sources; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Western Washington University and The Evergreen State College.

Senators Spanel, Fraser, Swecker and Franklin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8706.

The motion by Senator Spanel carried and the resolution was adopted by voice vote.

MOTION

At 11:50 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:59 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Eide moved that Gubernatorial Appointment No. 9234, Elizabeth Chen, as a member of the Board of Trustees, Highline Community College District No. 9, be confirmed.

Senators Eide and Keiser spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators Haugen, Poulsen, Thibaudeau and Brown were excused.

MOTION

On motion of Senator Schoesler, Senators Johnson, Morton, Stevens, Honeyford, Brandland and Delvin were excused.

APPOINTMENT OF ELIZABETH CHEN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9234, Elizabeth Chen as a member of the Board of Trustees, Highline Community College District No. 9.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9234, Elizabeth Chen as a member of the Board of Trustees, Highline Community College District No. 9 and the appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 4; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Fraser, Hargrove, Honeyford, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 40

Absent: Senators Benson, Franklin, Hewitt and Kastama - 4

Excused: Senators Brown, Deccio, Haugen, Poulsen and Thibaudeau - 5

Gubernatorial Appointment No. 9234, Elizabeth Chen, having received the constitutional majority was declared

2006 REGULAR SESSION

confirmed as a member of the Board of Trustees, Highline Community College District No. 9.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Eide moved that Gubernatorial Appointment No. 9396, Karen Vander Ark, as a member of the Board of Trustees, Highline Community College District No. 9, be confirmed.

Senator Eide spoke in favor of the motion.

MOTION

On motion of Senator Weinstein, Senator Doumit was excused.

MOTION

On motion of Senator Schoesler, Senator Hewitt was excused.

APPOINTMENT OF KAREN VANDER ARK

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9396, Karen Vander Ark as a member of the Board of Trustees, Highline Community College District No. 9.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9396, Karen Vander Ark as a member of the Board of Trustees, Highline Community College District No. 9 and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 42

Excused: Senators Brown, Deccio, Doumit, Haugen, Hewitt, Poulsen and Thibaudeau - 7

Gubernatorial Appointment No. 9396, Karen Vander Ark, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Highline Community College District No. 9.

SECOND READING

SENATE BILL NO. 6323, by Senators Regala, Swecker, Kastama and Rasmussen

Limiting exceptions to the reporting requirements under chapter 42.17 RCW. Revised for 1st Substitute: Concerning campaign finance disclosure.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 6323 was substituted for Senate Bill No. 6323 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 6323 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

POINT OF INQUIRY

THIRTY-SECOND DAY, FEBRUARY 9, 2006

2006 REGULAR SESSION

Senator Benton: "Would Senator Regala yield to a question? I noticed in the bill report there's a summary of the substitute bill it actually speaks to the personal financial information. Could you clarify for me, does this bill change not only the reporting requirements for campaign contributions but also changes the law in terms of your F-1, your Personal Financial Affairs Statement as well?"

Senator Regala: "Thank you for the question. It is my understanding it does not change that requirement. Certainly is not my intention to do that but the current law would still apply, so it would only be campaign contributions."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6323.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6323 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 3; Absent, 2; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 39

Voting nay: Senators Honeyford, Mulliken and Schoesler - 3

Absent: Senators Pflug and Prentice - 2

Excused: Senators Brown, Deccio, Doumit, Haugen and Poulsen - 5

SUBSTITUTE SENATE BILL NO. 6323, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:21 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:40 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 6319, by Senators Regala, Brandland, Stevens, Kline, Weinstein, Doumit, Carrell, Keiser, Rockefeller, Berkey, Haugen, Fairley, Spanel, Pflug, Sheldon, Rasmussen, McAuliffe, Shin, Roach and Benton

Changing provisions for sex offender registration.

MOTIONS

On motion of Senator Regala, Second Substitute Senate Bill No. 6319 was substituted for Senate Bill No. 6319 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Second Substitute Senate Bill No. 6319 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala, Stevens, Hargrove, Kohl-Welles, Kline and Benson spoke in favor of passage of the bill.

Senator Thibaudeau spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6319.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6319 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senator Pridemore - 1

Excused: Senator Deccio - 1

SECOND SUBSTITUTE SENATE BILL NO. 6319, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6320, by Senators Regala, Brandland, Franklin, Doumit, Rasmussen, Carrell, Haugen, Pridemore, Kline, Stevens, Keiser, Berkey, Thibaudeau, Jacobsen, Pflug, Sheldon, Kohl-Welles, McAuliffe, Roach and Benton

Revising the model policy for disclosure of sex offender information.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 6320 was substituted for Senate Bill No. 6320 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 6320 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6320.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6320 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senator Pridemore - 1

Absent: Senator Rockefeller - 1

THIRTY-SECOND DAY, FEBRUARY 9, 2006

2006 REGULAR SESSION

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 6320, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Senator Rockefeller: I was absent from the Chamber during a final vote on Substitute Senate Bill No. 6320, having stopped outside the north door to meet with constituents, and not hearing any "Roll Call!" message as is customarily delivered to enable timely return. Had I been present I would have voted "Aye". Kindly record this explanation.

SENATOR PHIL ROCKEFELLER, 23rd Legislative District

SECOND READING

SENATE BILL NO. 6322, by Senators Regala, Brandland, Kohl-Welles, Carrell, Kastama, Stevens, Keiser, Doumit, Rockefeller, Kline, Rasmussen, Berkey, Haugen, Shin, Jacobsen, McAuliffe, Pflug, Sheldon, Roach and Benton

Relating to electronic monitoring of sex offenders.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 6322 was substituted for Senate Bill No. 6322 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 6322 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Stevens spoke in favor of passage of the bill.

MOTION

On motion of Senator Weinstein, Senator Rockefeller was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6322.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6322 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 6322, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6144, by Senators Stevens, Benton, Carrell, Regala, Benson and Pflug

Clarifying the effect of retroactive registration requirements on sex offenders convicted in Washington who leave and then return to the state. Revised for 1st Substitute: Changing registration requirements for sex offenders coming from outside the state who establish or reestablish Washington residency.

MOTIONS

On motion of Senator Stevens, Substitute Senate Bill No. 6144 was substituted for Senate Bill No. 6144 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Stevens, the rules were suspended, Substitute Senate Bill No. 6144 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Stevens and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6144.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6144 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senator Pridemore - 1

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 6144, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6172, by Senators McAuliffe, Hargrove, Thibaudeau, Shin, Weinstein, Rockefeller, Keiser, Regala, Eide, Rasmussen and Benton

Strengthening sex offender provisions. Revised for 2nd Substitute: Increasing penalties for specified sex offenses.

MOTIONS

On motion of Senator Hargrove, Second Substitute Senate Bill No. 6172 was substituted for Senate Bill No. 6172 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Second Substitute Senate Bill No. 6172 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Stevens and Thibaudeau spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6172.

THIRTY-SECOND DAY, FEBRUARY 9, 2006

2006 REGULAR SESSION

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6172 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senators Kohl-Welles, Poulsen and Pridemore - 3

Excused: Senator Deccio - 1

SECOND SUBSTITUTE SENATE BILL NO. 6172, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6315, by Senators Carrell, Benton, Roach, Mulliken, Oke, Schoesler, Schmidt, Regala, Delvin, Stevens, Benson, Sheldon and Esser

Modifying sex offender provisions. Revised for 1st Substitute: Providing liability protection for landlords.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 6315 was substituted for Senate Bill No. 6315 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Carrell moved that the following striking amendment by Senator Carrell be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1 The legislature finds that, in order to improve the safety of our communities, more housing needs to be made available to registered sex offenders. The legislature also finds that registered sex offenders who reside in close proximity to one another, or in the same housing or apartment unit, are less likely to reoffend. The legislature finds that having registered sex offenders reside in close proximity to each other will improve supervision and monitoring. The legislature intends to increase the housing available to sex offenders by providing that landlords who rent to registered sex offenders shall be immune from civil liability for damages that may result.

NEW SECTION. Sec. 2 A new section is added to chapter 59.18 RCW to read as follows:

A landlord who rents to a registered sex offender is immune from civil liability for damages caused by the tenant. In order for a landlord to be protected from liability as provided under this section, a landlord must disclose to residents of the property that he or she rents or has a policy of renting to sex offenders.

NEW SECTION. Sec. 3 (1) The Washington association of sheriffs and police chiefs shall conduct a study on sex offender registration and sex offender housing laws in every state. The study may be limited to a review and analysis of each state's laws regarding: (a) Whether and how often sex offenders are required to report in person to law enforcement; (b) whether and how often law enforcement is required to make in-person

contact with registered sex offenders in the community; (c) the characteristics of sex offenders subject to registration requirements; (d) estimates on the costs and benefits of more frequent in-person contact between law enforcement and sex offenders in the community; (e) restrictions on or supports for sex offender housing units in the community regarding housing more than one offender in the same residence; and (f) the costs and benefits of permitting or encouraging housing in the community for more than one sex offender in the same residence.

(2) The findings and any recommendations from the study shall be placed into a final report to the appropriate committees of the legislature no later than December 31, 2006."

Senator Carrell spoke in favor of adoption of the striking amendment.

MOTION

Senator Weinstein moved that the following amendment by Senators Weinstein and Carrell to the striking amendment be adopted.

On page 1, after "tenant" on line 17, insert the following: "if the actions of the tenant that gave rise to civil liability were sex offenses described in RCW 9.94A.030"

Senators Weinstein and Carrell spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Weinstein and Carrell on page 1, line 17 to the striking amendment to Substitute Senate Bill No. 6315.

The motion by Senator Weinstein carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Carrell as amended to Substitute Senate Bill No. 6315.

The motion by Senator Carrell carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "landlords;" strike the remainder of the title and insert "adding a new section to chapter 59.18 RCW; and creating new sections."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 6315 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6315.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6315 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley,

THIRTY-SECOND DAY, FEBRUARY 9, 2006

Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6315, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6325, by Senators Regala, Kline, Fairley, Stevens, Rasmussen and McAuliffe

Establishing residences for sex offenders. Revised for 1st Substitute: Establishing residence restrictions for sex offenders.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 6325 was substituted for Senate Bill No. 6325 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 6325 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6325.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6325 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Voting nay: Senators Benson and Thibaudeau - 2

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 6325, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6406, by Senators Hargrove, Stevens, Doumit, McAuliffe, Regala, Rasmussen, Benton and Oke

Including assault of a child in the second degree in the list of two-strike offenses.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6406 was substituted for Senate Bill No. 6406 and the substitute bill was placed on the second reading and read the second time.

2006 REGULAR SESSION

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6406 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

Senator Kline spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6406.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6406 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senators Kline, Kohl-Welles, Poulsen and Pridemore - 4

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 6406, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6409, by Senators Hargrove, Stevens, Doumit, McAuliffe, Regala, Rasmussen and Oke

Revising provisions relating to sex offender sentencing and disposition alternatives.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 6409 was substituted for Senate Bill No. 6409 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove, Brandland and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.670 and 2004 c 176 s 4 and 2004 c 38 s 9 are each reenacted and amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this subsection apply to this section only.

(a) "Alford plea" or "Newton plea" means a guilty plea in which an offender refuses to admit the commission of a criminal act or protests his or her innocence.

(b) "Sex offender treatment provider" or "treatment provider" means a certified sex offender treatment provider or a certified affiliate sex offender treatment provider as defined in RCW 18.155.020.

((b)) (c) "Substantial bodily harm" means bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the

THIRTY-SECOND DAY, FEBRUARY 9, 2006

2006 REGULAR SESSION

function of any body part or organ, or that causes a fracture of any body part or organ.

~~((e))~~ (d) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(2) An offender is eligible for the special sex offender sentencing alternative if:

(a) The offender has been convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense. An offender pleading guilty must voluntarily admit to the commission of all the elements of the crime of conviction. An offender who enters an Alford plea or Newton plea on a sex offense shall not be eligible for the special sex offender sentencing alternative;

(b) The offender has no prior convictions for a sex offense as defined in RCW 9.94A.030 or any other felony sex offenses in this or any other state;

(c) The offender has no prior adult convictions for a violent offense that was committed within five years of the date the current offense was committed;

(d) The offense did not result in substantial bodily harm to the victim;

(e) The offender had an established relationship with, or connection to, the victim such that the sole connection with the victim was not the commission of the crime; and

(f) The offender's standard sentence range for the offense includes the possibility of confinement for less than eleven years.

(3) If the court finds the offender is eligible for this alternative, the court, on its own motion or the motion of the state or the offender, may order an examination to determine whether the offender is amenable to treatment.

(a) The report of the examination shall include at a minimum the following:

(i) The offender's version of the facts and the official version of the facts;

(ii) The offender's offense history;

(iii) An assessment of problems in addition to alleged deviant behaviors;

(iv) The offender's social and employment situation; and

(v) Other evaluation measures used.

The report shall set forth the sources of the examiner's information.

(b) The examiner shall assess and report regarding the offender's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(i) Frequency and type of contact between offender and therapist;

(ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;

(iv) Anticipated length of treatment; and

(v) Recommended crime-related prohibitions and affirmative conditions, which must include, to the extent known, an identification of specific activities or behaviors that are precursors to the offender's offense cycle, including, but not limited to, activities or behaviors such as viewing or listening to pornography or use of alcohol or controlled substances.

(c) The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The examiner shall be selected by the party making the motion. The offender shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(4) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this alternative, consider whether the alternative is too lenient in light of the extent and circumstances of the offense, consider whether the offender has victims in addition to the victim of the offense, consider whether the offender is amenable to treatment, consider the risk the offender would present to the community, to the victim, or to persons of similar age and circumstances as the victim, and consider the victim's opinion whether the offender should receive a treatment disposition under this section. The court shall give great weight to the victim's opinion whether the offender should receive a treatment disposition under this section. If the sentence imposed is contrary to the victim's opinion, the court shall enter written findings stating its reasons for imposing the treatment disposition. The fact that the offender admits to his or her offense does not, by itself, constitute amenability to treatment. If the court determines that this alternative is appropriate, the court shall then impose a sentence or, pursuant to RCW 9.94A.712, a minimum term of sentence, within the standard sentence range. If the sentence imposed is less than eleven years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(a) The court shall order the offender to serve a term of confinement of up to twelve months or the maximum term within the standard range, whichever is less. The court may order the offender to serve a term of confinement greater than twelve months or the maximum term within the standard range based on the presence of an aggravating circumstance listed in RCW 9.94A.535~~((2))~~ (3). In no case shall the term of confinement exceed the statutory maximum sentence for the offense. The court may order the offender to serve all or part of his or her term of confinement in partial confinement. An offender sentenced to a term of confinement under this subsection is not eligible for earned release under RCW 9.92.151 or 9.94A.728.

(b) The court shall place the offender on community custody for the length of the suspended sentence, the length of the maximum term imposed pursuant to RCW 9.94A.712, or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department under RCW 9.94A.720.

(c) The court shall order treatment for any period up to five years in duration. The court, in its discretion, shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court. If any party or the court objects to a proposed change, the offender shall not change providers or conditions without court approval after a hearing.

(d) As conditions of the suspended sentence, the court shall impose specific prohibitions and affirmative conditions relating to the known precursor activities or behaviors identified in the proposed treatment plan under subsection (3)(b)(v) of this section or identified in an annual review under subsection (7)(b) of this section.

(5) As conditions of the suspended sentence, the court may impose one or more of the following:

(a) Crime-related prohibitions;

(b) Require the offender to devote time to a specific employment or occupation;

(c) Require the offender to remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(d) Require the offender to report as directed to the court and a community corrections officer;

THIRTY-SECOND DAY, FEBRUARY 9, 2006

2006 REGULAR SESSION

(e) Require the offender to pay all court-ordered legal financial obligations as provided in RCW 9.94A.030;

(f) Require the offender to perform community restitution work; or

(g) Require the offender to reimburse the victim for the cost of any counseling required as a result of the offender's crime.

(6) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment.

(7)(a) The sex offender treatment provider shall submit quarterly reports on the offender's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, offender's compliance with requirements, treatment activities, the offender's relative progress in treatment, and any other material specified by the court at sentencing.

(b) The court shall conduct a hearing on the offender's progress in treatment at least once a year. At least fourteen days prior to the hearing, notice of the hearing shall be given to the victim. The victim shall be given the opportunity to make statements to the court regarding the offender's supervision and treatment. At the hearing, the court may modify conditions of community custody including, but not limited to, crime-related prohibitions and affirmative conditions relating to activities and behaviors identified as part of, or relating to precursor activities and behaviors in, the offender's offense cycle or revoke the suspended sentence.

(8) At least fourteen days prior to the treatment termination hearing, notice of the hearing shall be given to the victim. The victim shall be given the opportunity to make statements to the court regarding the offender's supervision and treatment. Prior to the treatment termination hearing, the treatment provider and community corrections officer shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community custody conditions. The court may order an evaluation regarding the advisability of termination from treatment by a sex offender treatment provider who may not be the same person who treated the offender under subsection (4) of this section or any person who employs, is employed by, or shares profits with the person who treated the offender under subsection (4) of this section unless the court has entered written findings that such evaluation is in the best interest of the victim and that a successful evaluation of the offender would otherwise be impractical. The offender shall pay the cost of the evaluation. At the treatment termination hearing the court may:

(a) Modify conditions of community custody, and either (b) terminate treatment, or (c) extend treatment in two-year increments for up to the remaining period of community custody.

(9)(a) If a violation of conditions other than a second violation of the prohibitions or affirmative conditions relating to precursor behaviors or activities imposed under subsection (4)(d) or (7)(b) of this section occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.737(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in subsections (6) and (8) of this section.

(b) If a second violation of the prohibitions or affirmative conditions relating to precursor behaviors or activities imposed under subsection (4)(d) or (7)(b) of this section occurs during community custody, the department shall refer the violation to the court and recommend revocation of the suspended sentence as provided in subsection (10) of this section.

(10) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (a) The offender violates the conditions of the suspended sentence, or (b) the court finds that the offender is failing to make satisfactory progress in treatment. All confinement time served during the period of community

custody shall be credited to the offender if the suspended sentence is revoked.

(11) The offender's sex offender treatment provider may not be the same person who examined the offender under subsection (3) of this section or any person who employs, is employed by, or shares profits with the person who examined the offender under subsection (3) of this section, unless the court has entered written findings that such treatment is in the best interests of the victim and that successful treatment of the offender would otherwise be impractical. Examinations and treatment ordered pursuant to this subsection shall only be conducted by certified sex offender treatment providers or certified affiliate sex offender treatment providers under chapter 18.155 RCW unless the court finds that:

(a) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; or

(b)(i) No certified sex offender treatment providers or certified affiliate sex offender treatment providers are available for treatment within a reasonable geographical distance of the offender's home; and

(ii) The evaluation and treatment plan comply with this section and the rules adopted by the department of health.

(12) If the offender is less than eighteen years of age when the charge is filed, the state shall pay for the cost of initial evaluation and treatment.

Sec. 2. RCW 13.40.160 and 2004 c 120 s 4 and 2004 c 38 s 11 are each reenacted and amended to read as follows:

(1) The standard range disposition for a juvenile adjudicated of an offense is determined according to RCW 13.40.0357.

(a) When the court sentences an offender to a local sanction as provided in RCW 13.40.0357 option A, the court shall impose a determinate disposition within the standard ranges, except as provided in subsection (2), (3), (4), (5), or (6) of this section. The disposition may be comprised of one or more local sanctions.

(b) When the court sentences an offender to a standard range as provided in RCW 13.40.0357 option A that includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement, except as provided in subsection (2), (3), (4), (5), or (6) of this section.

(2) If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option D of RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230.

(3) When a juvenile offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

THIRTY-SECOND DAY, FEBRUARY 9, 2006

2006 REGULAR SESSION

The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a)(i) Frequency and type of contact between the offender and therapist;
- (ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (iv) Anticipated length of treatment; and
- (v) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. An offender pleading guilty must voluntarily admit to the commission of all the elements of the crime of conviction. An offender who enters an Alford plea or Newton plea on a sex offense shall not be eligible for the special sex offender sentencing alternative. If the court otherwise determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, or if the court concludes, and enters reasons for its conclusions, that such disposition would cause a manifest injustice, the court shall impose a disposition under option D, and the court may suspend the execution of the disposition and place the offender on community supervision for at least two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

- (b)(i) Devote time to a specific education, employment, or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;
- (iii) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;
- (iv) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;
- (v) Report as directed to the court and a probation counselor;
- (vi) Pay all court-ordered legal financial obligations, perform community restitution, or any combination thereof;
- (vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense;
- (viii) Comply with the conditions of any court-ordered probation bond; or
- (ix) The court shall order that the offender shall not attend the public or approved private elementary, middle, or high

school attended by the victim or the victim's siblings. The parents or legal guardians of the offender are responsible for transportation or other costs associated with the offender's change of school that would otherwise be paid by the school district. The court shall send notice of the disposition and restriction on attending the same school as the victim or victim's siblings to the public or approved private school the juvenile will attend, if known, or if unknown, to the approved private schools and the public school district board of directors of the district in which the juvenile resides or intends to reside. This notice must be sent at the earliest possible date but not later than ten calendar days after entry of the disposition.

The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

Except as provided in this subsection (3), after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by certified sex offender treatment providers or certified affiliate sex offender treatment providers under chapter 18.155 RCW. A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified sex offender treatment providers or certified affiliate sex offender treatment providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (3) and the rules adopted by the department of health.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or the court may impose a penalty of up to thirty days' confinement for violating conditions of the disposition. The court may order both execution of the disposition and up to thirty days' confinement for the violation of the conditions of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

A disposition entered under this subsection (3) is not appealable under RCW 13.40.230.

(4) If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose the disposition alternative under RCW 13.40.165.

(5) If a juvenile is subject to a commitment of 15 to 65 weeks of confinement, the court may impose the disposition alternative under RCW 13.40.167.

(6) When the offender is subject to a standard range commitment of 15 to 36 weeks and is ineligible for a suspended disposition alternative, a manifest injustice disposition below the standard range, special sex offender disposition alternative, chemical dependency disposition alternative, or mental health disposition alternative, the court in a county with a pilot program under RCW 13.40.169 may impose the disposition alternative under RCW 13.40.169.

THIRTY-SECOND DAY, FEBRUARY 9, 2006

2006 REGULAR SESSION

(7) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9A.10.040(2)(a)(iii) or any crime in which a special finding is entered that the juvenile was armed with a firearm.

(8) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(9) Except as provided under subsection (3), (4), (5), or (6) of this section, or option B of RCW 13.40.0357, or RCW 13.40.127, the court shall not suspend or defer the imposition or the execution of the disposition.

(10) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Brandland and Stevens to Substitute Senate Bill No. 6409.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "prohibiting offenders who enter Alford pleas or Newton pleas from receiving special sex offender sentencing and disposition alternatives; reenacting and amending RCW 9A.4A.670 and 13.40.160; and prescribing penalties."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 6409 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6409.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6409 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6409, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6576, by Senators Hargrove, Brandland, Rasmussen and McAuliffe

Clarifying procedures for forwarding sex offender information.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 6576 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6576.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6576 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SENATE BILL NO. 6576, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6580, by Senators McAuliffe, Schmidt, Weinstein, Carrell, Berkey, Rasmussen, Oke and Shin

Creating work groups to evaluate issues relating to juvenile sex offenders and kidnapping offenders in schools.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 6580 was substituted for Senate Bill No. 6580 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator McAuliffe moved that the following striking amendment by Senator McAuliffe be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The office of the superintendent of public instruction shall convene a work group to develop a model policy for schools to follow when they receive notification pursuant to RCW 9A.44.130. The model policy must address, among other issues:

(a) The designation of appropriate school personnel to receive notification of information received pursuant to RCW 9A.44.130;

(b) Identification of school personnel who are in a position to recognize high-risk situations or factors that may indicate the offender is encountering difficulty in controlling his or her behavior;

THIRTY-SECOND DAY, FEBRUARY 9, 2006

2006 REGULAR SESSION

(c) Whether some portion of the records received from the juvenile rehabilitation administration or court personnel is confidential or otherwise protected;

(d) To whom some portion of the information received must or should be disclosed;

(e) How to assist juvenile offenders in making a safe and successful transition from institutional schools to public schools;

(f) How to work with juvenile probation and juvenile parole professionals in implementing a safety plan;

(g) What actions school authorities may take when they identify high-risk situations, both for the short-term and long-term safety of other students; and

(h) Variations in approaches depending on the offender level of the enrolled offender.

(2) In carrying out its duties under this section, the office of the superintendent of public instruction shall consult, as appropriate, with representatives from other agencies and professional organizations, including:

(a) The Washington state school directors association;

(b) The department of corrections;

(c) County sheriffs' offices;

(d) Prosecuting attorneys;

(e) Juvenile probation counselors;

(f) Juvenile court administrators;

(g) The juvenile rehabilitation administration of the department of social and health services;

(h) Elementary and secondary school districts;

(i) Educational service districts;

(j) The Washington association of school administrators;

(k) The Washington state parent-teacher association;

(l) Parents and guardians of school-age children;

(m) Washington coalition of sexual assault programs; and

(n) Other individuals with related experience as deemed appropriate.

(3) The office of the superintendent of public instruction shall submit to appropriate committees of the legislature a final report and recommendations by November 15, 2006.

(4) This section expires July 1, 2007.

NEW SECTION. Sec. 2. The Washington coalition of sexual assault programs, in consultation with the Washington association of sheriffs and police chiefs, the Washington association of prosecuting attorneys, and the office of the superintendent of public instruction, shall develop educational materials to be made available throughout the state to inform parents and other interested community members about:

(1) The laws related to sex offenses, including registration, community notification and the classification of sex offenders based on an assessment of the risk of reoffending;

(2) How to recognize behaviors characteristic of sex offenses and sex offenders;

(3) How to prevent victimization, particularly that of young children;

(4) How to take advantage of community resources for victims of sexual assault; and

(5) Other information as deemed appropriate.

NEW SECTION. Sec. 3. If specific funding for the purposes of section 2 of this act, referencing section 2 of this act by bill or chapter number and section number is not provided by June 30, 2006, in the omnibus appropriations act, section 2 of this act is null and void."

Senators McAuliffe and Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator McAuliffe to Substitute Senate Bill No. 6580.

The motion by Senator McAuliffe carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "schools;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 6580 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6580.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6580 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6580, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6775, by Senators Hargrove, Stevens, Rasmussen and McAuliffe

Creating the crime of criminal trespass against children.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6775 was substituted for Senate Bill No. 6775 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6775 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove, Stevens and Pflug spoke in favor of passage of the bill.

Senator Kohl-Welles spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6775.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6775 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley,

THIRTY-SECOND DAY, FEBRUARY 9, 2006

2006 REGULAR SESSION

Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senators Kline, Kohl-Welles, Poulsen and Rockefeller - 4

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 6775, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6460, by Senators Hargrove, Stevens, McCaslin, McAuliffe, Keiser, Rasmussen, Benton, Roach and Oke

Increasing penalties for crimes committed with sexual motivation.

MOTIONS

On motion of Senator Hargrove, Second Substitute Senate Bill No. 6460 was substituted for Senate Bill No. 6460 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Second Substitute Senate Bill No. 6460 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

Senator Kohl-Welles spoke against passage of the bill.

MOTION

On motion of Senator Regala, Senator Thibaudeau was excused.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6460.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6460 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 42

Voting nay: Senators Fraser, Kline, Kohl-Welles, Poulsen, Pridemore and Thibaudeau - 6

Excused: Senator Deccio - 1

SECOND SUBSTITUTE SENATE BILL NO. 6460, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:29 p.m., on motion of Senator Eide, the Senate was declared to be recessed until 7:00 p.m.

EVENING SESSION

The Senate was called to order at 7:00 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 6465, by Senators McAuliffe, Berkey, Haugen, Fairley, Shin, Rockefeller, Hargrove, Rasmussen, Franklin, Thibaudeau and Regala

Changing provisions relating to sex offenders. Revised for 1st Substitute: Creating the crime of failure to cooperate with law enforcement regarding another's failure to register.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6465 was substituted for Senate Bill No. 6465 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6465 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Kline and Brandland spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senators Mulliken, Parlette, McCaslin, Pflug and Stevens were excused.

POINT OF INQUIRY

Senator Morton: "Would the gentleman from Hoquiam, Aberdeen yield to a question? Senator Hargrove, would you refresh me please as to the boundaries of a...this is a Class C felony. What are the sentences that are identified with a Class C felony?"

Senator Hargrove: "Unranked, I believe, is up to a year in prison. Unranked Class C felony is up to a year in prison. And again just to clarify...unranked? I don't think so. Well, the Judiciary Chair is telling me something else, but he is often wrong. The other thing that I want to make clear is you have to have an intent to be concealing something from the police here. So it's not like you see some guy crossing the street that's your neighbor and you wonder, 'Gee, is that a sex offender? Should I call the police? That's not going to be a crime. So if they come looking for him and the police is asking and you're trying to help him elude. So you do have to prove that intent too to get this."

MOTION

On motion of Senator Regala, Senators Prentice and Fairley were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6465.

ROLL CALL

THIRTY-SECOND DAY, FEBRUARY 9, 2006

2006 REGULAR SESSION

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6465 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senator Pridemore - 1

Absent: Senator Delvin - 1

Excused: Senators Deccio, McCaslin and Parlette - 3

SUBSTITUTE SENATE BILL NO. 6465, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6478, by Senators Regala, Hargrove, McAuliffe, Keiser and Rasmussen

Creating sexual assault protection orders.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 6478 was substituted for Senate Bill No. 6478 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 6478 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senator Delvin was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6478.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6478 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Deccio, Delvin, McCaslin and Parlette - 4

SUBSTITUTE SENATE BILL NO. 6478, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Oke: "Thank you Mr. President. I think we need to take a break from all these sex bills. I just wanted everybody to know the noise heard out there is our graduating students from the State Patrol. Tomorrow, it's official. So it's not a rowdy bunch, it's just folks celebrating after their schools."

SECOND READING

SENATE BILL NO. 6479, by Senators Regala, McAuliffe and Kline

Revising the privilege for sexual assault advocates.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 6479 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline, Johnson and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6479.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6479 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Deccio, Delvin, McCaslin and Parlette - 4

SENATE BILL NO. 6479, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6502, by Senators Roach, Kohl-Welles, Weinstein, Kline, McCaslin, Benton and Rasmussen

Creating a statewide automated victim information and notification system.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6502 was substituted for Senate Bill No. 6502 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6502 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Hargrove spoke in favor of passage of the bill.

THIRTY-SECOND DAY, FEBRUARY 9, 2006

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6502.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6502 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Finkbeiner - 1

Excused: Senators Deccio and McCaslin - 2

SUBSTITUTE SENATE BILL NO. 6502, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6519, by Senators Benton, Benson, Schoesler, Carrell, Esser, Jacobsen, Pflug, Mulliken, Johnson, Honeyford, Sheldon, Roach, Kline, Oke, Rasmussen and Keiser

Requiring sex offenders to verify twice a year that registration information is accurate. Revised for 1st Substitute: Requiring level III sex offenders to report to law enforcement every three months.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 6519 was substituted for Senate Bill No. 6519 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 6519 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton, Fraser, Hargrove, Stevens and Sheldon spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senator Finkbeiner was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6519.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6519 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach,

2006 REGULAR SESSION

Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and McCaslin - 2

SUBSTITUTE SENATE BILL NO. 6519, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6429, by Senators Jacobsen, Oke, Haugen, Honeyford and Rasmussen

Exempting certain Native American cultural resources information from public disclosure.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 6429 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6429.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6429 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and McCaslin - 2

SENATE BILL NO. 6429, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6334, by Senators Fairley, Benton, Franklin, Kline, Rasmussen and Shin

Increasing the debt limit of the housing finance commission.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 6334 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

MOTION

THIRTY-SECOND DAY, FEBRUARY 9, 2006

2006 REGULAR SESSION

On motion of Senator Schoesler, Senator Schmidt was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6334.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6334 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senators Mulliken and Schoesler - 2

Excused: Senators Deccio and McCaslin - 2

SENATE BILL NO. 6334, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6597, by Senators Johnson, Kline, Weinstein and Esser

Modifying trusts and estates, generally.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 6597 was substituted for Senate Bill No. 6597 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 6597 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline, Johnson and Prentice spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Brandland: "Would Senator Kline yield to a question? Senator Kline, I'm pretty new in the legislature, but in the short, four years that I've been here, I don't think I've ever seen a bill title that says 'Modifying trust in a states, generally'. I thought we were a little bit more specific in our bill titles? Perhaps Senator Weinstein could maybe explain this, I don't know?"

Senator Kline: "You know, Mr. President, considering his specialized knowledge, I think maybe this is something for the good Senator when they the prime sponsor of this bill. I know it's a Bar bill and we give us a package they work it over so thoroughly that they're probably qualified to use the word 'generally.' Thanks."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6597.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6597 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and McCaslin - 2

SUBSTITUTE SENATE BILL NO. 6597, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6537, by Senators Kohl-Welles, Parlette, Hewitt, Honeyford, Keiser and McAuliffe

Modifying requirements for the direct sale of wine to Washington state consumers.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and Parlette be adopted.

On page 5, beginning on line 10, strike all of subsection (7) and insert the following:

"(7) For the purposes of this section, out-of-state wineries shall pay taxes under this section on wine sold and shipped directly to Washington state residents in a manner consistent with the requirements of a wine distributor under subsections (1) through (4) of this section, except wineries shall be responsible for the tax and not the resident purchaser."

Senator Kohl-Welles spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles and Parlette on page 5, line 10 to Senate Bill No. 6537.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Senate Bill No. 6537 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6537.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6537 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland,

THIRTY-SECOND DAY, FEBRUARY 9, 2006

Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and McCaslin - 2

ENGROSSED SENATE BILL NO. 6537, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8019, by Senators Shin, Rasmussen, Rockefeller, Weinstein, Kastama, Kohl-Welles, Pridemore, Berkey, Doumit, McAuliffe, Franklin, Keiser, Regala, Fairley, Prentice, Jacobsen, Fraser and Haugen

Requesting the United States trade representative to create a federal-state international trade policy commission.

The measure was read the second time.

MOTION

Senator Shin moved that the following amendment by Senator Shin be adopted.

On page 1, line 5, after "AMBASSADOR", strike "ROBERT B. ZOELLICK", and insert "ROB PORTMAN"

On page 2, line 7, after "There is", strike "no clear precedent or structure for federal-state trade policy consultations", and insert "a need for a stronger federal-state trade policy consultation mechanism"

On page 2, line 31, after "Ambassador", strike "Robert B. Zoellick", and insert "Rob Portman"

Senator Shin spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Shin on page 1, line 5 to Senate Joint Memorial No. 8019.

The motion by Senator Shin carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Shin, the rules were suspended, Engrossed Senate Joint Memorial No. 8019 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Shin and Pflug spoke in favor of passage of the memorial.

The President declared the question before the Senate to be the final passage of Engrossed Senate Joint Memorial No. 8019.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Memorial No. 8019 and the memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug,

2006 REGULAR SESSION

Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and McCaslin - 2

ENGROSSED SENATE JOINT MEMORIAL NO. 8019, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5232 was returned to second reading for the purpose of amendment.

SECOND READING

SENATE BILL NO. 5232, by Senators Oke, Swecker and Jacobsen

Requiring a turkey tag to hunt for turkey.

The measure was read the second time.

MOTION

Senator Oke moved that the following amendment by Senators Oke and Jacobsen be adopted.

On page 2, line 3, after "charge," insert "Fifty percent of the moneys received from primary turkey tags must be deposited in the state wildlife fund and must be appropriated solely for the purposes of turkey and upland game bird management and shall not supplant existing funds provided for these purposes."

Senator Oke spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Oke and Jacobsen on page 2, line 3 to Senate Bill No. 5232.

The motion by Senator Oke carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Oke, the rules were suspended, Engrossed Senate Bill No. 5232 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oke spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5232.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5232 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau,

THIRTY-SECOND DAY, FEBRUARY 9, 2006

2006 REGULAR SESSION

Weinstein and Zarelli - 38

RICHARD NAFZIGER, Chief Clerk

Voting nay: Senators Benson, Carrell, Delvin, Morton, Mulliken, Pflug, Roach, Schoesler and Stevens - 9

Excused: Senators Deccio and McCaslin - 2

ENGROSSED SENATE BILL NO. 5232, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 9, 2006

MOTION

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

MR. PRESIDENT:

The House has passed the following bill(s):
SUBSTITUTE HOUSE BILL NO. 1107,
FOURTH SUBSTITUTE HOUSE BILL NO. 1483,
HOUSE BILL NO. 1641,
SUBSTITUTE HOUSE BILL NO. 1650,
SECOND SUBSTITUTE HOUSE BILL NO. 2002,
SUBSTITUTE HOUSE BILL NO. 2344,
SUBSTITUTE HOUSE BILL NO. 2372,
SUBSTITUTE HOUSE BILL NO. 2382,
SUBSTITUTE HOUSE BILL NO. 2389,
SUBSTITUTE HOUSE BILL NO. 2404,
HOUSE BILL NO. 2408,
SUBSTITUTE HOUSE BILL NO. 2420,
HOUSE BILL NO. 2453,
SUBSTITUTE HOUSE BILL NO. 2481,
HOUSE BILL NO. 2501,
SUBSTITUTE HOUSE BILL NO. 2571,
and the same are herewith transmitted.

MESSAGE FROM THE HOUSE

February 8, 2006

MR. PRESIDENT:

The House has passed the following bill(s):
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1071,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2572
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 8, 2006

MOTION

At 8:29 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Friday, February 10, 2006.

MR. PRESIDENT:

The House has passed the following bill(s):
SUBSTITUTE HOUSE BILL NO. 2500,
HOUSE BILL NO. 2972,
and the same are herewith transmitted.

BRAD OWEN, President of the Senate

RICHARD NAFZIGER, Chief Clerk

THOMAS HOEMANN, Secretary of the Senate

MESSAGE FROM THE HOUSE

February 8, 2006

MR. PRESIDENT:

The House has passed the following bill(s):
SUBSTITUTE HOUSE BILL NO. 2233,
SECOND SUBSTITUTE HOUSE BILL NO. 2342,
SUBSTITUTE HOUSE BILL NO. 2376,
ENGROSSED HOUSE BILL NO. 2478,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2572,
SUBSTITUTE HOUSE BILL NO. 2573,
SUBSTITUTE HOUSE BILL NO. 2974,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 8, 2006

MR. PRESIDENT:

The House has passed the following bill(s):
ENGROSSED HOUSE BILL NO. 1383,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2925,
and the same are herewith transmitted.

THIRTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 10, 2006

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Brown, Deccio, Doumit, Fairley, McCaslin, Oke, Parlette, Pflug, Poulsen, Roach and Thibaudeau.

The Sergeant at Arms Color Guard consisting of Pages John Matthews and Celeste McDonald, presented the Colors. Pastor Leon Meyer of the Calvary Baptist Church offered the prayer.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 10, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RICHARD VAN HOLLEBEKE, appointed August 15, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Edmonds Community College District No. 23.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointments report was referred to the committee as designated.

MOTION

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

MESSAGE FROM THE HOUSE

February 9, 2006

MR. PRESIDENT:

The House has passed the following bill(s):

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1010,
SUBSTITUTE HOUSE BILL NO. 2395,
SUBSTITUTE HOUSE BILL NO. 2423,
HOUSE BILL NO. 2465,
HOUSE BILL NO. 2466,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2507,
SECOND SUBSTITUTE HOUSE BILL NO. 2583,
SECOND SUBSTITUTE HOUSE BILL NO. 2595,
SUBSTITUTE HOUSE BILL NO. 2733,
SECOND SUBSTITUTE HOUSE BILL NO. 2789,
SUBSTITUTE HOUSE BILL NO. 2812

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 9, 2006

MR. PRESIDENT:

The House has passed the following bill(s):

SUBSTITUTE HOUSE BILL NO. 2817,
HOUSE BILL NO. 2857,
SECOND SUBSTITUTE HOUSE BILL NO. 2964,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 1071 by House Committee on Appropriations (originally sponsored by Representatives Campbell and Morrell)

AN ACT Relating to the uniform disciplinary act for health professions; amending RCW 18.130.050, 18.130.060, and 18.130.160; adding a new section to chapter 18.130 RCW; and creating new sections.

Referred to Committee on Health & Long-Term Care.

SHB 1107 by House Committee on Appropriations (originally sponsored by Representatives Dickerson, Talcott, Linville, Tom, Priest, Darneille, Pettigrew, Shabro, Jarrett, McCoy, Roberts, Kagi, Clements, Dunn, Hunter, Quall, Haler, Hinkle, Cody, Walsh, Ormsby, Kilmer, Simpson, Kessler, Morrell, Williams, O'Brien, Chase, Hunt, Schual-Berke, Conway, Santos, Haigh, Upthegrove and B. Sullivan)

AN ACT Relating to early intervention services for children with disabilities; and adding new sections to chapter 28A.155 RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

EHB 1383 by Representatives Condotta, Bailey, Newhouse, Curtis, Hinkle, Pearson, Kretz, Strow, Armstrong, Kristiansen, Talcott, Skinner and Holmquist

AN ACT Relating to the public employees' benefits board; amending RCW 41.05.006; and reenacting and amending RCW 41.05.065.

Referred to Committee on Health & Long-Term Care.

4SHB 1483 by House Committee on Appropriations (originally sponsored by Representatives Dickerson, McDonald, Moeller, Darneille, Jarrett, Simpson, Morrell, Sommers, Kenney, McDermott, Kagi, Chase and Clibborn)

AN ACT Relating to investments in cost-effective intervention programs for juvenile justice-involved youth; adding new sections to chapter 13.40 RCW; adding a new section to chapter 43.135 RCW; creating new sections; and providing an effective date.

THIRTY-THIRD DAY, FEBRUARY 10, 2006

2006 REGULAR SESSION

Referred to Committee on Human Services & Corrections.

HB 1641 by Representatives Kretz, Blake, Ahem, Buri, Ericks, Serben, DeBolt, Schindler, Kristiansen, Condotta, Orcutt, Strow, Cox, Buck and Armstrong

AN ACT Relating to decriminalizing vessel registration violations; amending RCW 88.02.020, 88.02.090, and 88.02.110; and prescribing penalties.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1650 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives O'Brien, Newhouse, Lovick and Rodne)

AN ACT Relating to citations and infractions; and adding a new section to chapter 46.63 RCW.

Referred to Committee on Judiciary.

2SHB 2002 by House Committee on Appropriations (originally sponsored by Representatives Dickerson, Roberts, Kagi, Kenney and Santos)

AN ACT Relating to authorizing continuing foster care and support services to age twenty-one to youths who are in state-supervised foster care on their eighteenth birthday; amending RCW 74.13.031; and creating new sections.

Referred to Committee on Human Services & Corrections.

SHB 2333 by House Committee on Appropriations (originally sponsored by Representatives Green, Haler, Conway, Curtis, Fromhold, McDonald, Walsh, Strow, Sells, Campbell, Miloscia, Roach, P. Sullivan, Morrell, McDermott, Serben, Darneille, Appleton, Williams, Chase, Moeller, Hasegawa, Rodne, Linville, Santos, Springer, Wallace, Kenney, Cody, Ericksen, O'Brien, Wood, B. Sullivan, Simpson, Ericks, Ormsby and McCune)

AN ACT Relating to parity for home care agency workers; adding a new section to chapter 74.39A RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

2SHB 2342 by House Committee on Appropriations (originally sponsored by Representatives Moeller, Appleton, Nixon, Hunt, Curtis, Lantz, Morrell, Springer, Wallace, Fromhold, Kagi, Roberts, Cody, Ericks, Green and Ormsby)

AN ACT Relating to establishing a health care declarations registry; amending RCW 70.122.040, 71.32.080, and 70.122.051; adding new sections to chapter 70.122 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SHB 2344 by House Committee on Judiciary (originally sponsored by Representatives Kessler, Buck, Kagi, Curtis, Takko, Blake and Kenney)

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

Referred to Committee on Judiciary.

SHB 2372 by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Cox, Buri, Williams, Blake, Moeller, Buck, Conway, Sump, P. Sullivan, Springer, Haler, Ericks, Kretz, Simpson, Dunn and Ormsby)

AN ACT Relating to providing a mechanism to encourage volunteers to teach hunter education programs in Washington; and amending RCW 77.32.155.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 2376 by House Committee on Health Care (originally sponsored by Representatives Clibborn, Morrell, Murray, Wallace, Cody, Schual-Berke, Simpson, Green, Sells, Ormsby, Appleton, Fromhold, Hunt, Kenney, Kessler, Lantz, Miloscia, Moeller and Williams)

AN ACT Relating to repealing cost-sharing in medical programs; and amending RCW 74.09.055.

Referred to Committee on Health & Long-Term Care.

SHB 2382 by House Committee on Judiciary (originally sponsored by Representatives Kretz, Haler and Holmquist)

AN ACT Relating to bovine handling facilities; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

SHB 2389 by House Committee on Transportation (originally sponsored by Representatives Kagi and Moeller)

AN ACT Relating to adding porphyria to the list of disabilities for special parking privileges; amending RCW 46.16.381; and providing an effective date.

Referred to Committee on Transportation.

SHB 2404 by House Committee on Health Care (originally sponsored by Representatives Cody and Morrell)

AN ACT Relating to retainer health care practices; amending RCW 48.44.010; and adding a new chapter to Title 48 RCW.

Referred to Committee on Health & Long-Term Care.

HB 2408 by Representatives O'Brien, Rodne, Ericks, Lovick, Anderson, Jarrett, Nixon, McDonald, Williams, Darneille, Buck, Conway, P. Sullivan, Tom, Takko, Lantz, Kilmer, Fromhold, B. Sullivan, Morrell, Simpson, Springer, Green, Miloscia, Sells, Campbell and Ormsby

AN ACT Relating to tolling the statute of limitations for felony sex offenses; amending RCW 9A.04.080; and declaring an emergency.

Referred to Committee on Judiciary.

SHB 2420 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Kessler and Haigh)

AN ACT Relating to the office of lieutenant governor; adding a new chapter to Title 43 RCW; creating a new section; and recodifying RCW 44.04.270, 44.52.010, 44.52.020, 44.52.030, 44.52.040, 44.52.050, 44.52.060,

THIRTY-THIRD DAY, FEBRUARY 10, 2006

2006 REGULAR SESSION

44.52.070, 44.52.900, 44.52.901, 43.342.010, and 43.342.020.

Referred to Committee on Government Operations & Elections.

HB 2453 by Representatives Williams, Hunt, Moeller, Chase and Morrell

AN ACT Relating to the Washington essential property insurance inspection and placement program; and amending RCW 48.58.010.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

EHB 2478 by Representatives Green, Nixon, Haigh and Hunt

AN ACT Relating to ballot measures; amending RCW 29A.32.040, 29A.56.160, 29A.72.170, and 29A.72.180; adding a new section to chapter 29A.84 RCW; repealing RCW 29A.32.050; and prescribing penalties.

Referred to Committee on Government Operations & Elections.

SHB 2481 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Williams, Blake, Appleton, Moeller, Hasegawa, Chase, Rodne, Eickmeyer, Conway, Roberts, Hunt and Simpson)

AN ACT Relating to insuring victims of crimes; adding a new section to chapter 48.18 RCW; and creating a new section.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SHB 2500 by House Committee on Health Care (originally sponsored by Representatives Green, Morrell, Cody, Schual-Berke, Clibborn and Conway)

AN ACT Relating to health carrier information; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long-Term Care.

HB 2501 by Representatives Schual-Berke, Cody and Morrell

AN ACT Relating to clarifying that coverage for mental health services as defined in RCW 48.21.241, 48.44.341, and 48.46.291 applies to all group health plans for groups other than small groups as defined in RCW 48.43.005; amending RCW 48.21.241, 48.44.341, and 48.46.291; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SHB 2571 by House Committee on Judiciary (originally sponsored by Representatives Morrell, Cody, Conway, Blake, Eickmeyer, Wallace, Flannigan, Roberts and Hasegawa)

AN ACT Relating to collecting health care services debt under the homestead exemption; and amending RCW 6.13.030.

Referred to Committee on Judiciary.

E2SHB 2572 by House Committee on Appropriations (originally sponsored by Representatives Morrell, Clibborn, Green, Flannigan, Eickmeyer, Conway, Dickerson, Blake, Cody, Wallace, Roberts, Appleton, Hasegawa, McCoy, Linville, Simpson, Chase, Darneille, O'Brien, Murray, B. Sullivan, Ormsby, Springer, Moeller and Kagi)

AN ACT Relating to establishment of the small employer health insurance partnership program; adding a new chapter to Title 70 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SHB 2573 by House Committee on Health Care (originally sponsored by Representatives Morrell, Wallace, Clibborn, Cody, Flannigan, Simpson, Green, Ormsby, Springer, Kilmer, Moeller, Kagi and Conway)

AN ACT Relating to health information technology; amending RCW 41.05.021 and 41.05.075; and creating a new section.

Referred to Committee on Health & Long-Term Care.

E2SHB 2575 by House Committee on Appropriations (originally sponsored by Representatives Cody, Morrell and Moeller)

AN ACT Relating to establishing a state health technology assessment program; amending RCW 41.05.013; adding new sections to chapter 70.14 RCW; and creating new sections.

Referred to Committee on Health & Long-Term Care.

ESHB 2925 by House Committee on Appropriations (originally sponsored by Representatives Santos, Morrell, Bailey, Cody, Hinkle, Pettigrew, Linville and Schual-Berke)

AN ACT Relating to assisted living facility medicaid minimum occupancy percentage of fifty percent or greater; adding a new section to chapter 74.39A RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

HB 2972 by Representatives Clibborn, Hinkle, Curtis, B. Sullivan, Cody, Moeller, P. Sullivan, Kenney, Kilmer and Jarrett

AN ACT Relating to community rates for health benefit plans; amending RCW 48.20.028, 48.44.022, and 48.46.064; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Health & Long-Term Care.

SHB 2974 by House Committee on Health Care (originally sponsored by Representatives Cody, Morrell and Moeller)

AN ACT Relating to health professions discipline; amending RCW 18.130.060, 18.130.070, 18.130.050, 18.130.080, 18.130.160, and 18.130.175; adding new sections to chapter 18.130 RCW; adding a new section to chapter 43.43 RCW; repealing RCW 18.57.174 and 18.71.0193; providing an effective date; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

THIRTY-THIRD DAY, FEBRUARY 10, 2006

2006 REGULAR SESSION

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9333, Lyle Quasim, as a member of the State Board for Community and Technical Colleges, be confirmed.

Senators Rockefeller, Rasmussen, Franklin and Regala spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators Poulsen, Thibaudeau, Fairley and Brown were excused.

MOTION

On motion of Senator Schoesler, Senators McCaslin, Deccio, Parlette, Mulliken, Roach, Benton, Oke and Pflug were excused.

APPOINTMENT OF LYLE QUASIM

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9333, Lyle Quasim as a member of the State Board for Community and Technical Colleges.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9333, Lyle Quasim as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 33; Nays, 4; Absent, 1; Excused, 11.

Voting yea: Senators Benson, Berkey, Brandland, Carrell, Delvin, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Weinstein and Zarelli - 33

Voting nay: Senators Honeyford, Mulliken, Schoesler and Stevens - 4

Absent: Senator Doumit - 1

Excused: Senators Benton, Brown, Deccio, Fairley, McCaslin, Oke, Parlette, Pflug, Poulsen, Roach and Thibaudeau - 11

Gubernatorial Appointment No. 9333, Lyle Quasim, having received the constitutional majority was declared confirmed as a member of the State Board for Community and Technical Colleges.

MOTION

On motion of Senator Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointment 9014, Judy Blinn and Gubernatorial Appointment No. 9032, Barbara Clarkson as members of the Board of Trustees, South Puget Sound Community College District No. 24 and the vote of the Senate was recorded as a separate vote for each appointment.

Senator Fraser moved that Gubernatorial Appointment No. 9014, Judy Blinn and Gubernatorial Appointment No. 9032, Barbara Clarkson as members of the Board of Trustees, South Puget Sound Community College District No. 24 be confirmed.

Senator Fraser spoke in favor of the confirmations.

The President declared the question before the Senate to be the confirmations of Gubernatorial Appointment No. 9014, Judy Blinn and Gubernatorial Appointment No. 9032, Barbara Clarkson to the Board of Trustees, South Puget Sound Community College District No. 24.

APPOINTMENT OF JUDY BLINN

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9014, Judy Blinn as a member of the Board of Trustees, South Puget Sound Community College District No. 24 and the appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 2; Excused, 7.

Voting yea: Senators Benson, Berkey, Brandland, Carrell, Delvin, Eide, Esser, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 40

Absent: Senators Doumit and Finkbeiner - 2

Excused: Senators Benton, Brown, Deccio, Fairley, McCaslin, Poulsen and Thibaudeau - 7

APPOINTMENT OF BARBARA CLARKSON

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9032, Barbara Clarkson as a member of the Board of Trustees, South Puget Sound Community College District No. 24 and the appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 2; Excused, 7.

Voting yea: Senators Benson, Berkey, Brandland, Carrell, Delvin, Eide, Esser, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 40

Absent: Senators Doumit and Finkbeiner - 2

Excused: Senators Benton, Brown, Deccio, Fairley, McCaslin, Poulsen and Thibaudeau - 7

Gubernatorial Appointment No. 9032, Barbara Clarkson; and Gubernatorial Appointment No. 9014, Judy Blinn having received the constitutional majority were declared confirmed as members of the Board of Trustees, South Puget Sound Community College District No. 24.

SECOND READING

SENATE BILL NO. 6416, by Senators Keiser, Hewitt, Rockefeller, Kohl-Welles, Prentice, Finkbeiner, Parlette, Sheldon, Deccio, Shin, Esser and Rasmussen

Prohibiting pyramid promotional schemes.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 6416 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

THIRTY-THIRD DAY, FEBRUARY 10, 2006

2006 REGULAR SESSION

Senators Keiser and Parlette spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senator Finkbeiner was excused.

MOTION

On motion of Senator Regala, Senator Doumit was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6416.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6416 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 43

Excused: Senators Benton, Brown, Deccio, Fairley, McCaslin and Thibaudeau - 6

SENATE BILL NO. 6416, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6382, by Senators Hewitt, Kohl-Welles, Rasmussen, Finkbeiner, Pflug and Sheldon

Authorizing the Washington horse racing commission to expend a statutorily limited amount of its operating funds for the development of the equine industry, improvement of racing facilities, and equine health research.

MOTIONS

On motion of Senator Hewitt, Substitute Senate Bill No. 6382 was substituted for Senate Bill No. 6382 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hewitt, the rules were suspended, Substitute Senate Bill No. 6382 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hewitt and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6382.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6382 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore,

Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 43

Voting nay: Senator Hargrove - 1

Excused: Senators Brown, Deccio, Fairley, McCaslin and Thibaudeau - 5

SUBSTITUTE SENATE BILL NO. 6382, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6536, by Senators Jacobsen and Benton

Regarding the legislative youth advisory council.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 6536 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen, Pridemore, Franklin, Kastama, Finkbeiner, Benton and Roach spoke in favor of passage of the bill.

Senators Schoesler, Pflug and Stevens spoke against passage of the bill.

MOTION

Senator Regala demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Regala, "Shall the main question be now put?"

The motion by Senator Regala that the previous question be put was carried by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6536.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6536 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 8; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 37

Voting nay: Senators Hewitt, Honeyford, Mulliken, Pflug, Schoesler, Sheldon, Stevens and Zarelli - 8

Excused: Senators Brown, Deccio, Fairley and McCaslin - 4

SENATE BILL NO. 6536, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6441, by Senators Johnson and Kline

Changing the law related to judicial orders concerning

THIRTY-THIRD DAY, FEBRUARY 10, 2006
distrain of personal property.

MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 6441 was substituted for Senate Bill No. 6441 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 6441 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Johnson and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6441.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6441 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senator Prentice - 1

Excused: Senators Deccio, Fairley and McCaslin - 3

SUBSTITUTE SENATE BILL NO. 6441, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6658, by Senators Thibaudeau and Deccio

Revising experience requirements for licensed mental health counselors.

The measure was read the second time.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Bill No. 6658 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Thibaudeau spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6658.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6658 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 4; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Delvin, Eide, Esser, Finkbeiner, Franklin, Fraser, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline,

Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 41

Absent: Senators Brandland, Doumit, Hargrove and Hewitt - 4

Excused: Senators Deccio, Fairley, McCaslin and Prentice - 4

SENATE BILL NO. 6658, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6453, by Senators Mulliken, Pridemore, Fraser, Rockefeller, Franklin and Spanel

Establishing a one thousand dollar minimum monthly benefit for certain plan 1 members of the public employees' retirement system and certain plan 1 members of the teachers' retirement system.

The measure was read the second time.

MOTION

On motion of Senator Mulliken, the rules were suspended, Senate Bill No. 6453 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mulliken spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6453.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6453 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Deccio, Fairley, McCaslin and Prentice - 4

SENATE BILL NO. 6453, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6572, by Senator Hargrove

Revising the unlawful detainer process under the residential landlord-tenant act.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 6572 was substituted for Senate Bill No. 6572 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 6572 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

THIRTY-THIRD DAY, FEBRUARY 10, 2006

2006 REGULAR SESSION

Senators Kline and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6572.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6572 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, Fairley and McCaslin - 3

SUBSTITUTE SENATE BILL NO. 6572, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6741, by Senators Stevens, Hargrove, Carrell, Brandland and Rasmussen

Regarding the joint task force on the administration and delivery of services to children.

The measure was read the second time.

MOTION

Senator Stevens moved that the following amendment by Senators Stevens and Hargrove be adopted.

On page 3, line 8, strike "(1) A representative from the governor's office."

Senator Stevens spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Stevens and Hargrove on page 3, line 8 to Senate Bill No. 6741.

The motion by Senator Stevens carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Senate Bill No. 6741 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senator Mulliken was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6741.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6741 and the bill passed the Senate

by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Deccio, Fairley, McCaslin and Mulliken - 4

ENGROSSED SENATE BILL NO. 6741, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6661, by Senators Rasmussen, Esser, Jacobsen, Schoesler and Kohl-Welles

Establishing the Washington beer commission.

The measure was read the second time.

MOTION

Senator Esser moved that the following amendment by Senator Esser be adopted.

On page 16, line 9 of the bill, strike all of section 31 and insert the following:

"NEW SECTION. **Sec. 31.** Section 26 of this act takes effect July 1, 2006."

On page 1, line 4 of the title, after "date," strike the remainder of the title and insert "and providing an expiration date."

WITHDRAWAL OF AMENDMENT

On motion of Senator Esser, the amendment by Senator Esser on page 16, line 9 to Senate Bill No. 6661 was withdrawn.

MOTION

Senator Rasmussen moved that the following striking amendment by Senators Rasmussen, Jacobsen, Schoesler and Esser be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature declares that:

(1) Marketing is a dynamic and changing part of Washington agriculture and a vital element in expanding the state economy;

(2) The sale in this state and export to other states and abroad of beer made in this state contribute substantial benefits to the economy of the state and provide a large number of jobs and sizeable tax revenues;

(3) The production of beer in this state is a new and important segment of Washington agriculture that has potential for greater contribution to the economy of the state if it undergoes continued development; and

(4) The general welfare of the people of this state will be served by continued development of the activities of the production of beer, that will improve the tax bases of local communities where agricultural land and processing facilities are located, and reduce the need for state and federal funding of local services. The industries are therefore affected with the public interest.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

THIRTY-THIRD DAY, FEBRUARY 10, 2006

2006 REGULAR SESSION

(1) "Affected producer" means any producer who is subject to this chapter.

(2) "Beer" means any malt beverage or malt liquor as the terms are defined in chapter 66.04 RCW.

(3) "Commission" means the Washington beer commission.

(4) "Fiscal year" means the twelve-month period beginning with January 1st of any year and ending December 31st.

(5) "Producer" means any person or other entity licensed under Title 66 RCW to produce beer within Washington state and who produces less than one hundred thousand barrels of beer annually per location.

(6) "Referendum" means a vote by affected producers that is conducted by secret ballot.

NEW SECTION. Sec. 3. The history, economy, culture, and future of Washington state's agriculture involve the beer industry. In order to develop and promote beer as part of an existing comprehensive scheme to regulate those products, the legislature declares that:

(1) It is vital to the continued economic well-being of the citizens of this state and their general welfare that beer produced in Washington state be properly promoted;

(2) It is in the overriding public interest that support for the Washington beer industry be clearly expressed and that beer be promoted individually, and as part of a comprehensive industry to:

(a) Enhance the reputation and image of Washington state's agriculture industry;

(b) Protect the public by educating the public in reference to the quality, care, and methods used in the production of beer;

(c) Increase the knowledge of the qualities and value of Washington's beer; and

(d) Support and engage in programs or activities that benefit the production, handling, processing, marketing, and uses of beer;

(3) This chapter is enacted in the exercise of the police powers of this state to protect the health, peace, safety, and general welfare of the people of this state; and

(4) The production and marketing of beer is a highly regulated industry and this chapter and the rules adopted under it are only one aspect of the regulated industry. Other laws applicable to the beer industry include:

(a) The organic food products act, chapter 15.86 RCW;

(b) The wholesale distributors and suppliers of malt beverages, chapter 19.126 RCW;

(c) Weights and measures, chapter 19.94 RCW;

(d) Title 66 RCW, alcoholic beverage control;

(e) Title 69 RCW, food, drugs, cosmetics, and poisons;

(f) 21 C.F.R. as it relates to general manufacturing practices, food labeling, food standards, food additives, and pesticide tolerances;

(g) Chapter 69.07 RCW, Washington food processing act;

(h) 27 U.S.C. Secs. 201 through 211, 213 through 219a, and 122A;

(i) 27 C.F.R. Parts 1, 6, 9, 10, 12, 16, 240, 251, and 252; and

(j) Rules under Title 314 WAC.

NEW SECTION. Sec. 4. (1) Subject to the referendum conducted under section 5 of this act, there is created an agricultural commodity commission, to be known as the Washington beer commission. The commission shall be comprised of seven voting members; six members shall be producers and one voting member shall be the director.

(2) Five voting members of the commission constitute a quorum for the transaction of any commission business.

(3) Each producer member shall be a citizen and resident of this state and over the age of twenty-one. Each producer member must be engaged in producing beer, and must, during his or her term of office, derive a substantial portion of income from the production of beer, or have a substantial investment in the production of beer as an owner, lessee, partner, or the manager or executive officer of such a corporation. No more than one board member may be part of the same person as defined by RCW 15.04.010. These qualifications apply throughout each member's term of office but do not apply to the director.

(4) The producer members shall serve three-year terms. Of the initial voting members, two members shall be appointed for a one-year term, two members shall be appointed for a two-year term, and two members shall be appointed for a three-year term.

NEW SECTION. Sec. 5. (1) Upon receipt of a petition containing the signatures of five beer producers from a statewide Washington state craft brewing trade association or other affected producers to implement this chapter and to determine producer participation in the commission and assessment under this chapter, the director shall:

(a) Conduct a referendum of beer producers. The requirements of assent or approval of the referendum are met if:

(i) At least fifty-one percent by numbers of affected producers participating in the referendum vote affirmatively; and

(ii) Thirty percent of the affected producers and thirty percent of the production have been represented in the referendum to determine assent or approval of participation and assessment. The referendum shall be conducted within sixty days of receipt of the petition; and

(b) Establish a list of beer producers from information provided by the petitioners, by obtaining information on beer producers from applicable producer organizations or associations or other sources identified as maintaining the information. In establishing a current list of beer producers and their individual production, the director shall use the beer producer's name, mailing address, and production by the producer in the preceding fiscal year. Information on each producer shall be mailed to each beer producer on record with the director for verification. All corrections shall be filed with the director within twenty days from the date of mailing. The list of affected producers shall be kept in a file by the director. The list shall be certified as a true representation of the referendum mailing list. Inadvertent failure to notify an affected producer does not invalidate a proceeding conducted under this chapter. The director shall provide the commission the list of affected producers after assent in a referendum as provided in this section.

(2) If the director determines that the requisite assent has been given in the referendum conducted under subsection (1) of this section, the director shall:

(a) Within sixty days after assent of the referendum held, appoint the members of the commission; and

(b) Direct the commission to put into force the assessment as provided for in section 14 of this act.

(3) If the director determines that the requisite assent has not been given in the referendum conducted under subsection (1) of this section, the director shall take no further action to implement or enforce this chapter.

(4) Upon completion of the referendum conducted under subsection (1) of this section, the department shall tally the results of the vote and provide the results to affected producers. If an affected producer disputes the results of a vote, that producer within sixty days from the announced results, shall provide in writing a statement of why the vote is disputed and request a recount. Once the vote is tallied and distributed, all disputes are resolved, and all matters in a vote are finalized, the individual ballots may be destroyed.

(5) Before conducting the referendum provided for in subsection (1) of this section, the director may require the petitioners to deposit with him or her an amount of money as the director deems necessary to defray the expenses of conducting the referendum. The director shall provide the petitioners an estimate of expenses that may be incurred to conduct a referendum before any service takes place. Petitioners shall deposit funds with the director to pay for expenses incurred by the department. The commission shall reimburse petitioners the amount paid to the department when funds become available. However, if for any reason the referendum process is discontinued, the petitioners shall reimburse the department for expenses incurred by the department up until the time the process is discontinued.

(6) The director is not required to hold a referendum under subsection (1) of this section more than once in any twelve-month period.

THIRTY-THIRD DAY, FEBRUARY 10, 2006

2006 REGULAR SESSION

NEW SECTION. Sec. 6. (1) The director shall appoint the producer members of the commission. In making appointments, no later than ninety days before an expiration of a commission member's term, the director shall call for recommendations for commission member positions, and the director shall take into consideration recommendations made by a statewide Washington state craft brewing trade association or other affected producers. In appointing persons to the commission, the director shall seek a balanced representation on the commission that reflects the composition of the beer producers throughout the state on the basis of beer produced and geographic location. Information on beer production by geographic location shall be provided by the commission upon the director's request.

(2) If a position on the commission becomes vacant due to resignation, disqualification, death, or for any other reason, the commission shall notify the director and the unexpired term shall immediately be filled by appointment by the director.

(3) Each member or employee of the commission shall be reimbursed for actual travel expenses incurred in carrying out this chapter as defined by the commission in rule. Otherwise if not defined in rule, reimbursement for travel expenses shall be at the rates allowed by RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 7. Obligations incurred by the commission and any other liabilities or claims against the commission shall be enforced only against the assets of the commission and, except to the extent of such assets, no liability for the debts or actions of the commission exists against either the state of Washington or any subdivision or instrumentality thereof or against any member, employee, or agent of the commission or the state of Washington in his or her individual capacity. Except as otherwise provided in this chapter, neither the commission members, nor its employees, may be held individually responsible for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No person or employee may be held individually responsible for any act or omission of any other commission members. The liability of the commission members shall be several and not joint, and no member is liable for the default of any other member. This provision confirms that commission members have been and continue to be, state officers or volunteers for purposes of RCW 4.92.075 and are entitled to the defenses, indemnifications, limitations of liability, and other protections and benefits of chapter 4.92 RCW.

NEW SECTION. Sec. 8. The commission shall:

(1) Elect a chair and officers. The officers must include a treasurer who is responsible for all receipts and disbursements by the commission and the faithful discharge of whose duties shall be guaranteed by a bond at the sole expense of the commission. The commission must adopt rules for its own governance that provide for the holding of an annual meeting for the election of officers and the transaction of other business and for other meetings the commission may direct;

(2) Do all things reasonably necessary to effect the purposes of this chapter. However, the commission has no rule-making power except as provided in this chapter;

(3) Employ and discharge managers, secretaries, agents, attorneys, and employees and engage the services of independent contractors;

(4) Retain, as necessary, the services of private legal counsel to conduct legal actions on behalf of the commission. The retention of a private attorney is subject to review by the office of the attorney general;

(5) Receive donations of beer from producers for promotional purposes under subsections (6) and (7) of this section and for fund-raising purposes under subsection (8) of this section. Donations of beer for promotional purposes may only be disseminated without charge;

(6) Engage directly or indirectly in the promotion of Washington beer, including, without limitation, the acquisition in any lawful manner and the dissemination without charge of beer. This dissemination is not deemed a sale for any purpose and the commission is not deemed a producer, supplier, or manufacturer, or the clerk, servant, or agent of a producer,

supplier, distributor, or manufacturer. This dissemination without charge shall be for agricultural development or trade promotion, and not for fund-raising purposes under subsection (8) of this section. Dissemination for promotional purposes may include promotional hosting and must in the good faith judgment of the commission be in the aid of the marketing, advertising, sale of beer, or of research related to such marketing, advertising, or sale;

(7) Promote Washington beer by conducting unique beer tastings without charge;

(8) Fund the Washington beer commission through sponsorship of up to twelve beer festivals annually at which beer may be sold to festival participants. For this purpose, the commission would qualify for issue of a special occasion license as an exception to WAC 314-05-020 but must comply with laws under Title 66 RCW and rules adopted by the liquor control board under which such events may be conducted. If Substitute Senate Bill No. 6838, promoting Washington's craft beer industry by conducting beer festivals, is enacted during the 2006 regular legislative session, the commission may not conduct beer festivals before July 1, 2007;

(9) Participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, regulation, distribution, sale, or use of beer including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission;

(10) Acquire and transfer personal and real property, establish offices, incur expenses, and enter into contracts, including contracts for the creation and printing of promotional literature. The contracts are not subject to chapter 43.78 RCW, and are cancelable by the commission unless performed under conditions of employment that substantially conform to the laws of this state and the rules of the department of labor and industries. The commission may create debt and other liabilities that are reasonable for proper discharge of its duties under this chapter;

(11) Maintain accounts with one or more qualified public depositories as the commission may direct, for the deposit of money, and expend money for purposes authorized by this chapter by drafts made by the commission upon such institutions or by other means;

(12) Cause to be kept and annually closed, in accordance with generally accepted accounting principles, accurate records of all receipts, disbursements, and other financial transactions, available for audit by the state auditor;

(13) Create and maintain a list of producers and disseminate information among and solicit the opinions of producers with respect to the discharge of the duties of the commission, directly or by arrangement with trade associations or other instrumentalities;

(14) Employ, designate as an agent, act in concert with, and enter into contracts with any person, council, commission, or other entity to promote the general welfare of the beer industry and particularly to assist in the sale and distribution of Washington beer in domestic and foreign commerce. The commission shall expend money necessary or advisable for this purpose and to pay its proportionate share of the cost of any program providing direct or indirect assistance to the sale and distribution of Washington beer in domestic or foreign commerce, employing and paying for vendors of professional services of all kinds;

(15) Sue and be sued as a commission, without individual liability for acts of the commission within the scope of the powers conferred upon it by this chapter; and

(16) Serve as liaison with the liquor control board on behalf of the commission and not for any individual producer.

NEW SECTION. Sec. 9. (1) The commission shall develop and submit to the director for approval any plans, programs, and projects concerning the following:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for advertising, promotion, and education programs related to beer; and

THIRTY-THIRD DAY, FEBRUARY 10, 2006

2006 REGULAR SESSION

(b) The establishment and effectuation of market research projects, market development projects, or both to the end that the marketing of beer may be encouraged, expanded, improved, or made more efficient.

(2) The director shall review the commission's advertising or promotion program to ensure that no false claims are being made concerning beer.

(3) The commission, before the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget on a fiscal period basis.

(4) The director shall strive to review and make a determination of all submissions described in this section in a timely manner.

NEW SECTION. Sec. 10. The commission exists primarily for the benefit of the people of the state of Washington and its economy. The legislature hereby charges the commission, with oversight by the director, to speak on behalf of the Washington state government with regard to the marketing and promotion of Washington produced beer.

NEW SECTION. Sec. 11. The commission may create, provide for, and conduct a comprehensive and extensive research, promotional, and educational campaign as sales and market conditions reasonably require. It shall investigate and ascertain the needs of producers, conditions of markets, and degree of public awareness of products, and take into account this information in the discharge of its duties under this chapter.

NEW SECTION. Sec. 12. The commission shall adopt as major objectives of its research, promotional, and educational campaign goals that serve the needs of producers. The goals may include efforts to:

(1) Establish Washington beer as a major factor in markets everywhere;

(2) Promote Washington breweries as tourist attractions;

(3) Encourage favorable reporting of Washington beer and breweries in the press throughout the world;

(4) Establish Washington beer in markets everywhere as a major source of premium beer;

(5) Encourage favorable legislative and regulatory treatment of Washington beer in markets everywhere;

(6) Encourage promotion of Washington agriculture related to beer production, specifically hops, malting barley, and wheat grown in the state; and

(7) Foster economic conditions favorable to investment in the production of Washington beer.

NEW SECTION. Sec. 13. (1) The commission shall prepare a list of all affected producers from information available from the liquor control board, the department, or the producers' association. This list must contain the names and addresses of affected producers within this state and the amount, by barrelage, of beer produced during the period designated by the commission. A qualified person may, at any time, have his or her name placed upon the list by delivering or mailing the information to the commission. This list shall be corrected and brought up-to-date in accordance with evidence and information available to the commission by December 31st of each year. For the purposes of giving notice and holding referendums, the list updated before the date for issuing notices or ballots is the list of all producers entitled to notice, to assent or dissent, or to vote. Inadvertent failure to notify a producer does not invalidate a proceeding conducted under this chapter.

(2) It is the responsibility of affected producers to ensure that their correct address is filed with the commission. It is also the responsibility of affected producers to submit production data to the commission as prescribed by this chapter.

(3) The commission shall develop a reporting system to document that the affected producers in this state are reporting quantities of beer produced and are paying the assessment as provided in section 14 of this act.

NEW SECTION. Sec. 14. (1) Pursuant to referendum in accordance with section 5 of this act, there is levied, and the commission shall collect, upon beer produced by an affected producer, an annual assessment of ten cents per barrel of beer produced, up to ten thousand barrels per location.

(2) The commission shall adopt rules prescribing the time, place, and method for payment and collection of this assessment and provide for the collection of assessments from affected producers who ship directly out-of-state.

(3) The commission may reduce the assessment per affected producer based upon in-kind contributions to the commission.

NEW SECTION. Sec. 15. The commission shall deposit money collected under section 14 of this act in a separate account in the name of the commission in any bank that is a state depository. All expenditures and disbursements made from this account under this chapter may be made without the necessity of a specific legislative appropriation. RCW 43.01.050 does not apply to this account or to the money received, collected, or expended as provided in this chapter.

NEW SECTION. Sec. 16. An assessment levied in an amount determined by the commission under section 14 of this act constitutes a personal debt of every person assessed or who otherwise owes the assessment, and the assessment is due and payable to the commission when payment is called for by the commission. If a producer fails to pay the commission the full amount of the assessment by the date due, the commission may add to the unpaid assessment an amount not exceeding ten percent of the assessment to defray the cost of enforcing its collection. If the person fails to pay an assessment, the commission may bring a civil action for collection against the person or persons in a court of competent jurisdiction. The action shall be tried and judgment rendered as in any other cause of action for a debt due and payable.

NEW SECTION. Sec. 17. (1) Under RCW 42.56.380, certain agricultural business records, commission records, and department of agriculture records relating to the commission and producers of agricultural commodities are exempt from public disclosure.

(2) Financial and commercial information and records submitted to either the department or the commission for the purpose of administering this chapter may be shared between the department and the commission. They may also be used, if required, in any suit or administrative hearing involving this chapter.

(3) This section does not prohibit:

(a) The issuance of general statements based upon the reports of persons subject to this chapter as long as the statements do not identify the information furnished by any person; or

(b) The publication by the director or the commission of the name of any person violating this chapter and a statement of the manner of the violation by that person.

NEW SECTION. Sec. 18. (1) All costs incurred by the department, including the adoption of rules and other actions necessary to carry out this chapter, shall be reimbursed by the commission.

(2) The director may provide by rule for a method to fund staff support for all commodity boards or commissions in accordance with RCW 43.23.033 if a position is not directly funded by the legislature and costs are related to the specific activity undertaken on behalf of an individual commodity board or commission. The commission shall provide funds to the department according to the rules adopted by the director.

NEW SECTION. Sec. 19. County and state law enforcement officers, the liquor control board and its enforcement agents, and employees of the department shall enforce this chapter.

NEW SECTION. Sec. 20. (1) Any prosecution brought under this chapter may be instituted in any county in which the defendant or any defendant resides, or in which the violation was committed, or in which the defendant or any defendant has his or her principal place of business.

(2) The superior courts may enforce this chapter and the rules and regulations of the commission issued hereunder, and may prevent and restrain violations thereof.

NEW SECTION. Sec. 21. This act shall be liberally construed to effectuate its purposes.

Sec. 22. RCW 66.44.800 and 1987 c 452 s 17 are each amended to read as follows:

THIRTY-THIRD DAY, FEBRUARY 10, 2006

2006 REGULAR SESSION

(1) Nothing contained in chapter 15.88 RCW shall affect the compliance by the Washington wine commission with this chapter.

(2) Nothing contained in chapter 15.-- RCW (sections 1 through 21 of this act) shall affect the compliance by the Washington beer commission with this chapter.

NEW SECTION. Sec. 23. A new section is added to chapter 66.12 RCW to read as follows:

The Washington beer commission created under section 4 of this act may purchase or receive donations of beer or malt beverages from any brewery, in any state, or in any country and may use such beer or malt beverages for any promotional purposes as outlined in section 8 of this act. Beer and malt beverages that are furnished to the commission under this section that are used within the state are subject to the taxes imposed under RCW 66.24.290. No license, permit, or bond is required of the Washington beer commission under this title for promotional activities conducted under chapter 15.-- RCW (sections 1 through 21 of this act).

Sec. 24. RCW 15.04.200 and 1987 c 452 s 16 are each amended to read as follows:

(1) Under the authority of Article VIII of the state Constitution as amended, agricultural commodity commission expenditures for agricultural development or trade promotion and promotional hosting by an agricultural commodities commission under chapters 15.24, 15.28, 15.44, 15.65, 15.66, 15.88, 15.-- (sections 1 through 21 of this act), and 16.67 RCW shall be pursuant to specific budget items as approved by the agricultural commodity commission at the annual public hearings on the agricultural commodity commission budget.

(2) Agricultural commodity commissions shall adopt rules governing promotional hosting expenditures by agricultural commodity commission employees, agents or commissioners. The rules shall identify officials and agents authorized to make expenditures and the objectives of the expenditures. Individual agricultural commodity commission commissioners shall make promotional hosting expenditures, or seek reimbursements for these expenditures, only in those instances where the expenditures have been approved by the agricultural commodity commission. All payments and reimbursements shall be identified and supported on vouchers.

(3) Agricultural commodity commissions shall be exempt from the requirements of RCW 43.01.090 and 43.19.500 and chapter 43.82 RCW.

Sec. 25. RCW 42.17.31907 and 2002 c 313 s 66 are each amended to read as follows:

The following agricultural business records and commodity board and commission records are exempt from the disclosure requirements of this chapter:

(1) Production or sales records required to determine assessment levels and actual assessment payments to commodity boards and commissions formed under chapters 15.24, 15.26, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.100, 15.-- (sections 1 through 21 of this act), and 16.67 RCW or required by the department of agriculture to administer these chapters or the department's programs;

(2) Consignment information contained on phytosanitary certificates issued by the department of agriculture under chapters 15.13, 15.49, and 15.17 RCW or federal phytosanitary certificates issued under 7 C.F.R. 353 through cooperative agreements with the animal and plant health inspection service, United States department of agriculture, or on applications for phytosanitary certification required by the department of agriculture; and

(3) Financial and commercial information and records supplied by persons (a) to the department of agriculture for the purpose of conducting a referendum for the potential establishment of a commodity board or commission; (b) to the department of agriculture or commodity boards or commissions formed under chapter 15.24, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.100, 15.-- (sections 1 through 21 of this act), or 16.67 RCW with respect to domestic or export marketing activities or individual producer's production information.

Sec. 26. RCW 42.56.380 and 2005 c 274 s 418 are each amended to read as follows:

The following information relating to agriculture and livestock is exempt from disclosure under this chapter:

(1) Business-related information under RCW 15.86.110;

(2) Information provided under RCW 15.54.362;

(3) Production or sales records required to determine assessment levels and actual assessment payments to commodity boards and commissions formed under chapters 15.24, 15.26, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.100, 15.-- (sections 1 through 21 of this act), and 16.67 RCW or required by the department of agriculture to administer these chapters or the department's programs;

(4) Consignment information contained on phytosanitary certificates issued by the department of agriculture under chapters 15.13, 15.49, and 15.17 RCW or federal phytosanitary certificates issued under 7 C.F.R. 353 through cooperative agreements with the animal and plant health inspection service, United States department of agriculture, or on applications for phytosanitary certification required by the department of agriculture;

(5) Financial and commercial information and records supplied by persons (a) to the department of agriculture for the purpose of conducting a referendum for the potential establishment of a commodity board or commission; or (b) to the department of agriculture or commodity boards or commissions formed under chapter 15.24, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.100, 15.-- (sections 1 through 21 of this act), or 16.67 RCW with respect to domestic or export marketing activities or individual producer's production information;

(6) Except under RCW 15.19.080, information obtained regarding the purchases, sales, or production of an individual American ginseng grower or dealer;

(7) Information that can be identified to a particular business and that is collected under section 3(1), chapter 235, Laws of 2002; and

(8) Financial statements provided under RCW 16.65.030(1)(d).

Sec. 27. RCW 43.23.033 and 2002 c 313 s 78 are each amended to read as follows:

(1) The director may provide by rule for a method to fund staff support for all commodity boards and commissions if a position is not directly funded by the legislature.

(2) Staff support funded under this section and RCW 15.65.047(1)(c), 15.66.055(3), 15.24.215, 15.26.265, 15.28.320, 15.44.190, 15.88.180, section 18 of this act, and 16.67.190 shall be limited to one-half full-time equivalent employee for all commodity boards and commissions.

NEW SECTION. Sec. 28. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 29. Sections 1 through 21 of this act constitute a new chapter in Title 15 RCW.

NEW SECTION. Sec. 30. Section 25 of this act expires July 1, 2006.

NEW SECTION. Sec. 31. Section 26 of this act takes effect July 1, 2006."

Senator Rasmussen spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Rasmussen, Jacobsen, Schoesler and Esser to Senate Bill No. 6661.

The motion by Senator Rasmussen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "commission;" strike the remainder of the title and insert "amending RCW 66.44.800, 15.04.200, 42.17.31907, 42.56.380, and 43.23.033; adding a new section to chapter 66.12 RCW; adding a new chapter to Title 15 RCW; providing an effective date; and providing an expiration date."

THIRTY-THIRD DAY, FEBRUARY 10, 2006

2006 REGULAR SESSION

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 6661 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schoesler, Jacobsen, Rasmussen and Hewitt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6661.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6661 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senator Brown - 1

Excused: Senators Deccio, Fairley and McCaslin - 3

ENGROSSED SENATE BILL NO. 6661, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6806, by Senators Esser, Hargrove, Brandland, Johnson and Rasmussen

Establishing the domestic violence hope card study committee.

MOTIONS

On motion of Senator Esser, Substitute Senate Bill No. 6806 was substituted for Senate Bill No. 6806 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Esser, the rules were suspended, Substitute Senate Bill No. 6806 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Esser spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6806.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6806 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker,

Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Brown, Deccio, Fairley and McCaslin - 4

SUBSTITUTE SENATE BILL NO. 6806, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

February 9, 2006

MR. PRESIDENT:

The House has passed the following bill(s):

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2489,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2582,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2630,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2785,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 9, 2006

MR. PRESIDENT:

The House has passed the following bill(s):

SUBSTITUTE HOUSE BILL NO. 2414,

HOUSE BILL NO. 2597,

SUBSTITUTE HOUSE BILL NO. 2836,

SUBSTITUTE HOUSE BILL NO. 2973,

SUBSTITUTE HOUSE BILL NO. 2976,

SUBSTITUTE HOUSE BILL NO. 2989,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2998,

HOUSE BILL NO. 3028,

SUBSTITUTE HOUSE BILL NO. 3087,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 9, 2006

MR. PRESIDENT:

The House has passed the following bill(s):

SUBSTITUTE HOUSE BILL NO. 1986,

SUBSTITUTE HOUSE BILL NO. 2985,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3098,

SUBSTITUTE HOUSE BILL NO. 3113,

SECOND SUBSTITUTE HOUSE BILL NO. 3115,

HOUSE BILL NO. 3139,

SUBSTITUTE HOUSE BILL NO. 3182,

HOUSE BILL NO. 3215,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 9, 2006

THIRTY-THIRD DAY, FEBRUARY 10, 2006

2006 REGULAR SESSION

MR. PRESIDENT:

The House has passed the following bill(s):
 ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO.
 1484,
 and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

At 10:43 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:53 a.m. by President Owen.

MOTION

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

MOTION

Senator McAuliffe moved adoption of the following resolution:

SENATE RESOLUTION
 8708

By Senators McAuliffe, Rockefeller and Eide

WHEREAS, Earl Hale is retiring from the State Board for Community and Technical Colleges on January 20, 2006, after thirty-five years of total service and the last nineteen years as the Executive Director; and

WHEREAS, Earl Hale has helped the State Board to ensure that the two-year college system maintains an open door to public education for nearly half a million Washington residents every year; and

WHEREAS, Earl Hale has articulately and effectively communicated the system's core mission and values to leaders across the state, including business, state government, faculty unions, the K-12 system, and four-year colleges and universities; and

WHEREAS, Earl Hale has overseen tremendous growth of the two-year college system with the addition of the technical colleges into the system in 1991, and two additional community colleges since 1994; and

WHEREAS, Earl Hale has been instrumental in bringing the community and technical college communities together, to support each other, and to work with the universities and colleges to provide access to a comprehensive education system for all students in the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby commend Earl Hale for his tireless efforts on behalf of the two-year college system and his deep commitment to serving the citizens of Washington over the last thirty-five years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Earl Hale.

Senators McAuliffe, Shin, Kohl-Welles, Benson, Rockefeller, Eide, Berkey, Fraser and Morton spoke in favor of adoption of the resolution.

Senator Jacobsen spoke against adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8708.

The motion by Senator McAuliffe carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Earl Hale, Former

Executive Director of the State Board for Community and Technical Colleges, and his family and friends who were seated in the gallery.

MOTION

At 12:08 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:15 p.m. by President Pro Tempore.

MOTION

On motion of Senator Rockefeller, the Senate reverted to the sixth order of business.

MOTION

On motion of Senator Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointment 9300, Alice Tawresey and Gubernatorial Appointment No. 9343, Pete Crane as members of the Board of Trustees, Olympic Community College District No. 3 and the vote of the Senate was recorded as a separate vote for each appointment.

Senator Rockefeller moved that Gubernatorial Appointment No. 9300, Alice Tawresey and Gubernatorial Appointment No. 9343, Pete Crane as members of the Board of Trustees, Olympic Community College District No. 3 be confirmed.

Senator Rockefeller spoke in favor of the confirmations.

The President declared the question before the Senate to be the confirmations of Gubernatorial Appointment No. 9300, Alice Tawresey and Gubernatorial Appointment No. 9343, Pete Crane to the Board of Trustees, Olympic Community College District No. 3.

APPOINTMENT OF ALICE TAWRESEY

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9300, Alice Tawresey as a member of the Board of Trustees, Olympic Community College District No. 3 and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Absent: Senators Finkbeiner and McAuliffe - 2

Excused: Senators Deccio, Haugen, Oke and Poulsen - 4

MOTION

On motion of Senator Schoesler, Senators Hewitt, Oke and Parlette were excused.

MOTION

On motion of Senator Regala, Senators Haugen and Poulsen were excused.

APPOINTMENT OF PETE CRANE

THIRTY-THIRD DAY, FEBRUARY 10, 2006

2006 REGULAR SESSION

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9343, Pete Crane as a member of the Board of Trustees, Olympic Community College District No. 3 and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Absent: Senators Finkbeiner and McAuliffe - 2

Excused: Senators Deccio, Haugen, Oke and Poulsen - 4

Gubernatorial Appointment No. 9343, Pete Crane; and Gubernatorial Appointment No. 9300, Alice Tawresey having received the constitutional majority were declared confirmed as a member of the Board of Trustees, Olympic Community College District No. 3.

MOTION

On motion of Senator Hargrove, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointment 9028, Rebecca Chaffee, Gubernatorial Appointment No. 9183, Fawn Sharp-Malvini, Gubernatorial Appointment No. 9208, John Warring and Gubernatorial Appointment No. 9337, Carol Carlstad as members of the Board of Trustees, Grays Harbor Community College District No. 2 and the vote of the Senate was recorded as a separate vote for each appointment.

Senator Hargrove moved that Gubernatorial Appointment No. 9028, Rebecca Chaffee, Gubernatorial Appointment No. 9183, Fawn Sharp-Malvini, Gubernatorial Appointment No. 9208, John Warring and Gubernatorial Appointment No. 9337, Carol Carlstad as members of the Board of Trustees, Grays Harbor Community College District No. 2 be confirmed.

Senator Hargrove spoke in favor of the confirmations.

The President Pro Tempore declared the question before the Senate to be the confirmations of Gubernatorial Appointment No. 9028, Rebecca Chaffee, Gubernatorial Appointment No. 9183, Fawn Sharp-Malvini, Gubernatorial Appointment No. 9208, John Warring and Gubernatorial Appointment No. 9337, Carol Carlstad to the Board of Trustees, Grays Harbor Community College District No. 2.

MOTION

On motion of Senator Schoesler, Senators Hewitt, Brandland, Schmidt, Finkbeiner and Mulliken were excused.

MOTION

On motion of Senator Regala, Senator McAuliffe was excused.

APPOINTMENT OF REBECCA CHAFFEE

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9028, Rebecca Chaffee as a member of the Board of Trustees, Grays Harbor Community College District No. 2 and the appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 9.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 39

Absent: Senator Zarelli - 1

Excused: Senators Brandland, Deccio, Finkbeiner, Haugen, Hewitt, McAuliffe, Oke, Poulsen and Schmidt - 9

APPOINTMENT OF FAWN SHARP-MALVINI

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9183, Fawn Sharp-Malvini as a member of the Board of Trustees, Grays Harbor Community College District No. 2 and the appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 9.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 39

Absent: Senator Zarelli - 1

Excused: Senators Brandland, Deccio, Finkbeiner, Haugen, Hewitt, McAuliffe, Oke, Poulsen and Schmidt - 9

APPOINTMENT OF JOHN WARRING

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9208, John Warring as a member of the Board of Trustees, Grays and the appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 9.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 39

Absent: Senator Zarelli - 1

Excused: Senators Brandland, Deccio, Finkbeiner, Haugen, Hewitt, McAuliffe, Oke, Poulsen and Schmidt - 9

APPOINTMENT OF CAROL CARLSTAD

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9337, Carol Carlstad as a member of the Board of Trustees, Grays Harbor Community College District No. 2 and the appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 9.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 39

Absent: Senator Zarelli - 1

Excused: Senators Brandland, Deccio, Finkbeiner, Haugen, Hewitt, McAuliffe, Oke, Poulsen and Schmidt - 9

Gubernatorial Appointment No. 9337, Carol Carlstad; Gubernatorial Appointment No. 9028, Rebecca Chaffee; Gubernatorial Appointment No. 9183, Fawn Sharp-Malvini and Gubernatorial Appointment No. 9208, John Warring having received the constitutional majority were declared confirmed as

THIRTY-THIRD DAY, FEBRUARY 10, 2006

2006 REGULAR SESSION

a member of the Board of Trustees, Grays Harbor Community College District No. 2.

MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5838, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kastama, Benson, Poulsen, Brandland, Deccio, Keiser, Thibaudeau, Franklin and Rasmussen).

Limiting the substitution of preferred drugs in hepatitis C treatment.

The bill was read on Third Reading.

Senators Kastama, Keiser, Benson and Pflug spoke in favor of passage of the bill.

Senator Parlette spoke against passage of the bill.

MOTION

On motion of Senator Regala, Senators Brown, Kohl-Welles and Kline were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5838.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5838 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 4; Absent, 1; Excused, 10.

Voting yea: Senators Benson, Benton, Berkey, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, McCaslin, Morton, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 34

Voting nay: Senators Honeyford, Mulliken, Parlette and Schoesler - 4

Absent: Senator Zarelli - 1

Excused: Senators Brandland, Brown, Deccio, Finkbeiner, Hewitt, Kohl-Welles, McAuliffe, Oke, Poulsen and Schmidt - 10

SUBSTITUTE SENATE BILL NO. 5838, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

Vice President Pro Tempore assumed the chair.

SECOND READING

SENATE BILL NO. 6196, by Senators Franklin, Regala, Keiser, Eide, Rockefeller, Prentice, Thibaudeau, Jacobsen, Fairley, McAuliffe, Fraser, Sheldon, Brown, Spanel, Kline, Kohl-Welles, Shin and Esser

Including a member of the American Indian health commission for Washington state on the state board of health. Revised for 1st Substitute: Including a health official from a federally recognized tribe on the state board of health.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 6196 was substituted for Senate Bill No. 6196 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 6196 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Franklin, Thibaudeau and Parlette spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6196.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6196 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Brandland, Brown, Deccio and Oke - 4

SUBSTITUTE SENATE BILL NO. 6196, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore assumed the chair.

MOTION

At 3:02 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:11 p.m. by President Pro Tempore.

SECOND READING

SENATE BILL NO. 6618, by Senators McAuliffe and Schmidt

Revising the high school assessment system. Revised for 1st Substitute: Requiring a study to explore options to augment the current educational assessment system.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 6618 was substituted for Senate Bill No. 6618 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 6618 was advanced to third reading,

THIRTY-THIRD DAY, FEBRUARY 10, 2006

the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Schmidt spoke in favor of passage of the bill.

MOTION

On motion of Senator Weinstein, Senator Jacobsen was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6618.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6618 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Jacobsen - 2

SUBSTITUTE SENATE BILL NO. 6618, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6475, by Senators McAuliffe, Schmidt, Eide, Weinstein, Haugen, Berkey, Kastama, Shin, Kohl-Welles and Rasmussen

Authorizing alternative methods of assessment and appeal processes for the certificate of academic achievement.

MOTION

On motion of Senator McAuliffe, Substitute Senate Bill No. 6475 was substituted for Senate Bill No. 6475 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator McAuliffe moved that the following striking amendment by Senators McAuliffe and Schmidt be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1 A new section is added to chapter 28A.655 RCW to read as follows:

(1) Beginning in the 2006-07 school year, the superintendent of public instruction shall implement three objective alternative assessment methods as provided in this section for students to demonstrate achievement of the state standards in content areas in which the student has not yet met the standard on the high school Washington assessment of student learning. A student may access any alternative if the student meets applicable eligibility criteria in RCW 28A.655.061 and any other eligibility criteria established by the superintendent of public instruction.

2006 REGULAR SESSION

(2) For the purposes of this section, "applicant" means a student seeking to use one of the alternative assessment methods in this section.

(3) The alternative assessment methods shall include:

(a) A combination of the applicant's grades in applicable courses and the applicant's highest score on the high school Washington assessment of student learning, as provided in this subsection.

(i) Using guidelines prepared by the superintendent of public instruction, a school district shall identify the group of students in the same school as the applicant who took the same high school courses as the applicant in the applicable content area. From the group of students identified in this manner, the district shall select the comparison cohort that shall be those students who met or slightly exceeded the state standard on the Washington assessment of student learning.

(ii) The district shall compare the applicant's grades in high school courses in the applicable content area to the grades of students in the comparison cohort for the same high school courses. If the applicant's grades are equal to or above the mean grades of the comparison cohort, the applicant shall be deemed to have met the state standard on the alternative assessment.

(iii) An applicant may not use the alternative assessment under this subsection (3)(a) if there are fewer than six students in the comparison cohort.

(b) An evaluation of a collection of work samples prepared and submitted by the applicant, as provided in this subsection, and for career and technical applicants, the additional requirements of subsection (3)(c).

(i) The superintendent of public instruction shall develop guidelines for the types and number of work samples in each content area that may be submitted as a collection to evidence that the applicant has met the state standard in that content area. Work samples may be collected from academic, career and technical, or remedial courses and may include performance tasks as well as written products.

(ii) The superintendent shall develop protocols for submission of the collection of work samples that include affidavits from the applicant's teachers and school district that the samples are the work of the applicant and a requirement that a portion of the samples be prepared under the direct supervision of a classroom teacher.

(iii) The superintendent shall develop uniform scoring criteria for evaluating the collection of work samples. Collections shall be scored at the state level or regionally by a panel of educators selected and trained by the superintendent to ensure objectivity, reliability, and rigor in the evaluation. An educator may not score work samples submitted by applicants from the educator's school district. If the panel awards an applicant's collection of work samples the minimum required score, the applicant shall be deemed to have met the state standard on the alternative assessment.

(c) An evaluation of a collection of work samples prepared and submitted by an applicant who is enrolled in a career and technical education program approved under section 2 of this act, as provided in this subsection and subsection (3)(b). To meet the state standard on the alternative assessment under this subsection (3)(c), an applicant must also attain the state or nationally recognized certificate or credential associated with the approved career and technical program. The superintendent of public instruction shall develop guidelines for the collection of work samples that evidences that the collection:

(i) Is relevant to the student's particular career and technical program;

(ii) Focuses on the application of academic knowledge and skills within the program;

(iii) Includes completed activities or projects where demonstration of academic knowledge is inferred; and

(iv) Is related to the essential academic learning requirements and state standards that students must meet to earn a certificate of academic achievement or certificate of individual

THIRTY-THIRD DAY, FEBRUARY 10, 2006

achievement, but also represents the knowledge and skills that successful individuals in the career and technical field of the approved program are expected to possess.

(4) In developing the work samples for subsection (3)(c), the superintendent shall consult with community and technical colleges, employers, the work force training and education coordinating board, apprenticeship programs, and other regional and national experts in career and technical education to create an appropriate collection of work samples and other evidence of a career and technical student's knowledge and skills on the state academic standards.

(5) The superintendent of public instruction shall implement:

(a) By June 1, 2006, a process for students to appeal the score they received on the high school assessments; and

(b) By January 1, 2007, guidelines and appeal processes for waiving specific requirements in RCW 28A.655.061 pertaining to the certificate of academic achievement and to the certificate of individual achievement for students who:

(i) Transfer to a Washington public school in their junior or senior year with the intent of obtaining a public high school diploma, or

(ii) have special, unavoidable circumstances.

(6)(a) The superintendent of public instruction shall study the feasibility of using existing mathematics assessments in languages other than English as an additional alternative assessment option. The study shall include an estimation of the cost of translating the tenth grade mathematics assessment into other languages and scoring the assessments should they be implemented.

(b) The superintendent of public instruction shall begin development of an additional alternative assessment option for mathematics that: presents the mathematics essential learnings in segments for assessment; is comparable in content and rigor to the tenth grade mathematics assessment when all segments are considered together; is reliable and valid; and can be used to determine a student's academic performance level.

(7) The superintendent of public instruction may adopt rules to implement this section.

NEW SECTION. Sec. 2 A new section is added to chapter 28C.04 RCW to read as follows:

The superintendent of public instruction shall develop a list of approved career and technical education programs that qualify for the objective alternative assessment for career and technical students developed under section 1 of this act. Programs on the list must meet the following minimum criteria:

(1) Lead to a certificate or credential that is state or nationally recognized by trades, industries, or other professional associations as necessary for employment or advancement in that field;

(2) Require a sequenced progression of multiple courses, both exploratory and preparatory, that are vocationally intensive and rigorous; and

(3) Have a high potential for providing the program completer with gainful employment or entry into a postsecondary work force training program.

NEW SECTION. Sec. 3 A new section is added to chapter 28A.655 RCW to read as follows:

(1) Beginning with the high school graduating class of 2008, a certificate of academic progress shall be available to students who have completed all state and local requirements for high school graduation except obtaining a certificate of academic achievement under RCW 28A.655.061 or a certificate of individual achievement under RCW 28A.155.045. The certificate of academic progress is not the equivalent of a high school diploma, but enables students to participate in commencement ceremonies upon meeting the criteria in this section.

(2) To be eligible for a certificate of academic progress, a student must:

(a) Pass all state and local high school graduation requirements except for obtaining a certificate of academic

2006 REGULAR SESSION

achievement or a certificate of individual achievement and must have taken at least one retake;

(b) Maintain at least a ninety percent attendance level during the senior year of high school, however the school district superintendent may waive this requirement upon the student providing documentation of circumstances such as illness that warrant waiving this requirement; and

(c) Meet with counselors, teachers, and parents, as appropriate, to update the student's high school and beyond plan.

NEW SECTION. Sec. 4. (1) By January 2007, the superintendent of public instruction shall report the following, in detail, to the education committees of the legislature:

(a) The guidelines, protocols, and procedures used by the superintendent in implementing the alternative assessments, particularly the collection of evidence;

(b) A description of the training to be provided for school districts, educators serving on scoring panels, and teachers assisting students with collections of work samples;

(c) Updated data on the number of students using or likely to be eligible to use the alternative assessment methods; and

(d) The results of the study in section 1(6)(a) of this act and the development status of the additional assessment option in section 1(6)(b) of this act.

Correct title and internal references accordingly.

Senator McAuliffe spoke in favor of adoption of the striking amendment.

MOTION

Senator Esser moved that the following amendment by Senator Esser to the striking amendment be adopted.

On page 1, on line 6 of the amendment, after "implement" strike "three" and insert "an"

On page 1, line 7, after "assessment" strike "methods" and insert "method"

On page 1, line 10, after "access" strike "any" and insert "the"

On page 1, line 15, after "use" strike "one of"

On page 1, line 15, after "assessment" strike "methods" and insert "method"

On page 1, line 17, after "assessment" strike all material through "A" on line 18 and insert "method shall include a"

On page 2, at the beginning of line 7, strike all material through "(5)" on page 3, line 22, and insert "(4)."

On page 3, line 33, strike "(6)" and insert "(5)"

On page 4, line 8, strike "(7)" and insert "(6)"

On page 4, beginning on line 10 strike all material through "program." on line 25.

On page 5, line 15, after "alternative" strike "assessments" and insert "assessment"

On page 5, line 17, after "(b)" strike everything through "(c)" on line 35.

On page 5, line 21, after "assessment" strike "methods" and insert "method"

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 1 of the title, after "authorizing", strike "alternative methods" and insert "an alternative method"

Senators Esser, Roach and Johnson spoke in favor of adoption of the amendment to the striking amendment.

Senators Eide, Weinstein, Schmidt and Finkbeiner spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Esser on page 1, line 6 to the striking amendment to Substitute Senate Bill No. 6475.

THIRTY-THIRD DAY, FEBRUARY 10, 2006

2006 REGULAR SESSION

The motion by Senator Esser failed and the amendment to the striking amendment was not adopted by voice vote.

POINT OF ORDER

Senator Hewitt: "Thank you Madam President. We appreciate you trying to get us out of here early but would you mind slowing the gavel down just a bit?"

PERSONAL PRIVILEGE

Senator McCaslin: "My congratulations to the President. That is the fastest gavel I've seen in twenty-six years. I'm surprised it didn't catch fire, going so fast."

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe and Schmidt to Substitute Senate Bill No. 6475.

Senators McAuliffe, Schmidt, Rockefeller, Hargrove and Shin spoke in favor of adoption of the striking amendment.

Senators Hewitt and Pflug spoke against adoption of the striking amendment.

MOTION

Senator Weinstein demanded that the previous question be put.

The President Pro Tempore declared that at least two additional senators joined the demand and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the motion of Senator Weinstein, "Shall the main question be now put?"

The motion by Senator Weinstein that the previous question be put was carried by voice vote.

MOTION

On motion of Senator Mulliken, Senators Honeyford, Hewitt and Morton were excused.

The motion by Senator McAuliffe carried and the striking amendment was adopted by voice vote.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 6475 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Schmidt spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Poulsen was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6475.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6475 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 10; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Berkey, Brown, Delvin, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Parlette, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 33

Voting nay: Senators Benson, Brandland, Carrell, Esser, Johnson, McCaslin, Mulliken, Oke, Pflug and Roach - 10

Excused: Senators Deccio, Hewitt, Honeyford, Jacobsen, Morton and Poulsen - 6

ENGROSSED SUBSTITUTE SENATE BILL NO. 6475, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6239, by Senators Hargrove, Johnson, Doumit, Oke, Stevens and Esser

Changing provisions relating to crimes. Revised for 2nd Substitute: Changing provisions relating to controlled substances.

MOTION

On motion of Senator Hargrove, Second Substitute Senate Bill No. 6239 was substituted for Senate Bill No. 6239 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

**"PART I
SUBSTANCE ABUSE REDUCTION**

NEW SECTION. Sec. 101 A new section is added to chapter 70.96A RCW to read as follows:

(1) Any county that has imposed the sales and use tax authorized by RCW 82.14.460 may seek a state appropriation of up to one hundred thousand dollars annually beginning in fiscal year 2008 and ending in fiscal year 2010. The funds shall be used to provide additional support to counties for mental health or substance abuse treatment for persons with methamphetamine addiction. Local governments receiving funds under this section may not use the funds to supplant existing funding.

(2) Counties receiving funding shall: (a) Provide a financial plan for the expenditure of any potential funds prior to funds being awarded; (b) report annually to the appropriate committees of the legislature regarding the number of clients served, services provided, and a statement of expenditures; and (c) expend no more than ten percent for administrative costs or for information technology.

NEW SECTION. Sec. 102 A new section is added to chapter 72.09 RCW to read as follows:

(1) Through June 30, 2010, it is the intent of the legislature to provide one hundred additional placements for therapeutic drug and alcohol treatment in the state's correctional institutions, above the level of placements provided on January 1, 2006.

(2) This section expires June 30, 2010.

NEW SECTION. Sec. 103 It is the intent of the legislature to provide an annual combined level of state and federal funding for multijurisdictional drug task forces and local government

THIRTY-THIRD DAY, FEBRUARY 10, 2006

drug prosecution assistance at a minimum of four million dollars.

NEW SECTION. Sec. 104 (1) It is the intent of the legislature to provide assistance for jurisdictions enforcing illegal drug laws that have historically been underserved by federally funded state narcotics task forces and are considered to be major transport areas of narcotics traffickers.

NEW SECTION. Sec. 105 Three pilot enforcement areas shall be established for a period of four fiscal years, beginning July 1, 2006, and ending June 30, 2010, with one in the southwestern region of the state, comprising of Pacific, Wahkiakum, Lewis, Grays Harbor, and Cowlitz counties; one in the southeastern region of the state, comprising of Walla Walla, Columbia, Garfield, and Asotin counties; and one in the northeastern part of the state, comprising of Stevens, Ferry, Pend Oreille, and Lincoln counties. The counties comprising a specific pilot area shall coordinate with each other to establish and implement a regional strategy to enforce illegal drug laws.

NEW SECTION. Sec. 106 It is the intent of the legislature to provide funding of no less than one million five hundred seventy-five thousand dollars annually. The funding is to be divided equally among the three pilot enforcement areas. This funding is intended to provide a minimum of four additional sheriff deputies for each pilot area, two deputy prosecutors who will support the counties that are included in the pilot area, a court clerk, and clerical staff to serve the pilot area. It is the intent of the legislature that those counties that have not previously received significant federal narcotics task force funding shall be allocated funding for at least one additional sheriff's deputy. Counties are encouraged to utilize drug courts and treatment programs, and to share resources that operate in the region through the use of interlocal agreements. The funding appropriated for this purpose must not be used to supplant existing funding and cannot be used for any purpose other than the enforcement of illegal drug laws.

The criminal justice training commission shall allocate funds to the Washington association of prosecuting attorneys and the Washington association of sheriffs and police chiefs. The Washington association of prosecuting attorneys is responsible for administration of the funding and programs for the prosecution of crimes and court proceedings. The Washington association of sheriffs and police chiefs shall administer the funds provided for law enforcement.

NEW SECTION. Sec. 107 The Washington association of sheriffs and police chiefs, the Washington association of county prosecuting attorneys, and the Washington association of county officials shall jointly develop measures to determine the efficacy of the programs in the pilot areas. These measures shall include comparison of arrest rates before the implementation of this act and after, reduction of recidivism, and any other factors that are determined to be relevant to evaluation of the programs. The organizations named in this section shall present their findings to the legislature by December 1, 2008.

Sec. 108 RCW 2.28.170 and 2005 c 504 s 504 are each amended to read as follows:

(1) Counties may establish and operate drug courts.

(2) For the purposes of this section, "drug court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism and substance abuse among nonviolent, substance abusing felony and nonfelony offenders, whether adult or juvenile, by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment; mandatory periodic drug testing; and the use of appropriate sanctions and other rehabilitation services.

(3)(a) Any jurisdiction that seeks a state appropriation to fund a drug court program must first:

(i) Exhaust all federal funding that is available to support the operations of its drug court and associated services; and

(ii) Match, on a dollar-for-dollar basis, state moneys allocated for drug court programs with local cash or in-kind resources. Moneys allocated by the state must be used to

2006 REGULAR SESSION

supplement, not supplant, other federal, state, and local funds for drug court operations and associated services.

(b) Any county that establishes a drug court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The drug court may adopt local requirements that are more stringent than the minimum. The minimum requirements are:

(i) The offender would benefit from substance abuse treatment;

(ii) The offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030; and

(iii) Without regard to whether proof of any of these elements is required to convict, the offender is not currently charged with or convicted of an offense:

(A) That is a sex offense;

(B) That is a serious violent offense;

(C) During which the defendant used a firearm; or

(D) During which the defendant caused substantial or great bodily harm or death to another person.

Sec. 109 RCW 26.44.020 and 2000 c 162 s 19 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) "Department" means the state department of social and health services.

(6) "Child" or "children" means any person under the age of eighteen years of age.

(7) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(8) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) "Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child by any person under circumstances which indicate that the

THIRTY-THIRD DAY, FEBRUARY 10, 2006

2006 REGULAR SESSION

child's health, welfare, and safety is harmed, including conduct prohibited under RCW 9A.42.100, and excluding conduct permitted under RCW 9A.16.100. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(13) "Child protective services section" means the child protective services section of the department.

(14) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(15) "Negligent treatment or maltreatment" means an act or omission that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, and safety. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment.

(16) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(17) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(18) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(19) "Unfounded" means available information indicates that, more likely than not, child abuse or neglect did not occur. No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.

Sec. 110 RCW 26.44.020 and 2005 c 512 s 5 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) "Department" means the state department of social and health services.

(6) "Child" or "children" means any person under the age of eighteen years of age.

(7) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(8) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, including conduct prohibited under RCW 9A.42.100, and excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(13) "Child protective services section" means the child protective services section of the department.

(14) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(15) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child (~~the child~~) ~~does not constitute negligent treatment or maltreatment in and of (themselves [itself]) itself~~.

(16) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or

THIRTY-THIRD DAY, FEBRUARY 10, 2006

2006 REGULAR SESSION

developmental inability to describe the nature and severity of the abuse or neglect.

(17) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(18) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(19) "Unfounded" means available information indicates that, more likely than not, child abuse or neglect did not occur. No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.

Sec. 111 RCW 26.44.195 and 2005 c 512 s 6 are each amended to read as follows:

(1) If the department, upon investigation of a report that a child has been abused or neglected as defined in this chapter, determines that the child has been subject to negligent treatment or maltreatment, the department may offer services to the child's parents, guardians, or legal custodians to: (a) Ameliorate the conditions that endangered the welfare of the child; or (b) address or treat the effects of mistreatment or neglect upon the child.

(2) When evaluating whether the child has been subject to negligent treatment or maltreatment, evidence of a parent's substance abuse as a contributing factor to a parent's failure to provide for a child's basic health, welfare, or safety shall be given great weight.

(3) If the child's parents, guardians, or legal custodians are available and willing to participate on a voluntary basis in in-home services, and the department determines that in-home services on a voluntary basis are appropriate for the family, the department may offer such services.

(4) In cases where the department has offered appropriate and reasonable services under subsection (1) of this section, and the parents, guardians, or legal custodians refuse to accept or fail to obtain available and appropriate treatment or services, or are unable or unwilling to participate in or successfully and substantially complete the treatment or services identified by the department, the department may initiate a dependency proceeding under chapter 13.34 RCW on the basis that the negligent treatment or maltreatment by the parent, guardian, or legal custodian constitutes neglect. When evaluating whether to initiate a dependency proceeding on this basis, the evidence of a parent's substance abuse as a contributing factor to the negligent treatment or maltreatment shall be given great weight.

(5) Nothing in this section precludes the department from filing a dependency petition as provided in chapter 13.34 RCW if it determines that such action is necessary to protect the child from abuse or neglect.

~~((6) Nothing in this section shall be construed to create in any person an entitlement to services or financial assistance in paying for services or to create judicial authority to order the provision of services to any person or family if the services are unavailable or unsuitable or if the child or family is not eligible for such services.))~~

Sec. 112 RCW 74.34.020 and 2003 c 230 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or

mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a vulnerable adult, which have the following meanings:

(a) "Sexual abuse" means any form of nonconsensual sexual contact, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.

(b) "Physical abuse" means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or the use of chemical restraints or physical restraints unless the restraints are consistent with licensing requirements, and includes restraints that are otherwise being used inappropriately.

(c) "Mental abuse" means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a vulnerable adult from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing.

(d) "Exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(3) "Consent" means express written consent granted after the vulnerable adult or his or her legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

(4) "Department" means the department of social and health services.

(5) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, boarding homes; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; or chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed by the department.

(6) "Financial exploitation" means the illegal or improper use of the property, income, resources, or trust funds of the vulnerable adult by any person for any person's profit or advantage.

(7) "Individual provider" means a person under contract with the department to provide services in the home under chapter 74.09 or 74.39A RCW.

(8) "Mandated reporter" is an employee of the department; law enforcement officer; social worker; professional school personnel; individual provider; an employee of a facility; an operator of a facility; an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency; county coroner or medical examiner; Christian Science practitioner; or health care provider subject to chapter 18.130 RCW.

(9) "Neglect" means (a) a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult, including but not limited to conduct prohibited under RCW 9A.42.100; or (b) an act or omission that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety.

(10) "Permissive reporter" means any person, employee of a financial institution, attorney, or volunteer in a facility or program providing services for vulnerable adults.

THIRTY-THIRD DAY, FEBRUARY 10, 2006

2006 REGULAR SESSION

(11) "Protective services" means any services provided by the department to a vulnerable adult with the consent of the vulnerable adult, or the legal representative of the vulnerable adult, who has been abandoned, abused, financially exploited, neglected, or in a state of self-neglect. These services may include, but are not limited to case management, social casework, home care, placement, arranging for medical evaluations, psychological evaluations, day care, or referral for legal assistance.

(12) "Self-neglect" means the failure of a vulnerable adult, not living in a facility, to provide for himself or herself the goods and services necessary for the vulnerable adult's physical or mental health, and the absence of which impairs or threatens the vulnerable adult's well-being. This definition may include a vulnerable adult who is receiving services through home health, hospice, or a home care agency, or an individual provider when the neglect is not a result of inaction by that agency or individual provider.

(13) "Vulnerable adult" includes a person:

(a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(b) Found incapacitated under chapter 11.88 RCW; or

(c) Who has a developmental disability as defined under RCW 71A.10.020; or

(d) Admitted to any facility; or

(e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(f) Receiving services from an individual provider.

NEW SECTION. Sec. 113 The department of community, trade, and economic development shall review federal, state, and local funding sources and funding levels available to local meth action teams through the Washington state methamphetamine initiative to determine whether funding is adequate to accomplish the mission of the meth action teams. The department shall also review the funding levels for drug task forces in the state of Washington to determine whether they may require additional resources to successfully interdict drug trafficking organizations and clandestine labs statewide. The department shall report findings and recommendations to the legislature by November 1, 2006.

NEW SECTION. Sec. 114 The department of social and health services shall consult with faith-based organizations to discuss the appropriate role that such organizations may have in filling support service delivery needs for persons with chemical dependency disorders. The department shall report findings and recommendations to the legislature by November 1, 2006.

NEW SECTION. Sec. 115 The agency council on coordinated transportation shall adopt, as a part of its strategic program, a plan to increase access by recovering addicts to existing special needs transportation services already offered by medicaid brokerages and local transportation coalitions. The council may also implement an awareness campaign through department of corrections community corrections officers and service providers licensed by the department of social and health services division of alcohol and substance abuse to promote to recovering addicts seeking treatment the use of special needs transportation services, the council web site, and the statewide trip planner. The council shall report back to the legislature regarding the implementation of these strategies by November 1, 2006.

NEW SECTION. Sec. 116 The department of social and health services, in consultation with the attorney general, shall report to the legislature by January 15, 2007, on the status of ongoing multimedia campaigns to prevent methamphetamine use and underage drinking, and promote treatment, within the state of Washington.

PART II DRUG-FREE WORKPLACE PROGRAM

NEW SECTION. Sec. 201 Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

(2) "Alcohol test" means a chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence or absence of alcohol within an individual's body systems.

(3) "Chain of custody" means the methodology of tracking specimens for the purpose of maintaining control and accountability from initial collection to final disposition for all specimens and providing for accountability at each stage in handling, testing, and storing specimens and reporting test results.

(4) "Collection site" means a place where individuals present themselves for the purpose of providing a urine, breath, or other specimen to be analyzed for the presence of drugs or alcohol.

(5) "Confirmation test" or "confirmed test" means a second analytical procedure used to identify the presence of a specific drug or metabolic in a specimen. Drug tests must be confirmed as specified in section 205(5) of this act. Alcohol tests must be confirmed by a second breath test or as specified for drug tests.

(6) "Department" means the department of social and health services.

(7) "Drug" means amphetamines, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene, or a metabolite of any such substances.

(8) "Drug test" means a chemical, biological, or physical instrumental analysis administered on a specimen sample for the purpose of determining the presence or absence of a drug or its metabolites within the sample.

(9) "Employee" means a person who is employed for salary, wages, or other remuneration by an employer.

(10) "Employee assistance program" means a program designed to assist in the identification and resolution of job performance problems associated with employees impaired by personal concerns. A minimum level of core services must include: Consultation and professional, confidential, appropriate, and timely problem assessment services; short-term problem resolution; referrals for appropriate diagnosis, treatment, and assistance; follow-up and monitoring; employee education; and supervisory training.

(11) "Employer" means an employer subject to Title 51 RCW but does not include the state or any department, agency, or instrumentality of the state; any county; any city; any school district or educational service district; or any municipal corporation.

(12) "Initial test" means a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens. An initial drug test must use an immunoassay procedure or an equivalent procedure or must use a more accurate scientifically accepted method approved by the national institute on drug abuse as more accurate technology becomes available in a cost-effective form.

(13) "Injury" means a sudden and tangible happening, of a traumatic nature, producing an immediate or prompt result and occurring from without, and such physical conditions as result therefrom.

(14) "Job applicant" means a person who has applied for employment with an employer and has been offered employment conditioned upon successfully passing a drug test and may have begun work pending the results of the drug test.

(15) "Last-chance agreement" means a notice to an employee who is referred to the employee assistance program due to a verified positive alcohol or drug test or for violating an alcohol or drug-related employer rule that states the terms and

THIRTY-THIRD DAY, FEBRUARY 10, 2006

conditions of continued employment with which the employee must comply.

(16) "Medical review officer" means a licensed physician trained in the field of drug testing who provides medical assessment of positive test results, requests reanalysis if necessary, and makes a determination whether or not drug misuse has occurred.

(17) "Nonprescription medication" means a drug or medication authorized under federal or state law for general distribution and use without a prescription in the treatment of human disease, ailments, or injuries.

(18) "Prescription medication" means a drug or medication lawfully prescribed by a physician, or other health care provider licensed to prescribe medication, for an individual and taken in accordance with the prescription.

(19) "Rehabilitation program" means a program approved by the department that is capable of providing expert identification, assessment, and resolution of employee drug or alcohol abuse in a confidential and timely service. Any rehabilitation program under this chapter must contain a two-year continuing care component.

(20) "Specimen" means breath or urine. "Specimen" may include other products of the human body capable of revealing the presence of drugs or their metabolites or of alcohol, if approved by the United States department of health and human services and permitted by rules adopted under section 212 of this act.

(21) "Substance" means drugs or alcohol.

(22) "Substance abuse test" or "test" means a chemical, biological, or physical instrumental analysis administered on a specimen sample for the purpose of determining the presence or absence of a drug or its metabolites or of alcohol within the sample.

(23) "Threshold detection level" means the level at which the presence of a drug or alcohol can be reasonably expected to be detected by an initial and confirmation test performed by a laboratory meeting the standards specified in this chapter. The threshold detection level indicates the level at which a valid conclusion can be drawn that the drug or alcohol is present in the employee's specimen.

(24) "Verified positive test result" means a confirmed positive test result obtained by a laboratory meeting the standards specified in this chapter that has been reviewed and verified by a medical review officer in accordance with medical review officer guidelines promulgated by the United States department of health and human services.

(25) "Workers' compensation premium" means the medical aid fund premium and the accident fund premium under Title 51 RCW.

NEW SECTION. Sec. 202 (1) An employer, except an employer that is self-insured for the purposes of Title 51 RCW, implementing a drug-free workplace program in accordance with section 203 of this act shall qualify for a five percent workers' compensation premium discount under Title 51 RCW if the employer:

(a) Is certified by the division of alcohol and substance abuse of the department as provided in section 212 of this act. The employer must maintain an alcohol and drug-free workplace program in accordance with the standards, procedures, and rules established in or under this chapter. If the employer fails to maintain the program as required, the employer shall not qualify for the premium discount provided under this section;

(b) Is in good standing and remains in good standing with the department of labor and industries with respect to the employer's workers' compensation premium obligations and any other premiums and assessments under Title 51 RCW; and

(c) Has medical insurance available to its full-time employees through an employer, union, or jointly sponsored medical plan.

2006 REGULAR SESSION

(2) The premium discount must remain in effect as long as the employer is certified under section 212 of this act, up to a maximum of three years from the date of initial certification.

(3) A certified employer may discontinue operating a drug-free workplace program at any time. The qualification for a premium discount shall expire in accordance with decertification rules adopted by the department under section 212 of this act.

(4) An employer whose drug-free workplace program reasonably meets, as of July 1, 2006, all the requirements for the premium discount provided in this section is not eligible for certification, except that an employer who has had in place for two years prior to the effective date of this section a drug-free workplace program that meets the requirements of section 203 of this act, but whose policy allows termination for an employee's first verified positive test, shall qualify for a two percent workers' compensation premium discount under Title 51 RCW upon adding a provision for job continuation through a last chance agreement following a first verified positive alcohol or drug test, as required by section 207(1)(b) of this act.

(5) Nothing in this chapter creates or alters an obligation on the part of an employer seeking to participate in this program to bargain with a collective bargaining representative of its employees.

(6) An employer may not receive premium discounts from the department of labor and industries under more than one premium discount program. For purposes of this chapter, the retrospective rating program is not considered a premium discount. An employer participating in and meeting all of the requirements for the discount provided in this section and also participating in another premium discount program offered by the department of labor and industries is only entitled to the premium discount that is the highest.

(7) The department of labor and industries will notify self-insured employers of the value of drug-free workplace programs and encourage them to implement programs that are in accord with section 203 of this act.

NEW SECTION. Sec. 203 (1) A drug-free workplace program established under this chapter must contain all of the following elements:

(a) A written policy statement in compliance with section 204 of this act;

(b) Substance abuse testing in compliance with section 205 of this act;

(c) An employee assistance program in compliance with section 206 of this act;

(d) Employee education in compliance with section 208 of this act; and

(e) Supervisor training in compliance with section 209 of this act.

(2) In addition to the requirements of subsection (1) of this section, a drug-free workplace program established under this chapter must be implemented in compliance with the confidentiality standards provided in section 211 of this act.

NEW SECTION. Sec. 204 (1) An alcohol and drug-free workplace program established under this chapter must contain a written substance abuse policy statement in order to qualify for the premium discount provided under section 202 of this act. The policy must:

(a) Notify employees that the use or being under any influence of alcohol during working hours is prohibited;

(b) Notify employees that the use, purchase, possession, or transfer of drugs or having drugs in their system is prohibited and that prescription or nonprescription medications are not prohibited when taken in accordance with a lawful prescription or consistent with standard dosage recommendations;

(c) Identify the types of testing an employee or job applicant may be required to submit to or other basis used to determine when such a test will be required;

THIRTY-THIRD DAY, FEBRUARY 10, 2006

2006 REGULAR SESSION

(d) Identify the actions the employer may take against an employee or job applicant on the basis of a verified positive test result;

(e) Contain a statement advising an employee or job applicant of the existence of this chapter;

(f) Contain a general statement concerning confidentiality;

(g) Identify the consequences of refusing to submit to a drug test;

(h) Contain a statement advising an employee of the employee assistance program;

(i) Contain a statement that an employee or job applicant who receives a verified positive test result may contest or explain the result to the employer within five working days after receiving written notification of the positive test result;

(j) Contain a statement informing an employee of the provisions of the federal drug-free workplace act, if applicable to the employer; and

(k) Notify employees that the employer may discipline an employee for failure to report an injury in the workplace.

(2) An employer not having a substance abuse testing program in effect on July 1, 2006, shall ensure that at least sixty days elapse between a general one-time notice to all employees that a substance abuse testing program is being implemented and the beginning of the actual testing. An employer having a substance abuse testing program in place before July 1, 2006, is not required to provide a sixty-day notice period.

(3) An employer shall include notice of substance abuse testing to all job applicants. A notice of the employer's substance abuse testing policy must also be posted in an appropriate and conspicuous location on the employer's premises, and copies of the policy must be made available for inspection by the employees or job applicants of the employer during regular business hours in the employer's personnel office or other suitable locations. An employer with employees or job applicants who have trouble communicating in English shall make reasonable efforts to help the employees understand the policy statement.

NEW SECTION. Sec. 205 (1) In conducting substance abuse testing under this chapter, the employer must comply with the standards and procedures established in this chapter and all applicable rules adopted by the department under this chapter and must:

(a) Require job applicants to submit to a drug test after extending an offer of employment. The employer may use a refusal to submit to a drug test or a verified positive test as a basis for not hiring the job applicant;

(b) Investigate each workplace injury that results in a worker needing off-site medical attention and require an employee to submit to drug and alcohol tests if the employer reasonably believes the employee has caused or contributed to an injury which resulted in the need for off-site medical attention. An employer need not require that an employee submit to drug and alcohol tests if a supervisor, trained in accordance with section 209 of this act, reasonably believes that the injury was due to the inexperience of the employee or due to a defective or unsafe product or working condition, or other circumstances beyond the control of the employee. Under this chapter, a first-time verified positive test result may not be used as a basis to terminate an employee's employment. However, nothing in this section prohibits an employee from being terminated for reasons other than the positive test result;

(c) If the employee in the course of employment is referred to the employee assistance program by the employer as a result of a verified positive drug or alcohol test or an alcohol or drug-related incident in violation of employer rules, require the employee to submit to drug and alcohol testing in conjunction with any recommended rehabilitation program. If the employee assistance program determines that the employee does not require treatment services, the employee must still be required to participate in follow-up testing. However, if an employee voluntarily enters an employee assistance program, without a

verified positive drug or alcohol test or a violation of any drug or alcohol related employer rule, follow-up testing is not required. If follow-up testing is conducted, the frequency of the testing shall be at least four times a year for a two-year period after completion of the rehabilitation program and advance notice of the testing date may not be given. A verified positive follow-up test result shall normally require termination of employment.

(2) This section does not prohibit an employer from conducting other drug or alcohol testing, such as upon reasonable suspicion or a random basis.

(3) Specimen collection and substance abuse testing under this section must be performed in accordance with regulations and procedures approved by the United States department of health and human services and the United States department of transportation regulations for alcohol and drug testing and must include testing for marijuana, cocaine, amphetamines, opiates, and phencyclidine. Employers may test for any drug listed in section 201(7) of this act.

(a) A specimen must be collected with due regard to the privacy of the individual providing the specimen and in a manner reasonably calculated to prevent substitution or contamination of the specimen.

(b) Specimen collection and analysis must be documented. The documentation procedures must include:

(i) Labeling of specimen containers so as to reasonably preclude the likelihood of erroneous identification of test results; and

(ii) An opportunity for the employee or job applicant to provide to a medical review officer information the employee or applicant considers relevant to the drug test, including identification of currently or recently used prescription or nonprescription medication or other relevant medical information.

(c) Specimen collection, storage, and transportation to the testing site must be performed in a manner that reasonably precludes specimen contamination or adulteration.

(d) An initial and confirmation test conducted under this section, not including the taking or collecting of a specimen to be tested, must be conducted by a laboratory as described in subsection (4) of this section.

(e) A specimen for a test may be taken or collected by any of the following persons:

(i) A physician, a physician's assistant, a registered professional nurse, a licensed practical nurse, a nurse practitioner, or a certified paramedic who is present at the scene of an accident for the purpose of rendering emergency medical service or treatment;

(ii) A qualified person certified or employed by a laboratory certified by the substance abuse and mental health administration or the college of American pathologists; or

(iii) A qualified person certified or employed by a collection company using collection procedures adopted by the United States department of health and human services and the United States department of transportation for alcohol collection.

(f) Within five working days after receipt of a verified positive test result from the laboratory, an employer shall inform an employee or job applicant in writing of the positive test result, the consequences of the result, and the options available to the employee or job applicant.

(g) The employer shall provide to the employee or job applicant, upon request, a copy of the test results.

(h) An initial test having a positive result must be verified by a confirmation test.

(i) An employer who performs drug testing or specimen collection shall use chain of custody procedures to ensure proper recordkeeping, handling, labeling, and identification of all specimens to be tested.

(j) An employer shall pay the cost of all drug or alcohol tests, initial and confirmation, that the employer requires of employees.

THIRTY-THIRD DAY, FEBRUARY 10, 2006

2006 REGULAR SESSION

(k) An employee or job applicant shall pay the cost of additional tests not required by the employer.

(4)(a) A laboratory may not analyze initial or confirmation drug specimens unless:

(i) The laboratory is approved by the substance abuse and mental health administration or the college of American pathologists;

(ii) The laboratory has written procedures to ensure the chain of custody; and

(iii) The laboratory follows proper quality control procedures including, but not limited to:

(A) The use of internal quality controls including the use of samples of known concentrations that are used to check the performance and calibration of testing equipment, and periodic use of blind samples for overall accuracy;

(B) An internal review and certification process for test results, conducted by a person qualified to perform that function in the testing laboratory;

(C) Security measures implemented by the testing laboratory to preclude adulteration of specimens and test results; and

(D) Other necessary and proper actions taken to ensure reliable and accurate drug test results.

(b) A laboratory shall disclose to the employer a written test result report within seven working days after receipt of the sample. A laboratory report of a substance abuse test result must, at a minimum, state:

(i) The name and address of the laboratory that performed the test and the positive identification of the person tested;

(ii) Positive results on confirmation tests only, or negative results, as applicable;

(iii) A list of the drugs for which the drug analyses were conducted; and

(iv) The type of tests conducted for both initial and confirmation tests and the threshold detection levels of the tests.

A report may not disclose the presence or absence of a drug other than a specific drug and its metabolites listed under this chapter.

(c) A medical review officer shall provide technical assistance to the employer, employee, or job applicant for the purpose of interpreting a positive confirmed drug test result that could have been caused by prescription or nonprescription medication taken by the employee or job applicant. The medical review officer shall interpret and evaluate the laboratory's positive drug test result and eliminate test results that could have been caused by prescription medication or other medically documented sources in accordance with the United States department of health and human services medical review officer manual.

(5) A positive initial drug test must be confirmed using the gas chromatography/mass spectrometry method or an equivalent or more accurate scientifically accepted method approved by the substance abuse and mental health administration as the technology becomes available in a cost-effective form.

NEW SECTION. Sec. 206 (1) The employee assistance program required under this chapter shall provide the employer with a system for dealing with employees whose job performances are declining due to unresolved problems, including alcohol or other drug-related problems, marital problems, or legal or financial problems.

(2) To ensure appropriate assessment and referral to treatment:

(a) The employer must notify the employees of the benefits and services of the employee assistance program;

(b) The employer shall publish notice of the employee assistance program in conspicuous places and explore alternative routine and reinforcing means of publicizing the services; and

(c) The employer shall provide the employee with notice of the policies and procedures regarding access to and use of the employee assistance program.

(3) A list of approved employee assistance programs must be provided by the department according to recognized program standards.

NEW SECTION. Sec. 207 (1)(a) Rehabilitation of employees suffering from either or both alcohol or drug addiction shall be a primary focus of an employee assistance program.

(b) Under any program under this chapter, the employer may not use a first-time verified positive drug or alcohol test as the basis for termination of an employee. After a first-time verified positive test result, the employee must be given an opportunity to keep his or her job through the use of a last-chance agreement. The last-chance agreement shall require an employee to:

(i) Submit to an employee assistance program evaluation for chemical dependency;

(ii) Comply with any treatment recommendations;

(iii) Be subject to follow-up drug and alcohol testing for two years;

(iv) Meet the same standards of performance and conduct that are set for other employees; and

(v) Authorize the employer to receive all relevant information regarding the employee's progress in treatment, if applicable.

Failure to comply with all the terms of this agreement normally will result in termination of employment.

(2) When substance abuse treatment is necessary, employees must use treatment services approved by the department, which include a continuing care component lasting for two years.

(a) The employee assistance program shall monitor the employee's progress while in treatment, including the two-year continuing care component, and notify the employer when an employee is not complying with the program's treatment recommendations.

(b) The employer shall monitor job performance and conduct follow-up testing.

(3) An employer may terminate an employee for the following reasons:

(a) Refusal to submit to a drug or alcohol test;

(b) Refusal to agree to or failure to comply with the conditions of a last-chance agreement;

(c) A second verified positive drug or alcohol test result; or

(d) After the first verified positive drug or alcohol test, any violation of employer rules pertaining to alcohol and drugs.

(4) Nothing in this chapter limits the right of any employer who participates in the worker's compensation premium discount program under this chapter to terminate employment for any other reason.

NEW SECTION. Sec. 208 As part of a program established under this chapter, an employer shall provide all employees with an annual education program on substance abuse, in general, and its effects on the workplace, specifically. An employer with employees who have difficulty communicating in English shall make reasonable efforts to help the employees understand the substance of the education program. An education program for a minimum of one hour should include but is not limited to the following information:

(1) The explanation of the disease model of addiction for alcohol and drugs;

(2) The effects and dangers of the commonly abused substances in the workplace; and

(3) The employer's policies and procedures regarding substance abuse in the workplace and how employees who wish to obtain substance abuse treatment can do so.

NEW SECTION. Sec. 209 In addition to the education program provided in section 208 of this act, an employer shall provide all supervisory personnel with a minimum of two hours of supervisor training, that should include but is not limited to the following information:

(1) How to recognize signs of employee substance abuse;

THIRTY-THIRD DAY, FEBRUARY 10, 2006

2006 REGULAR SESSION

(2) How to document and collaborate signs of employee substance abuse;

(3) How to refer employees to the employee assistance program or proper treatment providers; and

(4) Circumstances and procedures for postinjury testing.

NEW SECTION. Sec. 210 (1) A physician-patient relationship is not created between an employee or job applicant and an employer, medical review officer, or person performing or evaluating a drug or alcohol test solely by the establishment, implementation, or administration of a drug or alcohol testing program.

(2) This chapter may not be construed to prevent an employer from establishing reasonable work rules related to employee possession, use, sale, or solicitation of drugs, including convictions for drug-related offenses, and taking action based upon a violation of any of those rules.

(3) This chapter may not be construed to operate retroactively. This chapter does not abrogate the right of an employer under state or federal law to conduct drug or alcohol tests or implement employee drug or alcohol testing programs. However, only those programs that meet the criteria outlined in this chapter qualify for workers' compensation insurance premiums discounts.

(4) This chapter may not be construed to prohibit an employer from conducting medical screening or other tests required, permitted, or not disallowed by a statute or rule for the purpose of monitoring exposure of employees to toxic or other unhealthy materials in the workplace or in the performance of job responsibilities. The screening or tests must be limited to testing for the specific material expressly identified in the statute or rule, unless prior written consent of the employee is obtained for other tests.

(5) This chapter does not establish a legal duty for employers to conduct alcohol or drug tests of employees or job applicants. A cause of action may not arise in favor of a person based upon the failure of an employer to establish or conduct a program or policy for substance abuse testing or to conduct a program or policy in conformance with the standards and procedures established in this chapter. This chapter does not create individual rights of action and may be enforced only by the department by denial of the workers' compensation premium discount provided in section 202 of this act.

NEW SECTION. Sec. 211 Confidentiality standards that apply to substance abuse testing programs implemented under this chapter include the following:

(1) Information, interviews, reports, statements, memoranda, and test results, written or otherwise, received through a substance abuse testing program are confidential communications, and may not be used or received in evidence, obtained in discovery, or disclosed in a civil or administrative proceeding, except as provided in subsection (5) of this section.

(2) An employer, laboratory, medical review officer, employee assistance program, drug or alcohol rehabilitation program, and their agents who receive or have access to information concerning test results shall keep the information confidential, except as provided in subsection (5) of this section.

(3) Any release of the information must be pursuant to a written consent form that complies with RCW 70.02.030 and is signed voluntarily by the person tested, unless the release is compelled by the division of alcohol and substance abuse of the department or a court of competent jurisdiction in accordance with state and federal confidentiality laws, or unless required by a professional or occupational licensing board in a related disciplinary proceeding. Any disclosure by any agency approved by the department must be in accordance with RCW 70.96A.150. The consent form must contain at a minimum:

(a) The name of the person who is authorized to obtain the information;

(b) The purpose of the disclosure;

(c) The precise information to be disclosed;

(d) The duration of the consent; and

(e) The signature of the person authorizing release of the information.

(4) Information on test results may not be released or used in a criminal proceeding against the employee or job applicant. Information released contrary to this subsection is inadmissible as evidence in a criminal proceeding.

(5) Nothing in this chapter prohibits:

(a) An employer from using information concerning an employee or job applicant's substance abuse test results in a lawful manner with respect to that employee or applicant; or

(b) An entity that obtains the information from disclosing or using the information in a lawful manner as part of a matter relating to the substance abuse test, the test result, or an employer action with respect to the job applicant or employee.

NEW SECTION. Sec. 212 The department shall adopt by rule procedures and forms for the certification of employers who establish and maintain a drug-free workplace that complies with this chapter. The department shall adopt by rule procedures for the decertification of employers formally certified for the workers' compensation premium discount provided under this chapter. The department may charge a fee for the certification of a drug-free workplace program in an amount that must approximate its administrative costs related to the certification. Certification of an employer is required for each year in which a premium discount is granted. The department may adopt any other rules necessary for the implementation of this chapter.

NEW SECTION. Sec. 213 (1) The department of labor and industries may adopt rules necessary for the implementation of this chapter including but not limited to provisions for penalties and repayment of premium discounts by employers that are decertified by the department of social and health services under section 212 of this act.

(2) The department of labor and industries shall conduct an evaluation of the effect of the premium discount provided for under section 202 of this act on workplace safety and the state of Washington industrial insurance fund. The department of labor and industries shall report its preliminary findings to the appropriate committees of the legislature on September 1st of 2007 and 2008 and shall issue a comprehensive final report on December 1, 2009.

NEW SECTION. Sec. 214 The department shall conduct an evaluation to determine the costs and benefits of the program under this chapter. If the department contracts for the performance of any or all of the evaluation, no more than ten percent of the contract amount may be used to cover indirect expenses. The department shall report its preliminary findings to the legislature on September 1st of 2007 and 2008 and shall issue a comprehensive final report on December 1, 2009.

NEW SECTION. Sec. 215 Notwithstanding any other provisions of this chapter, the total premium discounts available under section 202 of this act shall not exceed five million dollars during any fiscal year.

NEW SECTION. Sec. 216 Sections 201 through 215 of this act constitute a new chapter in Title 49 RCW.

PART III CLEANUP OF CONTAMINATED PROPERTY

Sec. 301 RCW 64.44.010 and 1999 c 292 s 2 are each amended to read as follows:

The words and phrases defined in this section shall have the following meanings when used in this chapter unless the context clearly indicates otherwise.

(1) "Authorized contractor" means a person who decontaminates, demolishes, or disposes of contaminated property as required by this chapter who is certified by the department as provided for in RCW 64.44.060.

(2) "Contaminated" or "contamination" means polluted by hazardous chemicals so that the property is unfit for human habitation or use due to immediate or long-term hazards. Property that at one time was contaminated but has been

THIRTY-THIRD DAY, FEBRUARY 10, 2006

satisfactorily decontaminated according to procedures established by the state board of health is not "contaminated."

(3) "Department" means the department of health.

(4) "Hazardous chemicals" means the following substances ~~((used in))~~ associated with the illegal manufacture of ~~((illegal drugs))~~ controlled substances: (a) Hazardous substances as defined in RCW 70.105D.020~~((and))~~; (b) precursor substances as defined in RCW 69.43.010 which the state board of health, in consultation with the state board of pharmacy, has determined present an immediate or long-term health hazard to humans; and (c) the controlled substance or substances being manufactured, as defined in RCW 69.50.101.

~~((4))~~ (5) "Officer" means a local health officer authorized under chapters 70.05, 70.08, and 70.46 RCW.

~~((5))~~ (6) "Property" means any real or personal property, (site, structure, or part of a structure which) or segregable part thereof, that is involved in or affected by the unauthorized manufacture, distribution, or storage of hazardous chemicals. This includes but is not limited to single-family residences, units of multiplexes, condominiums, apartment buildings, motels, hotels, boats, motor vehicles, trailers, manufactured housing, ((or)) any shop, booth, ((or)) garden, or storage shed, and all contents of the items referenced in this subsection.

Sec. 302 RCW 64.44.020 and 1999 c 292 s 3 are each amended to read as follows:

Whenever a law enforcement agency becomes aware that property has been contaminated by hazardous chemicals, that agency shall report the contamination to the local health officer. The local health officer shall ~~((post))~~ cause a posting of a written warning on the premises within one working day of notification of the contamination and shall inspect the property within fourteen days after receiving the notice of contamination. The warning shall inform the potential occupants that hazardous chemicals may exist on, or have been removed from, the premises and that entry is unsafe. If a property owner believes that a tenant has contaminated property that was being leased or rented, and the property is vacated or abandoned, then the property owner shall contact the local health officer about the possible contamination. Local health officers or boards may charge property owners reasonable fees for inspections of suspected contaminated property requested by property owners.

A local health officer may enter, inspect, and survey at reasonable times any properties for which there are reasonable grounds to believe that the property has become contaminated. If the property is contaminated, the local health officer shall post a written notice declaring that the officer intends to issue an order prohibiting use of the property as long as the property is contaminated.

If access to the property is denied, a local health officer in consultation with law enforcement may seek a warrant for the purpose of conducting administrative inspections. A superior, district, or municipal court within the jurisdiction of the property may, based upon probable cause that the property is contaminated, issue warrants for the purpose of conducting administrative inspections.

Local health officers must report all cases of contaminated property to the state department of health. The department may make the list of contaminated properties available to health associations, landlord and realtor organizations, prosecutors, and other interested groups. The department shall promptly update the list of contaminated properties to remove those which have been decontaminated according to provisions of this chapter.

The local health officer may determine when the services of an authorized contractor are necessary.

Sec. 303 RCW 64.44.030 and 1999 c 292 s 4 are each amended to read as follows:

(1) If after the inspection of the property, the local health officer finds that it is contaminated, then the ~~((property shall be found unfit for))~~ local health officer shall issue an order declaring the property unfit and prohibiting its use. The local health officer shall cause the order to be served ~~((an order~~

2006 REGULAR SESSION

~~prohibiting use))~~ either personally or by certified mail, with return receipt requested, upon all occupants and persons having any interest therein as shown upon the records of the auditor's office of the county in which such property is located. The local health officer shall also ~~((post))~~ cause the order ~~((prohibiting use))~~ to be posted in a conspicuous place on the property. If the whereabouts of such persons is unknown and the same cannot be ascertained by the local health officer in the exercise of reasonable diligence, and the health officer makes an affidavit to that effect, then the serving of the order upon such persons may be made either by personal service or by mailing a copy of the order by certified mail, postage prepaid, return receipt requested, to each person at the address appearing on the last equalized tax assessment roll of the county where the property is located or at the address known to the county assessor, and the order shall be posted conspicuously at the residence. A copy of the order shall also be mailed, addressed to each person or party having a recorded right, title, estate, lien, or interest in the property. The order shall contain a notice that a hearing before the local health board or officer shall be held upon the request of a person required to be notified of the order under this section. The request for a hearing must be made within ten days of serving the order. The hearing shall then be held within not less than twenty days nor more than thirty days after the serving of the order. The officer shall prohibit use as long as the property is found to be contaminated. A copy of the order shall also be filed with the auditor of the county in which the property is located, where the order pertains to real property, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. In any hearing concerning whether property is fit for use, the property owner has the burden of showing that the property is decontaminated or fit for use. The owner or any person having an interest in the property may file an appeal on any order issued by the local health board or officer within thirty days from the date of service of the order with the appeals commission established pursuant to RCW 35.80.030. All proceedings before the appeals commission, including any subsequent appeals to superior court, shall be governed by the procedures established in chapter 35.80 RCW.

(2) If the local health officer determines immediate action is necessary to protect public health, safety, or the environment, the officer may issue or cause to be issued an emergency order, and any person to whom such an order is directed shall comply immediately. Emergency orders issued pursuant to this section shall expire no later than seventy-two hours after issuance and shall not impair the health officer from seeking an order under subsection (1) of this section.

Sec. 304 RCW 64.44.040 and 1999 c 292 s 5 are each amended to read as follows:

(1) Upon issuance of an order declaring property unfit and prohibiting its use, the city or county in which the contaminated property is located may take action to prohibit use, occupancy, or removal of such property; condemn, decontaminate, or demolish the property; or ((or)) require that the property be vacated or the contents removed from the property. The city or county may use an authorized contractor if property is demolished, decontaminated, or removed under this section. The city, county, or contractor shall comply with all orders of the health officer during these processes. No city or county may condemn, decontaminate, or demolish property pursuant to this section until all procedures granting the right of notice and the opportunity to appeal in RCW 64.44.030 have been exhausted, but may prohibit use, occupancy, or removal of contaminated property pending appeal of the order.

(2)(a) It is unlawful for any person to enter upon any property, or to remove any property, that has been found unfit for use by a local health officer pursuant to RCW 64.44.030.

(b) This subsection does not apply to: (i) Health officials, law enforcement officials, or other government agents performing their official duties; (ii) authorized contractors or owners performing decontamination pursuant to authorization

THIRTY-THIRD DAY, FEBRUARY 10, 2006

2006 REGULAR SESSION

by the local health officer; and (iii) any person acting with permission of a local health officer, or of a superior court or hearing examiner following an appeal of a decision of the local health officer.

(c) Any person who violates this subsection is guilty of a misdemeanor.

(3) No provision of this section may be construed to limit the ability of the local health officer to permit occupants or owners of the property at issue to remove uncontaminated personal property from the premises.

Sec. 305 RCW 64.44.050 and 1999 c 292 s 6 are each amended to read as follows:

(1) An owner of contaminated property who desires to have the property decontaminated, demolished, or disposed of shall use the services of an authorized contractor unless otherwise authorized by the local health officer. The contractor and property owner shall prepare and submit a written work plan for decontamination, demolition, or disposal to the local health officer. The local health officer may charge a reasonable fee for review of the work plan. If the work plan is approved and the decontamination, demolition, or disposal is completed and the property is retested according to the plan and properly documented, then the health officer shall allow reuse of the property. A release for reuse document shall be recorded in the real property records indicating the property has been decontaminated, demolished, or disposed of in accordance with rules of the state department of health. The property owner is responsible for: (a) The costs of any property testing which may be required to demonstrate the presence or absence of hazardous chemicals; and (b) the costs of the property's decontamination, demolition, and disposal expenses, as well as costs incurred by the local health officer resulting from the enforcement of this chapter.

(2) The local health officer has thirty days from the issuance of an order declaring a property unfit and prohibiting its use to establish a reasonable timeline for decontamination. The department of health shall establish the factors to be considered by the local health officer in establishing the appropriate amount of time.

The local health officer shall notify the property owner of the proposed time frame by United States mail to the last known address. Notice shall be postmarked no later than the thirtieth day from the issuance of the order. The property owner may request a modification of the time frame by submitting a letter identifying the circumstances which justify such an extension to the local health officer within thirty-five days of the date of the postmark on the notification regardless of when received.

Sec. 306 RCW 64.44.060 and 1999 c 292 s 7 are each amended to read as follows:

(1) A contractor, supervisor, or worker may not perform decontamination, demolition, or disposal work unless issued a certificate by the state department of health. The department shall establish performance standards for contractors, supervisors, and workers by rule in accordance with chapter 34.05 RCW, the administrative procedure act. The department shall train and test, or may approve courses to train and test, contractors, supervisors, and ~~(their employees)~~ workers on the essential elements in assessing property used as an illegal ~~(drug)~~ controlled substances manufacturing or storage site to determine hazard reduction measures needed, techniques for adequately reducing contaminants, use of personal protective equipment, methods for proper decontamination, demolition, removal, and disposal of contaminated property, and relevant federal and state regulations. Upon successful completion of the training, and after a background check, the contractor, supervisor, or ~~(employee)~~ worker shall be certified.

(2) The department may require the successful completion of annual refresher courses provided or approved by the department for the continued certification of the contractor or employee.

(3) The department shall provide for reciprocal certification of any individual trained to engage in decontamination,

demolition, or disposal work in another state when the prior training is shown to be substantially similar to the training required by the department. The department may require such individuals to take an examination or refresher course before certification.

(4) The department may deny, suspend, ~~((or))~~ revoke, or place restrictions on a certificate for failure to comply with the requirements of this chapter or any rule adopted pursuant to this chapter. A certificate may be denied, suspended, ~~((or))~~ revoked, or have restrictions placed on it on any of the following grounds:

(a) Failing to perform decontamination, demolition, or disposal work under the supervision of trained personnel;

(b) Failing to perform decontamination, demolition, or disposal work using department of health certified decontamination personnel;

(c) Failing to file a work plan;

~~((e))~~ (d) Failing to perform work pursuant to the work plan;

~~((d))~~ (e) Failing to perform work that meets the requirements of the department and the requirements of the local health officers;

~~((e)) The certificate was obtained by error, misrepresentation, or fraud; or)~~

(f) Failing to properly dispose of contaminated property;

(g) Committing fraud or misrepresentation in: (i) Applying for or obtaining a certification, recertification, or reinstatement; (ii) seeking approval of a work plan; and (iii) documenting completion of work to the department or local health officer;

(h) Failing the evaluation and inspection of decontamination projects pursuant to section 308 of this act; or

(i) If the person has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order.

(5) A contractor, supervisor, or worker who violates any provision of this chapter may be assessed a fine not to exceed five hundred dollars for each violation.

(6) The department of health shall prescribe fees as provided for in RCW 43.70.250 for: The issuance and renewal of certificates, conducting background checks of applicants, the administration of examinations, and ~~((or))~~ the review of training courses.

(7) The decontamination account is hereby established in the state treasury. All fees collected under this chapter shall be deposited in this account. Moneys in the account may only be spent after appropriation for costs incurred by the department in the administration and enforcement of this chapter.

Sec. 307 RCW 64.44.070 and 1999 c 292 s 8 are each amended to read as follows:

(1) The state board of health shall promulgate rules and standards for carrying out the provisions in this chapter in accordance with chapter 34.05 RCW, the administrative procedure act. The local board of health and the local health officer are authorized to exercise such powers as may be necessary to carry out this chapter. The department shall provide technical assistance to local health boards and health officers to carry out their duties under this chapter.

(2) The department shall adopt rules for decontamination of a property used as ~~(an illegal drug)~~ a laboratory for the production of controlled substances and methods for the testing of porous and nonporous surfaces, ground water, surface water, soil, and septic tanks for contamination. The rules shall establish decontamination standards for hazardous chemicals, including but not limited to methamphetamine, lead, mercury, and total volatile organic compounds.

THIRTY-THIRD DAY, FEBRUARY 10, 2006

(3) The department shall adopt rules regarding independent third party sampling including those pertaining to:

(a) Verification of possible property contamination due to the illegal manufacture of controlled substances;

(b) Verification of satisfactory decontamination of property deemed contaminated and unfit for use;

(c) Certification of independent third party samplers;

(d) Qualifications and performance standards for independent third party samplers;

(e) Administration of background checks for third party sampler applicants; and

(f) The denial, suspension, or revocation of independent third party sampler certification.

(4) For the purposes of this section, an independent third party sampler is a person who is not an employee, agent, representative, partner, joint venturer, shareholder, or parent or subsidiary company of the authorized contractor, the authorized contractor's company, or the property owner.

NEW SECTION. Sec. 308 A new section is added to chapter 64.44 RCW to read as follows:

The department may evaluate annually a number of the property decontamination projects performed by licensed contractors to determine the adequacy of the decontamination work, using the services of an independent environmental contractor or state or local agency. If a project fails the evaluation and inspection, the contractor is subject to a civil penalty and license suspension, pursuant to RCW 64.44.060 (4) and (5); and the contractor is prohibited from performing additional work until deficiencies have been corrected.

NEW SECTION. Sec. 309 The department of health shall report to the legislature on the feasibility of providing incentives and protections to landlords to encourage housing rentals to recovering substance abusers or those convicted of drug crimes. A final report must be submitted to the appropriate committees of the legislature by January 1, 2007.

NEW SECTION. Sec. 310 The department of ecology shall, in consultation with interested local health jurisdictions and their corresponding city or county governments, conduct a pilot program to demonstrate application of existing legal methods and grant programs administered under the model toxics control act in chapter 70.105D RCW, and other available authorities and funds to clean up methamphetamine-contaminated property for a public purpose. This pilot program shall include: (1) A facility with hazardous substance releases to soil or ground water resulting from a former methamphetamine lab or other historic uses of the property that created liability under chapter 70.105D RCW; and (2) a facility where the primary issue is decontamination or demolition of methamphetamine contaminated structures and other solid waste related issues. The department of ecology shall submit a report on the pilot program to the appropriate committees of the legislature by January 1, 2007.

PART IV CRIMINAL SANCTIONS AND PROCEDURE

Sec. 401 RCW 9.94A.533 and 2003 c 53 s 58 are each amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

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

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as

2006 REGULAR SESSION

eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

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

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

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

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under

THIRTY-THIRD DAY, FEBRUARY 10, 2006

subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

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

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

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

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

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

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

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

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

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

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.605. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by

2006 REGULAR SESSION

RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

Sec. 402 RCW 9.94A.660 and 2005 c 460 s 1 are each amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense or sex offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender has no current or prior convictions for a sex offense at any time or violent offense within ten years before conviction of the current offense, in this state, another state, or the United States;

(c) For a violation of the Uniform Controlled Substances Act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

(d) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;

(e) The standard sentence range for the current offense is greater than one year; and

(f) The offender has not received a drug offender sentencing alternative more than once in the prior ten years before the current offense.

(2) A motion for a sentence under this section may be made by the court, the offender, or the state. If the sentencing court determines that the offender is eligible for this alternative, the court may order an examination of the offender. The examination shall, at a minimum, address the following issues:

(a) Whether the offender suffers from drug addiction;

(b) Whether the addiction is such that there is a probability that criminal behavior will occur in the future;

(c) Whether effective treatment for the offender's addiction is available from a provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services; and

(d) Whether the offender and the community will benefit from the use of the alternative.

(3) The examination report must contain:

(a) Information on the issues required to be addressed in subsection (2) of this section; and

(b) A proposed treatment plan that must, at a minimum, contain:

(i) A proposed treatment provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services;

(ii) The recommended frequency and length of treatment, including both residential chemical dependency treatment and treatment in the community;

(iii) A proposed monitoring plan, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others; and

(iv) Recommended crime-related prohibitions and affirmative conditions.

(4) After receipt of the examination report, if the court determines that a sentence under this section is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under subsection (5) of this section or a residential chemical dependency treatment-based alternative under subsection (6) of this section. The residential chemical dependency treatment-based alternative is only available if the midpoint of the standard range is twenty-four months or less.

(5) The prison-based alternative shall include:

(a) A period of total confinement in a state facility for one-half of the midpoint of the standard sentence range or

THIRTY-THIRD DAY, FEBRUARY 10, 2006

2006 REGULAR SESSION

twelve months, whichever is greater. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections;

(b) The remainder of the midpoint of the standard range as a term of community custody which must include appropriate substance abuse treatment in a program that has been approved by the division of alcohol and substance abuse of the department of social and health services. If the department finds that conditions have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence. An offender who fails to complete the program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court;

(c) Crime-related prohibitions including a condition not to use illegal controlled substances;

(d) A requirement to submit to urinalysis or other testing to monitor that status; and

(e) A term of community custody pursuant to RCW 9.94A.715 to be imposed upon failure to complete or administrative termination from the special drug offender sentencing alternative program.

(6) The residential chemical dependency treatment-based alternative shall include:

(a) A term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, conditioned on the offender entering and remaining in residential chemical dependency treatment certified under chapter 70.96A RCW for a period set by the court between three and six months. If the court imposes a term of community custody, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the term of community custody. The court shall impose, as conditions of community custody, treatment and other conditions as proposed in the plan under subsection (3)(b) of this section. The department may impose conditions and sanctions as authorized in RCW 9.94A.715 (2), (3), (6), and (7), 9.94A.737, and 9.94A.740. The court shall schedule a progress hearing during the period of residential chemical dependency treatment, and schedule a treatment termination hearing for three months before the expiration of the term of community custody;

(b) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment. At the hearing, the court may:

(i) Authorize the department to terminate the offender's community custody status on the expiration date determined under (a) of this subsection; or

(ii) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of community custody; or

(iii) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.715;

(c) If the court imposes a term of total confinement under (b)(iii) of this subsection, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the terms of total confinement and community custody.

(7) If the court imposes a sentence under this section, the court may prohibit the offender from using alcohol or controlled substances and may require that the monitoring for controlled substances be conducted by the department or by a treatment

alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court may impose any of the following conditions:

(a) Devote time to a specific employment or training;

(b) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;

(c) Report as directed to a community corrections officer;

(d) Pay all court-ordered legal financial obligations;

(e) Perform community restitution work;

(f) Stay out of areas designated by the sentencing court;

(g) Such other conditions as the court may require such as affirmative conditions.

(8)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the terms of the community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody if the offender violates the conditions of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for any time previously served under this section.

(9) If an offender sentenced to the prison-based alternative under subsection (5) of this section is found by the United States attorney general to be subject to a deportation order, a hearing shall be held by the department unless waived by the offender, and, if the department finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence.

(10) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.

(11) Costs of examinations and preparing treatment plans under subsections (2) and (3) of this section may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 70.96A.350.

Sec. 403 RCW 9.94A.500 and 2000 c 75 s 8 are each amended to read as follows:

(1) Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing.

Except in cases where the defendant shall be sentenced to a term of total confinement for life without the possibility of release or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, the court may order the department to complete a risk assessment report. If available before sentencing, the report shall be provided to the court.

Unless specifically waived by the court, the court shall order the department to complete a chemical dependency screening report before imposing a sentence upon a defendant who has been convicted of a violation of the uniform controlled substances act under chapter 69.50 RCW (~~(or)~~), a criminal solicitation to commit such a violation under chapter 9A.28 RCW, or any felony where the court finds that the offender has a chemical dependency that has contributed to his or her offense. In addition, the court shall, at the time of plea or conviction, order the department to complete a presentence report before imposing a sentence upon a defendant who has

THIRTY-THIRD DAY, FEBRUARY 10, 2006

2006 REGULAR SESSION

been convicted of a felony sexual offense. The department of corrections shall give priority to presentence investigations for sexual offenders. If the court determines that the defendant may be a mentally ill person as defined in RCW 71.24.025, although the defendant has not established that at the time of the crime he or she lacked the capacity to commit the crime, was incompetent to commit the crime, or was insane at the time of the crime, the court shall order the department to complete a presentence report before imposing a sentence.

The court shall consider the risk assessment report and presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed.

If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all risk assessment reports and presentence reports presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department. Court clerks shall provide, without charge, certified copies of documents relating to criminal convictions requested by prosecuting attorneys.

(2) To prevent wrongful disclosure of information related to mental health services, as defined in RCW 71.05.445 and ~~((71.34.225))~~71.34.345, a court may take only those steps necessary during a sentencing hearing or any hearing in which the department presents information related to mental health services to the court. The steps may be taken on motion of the defendant, the prosecuting attorney, or on the court's own motion. The court may seal the portion of the record relating to information relating to mental health services, exclude the public from the hearing during presentation or discussion of information relating to mental health services, or grant other relief to achieve the result intended by this subsection, but nothing in this subsection shall be construed to prevent the subsequent release of information related to mental health services as authorized by RCW 71.05.445, ~~((71.34.225))~~ 71.34.345, or 72.09.585. Any person who otherwise is permitted to attend any hearing pursuant to chapter 7.69 or 7.69A RCW shall not be excluded from the hearing solely because the department intends to disclose or discloses information related to mental health services.

NEW SECTION. Sec. 404 The Washington institute for public policy shall conduct a study of criminal sentencing provisions of neighboring states for all crimes involving methamphetamine. The institute shall report to the legislature on any criminal sentencing increases necessary under Washington law to reduce or remove any incentives methamphetamine traffickers and manufacturers may have to locate in Washington. The report shall be completed by January 1, 2007.

NEW SECTION. Sec. 405 The Washington institute for public policy shall conduct a study of the drug offender sentencing alternative. The institute shall study recidivism rates for offenders who received substance abuse treatment while in confinement as compared to offenders who received treatment in the community or received no treatment. The institute shall report to the legislature by January 1, 2007.

**PART V
MISCELLANEOUS**

NEW SECTION. Sec. 501 Part headings used in this act are no part of the law.

NEW SECTION. Sec. 502 If specific funding for the purposes of section 113 of this act, referencing this act and

section 113 of this act by bill or chapter number and section number, is not provided by June 30, 2006, in the omnibus appropriations act, section 113 of this act is null and void.

NEW SECTION. Sec. 503 Section 109 of this act expires January 1, 2007.

NEW SECTION. Sec. 504 Sections 110 and 111 of this act take effect January 1, 2007."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to Second Substitute Senate Bill No. 6239.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "methamphetamine;" strike the remainder of the title and insert "amending RCW 2.28.170, 26.44.020, 26.44.020, 26.44.195, 74.34.020, 64.44.010, 64.44.020, 64.44.030, 64.44.040, 64.44.050, 64.44.060, 64.44.070, 9.94A.533, 9.94A.660, and 9.94A.500; adding a new section to chapter 70.96A RCW; adding a new section to chapter 72.09 RCW; adding a new section to chapter 64.44 RCW; adding a new chapter to Title 49 RCW; creating new sections; prescribing penalties; providing an effective date; and providing expiration dates."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6239 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6239.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6239 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Absent: Senator Brown - 1

Excused: Senators Deccio, Hewitt, Honeyford, Jacobsen, Morton and Poulsen - 6

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6239, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6674, by Senator Oke

THIRTY-THIRD DAY, FEBRUARY 10, 2006

Requiring that funds collected from construction of the second Tacoma Narrows bridge be deposited in the Tacoma Narrows toll bridge account.

The measure was read the second time.

MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 6674 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oke, Haugen and Benson spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senators Zarelli and Benton were excused.

MOTION

On motion of Senator Weinstein, Senator Brown was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6674.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6674 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Benson, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 40

Excused: Senators Benton, Brown, Deccio, Hewitt, Honeyford, Jacobsen, Morton, Poulsen and Zarelli - 9

SENATE BILL NO. 6674, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

February 10, 2006

MR. PRESIDENT:

The House has passed the following bill(s):

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2353,

HOUSE BILL NO. 2454,

ENGROSSED HOUSE BILL NO. 3261,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 10, 2006

MR. PRESIDENT:

The House has passed the following bill(s):

SUBSTITUTE HOUSE BILL NO. 1504,

SUBSTITUTE HOUSE BILL NO. 1827,

SUBSTITUTE HOUSE BILL NO. 2384,

HOUSE BILL NO. 2386,

SUBSTITUTE HOUSE BILL NO. 2493,

SUBSTITUTE HOUSE BILL NO. 2591,

SUBSTITUTE HOUSE BILL NO. 2596,

SUBSTITUTE HOUSE BILL NO. 2646,

HOUSE BILL NO. 2720,

HOUSE BILL NO. 2874,

HOUSE BILL NO. 2981,

HOUSE BILL NO. 3001,

SUBSTITUTE HOUSE BILL NO. 3085,

SUBSTITUTE HOUSE BILL NO. 3093,

HOUSE BILL NO. 3111,

HOUSE BILL NO. 3114,

SUBSTITUTE HOUSE BILL NO. 3128,

SUBSTITUTE HOUSE BILL NO. 3150,

HOUSE BILL NO. 3154,

HOUSE BILL NO. 3258,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

At 5:26 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Saturday, February 11, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

THIRTY-FOURTH DAY, FEBRUARY 11, 2006

2006 REGULAR SESSION

THIRTY-FOURTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Saturday, February 11, 2006

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception Senators Benton, Brandland, Deccio, Finkbeiner, Hargrove, Pflug, Roach and Thibaudeau.

The Sergeant at Arms Color Guard consisting of Pages Delia Orosco and Maria Orosco, presented the Colors. Senator Morton offered the prayer.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 6894 by Senators Jacobsen, Honeyford, Sheldon, Weinstein and Berkey

AN ACT Relating to gambling commission background checks; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6895 by Senator Benton

AN ACT Relating to unemployment insurance exemptions for religious organizations; and adding a new section to chapter 50.44 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SJM 8041 by Senators Roach, Rasmussen, McCaslin, Kastama, Honeyford, Zarelli, Stevens, Jacobsen, Sheldon, Hargrove, Morton, Mulliken, Benson, Finkbeiner, Parlette, Pflug, Benton, Schoesler, Schmidt and Hewitt

Requesting that Congress pass the Right-to-Ride Livestock on Federal Land Act of 2005.

Referred to Committee on Natural Resources, Ocean & Recreation.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1010 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Hudgins, Morrell, Linville, B. Sullivan, McCoy and Chase)

AN ACT Relating to energy efficiency and renewable energy; and adding a new chapter to Title 19 RCW.

Referred to Committee on Water, Energy & Environment.

E3SHB 1484 by House Committee on Finance (originally sponsored by Representatives Hunter, Jarrett, Haigh, Tom, McDermott, McIntire, Simpson, P. Sullivan, Kagi and Chase)

AN ACT Relating to county property tax levies for school purposes; amending RCW 29A.36.210, 84.52.043, and 84.55.005; adding a new section to chapter 84.52 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 1986 by House Committee on Higher Education & Workforce Education (originally sponsored by Representatives Roberts, Buri, Kenney, Cox and Morrell)

AN ACT Relating to reviewing and prioritizing tuition waivers; and creating new sections.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 2395 by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Williams, Hasegawa, Darneille, Morrell, Roberts, Kagi, Flannigan, B. Sullivan and Miloscia)

AN ACT Relating to protocols for addressing the impact of domestic violence on children; amending RCW 26.44.020; adding new sections to chapter 26.44 RCW; creating a new section; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SHB 2414 by House Committee on Education (originally sponsored by Representatives Haler, Talcott and McCune)

AN ACT Relating to local control of student assessments in grades three, five, six, and eight to meet federal requirements for Washington's academic assessment system; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 2423 by House Committee on Education (originally sponsored by Representatives Anderson, Talcott, Rodne and Hunter)

AN ACT Relating to creating a comprehensive guidance, counseling, and planning program in schools; adding a new section to chapter 28A.600 RCW; and creating new sections.

Referred to Committee on Early Learning, K-12 & Higher Education.

HB 2465 by Representatives Lovick, Kessler, P. Sullivan, Haler and O'Brien

AN ACT Relating to vehicle equipment standards related to original equipment installed; and amending RCW 46.37.010, 46.37.070, and 46.37.200.

Referred to Committee on Transportation.

HB 2466 by Representatives Lovick, McCoy, Conway, Haler, Sells, Morris, Dunshee, Ericks, Morrell, O'Brien and Green

AN ACT Relating to providing excise tax relief for aerospace businesses; amending RCW 82.04.250,

THIRTY-FOURTH DAY, FEBRUARY 11, 2006

2006 REGULAR SESSION

82.32.590, 82.32.600, and 82.04.4463; reenacting and amending RCW 82.32.330; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; adding new sections to chapter 82.32 RCW; creating a new section; providing effective dates; and providing expiration dates.

Referred to Committee on International Trade & Economic Development.

E2SHB 2489 by House Committee on Appropriations (originally sponsored by Representatives Hunter, Jarrett, P. Sullivan, Springer, Morrell, Tom, Simpson, Miloscia, O'Brien, Roberts and Green)

AN ACT Relating to providing assistance to students who are not on track to graduate from high school on time; amending RCW 28A.230.195, 28A.655.061, 28A.655.070, and 28A.655.200; adding new sections to chapter 28A.655 RCW; adding a new section to chapter 28A.300 RCW; recodifying RCW 28A.230.195; and declaring an emergency.

Referred to Committee on Early Learning, K-12 & Higher Education.

ESHB 2507 by House Committee on Higher Education & Workforce Education (originally sponsored by Representatives Kenney, Shabro, Hasegawa, Morrell, Rodne, Lantz and Ormsby)

AN ACT Relating to degree-granting institutions of higher education; amending RCW 28B.85.010, 28B.85.020, and 28B.85.040; adding a new section to chapter 28B.85 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Early Learning, K-12 & Higher Education.

E2SHB 2582 by House Committee on Appropriations (originally sponsored by Representatives Upthegrove, Hunter, Appleton, Hasegawa, Quall, Clibborn, Simpson, Green, Ormsby, Kenney, Hudgins and Kagi)

AN ACT Relating to high school completion programs; amending RCW 28B.50.535, 28A.230.120, 28A.655.061, 28B.15.520, and 28B.15.067; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28A.600 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

2SHB 2583 by House Committee on Appropriations (originally sponsored by Representatives Kenney, Cox, Conway, Hasegawa, Roberts, Appleton, Upthegrove, Morrell, Linville, Hunt, Dickerson and Ormsby)

AN ACT Relating to community and technical college part-time academic employee health care benefits; adding a new section to chapter 41.05 RCW; adding a new section to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

2SHB 2595 by House Committee on Appropriations (originally sponsored by Representatives Kenney, Cox, Hasegawa, Hankins, Roberts, McIntire, Fromhold, Kilmer, Morrell, Rodne, Santos, Clibborn, Ormsby, O'Brien, Jarrett, Walsh, Conway, Wood, Kessler, Linville, Kagi, Appleton,

Green, McCoy, Blake, Lantz, Sells, Campbell, P. Sullivan, Simpson, Schual-Berke, McDonald, Haigh, Dickerson, Moeller, Springer and Wallace)

AN ACT Relating to academic employee salary increments for community and technical colleges; adding new sections to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

HB 2597 by Representatives Kenney, Cox, Sells, Hasegawa, Fromhold, Rodne, McCoy, Jarrett, Morrell, Conway, Ormsby and Clibborn

AN ACT Relating to private vocational school programs; amending RCW 28C.10.020, 28C.10.050, and 28C.10.120; adding a new section to chapter 28C.10 RCW; and providing an effective date.

Referred to Committee on Early Learning, K-12 & Higher Education.

E2SHB 2630 by House Committee on Appropriations (originally sponsored by Representatives Kenney, Cox, Kessler, Priest, Conway, Hunter, Buri, Fromhold, Sells, Grant, Ormsby, Quall, Haigh, Clements, Roberts, Upthegrove, McDermott, Hasegawa, Santos, Flannigan, Appleton, Rodne, Clibborn, Simpson, Linville, Kagi, Dickerson, P. Sullivan, Morrell, Moeller, Ericks and Kilmer)

AN ACT Relating to postsecondary education, including creating the opportunity grant program; adding new sections to chapter 28B.50 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 2733 by House Committee on Education (originally sponsored by Representatives P. Sullivan, Simpson, Haler, McCoy, Schual-Berke, Curtis, Green and Morrell)

AN ACT Relating to information on high school transcripts; and amending RCW 28A.305.220 and 28A.655.061.

Referred to Committee on Early Learning, K-12 & Higher Education.

E2SHB 2785 by House Committee on Appropriations (originally sponsored by Representatives Quall, Tom, P. Sullivan, Hunter, Morrell, Nixon, Rodne, Roberts, Schual-Berke, Simpson, Springer, Sells, Lantz, Linville, Dunshee and Kagi)

AN ACT Relating to authorizing alternative methods of assessment and appeal processes for the certificate of academic achievement; amending RCW 28A.655.061; adding new sections to chapter 28A.655 RCW; adding a new section to chapter 28C.04 RCW; and creating new sections.

Referred to Committee on Early Learning, K-12 & Higher Education.

2SHB 2789 by House Committee on Appropriations (originally sponsored by Representatives Quall, Conway, Wood, Hasegawa, Haigh, Ormsby, Murray, Chase, Kessler, Morrell, Green, Roberts, McCoy, Moeller, Simpson, Sells, Lantz, McDermott, Ericks, Hankins, Kagi and Hudgins)

THIRTY-FOURTH DAY, FEBRUARY 11, 2006

2006 REGULAR SESSION

AN ACT Relating to expanding opportunities for graduating secondary school students to enter apprenticeships; amending RCW 28B.15.067; adding new sections to chapter 49.04 RCW; adding a new section to chapter 28C.04 RCW; and providing an expiration date.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 2812 by House Committee on Appropriations (originally sponsored by Representatives Hunter, Rodne, Quall, Nixon, P. Sullivan, Jarrett, Clibborn, Tom, Morrell, Fromhold, Roberts, Schual-Berke, Simpson, Anderson and Kagi)

AN ACT Relating to school district levies; amending RCW 84.52.0531; and amending 2004 c 21 s 3 (uncodified).

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 2817 by House Committee on Higher Education & Workforce Education (originally sponsored by Representatives Sells, McCoy, Strow, Dunshee, Lovick, Jarrett, Morris, Ormsby, Morrell, Haler, O'Brien, Fromhold, Ericks, Kilmer and B. Sullivan)

AN ACT Relating to establishing a state priority and state objectives for access, enrollment, delivery, and degree achievements in the fields of engineering, technology, biotechnology, science, computer science, and mathematics in higher education; and adding new sections to chapter 28B.10 RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 2836 by House Committee on Appropriations (originally sponsored by Representatives Sommers, Kagi, Green and Kilmer)

AN ACT Relating to funding for reading achievement; reenacting and amending RCW 43.79A.040; and adding a new section to chapter 43.79 RCW.

Referred to Committee on Ways & Means.

SHB 2867 by House Committee on Appropriations (originally sponsored by Representatives Kenney, Haler, Grant, Hankins, Cox, Sells, Roberts, Fromhold, Armstrong, Walsh, Skinner and Newhouse)

AN ACT Relating to expanding access to baccalaureate degree programs at Washington State University Tri-Cities; and amending RCW 28B.45.030.

Referred to Committee on Early Learning, K-12 & Higher Education.

2SHB 2964 by House Committee on Appropriations (originally sponsored by Representatives Kagi, Talcott, Walsh, Quall, Haler, Shabro, Fromhold, Kessler, Hunt, Appleton, Lantz, Darneille, Kenney, Chase, Hasegawa, Sells, Roberts, Hunter, Moeller, McCoy, Santos, Green and Simpson)

AN ACT Relating to a department of early learning; amending RCW 43.17.010, 42.17.2401, 41.04.385, 74.13.085, 74.13.0902, 74.13.0903, 74.13.098, 74.13.099, 74.15.350, 74.12.340, 74.08A.340, 28A.215.110, 28A.215.120, 43.63A.066, 74.15.030, 74.15.100, and 74.15.130; reenacting and amending RCW 43.17.020 and 74.15.020; adding a new section to chapter 41.06 RCW;

adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 74.13.097, 74.13.098, 74.13.099, 74.15.063, 74.15.310, 74.15.320, 74.15.330, 74.15.340, 74.15.350, 28A.215.100, 28A.215.110, 28A.215.120, 28A.215.130, 28A.215.140, 28A.215.150, 28A.215.160, 28A.215.170, 28A.215.180, 28A.215.190, 28A.215.200, 28A.215.900, 28A.215.904, 28A.215.906, and 28A.215.908; prescribing penalties; and providing an effective date.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 2973 by House Committee on Education (originally sponsored by Representatives Priest, Ormsby, Kenney, Kagi, Hasegawa, P. Sullivan, Moeller, Santos and Springer)

AN ACT Relating to creating a career and technical high school graduation option for students meeting state standards in fundamental academic content areas; amending RCW 28A.230.090, 28A.230.100, and 28A.225.290; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28C.04 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 2976 by House Committee on Appropriations (originally sponsored by Representatives Sommers, Hasegawa, Linville, P. Sullivan, Quall, Kenney and Conway)

AN ACT Relating to implementing a collective bargaining agreement with Western Washington University; amending 2005 c 5 18 s 963 (uncodified); and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 2985 by House Committee on Children & Family Services (originally sponsored by Representatives Schual-Berke, Clibborn, Appleton, Moeller, Green, Cody, Morrell, Walsh, McIntire, Kagi, Kenney, Hasegawa and Simpson)

AN ACT Relating to creating a foster care health unit in the department of social and health services; amending RCW 74.13.031; adding a new section to chapter 13.34 RCW; adding a new section to chapter 74.13 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SHB 2989 by House Committee on Higher Education & Workforce Education (originally sponsored by Representatives Kenney, Cox, Sells, Chase, Ericks, Hasegawa, Takko, Haler, Rodne, Hunter, Quall, McCoy, Santos, Green, Schual-Berke, Springer, Dickerson, Simpson and Hudgins)

AN ACT Relating to establishing the Washington teach math-science program to increase the number and enhance the preparation of secondary school mathematics and science teachers; amending RCW 28B.102.040, 28B.102.060, and 28A.660.050; reenacting and amending RCW 43.79A.040; adding a new section to chapter 28B.76 RCW; adding a new chapter to Title 28B RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

ESHB 2998 by House Committee on Education (originally sponsored by Representatives P. Sullivan, Simpson, Santos,

THIRTY-FOURTH DAY, FEBRUARY 11, 2006

2006 REGULAR SESSION

McCoy, Chase, Morrell, B. Sullivan, Hasegawa, Kenney and Green)

AN ACT Relating to the high school assessment system; and creating new sections.

Referred to Committee on Early Learning, K-12 & Higher Education.

HB 3028 by Representatives P. Sullivan, Cox, Quall, Hunt, Buri, Pearson, Ormsby, Fromhold, Anderson, Chase, Kessler, Lantz, Simpson, Sells, Appleton, Talcott, Green, Conway, Rodne, Woods, Morrell, Kilmer, B. Sullivan, Santos, Hasegawa, Kenney and Hudgins

AN ACT Relating to classified school employees; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 3087 by House Committee on Higher Education & Workforce Education (originally sponsored by Representatives Ormsby, Sells, Kenney, Cox, Buri, Fromhold, Hasegawa, Morrell, McCoy, Upthegrove, Ericks, Darneille, Rodne, Chase, Conway, Kessler, Dunn, Green and Lantz)

AN ACT Relating to cost savings on course materials for students at state universities, regional universities, and The Evergreen State College; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

E2SHB 3098 by House Committee on Capital Budget (originally sponsored by Representatives McDermott, Talcott and Quall)

AN ACT Relating to transferring duties of the reconstituted state board of education; amending RCW 28A.305.130, 28A.305.035, 28A.300.040, 28A.305.011, 28A.150.230, 28A.505.140, 28A.525.020, 28A.525.030, 28A.525.050, 28A.525.055, 28A.525.070, 28A.525.080, 28A.525.090, 28A.525.162, 28A.525.164, 28A.525.166, 28A.525.168, 28A.525.170, 28A.525.172, 28A.525.174, 28A.525.176, 28A.525.178, 28A.525.180, 28A.525.190, 28A.525.200, 28A.525.216, 28A.150.260, 28A.335.160, 28A.540.050, 28A.150.530, 28A.335.210, 28A.335.230, 28A.540.070, 28A.305.220, 28A.230.100, 28A.230.170, 28A.305.170, 28A.230.130, 28A.205.010, 28A.215.010, 28A.215.020, 28A.205.040, 28A.215.140, 28A.230.020, 28A.230.040, 28A.230.050, 28A.315.175, 28A.315.195, 28A.315.205, 28A.315.015, 28A.315.025, 28A.315.055, 28A.315.085, 28A.315.125, 28A.315.185, 28A.305.210, 28A.310.080, 28A.310.030, 28A.310.050, 28A.310.060, 28A.310.090, 28A.310.100, 28A.310.140, 28A.310.150, 28A.310.200, 28A.310.310, 28A.323.020, 28A.323.040, 28A.305.160, 28A.150.300, 28A.225.160, 28A.300.150, 28A.600.020, 28A.600.030, 28A.625.360, 28A.225.330, 28A.405.110, 28A.415.010, 28A.415.020, 28A.415.024, 28A.415.025, 28A.415.105, 28A.415.125, 28A.415.130, 28A.415.145, 28A.660.040, 28A.690.020, 28A.300.050, 28A.625.370, 28A.625.380, 28A.625.390, 28A.600.010, 28A.225.280, 28A.600.200, 28A.160.210, 28A.160.100, 28A.210.070, 28A.210.160, 28A.335.100, 28A.335.120, 28A.320.240, 28A.155.060, 28A.600.130, and 28A.650.015; reenacting and amending RCW 28A.330.100 and 28A.630.400; adding a new section to chapter 28A.525 RCW; adding a new section to chapter 28A.545 RCW; adding a new section to chapter 28A.230 RCW; adding new sections to chapter

28A.300 RCW; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28A.405 RCW; creating new sections; recodifying RCW 28A.305.220, 28A.305.170, and 28A.305.160; decodifying RCW 28A.525.120, 28A.525.122, 28A.525.124, 28A.525.126, 28A.525.128, 28A.525.130, 28A.525.132, 28A.525.134, 28A.525.140, 28A.525.142, 28A.525.144, 28A.525.146, 28A.525.148, 28A.525.150, 28A.525.152, 28A.525.154, 28A.525.156, 28A.525.158, 28A.525.160, and 28A.525.182; providing an effective date; and providing an expiration date.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 3113 by House Committee on Higher Education & Workforce Education (originally sponsored by Representatives Sells, Kenney, Strow, McCoy, Haler, Dunshee, B. Sullivan, Lovick, Roberts and Hasegawa)

AN ACT Relating to expanding access to higher education in north Snohomish, Island, and Skagit counties using the university center model; creating new sections; and providing an effective date.

Referred to Committee on Early Learning, K-12 & Higher Education.

2SHB 3115 by House Committee on Appropriations (originally sponsored by Representatives Darneille, Talcott, Morrell, Green, McDonald, Ormsby, Simpson and Roberts)

AN ACT Relating to establishing a foster parent critical support and retention program; and creating new sections.

Referred to Committee on Human Services & Corrections.

HB 3139 by Representatives Pettigrew, Haler, Dickerson, Kagi, Dunn, Walsh, Darneille, Roberts, Hinkle, Morrell and Kenney

AN ACT Relating to kinship caregivers' consent for mental health care of minors; and amending RCW 7.70.065, 71.34.020, 71.34.500, and 71.34.530.

Referred to Committee on Human Services & Corrections.

SHB 3182 by House Committee on Children & Family Services (originally sponsored by Representatives Pettigrew and Santos)

AN ACT Relating to tribal foster care licensing; amending RCW 74.15.190; and reenacting and amending RCW 74.15.020.

Referred to Committee on Human Services & Corrections.

HB 3215 by Representatives Cox, Newhouse, Ormsby and Kenney

AN ACT Relating to teacher retention in rural school districts; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

THIRTY-FOURTH DAY, FEBRUARY 11, 2006

2006 REGULAR SESSION

MOTION

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

MOTION

On motion of Senator McCaslin, Senator Morton was excused.

MOTION

On motion of Senator Schoesler, Senators Swecker, Honeyford, Roach, Finkbeiner, Benton, Pflug, Brandland and Deccio were excused.

SECOND READING

SENATE BILL NO. 6225, by Senators Rasmussen, Honeyford, Haugen, Morton, Hewitt, Rockefeller, Pflug, Parlette, Shin and Oke

Regulating the installation, repair, and maintenance of domestic well water systems. Revised for 1st Substitute: Regulating the business of installing, repairing, and maintaining domestic water pumping systems.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6225 was substituted for Senate Bill No. 6225 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6225 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Parlette, Rasmussen and Honeyford spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Hargrove, Jacobsen and Thibaudeau were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6225.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6225 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benson, Berkey, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 41

Excused: Senators Benton, Brandland, Deccio, Finkbeiner, Hargrove, Pflug, Roach and Thibaudeau - 8

SUBSTITUTE SENATE BILL NO. 6225, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6244, by Senators Rockefeller, Morton, Poulsen, Fairley, Kline, Shin, Kohl-Welles and Spanel

Changing provisions relating to oil spill prevention, preparedness, and response.

MOTION

On motion of Senator Rockefeller, Substitute Senate Bill No. 6244 was substituted for Senate Bill No. 6244 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rockefeller moved that the following striking amendment by Senator Rockefeller be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 88.46 RCW to read as follows:

(1) The department's rules authorized under RCW 88.46.160 and this section shall be scaled to the risk posed to people and to the environment, and be categorized by type of transfer, volume of oil, frequency of transfers, and such other risk factors as identified by the department.

(2) The rules may require prior notice be provided before an oil transfer, regulated under this chapter, occurs in situations defined by the department as posing a higher risk. The notice may include the time, location, and volume of the oil transfer. The rules may not require prior notice when marine fuel outlets are transferring less than three thousand gallons of oil in a single transaction to a ship that is not a covered vessel and the transfers are scheduled less than four hours in advance. However, this section shall not be construed to prevent the department from requiring prior notice on a case-by-case basis when elevated risks have been documented.

(3) The department may require semiannual reporting of volumes of oil transferred to ships by a marine fuel outlet.

(4) The rules may require additional measures to be taken in conjunction with the deployment of containment equipment or with the alternatives to deploying containment equipment. However, these measures must be scaled appropriately to the risks posed by the oil transfer.

(5) The rules shall include regulations to enhance the safety of oil transfers over water originating from vehicles transporting oil over private roads or highways of the state.

NEW SECTION. Sec. 2. A new section is added to chapter 88.46 RCW to read as follows:

In addition to other inspection authority provided for in this chapter and chapter 90.56 RCW, the department may conduct inspections of oil transfer operations regulated under RCW 88.46.160 or section 1 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 88.46 RCW to read as follows:

If the director believes a person has violated or is violating or creates a substantial potential to violate the provisions of any rules adopted under this chapter, the director may institute such actions as authorized under RCW 88.46.070 (2) and (3).

NEW SECTION. Sec. 4. A new section is added to chapter 88.46 RCW to read as follows:

The department shall by rule adopt procedures to determine the adequacy of contingency plans approved under RCW 88.46.060. The rules shall require random practice drills without prior notice that will test the adequacy of the responding entities. The rules may provide for unannounced practice drills of individual contingency plans. The department shall review and publish a report on the drills, including an assessment of response time and available equipment and personnel compared to those listed in the contingency plans relying on the responding entities, and requirements, if any, for changes in the plans or their implementation. The department may require additional drills and changes in arrangements for implementing approved plans which are necessary to ensure their effective implementation.

THIRTY-FOURTH DAY, FEBRUARY 11, 2006

2006 REGULAR SESSION

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senators Rockefeller and Morton spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Rockefeller to Substitute Senate Bill No. 6244.

The motion by Senator Rockefeller carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "response;" strike the remainder of the title and insert "and adding new sections to chapter 88.46 RCW."

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Substitute Senate Bill No. 6244 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6244.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6244 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 3; Excused, 6.

Voting yea: Senators Benson, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Absent: Senators Berkey, Haugen and McAuliffe - 3

Excused: Senators Benton, Brandland, Deccio, Finkbeiner, Hargrove and Pflug - 6

ENGROSSED SUBSTITUTE SENATE BILL NO. 6244, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Senator McAuliffe: I would like the Journal to reflect that I support Engrossed Substitute Senate Bill No. 6244 regarding oil spill prevention. I inadvertently missed the vote on the bill while working on other legislation; I would have voted "Yes" on final passage of the bill.

SENATOR MCAULIFFE, 1st Legislative District

STATEMENT FOR THE JOURNAL

Senator Berkey: I missed the roll call on the final passage of Engrossed Substitute Senate Bill No. 6244 regarding oil spill prevention because I was involved in consultation about other legislation. I would like the Journal to reflect that I support this legislation and would have voted "Yes" on final passage of Engrossed Substitute Senate Bill No. 6244.

SENATOR BERKEY 38th Legislative District

MOTION

On motion of Senator Oke, Senator Morton was excused.

SECOND READING

SENATE BILL NO. 6106, by Senator Brandland

Requiring disclosure of specified health care information for law enforcement purposes.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 6106 was substituted for Senate Bill No. 6106 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Keiser moved that the following striking amendment by Senator Brandland be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The purpose of this act is to aid law enforcement in combating crime through the rapid identification of all persons who require medical treatment as a result of a criminal act and to assist in the rapid identification of human remains.

Sec. 2. RCW 70.02.010 and 2005 c 468 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Audit" means an assessment, evaluation, determination, or investigation of a health care provider by a person not employed by or affiliated with the provider to determine compliance with:

(a) Statutory, regulatory, fiscal, medical, or scientific standards;

(b) A private or public program of payments to a health care provider; or

(c) Requirements for licensing, accreditation, or certification.

(2) "Directory information" means information disclosing the presence, and for the purpose of identification, the name, location within a health care facility, and the general health condition of a particular patient who is a patient in a health care facility or who is currently receiving emergency health care in a health care facility.

(3) "Federal, state, or local law enforcement authorities" means an officer of any agency or authority in the United States, a state, a tribe, a territory, or a political subdivision of a state, a tribe, or a territory who is empowered by law to: (a) Investigate or conduct an official inquiry into a potential criminal violation of law; or (b) prosecute or otherwise conduct a criminal proceeding arising from an alleged violation of law.

(4) "General health condition" means the patient's health status described in terms of "critical," "poor," "fair," "good," "excellent," or terms denoting similar conditions.

~~((4))~~ (5) "Health care" means any care, service, or procedure provided by a health care provider.

(a) To diagnose, treat, or maintain a patient's physical or mental condition; or

(b) That affects the structure or any function of the human body.

~~((5))~~ (6) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where a health care provider provides health care to patients.

~~((6))~~ (7) "Health care information" means any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care, including a patient's deoxyribonucleic acid and identified sequence of chemical base pairs. The term includes any required accounting of disclosures of health care information.

THIRTY-FOURTH DAY, FEBRUARY 11, 2006

2006 REGULAR SESSION

((7)) (8) "Health care operations" means any of the following activities of a health care provider, health care facility, or third-party payor to the extent that the activities are related to functions that make an entity a health care provider, a health care facility, or a third-party payor:

(a) Conducting: Quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, if the obtaining of generalizable knowledge is not the primary purpose of any studies resulting from such activities; population-based activities relating to improving health or reducing health care costs, protocol development, case management and care coordination, contacting of health care providers and patients with information about treatment alternatives; and related functions that do not include treatment;

(b) Reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider performance and third-party payor performance, conducting training programs in which students, trainees, or practitioners in areas of health care learn under supervision to practice or improve their skills as health care providers, training of nonhealth care professionals, accreditation, certification, licensing, or credentialing activities;

(c) Underwriting, premium rating, and other activities relating to the creation, renewal, or replacement of a contract of health insurance or health benefits, and ceding, securing, or placing a contract for reinsurance of risk relating to claims for health care, including stop-loss insurance and excess of loss insurance, if any applicable legal requirements are met;

(d) Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs;

(e) Business planning and development, such as conducting cost-management and planning-related analyses related to managing and operating the health care facility or third-party payor, including formulary development and administration, development, or improvement of methods of payment or coverage policies; and

(f) Business management and general administrative activities of the health care facility, health care provider, or third-party payor including, but not limited to:

(i) Management activities relating to implementation of and compliance with the requirements of this chapter;

(ii) Customer service, including the provision of data analyses for policy holders, plan sponsors, or other customers, provided that health care information is not disclosed to such policy holder, plan sponsor, or customer;

(iii) Resolution of internal grievances;

(iv) The sale, transfer, merger, or consolidation of all or part of a health care provider, health care facility, or third-party payor with another health care provider, health care facility, or third-party payor or an entity that following such activity will become a health care provider, health care facility, or third-party payor, and due diligence related to such activity; and

(v) Consistent with applicable legal requirements, creating deidentified health care information or a limited dataset and fund-raising for the benefit of the health care provider, health care facility, or third-party payor.

((8)) (9) "Health care provider" means a person who is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession.

((9)) (10) "Institutional review board" means any board, committee, or other group formally designated by an institution, or authorized under federal or state law, to review, approve the initiation of, or conduct periodic review of research programs to assure the protection of the rights and welfare of human research subjects.

((10)) (11) "Maintain," as related to health care information, means to hold, possess, preserve, retain, store, or control that information.

((11)) (12) "Patient" means an individual who receives or has received health care. The term includes a deceased individual who has received health care.

((12)) (13) "Payment" means:

(a) The activities undertaken by:

(i) A third-party payor to obtain premiums or to determine or fulfill its responsibility for coverage and provision of benefits by the third-party payor; or

(ii) A health care provider, health care facility, or third-party payor, to obtain or provide reimbursement for the provision of health care; and

(b) The activities in (a) of this subsection that relate to the patient to whom health care is provided and that include, but are not limited to:

(i) Determinations of eligibility or coverage, including coordination of benefits or the determination of cost-sharing amounts, and adjudication or subrogation of health benefit claims;

(ii) Risk adjusting amounts due based on enrollee health status and demographic characteristics;

(iii) Billing, claims management, collection activities, obtaining payment under a contract for reinsurance, including stop-loss insurance and excess of loss insurance, and related health care data processing;

(iv) Review of health care services with respect to medical necessity, coverage under a health plan, appropriateness of care, or justification of charges;

(v) Utilization review activities, including precertification and preauthorization of services, and concurrent and retrospective review of services; and

(vi) Disclosure to consumer reporting agencies of any of the following health care information relating to collection of premiums or reimbursement:

(A) Name and address;

(B) Date of birth;

(C) Social security number;

(D) Payment history;

(E) Account number; and

(F) Name and address of the health care provider, health care facility, and/or third-party payor.

((13)) (14) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

((14)) (15) "Reasonable fee" means the charges for duplicating or searching the record, but shall not exceed sixty-five cents per page for the first thirty pages and fifty cents per page for all other pages. In addition, a clerical fee for searching and handling may be charged not to exceed fifteen dollars. These amounts shall be adjusted biennially in accordance with changes in the consumer price index, all consumers, for Seattle-Tacoma metropolitan statistical area as determined by the secretary of health. However, where editing of records by a health care provider is required by statute and is done by the provider personally, the fee may be the usual and customary charge for a basic office visit.

((15)) (16) "Third-party payor" means an insurer regulated under Title 48 RCW authorized to transact business in this state or other jurisdiction, including a health care service contractor, and health maintenance organization; or an employee welfare benefit plan; or a state or federal health benefit program.

((16)) (17) "Treatment" means the provision, coordination, or management of health care and related services by one or more health care providers or health care facilities, including the coordination or management of health care by a health care provider or health care facility with a third party; consultation between health care providers or health care facilities relating to a patient; or the referral of a patient for health care from one health care provider or health care facility to another.

Sec. 3. RCW 70.02.050 and 2005 c 468 s 4 are each amended to read as follows:

(1) A health care provider or health care facility may disclose health care information about a patient without the patient's authorization to the extent a recipient needs to know the information, if the disclosure is:

(a) To a person who the provider or facility reasonably believes is providing health care to the patient;

(b) To any other person who requires health care information for health care education, or to provide planning, quality assurance, peer review, or administrative, legal,

THIRTY-FOURTH DAY, FEBRUARY 11, 2006

2006 REGULAR SESSION

financial, actuarial services to, or other health care operations for or on behalf of the health care provider or health care facility; or for assisting the health care provider or health care facility in the delivery of health care and the health care provider or health care facility reasonably believes that the person:

(i) Will not use or disclose the health care information for any other purpose; and

(ii) Will take appropriate steps to protect the health care information;

(c) To any other health care provider or health care facility reasonably believed to have previously provided health care to the patient, to the extent necessary to provide health care to the patient, unless the patient has instructed the health care provider or health care facility in writing not to make the disclosure;

(d) To any person if the health care provider or health care facility reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the patient or any other individual, however there is no obligation under this chapter on the part of the provider or facility to so disclose;

(e) To immediate family members of the patient, or any other individual with whom the patient is known to have a close personal relationship, if made in accordance with good medical or other professional practice, unless the patient has instructed the health care provider or health care facility in writing not to make the disclosure;

(f) To a health care provider or health care facility who is the successor in interest to the health care provider or health care facility maintaining the health care information;

(g) For use in a research project that an institutional review board has determined:

(i) Is of sufficient importance to outweigh the intrusion into the privacy of the patient that would result from the disclosure;

(ii) Is impracticable without the use or disclosure of the health care information in individually identifiable form;

(iii) Contains reasonable safeguards to protect the information from redisclosure;

(iv) Contains reasonable safeguards to protect against identifying, directly or indirectly, any patient in any report of the research project; and

(v) Contains procedures to remove or destroy at the earliest opportunity, consistent with the purposes of the project, information that would enable the patient to be identified, unless an institutional review board authorizes retention of identifying information for purposes of another research project;

(h) To a person who obtains information for purposes of an audit, if that person agrees in writing to:

(i) Remove or destroy, at the earliest opportunity consistent with the purpose of the audit, information that would enable the patient to be identified; and

(ii) Not to disclose the information further, except to accomplish the audit or report unlawful or improper conduct involving fraud in payment for health care by a health care provider or patient, or other unlawful conduct by the health care provider;

(i) To an official of a penal or other custodial institution in which the patient is detained;

(j) To provide directory information, unless the patient has instructed the health care provider or health care facility not to make the disclosure;

(k) To fire, police, sheriff, or another public authority, that brought, or caused to be brought, the patient to the health care facility or health care provider if the disclosure is limited to the patient's name, residence, sex, age, occupation, condition, diagnosis, estimated or actual discharge date, or extent and location of injuries as determined by a physician, and whether the patient was conscious when admitted;

(l) To federal, state, or local law enforcement authorities and the health care provider, health care facility, or third-party payor believes in good faith that the health care information disclosed constitutes evidence of criminal conduct that occurred on the premises of the health care provider, health care facility, or third-party payor;

(m) To another health care provider, health care facility, or third-party payor for the health care operations of the health care provider, health care facility, or third-party payor that receives the information, if each entity has or had a relationship with the patient who is the subject of the health care information being requested, the health care information pertains to such relationship, and the disclosure is for the purposes described in RCW 70.02.010(~~((7))~~) (8) (a) and (b); or

(n) For payment.

(2) A health care provider shall disclose health care information about a patient without the patient's authorization if the disclosure is:

(a) To federal, state, or local public health authorities, to the extent the health care provider is required by law to report health care information; when needed to determine compliance with state or federal licensure, certification or registration rules or laws; or when needed to protect the public health;

(b) To federal, state, or local law enforcement authorities to the extent the health care provider is required by law;

(c) To federal, state, or local law enforcement authorities, upon receipt of a written or oral request, in any cases in which the patient is being treated or has been treated for a bullet wound, gunshot wound, powder burn, or other injury arising from or caused by the discharge of a firearm, or an injury caused by a knife, an ice pick, or any other sharp or pointed instrument which federal, state, or local law enforcement authorities reasonably believe to have been intentionally inflicted upon a person, or any other injury, including blunt force injury, that federal, state, or local law enforcement authorities reasonably believe resulted from a criminal act, the following information, if known:

(i) The name of the patient;

(ii) The patient's residence;

(iii) The patient's sex;

(iv) The patient's age;

(v) The patient's condition;

(vi) The patient's diagnosis, or extent and location of injuries as determined by a health care provider;

(vii) Whether the patient was conscious when admitted;

(viii) The name of the health care provider making the determination in (c)(v), (vi), and (vii) of this subsection;

(ix) Whether the patient has been transferred to another facility; and

(x) The patient's discharge time and date;

(d) To county coroners and medical examiners for the investigations of deaths;

~~((4))~~ (e) Pursuant to compulsory process in accordance with RCW 70.02.060.

(3) All state or local agencies obtaining patient health care information pursuant to this section shall adopt rules establishing their record acquisition, retention, and security policies that are consistent with this chapter.

Sec. 4. RCW 68.50.320 and 2001 c 223 s 1 are each amended to read as follows:

When a person reported missing has not been found within thirty days of the report, the sheriff, chief of police, county coroner or county medical examiner, or other law enforcement authority initiating and conducting the investigation for the missing person shall ask the missing person's family or next of kin to give written consent to contact the dentist or dentists of the missing person and request the person's dental records.

The missing person's dentist or dentists shall provide diagnostic quality copies of the missing person's dental records or original dental records to the sheriff, chief of police, county coroner or county medical examiner, or other law enforcement authority, when presented with the written consent from the missing person's family or next of kin or with a statement from the sheriff, chief of police, county coroner or county medical examiner, or other law enforcement authority that the missing person's family or next of kin could not be located in the exercise of due diligence or that the missing person's family or next of kin refuse to consent to the release of the missing person's dental records and there is reason to believe that the missing person's family or next of kin may have been involved in the missing person's disappearance.

THIRTY-FOURTH DAY, FEBRUARY 11, 2006

2006 REGULAR SESSION

When a person reported missing has not been found within thirty days, the sheriff, chief of police, or other law enforcement authority initiating and conducting the investigation for the missing person shall confer with the county coroner or medical examiner prior to the preparation of a missing person's report. After conferring with the coroner or medical examiner, the sheriff, chief of police, or other law enforcement authority shall submit a missing person's report and the dental records received under this section to the dental identification system of the state patrol identification, child abuse, vulnerable adult abuse, and criminal history section on forms supplied by the state patrol for such purpose.

When a person reported missing has been found, the sheriff, chief of police, coroner or medical examiner, or other law enforcement authority shall report such information to the state patrol.

The dental identification system shall maintain a file of information regarding persons reported to it as missing. The file shall contain the information referred to in this section and such other information as the state patrol finds relevant to assist in the location of a missing person.

The files of the dental identification system shall, upon request, be made available to law enforcement agencies attempting to locate missing persons.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Keiser spoke in favor of adoption of the striking amendment.

MOTION

Senator Esser moved that the following amendment by Senator Esser to the striking amendment be adopted.

On page 10, line 32 of the bill, strike all of section 5.

On page 11, line 3 of the title amendment, after "68.50.320;", strike the remainder of the title and insert "and creating a new section."

Senator Esser spoke in favor of adoption of the amendment to the striking amendment.

Senator Kline spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Esser on page 10, line 32 to the striking amendment to Substitute Senate Bill No. 6106.

The motion by Senator Esser failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Brandland to Substitute Senate Bill No. 6106.

The motion by Senator Keiser carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "purposes;" strike the remainder of the title and insert "amending RCW 70.02.010, 70.02.050, and 68.50.320; creating a new section; and declaring an emergency."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 6106 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6106.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6106 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Berkey, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Excused: Senators Benton, Brandland, Deccio, Finkbeiner, Hargrove and Pflug - 6

ENGROSSED SUBSTITUTE SENATE BILL NO. 6106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:40 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:45 a.m. by President Owen.

SECOND READING

SENATE BILL NO. 6247, by Senators Haugen and Benson

Providing uniform administration of locally imposed motor vehicle excise taxes.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6247 was substituted for Senate Bill No. 6247 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6247 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Benson spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senator Delvin was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6247.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6247 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau,

THIRTY-FOURTH DAY, FEBRUARY 11, 2006

2006 REGULAR SESSION

Weinstein and Zarelli - 44

ROLL CALL

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner and Pflug - 5

SUBSTITUTE SENATE BILL NO. 6247, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6248, by Senators Haugen, Benson, Shin and Sheldon

Requiring the department of transportation to reimburse drainage and diking districts for maintenance and repairs to drainage facilities if the department does not respond to written notice by the districts.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6248 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6248.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6248 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner and Pflug - 5

SENATE BILL NO. 6248, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6162, by Senator Haugen

Harmonizing and updating various aspects of the urban arterial program.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6162 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6162.

The Secretary called the roll on the final passage of Senate Bill No. 6162 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner and Pflug - 5

SENATE BILL NO. 6162, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

SECOND READING

SENATE BILL NO. 6528, by Senators Mulliken, Kastama, Benson, Oke, Esser, Berkey and Sheldon

Permitting roadside tire chain businesses.

MOTIONS

On motion of Senator Mulliken, Substitute Senate Bill No. 6528 was substituted for Senate Bill No. 6528 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Mulliken, the rules were suspended, Substitute Senate Bill No. 6528 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mulliken spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6528.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6528 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner and Pflug - 5

SUBSTITUTE SENATE BILL NO. 6528, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

THIRTY-FOURTH DAY, FEBRUARY 11, 2006

2006 REGULAR SESSION

SENATE BILL NO. 6545, by Senators Sheldon, Esser, Benson and Haugen

Removing the minimum height requirement for the attachment of vehicle license plates.

The measure was read the second time.

MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 6545 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6545.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6545 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner and Pflug - 5

SENATE BILL NO. 6545, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6549, by Senators Benson, Jacobsen, Mulliken and Berkey

Modifying commercial vehicle provisions.

The measure was read the second time.

MOTION

On motion of Senator Benson, the rules were suspended, Senate Bill No. 6549 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6549.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6549 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner and Pflug - 5

SENATE BILL NO. 6549, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6566, by Senators Eide, Esser, Swecker, Haugen, Prentice and McAuliffe

Revising commute trip reduction provisions.

MOTION

On motion of Senator Eide, Substitute Senate Bill No. 6566 was substituted for Senate Bill No. 6566 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Haugen moved that the following amendment by Senator Haugen be adopted.

On page 3, line 6, after "(10)", strike all material through "act." on line 13, and insert the following:

"(a) "Affected urban growth area" means:

(i) An urban growth area, designated pursuant to RCW 36.70A.110, containing a state highway segment that exceeds the one hundred person hours of delay threshold calculated by the department of transportation, and any contiguous urban growth areas; and

(ii) An urban growth area, designated pursuant to RCW 36.70A.110, containing a jurisdiction with a population over seventy thousand that adopted a commute trip reduction ordinance before the year 2000, and any contiguous urban growth areas.

(b) Affected urban growth areas must be listed by the department of transportation in the rules for this act using the criteria identified in subsection (a) of this section."

On page 9, after line 3, insert the following:

"(12) If an affected urban growth area has not previously implemented a commute trip reduction program and the state has funded solutions to state highway deficiencies to address the area's exceeding the person hours of delay threshold, the affected urban growth area shall be exempt from the duties of this section for a period not exceeding two years."

Senator Haugen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Haugen on page 3, line 6 to Substitute Senate Bill No. 6566.

The motion by Senator Haugen carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Eide, the rules were suspended, Engrossed Substitute Senate Bill No. 6566 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6566.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6566 and the bill passed

THIRTY-FOURTH DAY, FEBRUARY 11, 2006

2006 REGULAR SESSION

the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner and Pflug - 5

ENGROSSED SUBSTITUTE SENATE BILL NO. 6566, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6794, by Senators Haugen, Esser, Jacobsen, Mulliken and Spanel

Concerning collective bargaining by state ferry employees.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6794 was substituted for Senate Bill No. 6794 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6794 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6794.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6794 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner and Pflug - 5

SUBSTITUTE SENATE BILL NO. 6794, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6785, by Senators Jacobsen, Swecker, Haugen and Benson

Modifying the administration of fuel taxes.

MOTION

On motion of Senator Jacobsen, Substitute Senate Bill No. 6785 was substituted for Senate Bill No. 6785 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Swecker moved that the following amendment by Senator Swecker be adopted.

On page 9, at the beginning of line 20, strike everything through line 31, and insert:

"(6) At the election of the distributor, the payment of an amount equivalent to the fuel tax (~~of the motor vehicle fuel owed on motor vehicle fuel tax owed on motor vehicle fuel purchased from a supplier~~) shall be remitted to the supplier on the terms agreed upon between the distributor and supplier or no later than seven business days before the twenty sixth day of the following month. This election shall be subject to a condition that the distributor's remittances of all amounts (~~of motor vehicle fuel tax~~) due to the supplier shall be paid by electronic funds transfer. The distributor's election may be terminated by the supplier if the distributor does not make timely payments to the supplier as required by this section. This section shall not apply if the distributor is required by the supplier to pay cash or cash equivalent for motor vehicle fuel purchases."

Senator Swecker spoke in favor of adoption of the amendment.

Senators Haugen and Benson spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Swecker on page 9, line 20 to Substitute Senate Bill No. 6758.

The motion by Senator Swecker failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 6785 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Swecker spoke in favor of passage of the bill.

Senator Sheldon spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6785.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6785 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 14; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Fraser, Haugen, Hewitt, Jacobsen, Kastama, Keiser, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Shin, Spanel, Stevens, Swecker and Weinstein - 30

Voting nay: Senators Esser, Fairley, Franklin, Hargrove, Honeyford, Johnson, Kline, Kohl-Welles, McCaslin, Prentice, Rockefeller, Sheldon, Thibaudeau and Zarelli - 14

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner and Pflug - 5

SUBSTITUTE SENATE BILL NO. 6785, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

THIRTY-FOURTH DAY, FEBRUARY 11, 2006

2006 REGULAR SESSION

Senator Esser moved adoption of the following resolution:

At 11:58 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

SENATE RESOLUTION
8704

AFTERNOON SESSION

By Senator Esser

The Senate was called to order at 2:00 p.m. by President Owen.

WHEREAS, Colorectal cancer is the second leading cause of cancer deaths in men and women in the United States; and

MOTION

WHEREAS, In the United States alone, over 145,000 people are diagnosed with and over 55,000 people die of colorectal cancer every year; and

On motion of Senator Eide, the Senate reverted to the sixth order of business.

WHEREAS, It is estimated that in Washington State, 3,000 people are diagnosed with and 1,000 people will die every year of colorectal cancer; and

SECOND READING

WHEREAS, Colorectal cancer affects people regardless of age, race, or sex. Nine out of ten diagnoses will occur in people aged 50 and older. Men are slightly more likely to be diagnosed with colorectal cancer than women. Also, African-Americans are 10% more likely to be diagnosed with colorectal cancer than Caucasians and 30% more likely to die of the disease; and

SENATE BILL NO. 6800, by Senators Haugen, Jacobsen and Rockefeller

Refining the roles of the transportation commission and department of transportation.

WHEREAS, Despite its high incidence, colorectal cancer is one of the most detectable and, if found early, most treatable forms of cancer. Ninety percent of those diagnosed early, while the cancer is still localized, survive more than five years. Sadly, only 37% of all colorectal cancers are detected early enough for survival to occur. When the cancer is diagnosed at a more advanced stage, having spread to surrounding areas, the five-year survival rate drops from 90% to 65%. When diagnosed at an advanced stage, having spread to distant organs, the five-year survival rate is only 9%; and

MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 6800 was substituted for Senate Bill No. 6800 and the substitute bill was placed on the second reading and read the second time.

WHEREAS, Early detection is the best defense against this devastating, but preventable disease. Over half of all colon cancer deaths in the United States can be prevented by early screening. Yet, a majority of Americans are not being screened early enough to catch the cancer while it is still localized. In a recent survey, the Centers for Disease Control found that only 40% of all Americans reported having used the most inferior of screening methods and just 42% reported having used a more advanced screening. This compares to 85% of all women who had been screened for breast cancer; and

MOTION

Senator Haugen moved that the following amendment by Senators Haugen and Benson be adopted.

On page 32, after line 7, remove sections 43 and 44
Renumber the remaining sections consecutively and correct any internal references accordingly.

WHEREAS, There are many factors that contribute to such low screening rates: A lack of public awareness and education about the prevention and treatment of colorectal cancer, negative attitudes towards screening procedures, and the absence of symptoms; and

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Benson on page 32, line 7 to Substitute Senate Bill No. 6800.

The motion by Senator Haugen carried and the amendment was adopted by voice vote.

WHEREAS, On November 19, 1999, the United States Senate designated March as National Colorectal Cancer Awareness Month and on October 3, 2000, the United States House of Representatives passed House Concurrent Resolution 133, legislation that recognizes the impact of colorectal cancer and urges action to be taken;

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 8 of the title, after "47.17.132," insert "and"
On page 1, line 9 of the title, after "47.24.010", strike ", 47.64.011, and 47.64.170"

NOW, THEREFORE, BE IT RESOLVED, That for March, Colorectal Cancer Awareness Month, the Washington State Senate urge Washingtonians to become more educated of the risks facing them regarding this disease and actively fight it by getting regular screenings for colorectal cancer; and

MOTION

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

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the American Cancer Society.

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6800 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Esser spoke in favor of adoption of the resolution.
The President declared the question before the Senate to be the adoption of Senate Resolution No. 8704.

Senators Haugen and Benson spoke in favor of passage of the bill.

The motion by Senator Esser carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Regala, Senators Doumit, Brown and Kline were excused.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced the friends and family of Harry Rodin Sr. who were seated in the gallery.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6800.

MOTION

ROLL CALL

THIRTY-FOURTH DAY, FEBRUARY 11, 2006

2006 REGULAR SESSION

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6800 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Benson, Benton, Berkey, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 39

Excused: Senators Brandland, Brown, Deccio, Delvin, Finkbeiner, Kline, McCaslin, Oke, Pflug and Stevens - 10

ENGROSSED SUBSTITUTE SENATE BILL NO. 6800, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6762, by Senators Mulliken, Benson, Schoesler and Sheldon

Limiting the posting of hazards to motorcycles to paved roadways.

The measure was read the second time.

MOTION

On motion of Senator Mulliken, the rules were suspended, Senate Bill No. 6762 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mulliken spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6762.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6762 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 41

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner, McCaslin, Oke, Pflug and Stevens - 8

SENATE BILL NO. 6762, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6552, by Senators Benson, Haugen, Mulliken, Berkey and Sheldon

Modifying commercial driver's license provisions.

MOTIONS

On motion of Senator Benson, Substitute Senate Bill No. 6552 was substituted for Senate Bill No. 6552 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Benson, the rules were suspended, Substitute Senate Bill No. 6552 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6552.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6552 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 41

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner, McCaslin, Oke, Pflug and Stevens - 8

SUBSTITUTE SENATE BILL NO. 6552, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6839, by Senator Haugen

Modifying transportation accounts and revenue distributions.

MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 6839 was substituted for Senate Bill No. 6839 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Haugen moved that the following striking amendment by Senators Haugen and Finkbeiner be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.68.035 and 2005 c 314 s 205 are each amended to read as follows:

All proceeds from combined vehicle licensing fees received by the director for vehicles licensed under RCW 46.16.070 and 46.16.085 (~~the license fee under RCW 46.16.086, and the farm vehicle trip permit under RCW 46.16.162~~) shall be forwarded to the state treasurer to be distributed into accounts according to the following method:

(1) The sum of two dollars for each vehicle shall be deposited into the multimodal transportation account, except that for each vehicle registered by a county auditor or agent to a county auditor pursuant to RCW 46.01.140, the sum of two dollars shall be credited to the current county expense fund.

(2) The remainder and the proceeds from the license fee under RCW 46.16.086 and the farm vehicle trip permit under RCW 46.16.162 shall be distributed as follows:

(a) ~~((24.00))~~ 22.36 percent shall be deposited into the state patrol highway account of the motor vehicle fund;

THIRTY-FOURTH DAY, FEBRUARY 11, 2006

2006 REGULAR SESSION

(b) ~~((1.8))~~ 1.375 percent shall be deposited into the Puget Sound ferry operations account of the motor vehicle fund;

(c) ~~((6.38))~~ 5.237 percent shall be deposited into the transportation 2003 account (nickel account); ~~(and)~~

(d) ~~((On July 1, 2006, six million dollars shall be deposited into the freight mobility investment account created in RCW 46.68.300 and beginning on July 1, 2007, and every July 1st thereafter, three million dollars shall be deposited into the freight mobility investment account created in RCW 46.68.300;))~~ 11.533 percent shall be deposited into the transportation partnership account created in RCW 46.68.290; and

(e) The remaining proceeds shall be deposited into the motor vehicle fund.

Sec. 2. RCW 46.16.086 and 2005 c 314 s 203 are each amended to read as follows:

In lieu of the license tab fees provided in RCW 46.16.0621, private use single-axle trailers of two thousand pounds scale weight or less may be licensed upon the payment of a license fee in the sum of fifteen dollars, but only if the trailer is operated upon public highways. The license fee must be collected annually for each registration year or fraction of a registration year. This reduced license fee applies only to trailers operated for personal use of the owners, and not trailers held for rental to the public or used in any commercial or business endeavor. The proceeds from the fees collected under this section shall be distributed in accordance with RCW 46.68.035(2).

Sec. 3. RCW 46.16.162 and 2005 c 314 s 206 are each amended to read as follows:

(1) The owner of a farm vehicle licensed under RCW 46.16.090 purchasing a monthly license under RCW 46.16.135 may, as an alternative to the first partial month of the license registration, secure and operate the vehicle under authority of a farm vehicle trip permit issued by this state. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles.

(2) If a monthly license previously issued has expired, the owner of a farm vehicle may, as an alternative to purchasing a full monthly license, secure and operate the vehicle under authority of a farm vehicle trip permit issued by this state. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles.

(3) Each farm vehicle trip permit shall authorize the operation of a single vehicle at the maximum legal weight limit for the vehicle for the period remaining in the first month of monthly license, commencing with the day of first use. No more than four such permits may be used for any one vehicle in any twelve-month period. Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety and signed by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, license number, or vehicle identification number invalidates the permit. The farm vehicle trip permit shall be displayed on the vehicle to which it is issued as prescribed by the department.

(4) Vehicles operating under authority of farm vehicle trip permits are subject to all laws, rules, and regulations affecting the operation of like vehicles in this state.

(5) Farm vehicle trip permits may be obtained from the department of licensing or agents and subagents appointed by the department. The fee for each farm vehicle trip permit is six dollars and twenty-five cents. Farm vehicle trip permits sold by the department's agents or subagents are subject to fees specified in RCW 46.01.140 (4)(a), (5)(b), or (6).

(6) The proceeds from farm vehicle trip permits received by the director shall be forwarded to the state treasurer to be distributed as provided in RCW 46.68.035(2).

(7) No exchange, credits, or refunds may be given for farm vehicle trip permits after they have been purchased.

(8) The department of licensing may adopt rules as it deems necessary to administer this section.

Sec. 4. RCW 46.68.135 and 2005 c 314 s 111 are each amended to read as follows:

~~((Beginning))~~ By July 1, ~~((2007))~~ 2006, and each year thereafter, the state treasurer shall transfer ~~((five))~~ two and one-half million dollars from the multimodal account to the transportation infrastructure account created under RCW 82.44.190. The funds must be distributed for rail capital improvements only.

Sec. 5. RCW 46.68.290 and 2005 c 314 s 104 are each amended to read as follows:

(1) The transportation partnership account is hereby created in the state treasury. All distributions to the account from RCW 46.68.090 must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as 2005 transportation partnership projects or improvements in the omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) ~~((If a regional transportation plan has not been adopted by January 2007, the legislature intends to reprioritize allocation of funding for the projects identified on the 2005 transportation partnership project list so that complete and functioning transportation projects can be constructed in a reasonable time.~~

~~—(3) By January 1, 2006, the transportation performance audit board must develop performance measures and benchmarks for the evaluation of the expenditures of the transportation partnership account. The board must also develop an audit plan and schedule for audits of the performance of the department of transportation's delivery of the plan as defined by project list, schedule, and budget enacted by the legislature.~~

~~—(4))~~ The legislature finds that:

(a) Citizens demand and deserve accountability of transportation-related programs and expenditures. Transportation-related programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;

(b) Transportation-related agencies that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars; and

(c) Fair, independent, comprehensive performance audits of transportation-related agencies overseen by the elected state auditor are essential to improving the efficiency, economy, and effectiveness of the state's transportation system.

~~((5))~~ (3) For purposes of chapter 314, Laws of 2005:

(a) "Performance audit" means an objective and systematic assessment of a state agency or agencies or any of their programs, functions, or activities by the state auditor or designee in order to help improve agency efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.

(b) "Transportation-related agency" means any state agency, board, or commission that receives funding primarily for transportation-related purposes. At a minimum, the department of transportation, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies. The Washington state patrol and the department of licensing shall not be considered transportation-related agencies under chapter 314, Laws of 2005.

~~((6))~~ (4) Within the authorities and duties under chapter 43.09 RCW, the state auditor shall establish criteria and protocols for performance audits. Transportation-related agencies shall be audited using criteria that include generally accepted government auditing standards as well as legislative

THIRTY-FOURTH DAY, FEBRUARY 11, 2006

mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

~~((7))~~ (5) Within the authorities and duties under chapter 43.09 RCW, the state auditor may conduct performance audits for transportation-related agencies. The state auditor shall contract with private firms to conduct the performance audits.

~~((8))~~ (6) The audits may include:

(a) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(b) Identification of funding sources to the transportation-related agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(c) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(d) Analysis and recommendations for pooling information technology systems used within the transportation-related agency, and evaluation of information processing and telecommunications policy, organization, and management;

(e) Analysis of the roles and functions of the transportation-related agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(f) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the transportation-related agency carry out reasonably and properly those functions vested in the agency by statute;

(g) Verification of the reliability and validity of transportation-related agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;

(h) Identification of potential cost savings in the transportation-related agency, its programs, and its services;

(i) Identification and recognition of best practices;

(j) Evaluation of planning, budgeting, and program evaluation policies and practices;

(k) Evaluation of personnel systems operation and management;

(l) Evaluation of purchasing operations and management policies and practices;

(m) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel; and

(n) Evaluation of transportation-related project costs, including but not limited to environmental mitigation, competitive bidding practices, permitting processes, and capital project management.

~~((9))~~ (7) Within the authorities and duties under chapter 43.09 RCW, the state auditor must provide the preliminary performance audit reports to the audited state agency for comment. The auditor also may seek input on the preliminary report from other appropriate officials. Comments must be received within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. The final performance audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; the agency's response and conclusions; and identification of best practices.

~~((10))~~ (8) The state auditor shall provide final performance audit reports to the citizens of Washington, the governor, the joint legislative audit and review committee, the transportation performance audit board, the appropriate legislative committees, and other appropriate officials. Final performance audit reports shall be posted on the internet.

~~((11))~~ (9) The audited transportation-related agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited

2006 REGULAR SESSION

agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

The office of financial management shall require periodic progress reports from the audited agency until all resolution has occurred. The office of financial management is responsible for achieving audit resolution. The office of financial management shall annually report by December 31st the status of performance audit resolution to the appropriate legislative committees and the state auditor. The legislature shall consider the performance audit results in connection with the state budget process.

The auditor may request status reports on specific audits or findings.

~~((12))~~ (10) For the period from July 1, 2005, until June 30, 2007, the amount of ~~\$(4,000,000)~~ 2,000,000 is appropriated from the transportation partnership account to the state auditors office for the purposes of subsections ~~((4))~~ (2) through ~~((11))~~ (9) of this section.

~~((13) When appointing the citizen members with performance measurement expertise to the transportation performance audit board, the governor shall appoint the state auditor, or his or her designee.~~

~~((14))~~ (11) If the state auditor's financial audit of a transportation-related agency implies that a performance audit is warranted, the transportation performance audit board shall include in its annual work plan the performance audit recommended by the state auditor.

NEW SECTION. Sec. 6. A new section is added to chapter 46.68 RCW to read as follows:

(1) On July 1, 2006, and by each July 1st thereafter, the state treasurer shall transfer from the transportation partnership account created in RCW 46.68.290:

(a) One million dollars to the small city pavement and sidewalk account created in RCW 47.26.340;

(b) Two and one-half million dollars to the transportation improvement account created in RCW 47.26.084; and

(c) One and one-half million dollars to the county arterial preservation account created in RCW 46.68.090(2)(i).

(2) On July 1, 2006, the state treasurer shall transfer six million dollars from the transportation partnership account created in RCW 46.68.290 into the freight mobility investment account created in RCW 46.68.300 and by July 1, 2007, and by every July 1st thereafter, three million dollars shall be deposited into the freight mobility investment account.

NEW SECTION. Sec. 7. A new section is added to chapter 46.68 RCW to read as follows:

The freight mobility multimodal account is created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for freight mobility projects identified in the omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

NEW SECTION. Sec. 8. A new section is added to chapter 46.68 RCW to read as follows:

(1) The regional mobility grant program account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the grants provided under RCW 47.66.030.

(2) Beginning with September 2007, by the last day of September, December, March, and June of each year, the state treasurer shall transfer from the multimodal transportation account to the regional mobility grant program account five million dollars.

THIRTY-FOURTH DAY, FEBRUARY 11, 2006

2006 REGULAR SESSION

(3) Beginning with September 2015, by the last day of September, December, March, and June of each year, the state treasurer shall transfer from the multimodal transportation account to the regional mobility grant program account six million two hundred fifty thousand dollars.

Sec. 9. RCW 46.17.010 and 2005 c 314 s 201 are each amended to read as follows:

(1) There shall be paid and collected annually for motor vehicles subject to the fee under RCW 46.16.0621, except motor homes, a vehicle weight fee. The amount of the fee shall be based upon the vehicle scale weight, which is correlated with vehicle size and roadway lane usage. Fees imposed under this section must be used for transportation purposes, and shall not be used for the general support of state government. The vehicle weight fee shall be that portion of the fee as reflected on the scale weight set forth in schedule B provided in RCW 46.16.070 that is in excess of the fee imposed under RCW 46.16.0621. This fee is due at the time of initial and renewal of vehicle registration.

(2) If the resultant weight according to this section is not listed in schedule B provided in RCW 46.16.070, it shall be increased to the next higher weight pursuant to chapter 46.44 RCW.

(3) For the purpose of administering this section, the department shall rely on the vehicle empty scale weights as provided by vehicle manufacturers, or other sources defined by the department, to determine the weight of each vehicle. The department shall adopt rules for determining weight for vehicles without manufacturer empty scale weights.

(4) The vehicle weight fee under this section is imposed to provide funds to mitigate the impact of vehicle loads on the state roads and highways and is separate and distinct from other vehicle license fees. Proceeds from the fee may be used for transportation purposes, or for facilities and activities that reduce the number of vehicles or load weights on the state roads and highways.

(5) The vehicle weight fee collected under this section shall be deposited as follows:

(a) On July 1, 2006, six million dollars shall be deposited into the freight mobility ~~((investment))~~ multimodal account created in ~~((RCW 46.68.300))~~ section 7 of this act, and the remainder collected from ~~((January 1, 2006))~~ the effective date of this section, through June 30, 2006, shall be deposited into the multimodal transportation account;

(b) Beginning July 1, 2007, and every July 1st thereafter, three million dollars shall be deposited into the freight mobility ~~((investment))~~ multimodal account created in ~~((RCW 46.68.300))~~ section 7 of this act, and the remainder shall be deposited into the multimodal transportation account.

Sec. 10. RCW 43.84.092 and 2005 c 514 s 1105, 2005 c 353 s 3, 2005 c 339 s 22, 2005 c 314 s 109, 2005 c 312 s 7, and 2005 c 94 s 1 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection.

Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the freight mobility multimodal account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional mobility grant program account, the regional transportation investment district account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust

THIRTY-FOURTH DAY, FEBRUARY 11, 2006

2006 REGULAR SESSION

fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 11. RCW 43.84.092 and 2005 c 514 s 1106, 2005 c 353 s 4, 2005 c 339 s 23, 2005 c 314 s 110, 2005 c 312 s 8, and 2005 c 94 s 2 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the freight mobility multimodal account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional mobility grant program account, the regional transportation investment district account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the

THIRTY-FOURTH DAY, FEBRUARY 11, 2006

University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 12. Section 10 of this act expires July 1, 2006.

NEW SECTION. Sec. 13. Section 11 of this act takes effect July 1, 2006.

NEW SECTION. Sec. 14. Section 1 of this act applies to license fees due on or after July 1, 2006."

Senator Haugen spoke in favor of adoption of the striking amendment.

Senator Benson spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen and Finkbeiner to Engrossed Substitute Senate Bill No. 6839.

The motion by Senator Haugen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "distributions;" strike the remainder of the title and insert "amending RCW 46.68.035, 46.16.086, 46.16.162, 46.68.135, 46.68.290, and 46.17.010; reenacting and amending RCW 43.84.092 and 43.84.092;

2006 REGULAR SESSION

adding new sections to chapter 46.68 RCW; creating a new section; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6839 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

Senators Mulliken and Zarelli spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6839.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6839 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 15; Absent, 0; Excused, 8.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 26

Voting nay: Senators Benson, Benton, Carrell, Esser, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Roach, Schmidt, Schoesler, Swecker and Zarelli - 15

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner, McCaslin, Oke, Pflug and Stevens - 8

ENGROSSED SUBSTITUTE SENATE BILL NO. 6839, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6853, by Senators Haugen and Benson

Modifying phase three procurement provisions for design-build ferries. Revised for 1st Substitute: Modifying vessel procurement provisions for design-build ferries.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6853 was substituted for Senate Bill No. 6853 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6853 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Benson spoke in favor of passage of the bill.

Senator Benton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6853.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6853 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 9; Absent, 0; Excused, 8.

Voting yea: Senators Benson, Berkey, Brown, Doumit,

THIRTY-FOURTH DAY, FEBRUARY 11, 2006

Eide, Fairley, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 32

Voting nay: Senators Benton, Carrell, Esser, Franklin, Honeyford, Kastama, Regala, Roach and Zarelli - 9

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner, McCaslin, Oke, Pflug and Stevens - 8

SUBSTITUTE SENATE BILL NO. 6853, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6596, by Senators Kline, Johnson, Weinstein and Esser

Revising the dissolution of Washington corporations.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 6596 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Johnson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6596.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6596 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 41

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner, McCaslin, Oke, Pflug and Stevens - 8

SENATE BILL NO. 6596, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6531, by Senators Weinstein, Fraser and Kline

Preserving remedies when limited liability companies dissolve.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 6531 was advanced to third reading, the second

2006 REGULAR SESSION

reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6531.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6531 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 41

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner, McCaslin, Oke, Pflug and Stevens - 8

SENATE BILL NO. 6531, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6670, by Senators Shin, Delvin, Fraser, Hargrove and Johnson

Changing court filing fee provisions.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 6670 was substituted for Senate Bill No. 6670 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 6670 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin and Johnson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6670.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6670 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 4; Absent, 0; Excused, 8.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 37

Voting nay: Senators Benson, Benton, Carrell and Schoesler - 4

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner, McCaslin, Oke, Pflug and Stevens - 8

SUBSTITUTE SENATE BILL NO. 6670, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRTY-FOURTH DAY, FEBRUARY 11, 2006
SECOND READING

SENATE BILL NO. 6480, by Senators Kohl-Welles, Haugen, Brown and Keiser

Eliminating the department of transportation's exemption from the public works apprenticeship utilization requirements. Revised for 2nd Substitute: Modifying public works apprenticeship utilization requirements.

MOTION

On motion of Senator Haugen, Second Substitute Senate Bill No. 6480 was substituted for Senate Bill No. 6480 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Mulliken moved that the following striking amendment by Senator Mulliken and Haugen be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 39.04.300 and 2005 c 3 s 1 are each amended to read as follows:

A well-trained construction trades work force is critical to the ability of the state of Washington to construct public works. Studies of the state's work force highlight population trends that, without a concerted effort to offset them, will lead to an inadequate supply of skilled workers in the construction industry. State government regularly constructs public works. The efficient and economical construction of public works projects will be harmed if there is not an ample supply of trained construction workers. Apprenticeship training programs are particularly effective in providing training and experience to individuals seeking to enter or advance in the work force. By providing for apprenticeship utilization on public works projects, state government can create opportunities for training and experience that will help assure that a trained work force will be available, including returning veterans, in sufficient numbers in the future for the construction of public works. Furthermore, the state of Washington hereby establishes its intent to assist returning veterans through programs such as the "helmets to hardhats" program, which is administered by the center for military recruitment, assessment, and veterans employment. It is the state's intent to assist returning veterans with apprenticeship placement career opportunities, in order to expedite the transition from military service to the construction work force.

Sec. 2. RCW 39.04.320 and 2005 c 3 s 3 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, from January 1, 2005, and thereafter, for all public works estimated to cost one million dollars or more, all specifications shall require that no less than fifteen percent of the labor hours be performed by apprentices.

(b)(i) This section does not apply to contracts advertised for bid before July 1, 2007, for any public works by the department of transportation.

(ii) For contracts advertised for bid on or after July 1, 2007, and before July 1, 2008, for all public works by the department of transportation estimated to cost five million dollars or more, all specifications shall require that no less than ten percent of the labor hours be performed by apprentices.

(iii) For contracts advertised for bid on or after July 1, 2008, and before July 1, 2009, for all public works by the department of transportation estimated to cost three million dollars or more, all specifications shall require that no less than twelve percent of the labor hours be performed by apprentices.

2006 REGULAR SESSION

(iv) For contracts advertised for bid on or after July 1, 2009, for all public works by the department of transportation estimated to cost two million dollars or more, all specifications shall require that no less than fifteen percent of the labor hours be performed by apprentices.

(2) Awarding agency directors may adjust the requirements of this section for a specific project for the following reasons:

(a) The demonstrated lack of availability of apprentices in specific geographic areas;

(b) A disproportionately high ratio of material costs to labor hours, which does not make feasible the required minimum levels of apprentice participation;

(c) Participating contractors have demonstrated a good faith effort to comply with the requirements of (~~chapter 3, Laws of 2005~~) RCW 39.04.300 and 39.04.310 and this section; or

(d) Other criteria the awarding agency director deems appropriate, which are subject to review by the office of the governor.

(3) The secretary of the department of transportation shall adjust the requirements of this section for a specific project for the following reasons:

(a) The demonstrated lack of availability of apprentices in specific geographic areas; or

(b) A disproportionately high ratio of material costs to labor hours, which does not make feasible the required minimum levels of apprentice participation.

(4) This section applies only to public works contracts awarded by the state. However, this section does not apply to contracts awarded by state four-year institutions of higher education(;) or state agencies headed by a separately elected public official(~~;~~ or the department of transportation)).

~~((4))~~ (5)(a) The department of general administration must provide information and technical assistance to affected agencies and collect the following data from affected agencies for each project covered by this section:

(i) The name of each apprentice and apprentice registration number;

(ii) The name of each project;

(iii) The dollar value of each project;

(iv) The date of the contractor's notice to proceed;

(v) The number of apprentices and labor hours worked by them, categorized by trade or craft;

(vi) The number of journey level workers and labor hours worked by them, categorized by trade or craft; and

(vii) The number, type, and rationale for the exceptions granted under subsection (2) of this section.

(b) The department of labor and industries shall assist the department of general administration in providing information and technical assistance.

~~((5))~~ (6) The secretary of transportation shall establish an apprenticeship utilization advisory committee, which shall include statewide geographic representation and consist of equal numbers of representatives of contractors and labor. The committee must include at least one member representing contractor businesses with less than thirty-five employees. The advisory committee shall meet regularly with the secretary of transportation to discuss implementation of this section by the department of transportation, including development of the process to be used to adjust the requirements of this section for a specific project. The committee shall provide a report to the legislature by January 1, 2008, on the effects of the apprentice labor requirement on transportation projects and on the availability of apprentice labor and programs statewide.

(7) At the request of the senate labor, commerce, research and development committee, the house of representatives commerce and labor committee, or their successor committees, and the governor, the department of general administration and the department of labor and industries shall compile and summarize the agency data and provide a joint report to both committees. The report shall include recommendations on modifications or improvements to the apprentice utilization

THIRTY-FOURTH DAY, FEBRUARY 11, 2006

program and information on skill shortages in each trade or craft.

NEW SECTION. Sec. 3. A new section is added to chapter 39.04 RCW to read as follows:

The Washington state apprenticeship and training council shall lead and coordinate an outreach effort to educate returning veterans about apprenticeship and career opportunities in the construction industry. The outreach effort shall include information about the "helmets to hardhats" program and other paths for making the transition from military service to the construction work force. The outreach effort shall be developed and coordinated with apprenticeship programs, other state agencies involved in work force training, and representatives of contractors and labor."

Senators Mulliken and Haugen spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Mulliken and Haugen to Second Substitute Senate Bill No. 6480.

The motion by Senator Mulliken carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "amending RCW 39.04.300 and 39.04.320; and adding a new section to chapter 39.04 RCW."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6480 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Haugen spoke in favor of passage of the bill.

Senators Zarelli, Sheldon and Benson spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6480.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6480 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 11; Absent, 0; Excused, 8.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 30

Voting nay: Senators Benson, Benton, Carrell, Esser, Hewitt, Honeyford, Johnson, Morton, Schoesler, Sheldon and Zarelli - 11

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner, McCaslin, Oke, Pflug and Stevens - 8

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6480, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

2006 REGULAR SESSION

SENATE BILL NO. 6433, by Senators Kastama, Jacobsen, Poulsen, Pridemore, Rockefeller, Shin, Haugen, Rasmussen, Keiser, Regala, Thibaudeau, Franklin, McAuliffe and Kohl-Welles

Establishing the emergency management, preparedness, and assistance account.

MOTION

On motion of Senator Doumit, Second Substitute Senate Bill No. 6433 was not substituted for Senate Bill No. 6433 and the second substitute bill was not adopted.

The measure was read the second time.

MOTION

Senator Kastama moved that the following striking amendment by Senators Kastama, Roach and Benton be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that recent events, including the 9/11 terrorist acts, the tsunami in southeast Asia, Hurricanes Katrina and Rita in the gulf coast, outbreaks of avian flu, and the earthquake in Pakistan, have demonstrated the need for a coordinated, comprehensive all-hazards disaster plan involving citizens, industry, local governments, and the state. Washington state's topography, geography, location, and strategic and economic interests place the state at particular risk from both natural disasters and man-made disasters. In response, Washington state and its local governments have implemented nationally recognized all-hazards emergency management and disaster response plans. However, recent studies have revealed the lack of a secure funding source for resolving impediments to the ability of state and local programs to integrate and coordinate comprehensive disaster preparedness. In addition, local programs suffer disparities in funding and expertise, leaving troublesome gaps in a well-coordinated statewide all-hazards emergency management system.

Recognizing that all disasters are local disasters, the legislature therefore intends to strengthen state and local emergency response, mitigation, preparation, and coordination by establishing a stable source of funding with the intent that Washington state become the nationally recognized leader in emergency management. The funding will be dedicated to the development and coordination of state and local government emergency management programs by supporting joint training exercises, citizen and industry coordination with emergency management efforts, public education, and relationship building among local and state emergency management officials.

NEW SECTION. Sec. 2. The emergency management, preparedness, and assistance account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only as provided in section 3 of this act.

NEW SECTION. Sec. 3. (1)(a) The department must use twenty percent of the funds appropriated from the emergency management, preparedness, and assistance account for the department's administration of this section, and to: Fund the assessment required by section 4 of this act; fund state agency activities, including military department activities, that develop and coordinate comprehensive emergency management plans; train elected and appointed state officials on state laws, disaster command and response structures, and the roles and responsibilities of officials before, during, and after a disaster; administer periodic joint emergency management training exercises involving the military department and other state

THIRTY-FOURTH DAY, FEBRUARY 11, 2006

2006 REGULAR SESSION

agencies; and implement state agency projects that will strengthen emergency response, mitigation, preparation, and coordination.

(b) The department must allocate eighty percent of the funds appropriated from the emergency management, preparedness, and assistance account for grants to regional agencies, local governments, tribal governments, regional incident management teams, and private organizations to: Develop and coordinate comprehensive emergency management plans; train elected and appointed officials on state laws, ordinances, disaster command and response structures, and the roles and responsibilities of officials before, during, and after a disaster; administer periodic joint emergency management training exercises; and implement projects that will strengthen emergency response, mitigation, preparation, and coordination.

(2) Projects funded under this section must include, but need not be limited to, projects that will promote neighborhood level public education on disaster preparedness and recovery issues, situate all weather radios in public buildings, enhance coordination of public sector and private sector relief efforts, and improve the training and operations capabilities of agencies assigned lead or support responsibilities in the state comprehensive emergency management plan.

(3) Grant funding may also be used as seed money to establish a dedicated, full-time emergency management director in every county that does not have such a director as of the effective date of this section.

(4) The department must establish criteria and procedures for competitive allocation of these funds by rule. At a minimum, the rules must:

(a) Establish preferential funding for projects and exercises addressing needs and recommendations identified by the department in the assessment conducted under section 4 of this act;

(b) Specify a formula that establishes a base grant allocation and weighted factors for funds to be allocated over the base grant amount for regional agencies, local governments, tribal governments, regional incident management teams, and private organizations with existing emergency management and preparedness programs that are located in a part of the state where the risk of exposure to disasters is deemed by the department to be particularly acute;

(c) Specify match requirements; and

(d) Include requirements that, at a minimum, a local emergency management agency have: A comprehensive emergency management plan or be a member of a joint local organization for emergency management; and a local director who works at least forty hours a week in that capacity, or have designated by ordinance or resolution an emergency management coordinator who works at least fifteen hours a week in that capacity.

(5) No more than five percent of any award made under subsection (1)(b) of this section may be used for administrative expenses.

(6) The distribution formula provided in this section may be adjusted proportionally when necessary to meet any matching requirements imposed as a condition of receiving federal disaster relief assistance or planning funds.

(7) Local governments receiving funds under this section may not use the funds to supplant existing funding.

NEW SECTION. Sec. 4. Beginning in January 2008 and biennially thereafter, the department must conduct in conjunction with the emergency management council a strategic assessment of, and issue a report on, the ability of state, local, and tribal emergency management organizations to effectively provide for all phases of comprehensive emergency management. The assessment must:

(1) Evaluate state, local, and tribal emergency management capabilities and needs;

(2) Evaluate the ability of state, local, and tribal emergency management organizations to provide emergency management mitigation, preparedness, response, and recovery;

(3) Evaluate the effectiveness of the emergency management structure at the state, local, and tribal levels;

(4) Provide findings and make recommendations that increase the ability of state, local, and tribal emergency management organizations to meet current and future risks; and

(5) Detail where and for what purpose funds under section 3(1)(b) of this act have been distributed.

NEW SECTION. Sec. 5. The joint legislative audit and review committee must study and review the performance of programs implemented under this act. The committee must examine at least the following factors: The number and type of joint exercises conducted under section 3 of this act; the number of programs receiving grant money and the status of those programs; the coordination of comprehensive emergency management plans between state and local jurisdictions; the number of training programs administered; the number of comprehensive emergency management or safety plans created using funds distributed under section 3 of this act; and the number of emergency preparedness officials created and trained with funds distributed under this act. The committee must provide a final report on this review by December 2008. Funds from the emergency management, preparedness, and assistance account may be provided to the committee for the purposes of conducting the study.

EW SECTION. Sec. 6. The legislature shall establish an advisory committee to study issues related to the collection of an annual, per policy surcharge on homeowner's, mobile homeowner's, tenant homeowner's, condominium unit owner's and commercial fire, multiple peril, and business owner's property insurance policies to fund emergency management. The advisory committee will study if and how retaliatory tax provisions may be implicated, costs associated with collecting the fee, costs associated with allowing other insurance surcharges to be excluded from the premium calculation, and any other issues deemed relevant by the committee. The advisory committee, where appropriate, may consult with individuals from the public and private sector. The advisory committee shall report its findings and recommendations to the appropriate committees of the legislature by November 30, 2006.

NEW SECTION. Sec. 7. Sections 2 through 4 of this act are each added to chapter 38.52 RCW.

NEW SECTION. Sec. 8. Section 6 of this act expires January 1, 2007.

Senator Kastama spoke in favor of adoption of the striking amendment.

MOTION

Senator Benton moved that the following amendment by Senator Benton to the striking amendment be adopted.

On page 2, line 3 of the amendment, after "(1)(a)" strike "The" and insert "(i) Until June 30, 2008, the"

On page 2, line 5 of the amendment, after "for" insert "the purposes of (a)(ii) of this subsection. Beginning July 1, 2008, the department use ten percent of the funds appropriated from the emergency management, preparedness, and assistance account for the purposes of (a)(ii) of this subsection.

(ii) Funds appropriated under (a)(i) of this subsection must be used for"

On page 2, line 17 of the amendment, after "allocate" strike "eighty percent of the" and insert "the remaining"

Senators Benton and Roach spoke in favor of adoption of the amendment to the striking amendment.

Senators Kastama and Thibaudeau spoke against adoption of the amendment to the striking amendment.

THIRTY-FOURTH DAY, FEBRUARY 11, 2006

2006 REGULAR SESSION

MOTION

MOTION

On motion of Senator Kohl-Welles, Senator Prentice was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 2, line 3 to the striking amendment to Senate Bill No. 6433.

The motion by Senator Benton failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kastama, Roach and Benton to Senate Bill No. 6433.

The motion by Senator Kastama carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "account;" strike the remainder of the title and insert "adding new sections to chapter 38.52 RCW; creating new sections; and providing an expiration date."

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Senate Bill No. 6433 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Roach spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senator Schmidt was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6433.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6433 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 39

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner, McCaslin, Oke, Pflug, Prentice, Schmidt and Stevens - 10

ENGROSSED SENATE BILL NO. 6433, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brown, the Senate advanced to the seventh order of business.

On motion of Senator Brown, the rules were suspended, Senate Bill No. 5330 was returned to second reading for the purpose of amendment.

SECOND READING

SENATE BILL NO. 5330, by Senators Shin, Rasmussen, Berkey, McAuliffe and Kohl-Welles

Creating the economic development grants program.

The measure was read the second time.

MOTION

Senator Brown moved that the following striking amendment by Senator Brown be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that state-supported economic development efforts, including work force training, technology transfer, tourism development, and industrial modernization, can make a significant difference in the health and diversification of the state's economy. There are numerous federal and private economic development grant programs and research projects designed to increase the competitiveness of American firms and local work forces, for which state agencies and local consortiums are eligible to apply. There are also numerous opportunities to attract major regional, national, and international business, tourism, and sporting events to the state. State and local agencies in Washington have not maximized the opportunities available to receive federal and private funds to augment economic development efforts.

The legislature declares that it is the state's policy to maximize the use of federal and private funds for economic development purposes and to devote state resources to leverage federal and private dollars to supplement state economic development efforts. In furtherance of this policy, it is the purpose of section 2 of this act to authorize and fund a technical assistance and grant writing program within the department of community, trade, and economic development.

NEW SECTION. Sec. 2. A new section is added to chapter 43.330 RCW to read as follows:

The economic development grants program is created in the department to be staffed by at least one grant writer either on contract or on staff. Program staff shall:

(1) Regularly review the federal register for opportunities to apply for grants, research projects, and demonstration projects;

(2) Stay abreast of grant opportunities with private foundations and businesses;

(3) Assist local entities in attracting regional, national, and international business, tourism, and sporting events;

(4) Correspond and meet with federal officials, including those in the small business administration, the department of labor, the department of commerce, and the department of health and human services, as well as foundation and business officials, on the prospects for obtaining federal and private funds for economic development purposes in Washington state;

(5) Apprise the agency directors and division heads of the department of community, trade, and economic development, the employment security department, the department of agriculture, the Washington technology center, the Washington manufacturing service, and other state agencies as appropriate, of the opportunities for federal and private grant dollars for economic development projects;

(6) Assist state agencies in their grant-seeking efforts for economic development projects. Grant writing for and assistance in grant writing for projects sponsored or cosponsored

THIRTY-FOURTH DAY, FEBRUARY 11, 2006

2006 REGULAR SESSION

by state agencies shall be the highest priority of the program's work;

(7) Write grant requests to further the state's economic development efforts;

(8) Facilitate joint efforts between agencies and between local consortiums and state agencies that will increase the likelihood of success in grant seeking and the attraction of major events; and

(9) Garner the political support necessary from federal, state, and local elected and appointed officials for success in grant seeking and the attraction of major events.

The department shall submit to the appropriate committees of the legislature an annual list of grant applications submitted, grant awards received, and the total amount of grant funds received during the year. The list shall be due by December 1st of each year.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2006, in the omnibus appropriations act, this act is null and void."

Senators Brown and Shin spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Brown to Senate Bill No. 5330.

The motion by Senator Brown carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "grants" strike the remainder of the title and insert "and assistance; adding a new section to chapter 43.330 RCW; and creating new sections."

MOTION

On motion of Senator Shin, the rules were suspended, Engrossed Senate Bill No. 5330 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senators Honeyford, Mulliken and Johnson were excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5330.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5330 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 0; Absent, 0; Excused, 12.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Parlette, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 37

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner, Honeyford, McCaslin, Mulliken, Oke, Pflug, Prentice, Schmidt and Stevens - 12

ENGROSSED SENATE BILL NO. 5330, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6830, by Senators Benton, Haugen, Benson, Oke, Deccio, Schmidt, Sheldon, Weinstein, Poulsen, Roach, Pridemore, Zarelli, McAuliffe, Carrell, Kohl-Welles, Rasmussen, Eide, Shin, Rockefeller, Delvin, Franklin and Johnson

Creating a "Support Our Troops" special license plate.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6830 was substituted for Senate Bill No. 6830 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6830 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6830.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6830 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 0; Absent, 0; Excused, 12.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Parlette, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 37

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner, Honeyford, McCaslin, Mulliken, Oke, Pflug, Prentice, Schmidt and Stevens - 12

SUBSTITUTE SENATE BILL NO. 6830, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senator Haugen was excused.

SECOND READING

SENATE BILL NO. 6417, by Senators Roach, Kline, Jacobsen, Esser, Weinstein, Thibaudeau, Benson, Rasmussen, Schmidt, Carrell, Morton, Deccio, Stevens, Mulliken, McCaslin, Hargrove and Delvin

Prohibiting sexual conduct or sexual contact with an animal. Revised for 1st Substitute: Changing provisions relating to animal cruelty.

MOTIONS

THIRTY-FOURTH DAY, FEBRUARY 11, 2006

On motion of Senator Roach, Substitute Senate Bill No. 6417 was substituted for Senate Bill No. 6417 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 6417 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6417.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6417 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 0; Absent, 0; Excused, 13.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Parlette, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 36

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner, Haugen, Honeyford, McCaslin, Mulliken, Oke, Pflug, Prentice, Schmidt and Stevens - 13

SUBSTITUTE SENATE BILL NO. 6417, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

February 10, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:
 SUBSTITUTE HOUSE BILL NO. 1523,
 THIRD SUBSTITUTE HOUSE BILL NO. 1815,
 HOUSE BILL NO. 2348,
 SUBSTITUTE HOUSE BILL NO. 2401,
 SUBSTITUTE HOUSE BILL NO. 2495,
 SECOND SUBSTITUTE HOUSE BILL NO. 2498,
 SUBSTITUTE HOUSE BILL NO. 2538,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2565,
 SUBSTITUTE HOUSE BILL NO. 2640,
 HOUSE BILL NO. 2644,
 SECOND SUBSTITUTE HOUSE BILL NO. 2645,
 HOUSE BILL NO. 2671,
 SUBSTITUTE HOUSE BILL NO. 2723,
 SUBSTITUTE HOUSE BILL NO. 2726,
 SUBSTITUTE HOUSE BILL NO. 2917,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 10, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:

2006 REGULAR SESSION

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352,
 SUBSTITUTE HOUSE BILL NO. 2537,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2738,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 11, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:
 SUBSTITUTE HOUSE BILL NO. 2608,
 HOUSE BILL NO. 2681,
 HOUSE BILL NO. 2682,
 SUBSTITUTE HOUSE BILL NO. 2684,
 HOUSE BILL NO. 2687,
 SUBSTITUTE HOUSE BILL NO. 2688,
 SUBSTITUTE HOUSE BILL NO. 2689,
 HOUSE BILL NO. 2690,
 SUBSTITUTE HOUSE BILL NO. 2691,
 HOUSE BILL NO. 2932,
 SUBSTITUTE HOUSE BILL NO. 2933,
 SUBSTITUTE HOUSE BILL NO. 2934,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 11, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:
 SUBSTITUTE HOUSE BILL NO. 3033,
 SUBSTITUTE HOUSE BILL NO. 3059,
 ENGROSSED HOUSE BILL NO. 3159,
 SUBSTITUTE HOUSE BILL NO. 3164,
 SUBSTITUTE HOUSE BILL NO. 3185,
 SUBSTITUTE HOUSE BILL NO. 3190,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3222,
 HOUSE JOINT RESOLUTION NO. 4223,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 11, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:
 SUBSTITUTE HOUSE BILL NO. 2407,
 HOUSE BILL NO. 2409,
 HOUSE BILL NO. 2580,
 SUBSTITUTE HOUSE BILL NO. 2590,
 SECOND SUBSTITUTE HOUSE BILL NO. 2799,
 SECOND SUBSTITUTE HOUSE BILL NO. 2805,
 SUBSTITUTE HOUSE BILL NO. 2846,
 ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 2939,
 SUBSTITUTE HOUSE BILL NO. 3024,
 HOUSE BILL NO. 3057,
 SUBSTITUTE HOUSE BILL NO. 3109,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

THIRTY-FOURTH DAY, FEBRUARY 11, 2006
MOTION

2006 REGULAR SESSION

At 4:07 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Monday, February 13, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

THIRTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 13, 2006

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Deccio and Oke.

The Sergeant at Arms Color Guard consisting of Pages Keith Sorger and Torie Zeigler, presented the Colors. Reverend Dr. John Maxwell of the First United Methodist Church offered the prayer.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1504 by House Committee on Transportation (originally sponsored by Representatives Simpson, Woods and Lovick)

AN ACT Relating to abandoned vehicle auctions; and amending RCW 46.55.130.

Referred to Committee on Transportation.

SHB 1523 by House Committee on Finance (originally sponsored by Representatives Quall, Morris, Pettigrew, Kilmer, Talcott, Pearson, Linville and Kristiansen)

AN ACT Relating to extending a sales and use tax exemption to the construction of facilities to be used for the conditioning of vegetable seeds; amending RCW 82.60.020; and providing an effective date.

Referred to Committee on Agriculture & Rural Economic Development.

3SHB 1815 by House Committee on Economic Development, Agriculture & Trade (originally sponsored by Representatives Wallace, Skinner, Pettigrew, Rodne, Kilmer, Ahern, Blake, McCoy, Anderson, Walsh, Lovick, Hudgins, Appleton, Strow, Murray, B. Sullivan, Simpson, Kessler, Williams, O'Brien, Conway, Morris, Linville, Lantz and Moeller)

AN ACT Relating to a small business incubator competitive grant program; amending RCW 43.176.020; and adding a new section to chapter 43.176 RCW.

Referred to Committee on International Trade & Economic Development.

SHB 1827 by House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Condotta, McCoy, Crouse and Conway)

AN ACT Relating to financing practices of motor vehicle dealers; amending RCW 46.70.180; and creating a new section.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

HB 2348 by Representatives Morris, Ericksen, Condotta, Linville, Conway, Sump, Haler, Orcutt, Wallace, Ericks, B. Sullivan, O'Brien, Dunn and Holmquist

AN ACT Relating to tax relief for aluminum smelters; amending RCW 82.04.2909, 82.04.4481, 82.08.805, 82.12.805, 82.12.022, and 82.32.570; and providing an expiration date.

Referred to Committee on International Trade & Economic Development.

ESHB 2352 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Hudgins and B. Sullivan)

AN ACT Relating to net metering; and amending RCW 80.60.010, 80.60.020, 80.60.030, and 80.60.040.

Referred to Committee on Water, Energy & Environment.

E2SHB 2353 by House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Shabro, Kessler, Priest, Cox, Conway, Haler, P. Sullivan, Appleton, Walsh, Kenney, Green, Armstrong, Hasegawa, Kagi, Hunt, McCoy, Buri, Fromhold, Strow, Curtis, McDermott, Williams, Hudgins, Moeller, Sells, Lantz, Kilmer, Chase, McDonald, Morrell, Murray, Linville, Santos, Springer, Wallace, Dickerson, Roberts, Cody, B. Sullivan, Simpson, Ericks, Uptegrove, Campbell, Ormsby and O'Brien)

AN ACT Relating to improving access to and the stability of quality child care through providing collective bargaining and other representation rights for family child care providers and licensees; amending RCW 41.56.030, 41.56.113, 41.04.810, 43.01.047, and 74.15.030; reenacting and amending RCW 74.15.020; adding a new section to chapter 41.56 RCW; adding a new section to chapter 74.15 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 2384 by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Dickerson, Buck, Blake and B. Sullivan)

AN ACT Relating to geological survey; amending RCW 43.92.010, 43.92.020, 43.92.040, 43.92.060, 43.92.070, and 43.92.080; and adding new sections to chapter 43.92 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 2386 by Representatives B. Sullivan and Chase

AN ACT Relating to commercial geoduck harvesting; and amending RCW 77.60.070.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 2401 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris and B. Sullivan)

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

AN ACT Relating to developing regional compacts for siting transmission lines; adding a new section to chapter 80.50 RCW; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

Referred to Committee on Water, Energy & Environment.

HB 2454 by Representatives Williams, Lantz, Darneille, Morrell, O'Brien and Green

AN ACT Relating to the privilege for sexual assault advocates; and amending RCW 5.60.060.

Referred to Committee on Judiciary.

SHB 2493 by House Committee on Transportation (originally sponsored by Representatives Kilmer, Lantz and Ericks)

AN ACT Relating to limiting access to law enforcement and emergency equipment and vehicles; amending RCW 46.37.195; and creating a new section.

Referred to Committee on Transportation.

SHB 2495 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Kilmer, Holmquist, Green, Miloscia, Buri, Nixon, Rodne, Hudgins, P. Sullivan, Springer, Haler, Morrell, Morris, Ericks, B. Sullivan, Simpson and Upthegrove)

AN ACT Relating to establishing a state government efficiency hotline; and adding a new section to chapter 43.09 RCW.

Referred to Committee on Government Operations & Elections.

2SHB 2498 by House Committee on Appropriations (originally sponsored by Representatives Kilmer, Buri, Morrell, Skinner, Green, Linville, McCoy, Moeller, Chase, Rodne, Conway, Haler, Morris, Ericks and Sells)

AN ACT Relating to cluster-based economic development; adding a new section to chapter 43.330 RCW; and creating new sections.

Referred to Committee on International Trade & Economic Development.

SHB 2537 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Condotta, McCoy, Hudgins and B. Sullivan)

AN ACT Relating to establishing a pilot program to allow employers to assist employees in completing applications for industrial insurance benefits; and amending RCW 51.28.015.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 2538 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Hudgins and McCoy)

AN ACT Relating to authorizing the department to request and superior court to grant warrants pursuant to chapter 49.17 RCW; amending RCW 49.17.070; adding a new section to chapter 49.17 RCW; and creating a new section.

ESHB 2565 by House Committee on Commerce & Labor (originally sponsored by Representatives Kilmer, Haler, Wallace, Strow, Clibborn, Morrell, McCoy, Appleton, Ericks, Linville, Simpson, Green and Springer)

AN ACT Relating to a worker training business and occupation tax credit; amending RCW 82.04.4333 and 82.32.590; adding a new section to chapter 82.32 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 2591 by House Committee on Transportation (originally sponsored by Representatives B. Sullivan, Blake, Roberts and Lovick)

AN ACT Relating to special fuel taxes; and amending RCW 82.38.080.

Referred to Committee on Transportation.

SHB 2596 by House Committee on Commerce & Labor (originally sponsored by Representatives Kenney, McDonald, Conway, Wood, Hasegawa, Hudgins, Rodne, McCoy, Morrell and Ormsby)

AN ACT Relating to the cosmetology apprenticeship program; amending RCW 18.16.020, 18.16.030, 18.16.050, 18.16.060, 18.16.100, 18.16.180, and 18.16.280; and reenacting and amending RCW 18.16.175.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 2608 by House Committee on Appropriations (originally sponsored by Representatives Curtis, Takko, Bailey, Grant, Orcutt, Hinkle, McDonald, Clements, Moeller, Chandler, Wallace, O'Brien, Haler, Haigh, Alexander and Morrell)

AN ACT Relating to the volunteer fire fighters' and reserve officers' relief and pension act; and amending RCW 41.24.010.

Referred to Committee on Ways & Means.

SHB 2640 by House Committee on Finance (originally sponsored by Representatives B. Sullivan, McCoy, O'Brien, Haler, Sells, Morris, Ericks, Strow and Dunn)

AN ACT Relating to biotechnology product and medical device manufacturing tax incentives; amending RCW 82.32.600; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 82 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on International Trade & Economic Development.

HB 2644 by Representatives P. Sullivan, Crouse and Kilmer

AN ACT Relating to temporarily increasing the statewide cap for the public utility tax credit provided by RCW 82.16.0497; amending RCW 82.16.0497; and providing an effective date.

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

Referred to Committee on Water, Energy & Environment.

2SHB 2645 by House Committee on Finance (originally sponsored by Representatives Kilmer, Crouse, P. Sullivan, Morris and Dunn)

AN ACT Relating to a public utility tax credit for gas distribution businesses that invest in energy efficiency measures for certain food processing and other businesses; adding a new section to chapter 82.16 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Water, Energy & Environment.

SHB 2646 by House Committee on Finance (originally sponsored by Representatives Wallace, Hinkle, Haigh and Holmquist)

AN ACT Relating to providing a sales tax exemption for trail grooming on private and state-owned land; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Ways & Means.

HB 2671 by Representatives Ericks, Kessler, Simpson, Clibborn, Morrell, Springer, Dunn and Wallace

AN ACT Relating to providing excise tax relief by modifying due dates and eliminating an assessment penalty; amending RCW 82.32.045, 82.23B.020, 82.27.060, 82.32.085, and 82.32.090; creating new sections; and providing effective dates.

Referred to Committee on Ways & Means.

HB 2681 by Representatives Conway, Fromhold, Lovick, Green, Sells, Kenney, Quall, Simpson, Moeller and Morrell

AN ACT Relating to minimum contribution rates for the public employees' retirement system, the public safety employees' retirement system, the school employees' retirement system, and the teachers' retirement system; reenacting and amending RCW 41.45.020; adding new sections to chapter 41.45 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

HB 2682 by Representatives Conway, Fromhold, Lovick, Kenney, Quall, Simpson, Roberts, Ormsby and McCune

AN ACT Relating to contribution rates in the Washington state patrol retirement system; amending RCW 41.45.0631; and providing an effective date.

Referred to Committee on Ways & Means.

SHB 2684 by House Committee on Appropriations (originally sponsored by Representatives Fromhold, Bailey, Conway, Lovick, Green, Sells, Kenney, Quall, Simpson, Moeller and Morrell)

AN ACT Relating to vesting after five years of service in the defined benefit portion of the public employees' retirement system, the school employees' retirement system, and the teachers' retirement system plan 3; and amending RCW 41.32.875, 41.35.680, and 41.40.820.

Referred to Committee on Ways & Means.

HB 2687 by Representatives Bailey, Conway, Fromhold, Lovick, Hunt, Nixon, Kenney, Quall, Simpson, Ormsby, Moeller, Morrell, Uptegrove and Hinkle

AN ACT Relating to a one thousand dollar minimum monthly benefit for plan 1 members of the public employees' retirement system and plan 1 members of the teachers' retirement system; amending RCW 41.32.4851 and 41.40.1984; and providing an effective date.

Referred to Committee on Ways & Means.

SHB 2688 by House Committee on Appropriations (originally sponsored by Representatives Fromhold, Conway, Lovick, Kenney, Quall, Simpson, Ormsby, Moeller and Ericks)

AN ACT Relating to the law enforcement officers' and fire fighters' retirement system plan 1; amending RCW 41.26.100 and 41.26.080; creating a new section; providing effective dates; and providing an expiration date.

Referred to Committee on Ways & Means.

SHB 2689 by House Committee on Appropriations (originally sponsored by Representatives Bailey, Conway, Fromhold, Lovick, Quall, Simpson and Ormsby)

AN ACT Relating to the public employment of retirees from the teachers' retirement system plan 1 and the public employees' retirement system plan 1; amending RCW 41.32.055, 41.32.570, 41.40.010, and 41.40.037; reenacting and amending RCW 41.32.010; prescribing penalties; and providing an effective date.

Referred to Committee on Ways & Means.

HB 2690 by Representatives Crouse, Conway, Lovick, Hunt, Green, Sells, Quall, Simpson, Moeller and Morrell

AN ACT Relating to permitting members of the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, the public safety employees' retirement system, plan 1 of the law enforcement officers' and fire fighters' retirement system, and the Washington state patrol retirement system to make a one-time purchase of additional service credit; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.35 RCW; adding a new section to chapter 41.37 RCW; adding a new section to chapter 41.26 RCW; adding a new section to chapter 43.43 RCW; repealing RCW 41.40.713, 41.40.833, 41.32.767, 41.32.877, 41.35.473, and 41.35.653; and providing an effective date.

Referred to Committee on Ways & Means.

SHB 2691 by House Committee on Appropriations (originally sponsored by Representatives Crouse, Fromhold, Conway, Lovick, Bailey, Kenney and Quall)

AN ACT Relating to public retirement benefits for justices and judges; adding a new section to chapter 2.14 RCW; adding new sections to chapter 41.40 RCW; adding new sections to chapter 41.32 RCW; adding new sections to chapter 41.45 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

HB 2720 by Representatives Simpson, Schindler, Takko, P. Sullivan, B. Sullivan and Woods

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

AN ACT Relating to water-sewer districts; amending RCW 36.55.060, 44.04.170, 57.08.005, and 57.08.120; adding new sections to chapter 57.24 RCW; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Government Operations & Elections.

SHB 2723 by House Committee on Economic Development, Agriculture & Trade (originally sponsored by Representatives Tom, Lantz, Priest, Clibborn, Shabro, Hunter and Green)

AN ACT Relating to a seller's real estate disclosure of proximity to farming; and amending RCW 64.06.022.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SHB 2726 by House Committee on Appropriations (originally sponsored by Representatives Chase, Skinner, Kessler, Haler, Kilmer, Grant, Chandler, Blake, Clements, Linville, Newhouse, McCoy, Kristiansen, Kenney and Wallace)

AN ACT Relating to assisting small manufacturers; and adding a new chapter to Title 24 RCW.

Referred to Committee on International Trade & Economic Development.

ESHB 2738 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Holmquist, Dunshee, Dunn, Chase, Grant, Rodne, Haler, Kessler, Kilmer, Green, Sells, Kenney, McCoy, Simpson, Roberts, Ormsby, Moeller, Morrell, Linville, Hudgins, McCune and Hinkle)

AN ACT Relating to developing minimum renewable fuel content requirements and fuel quality standards; amending RCW 19.112.020; adding new sections to chapter 19.112 RCW; and creating a new section.

Referred to Committee on Water, Energy & Environment.

HB 2874 by Representatives Murray, Ericksen, Jarrett, Wallace and Woods

AN ACT Relating to design-build construction for transportation projects; and amending RCW 47.20.785.

Referred to Committee on Transportation.

SHB 2917 by House Committee on Local Government (originally sponsored by Representatives P. Sullivan, Kristiansen, Simpson, Linville, Blake and Ericks)

AN ACT Relating to accessory uses on agricultural lands; and amending RCW 36.70A.177.

Referred to Committee on Agriculture & Rural Economic Development.

HB 2932 by Representatives Darneille, Curtis, Simpson, Conway, Hinkle, Williams, Ericks, Sells, Rodne, McDonald, Kilmer and Green

AN ACT Relating to receiving a catastrophic disability allowance under the law enforcement officers' and fire fighters' retirement system, plan 2; amending RCW 41.26.470 and 77.12.264; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 2933 by House Committee on Appropriations (originally sponsored by Representatives P. Sullivan, Curtis, Simpson, Conway, Hinkle, Kenney, Williams, Ericks, Sells, Rodne, McDonald, Kilmer and Green)

AN ACT Relating to death benefit payments for law enforcement officers' and fire fighters' retirement system, plan 2; and amending RCW 41.26.048.

Referred to Committee on Ways & Means.

SHB 2934 by House Committee on Appropriations (originally sponsored by Representatives Simpson, Priest, Conway, Hinkle, Williams, Ericks, Sells, Rodne, McDonald, Kilmer and Green)

AN ACT Relating to the retirement allowance of a member who is killed in the course of employment; amending RCW 41.26.510; amending 2001 c 165 s 6 (uncodified); and creating a new section.

Referred to Committee on Ways & Means.

HB 2981 by Representatives Fromhold, Clements and Murray

AN ACT Relating to commercial vehicles; and amending RCW 46.25.010, 46.32.005, 46.37.395, and 46.44.105.

Referred to Committee on Transportation.

HB 3001 by Representatives Hudgins and Conway

AN ACT Relating to regulation of limousines; amending RCW 46.04.274; and providing an effective date.

Referred to Committee on Transportation.

SHB 3033 by House Committee on Economic Development, Agriculture & Trade (originally sponsored by Representatives Pettigrew, Kristiansen, Grant, Kretz, Holmquist, Cox, B. Sullivan, Clements, Campbell, Haigh, Newhouse and Linville)

AN ACT Relating to animal identification; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture & Rural Economic Development.

SHB 3059 by House Committee on Finance (originally sponsored by Representatives Grant, Condotta, Cody and Kessler)

AN ACT Relating to clarifying the application of taxes to the financial activities of professional employer organizations; amending RCW 82.08.010, 82.12.010, 82.80.050, and 35.102.040; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 35.102 RCW; adding a new section to chapter 82.02 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SHB 3085 by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Blake, Kretz, B. Sullivan, Orcutt, Haler and Ericks)

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

AN ACT Relating to technical corrections to public lands statutes; amending RCW 79.15.050 and 79.15.080; and repealing 2003 c 381 ss 1, 2, and 3.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 3093 by House Committee on Transportation (originally sponsored by Representatives Clibborn, Curtis, Simpson, Darneille, Schual-Berke, Dickerson and Dunn)

AN ACT Relating to allowing physician assistants to determine disability for special parking privileges; and amending RCW 46.16.381.

Referred to Committee on Transportation.

HB 3111 by Representative Appleton

AN ACT Relating to traffic infractions involving rental vehicles; and amending RCW 46.63.073.

Referred to Committee on Transportation.

HB 3114 by Representatives Murray and Dunn

AN ACT Relating to a sales and use tax exemption for recovered wood waste boiler equipment used in steam production; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Water, Energy & Environment.

SHB 3128 by House Committee on Commerce & Labor (originally sponsored by Representatives Kenney, Hankins, Conway, Chandler, Wood, Condotta, Newhouse and Springer)

AN ACT Relating to the relationship between liquor manufacturers, importers, or distributors and nonprofit organizations holding a liquor license; and reenacting and amending RCW 66.28.010.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 3150 by House Committee on Commerce & Labor (originally sponsored by Representatives Condotta, Linville, Kenney, Chase, Kessler, Conway, Holmquist, Morrell, Newhouse and Armstrong)

AN ACT Relating to efforts to promote the wine industry; and reenacting and amending RCW 66.28.010.

Referred to Committee on Labor, Commerce, Research & Development.

HB 3154 by Representatives Condotta, Wood and Newhouse

AN ACT Relating to ensuring that brewers may sell beer of their own production from their restaurant premises; amending RCW 66.24.240; and reenacting and amending RCW 66.24.244.

Referred to Committee on Labor, Commerce, Research & Development.

EHB 3159 by Representatives Linville, Newhouse, Grant, Kessler, Orcutt, Chandler, Dunn and Kristiansen

AN ACT Relating to the excise taxation of food products; amending RCW 82.04.4266, 82.32.610, 82.74.010, 82.74.030, 82.74.040, 82.74.050, 82.08.820, 82.08.820, 82.12.820, 82.32.600, and 82.32.590; reenacting and amending RCW 82.04.260; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing effective dates; and providing expiration dates.

Referred to Committee on Ways & Means.

SHB 3164 by House Committee on Finance (originally sponsored by Representatives Kilmer, Kristiansen, Linville, Bailey, Pettigrew, P. Sullivan, Dunn, Ericks, Appleton, Green, Morrell, Sells and Simpson)

AN ACT Relating to an increase in the personal property tax exemption for the head of a family; amending RCW 84.36.110; creating a new section; and providing a contingent effective date.

Referred to Committee on Ways & Means.

SHB 3185 by House Committee on Commerce & Labor (originally sponsored by Representative McCoy)

AN ACT Relating to violations of wage payment requirements; adding new sections to chapter 49.48 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 3190 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Wallace, Fromhold, Curtis, Orcutt, Moeller and Dunn)

AN ACT Relating to providing tax incentives to support the semiconductor cluster in Washington state; amending RCW 82.04.440, 82.32.590, and 82.32.600; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.32 RCW; creating new sections; providing a contingent effective date; and providing expiration dates.

Referred to Committee on Ways & Means.

ESHB 3222 by House Committee on Finance (originally sponsored by Representatives Pettigrew, Haler, Chandler, Kretz, Hinkle, Kristiansen, Holmquist and Linville)

AN ACT Relating to excise tax exemptions for the handling and processing of livestock manure; amending RCW 82.08.890, 82.12.890, 82.08.900, and 82.12.900; amending 2001 2nd sp.s. c 18 s 1 (uncodified); creating a new section; and providing an effective date.

Referred to Committee on Agriculture & Rural Economic Development.

HB 3258 by Representatives Morris, Simpson, Wallace and Chase

AN ACT Relating to mileage fees for diesel; and amending RCW 46.16.125.

Referred to Committee on Transportation.

EHB 3261 by Representatives O'Brien, Rodne, Dickerson,

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

Clements, Haigh, Simpson, Pearson, McDonald, Ericks, Kilmer and Williams

action in court as authorized under this section and RCW 49.60.227."

AN ACT Relating to strengthening the review process by the indeterminate sentence review board by adding two members to the board and allowing victims to provide input at board hearings involving offenders sentenced under RCW 9.94A.712; amending RCW 9.95.003 and 9.95.420; and declaring an emergency.

Senator Kohl-Welles spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles, Fairley and Benton on page 2, line 14 to Senate Bill No. 6169.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

Referred to Committee on Judiciary.

MOTION

HJR 4223 by Representatives Kilmer, Kristiansen, Linville, Bailey, Pettigrew, P. Sullivan, Dunn, Ericks, Morrell, Appleton, Green, Sells and Simpson

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Senate Bill No. 6169 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Benton spoke in favor of passage of the bill.

Amending the state Constitution to increase the personal property tax exemption for the head of a family.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

On motion of Senator Schoesler, Senators Deccio and Oke were excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6169.

MOTION

At 9:08 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

ROLL CALL

The Senate was called to order at 10:38 a.m. by President Owen.

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6169 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

MOTION

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

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Oke - 2

ENGROSSED SENATE BILL NO. 6169, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6169, by Senators Kohl-Welles, Fairley, Prentice, Schmidt, Keiser, Benson, Kline, Franklin, Pridemore, Poulsen and Esser

Authorizing removal of discriminatory provisions in the governing documents of homeowners' associations.

The measure was read the second time.

SECOND READING

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles, Fairley and Benton be adopted.

SENATE BILL NO. 6493, by Senators Kline, Weinstein, Brandland, Hargrove, Oke and Rasmussen

Revising the jurisdiction of drug courts.

On page 2, after line 14, insert the following:

The measure was read the second time.

"(2) Upon the board's receipt of a written request by a member of the association that the board exercise its amending authority granted under subsection (1) of this section, the board must, within a reasonable time, amend the governing documents, as provided under this section."

MOTION

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On motion of Senator Kline, the rules were suspended, Senate Bill No. 6493 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline, Brandland and Johnson spoke in favor of passage of the bill.

Senators Benson and Carrell spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6493.

On page 3, after line 16, insert the following:

"(7) Except as otherwise provided in subsection (2) of this section, (a) nothing in this section creates a duty on the part of owners, occupants, tenants, associations, or boards to amend the governing documents as provided in this section, or to bring an action as authorized under this section and RCW 49.60.227; and (b) an owner, occupant, tenant, association, or board is not liable for failing to amend the governing documents or to pursue an

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6493 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Shin, Spanel, Thibaudeau and Weinstein - 34

Voting nay: Senators Benson, Benton, Carrell, Delvin, Honeyford, McCaslin, Mulliken, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 13

Excused: Senators Deccio and Oke - 2

SENATE BILL NO. 6493, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through February 14, 2006."

The President declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through February 14, 2006.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

Senator Hewitt demanded a division.

On motion of Senator Hewitt, the demand by Senator Hewitt was withdrawn.

SECOND READING

SENATE BILL NO. 6197, by Senators Franklin, Regala, Eide, Prentice, Fraser, Brown, Kline, Kohl-Welles and Shin

Creating the governor's interagency council on health disparities. Revised for 2nd Substitute: Creating the governor's interagency coordinating council on health disparities.

MOTIONS

On motion of Senator Franklin, Second Substitute Senate Bill No. 6197 was substituted for Senate Bill No. 6197 and the second substitute bill was placed on the second reading and read the second time.

Senator Franklin spoke in favor of the substitute bill.

On motion of Senator Franklin, the rules were suspended, Second Substitute Senate Bill No. 6197 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Franklin and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6197.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6197 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Voting nay: Senators Benson, Mulliken, Pflug and Schoesler - 4

Excused: Senators Deccio and Oke - 2

SECOND SUBSTITUTE SENATE BILL NO. 6197, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6168, by Senators Fairley, Benton, Keiser, Benson, Prentice, Franklin, Brandland, Berkey and Schmidt

Regulating business development companies and the participation of financial institutions and nondepository lenders in economic development within the state.

MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 6168 was substituted for Senate Bill No. 6168 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 6168 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6168.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6168 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Oke - 2

SUBSTITUTE SENATE BILL NO. 6168, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6630, by Senators Kline, Prentice, Keiser, Fairley, Regala, McAuliffe and Kohl-Welles

Protecting communities from individuals with behaviors that pose a threat of violence or sexual violence. Revised for 2nd Substitute: Establishing the community protection program for

THIRTY-SIXTH DAY, FEBRUARY 13, 2006
persons with developmental disabilities.

MOTION

On motion of Senator Kline, Second Substitute Senate Bill No. 6630 was substituted for Senate Bill No. 6630 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kline moved that the following striking amendment by Senator Kline be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The department of social and health services is providing a structured, therapeutic environment for persons who are eligible for placement in the community protection program in order for them to live safely and successfully in the community while minimizing the risk to public safety.

The legislature approves of steps already taken by the department to create a community protection program within the division of developmental disabilities.

NEW SECTION. Sec. 2. Sections 3 through 9 of this act apply to a person:

(1)(a) Who: (i)(A) Has been charged with or convicted of a crime of sexual violence as defined in chapter 9A.44 or 71.09 RCW, including, but not limited to, rape, rape of a child, and child molestation; or (B) has been charged with or convicted of one or more violent offenses, as defined by RCW 9.94A.030; and (ii) constitutes a current risk to others as determined by a qualified professional. Charges or crimes that resulted in acquittal must be excluded, except where admission to the community protection program is initiated by the individual; or

(b) Who has not been charged with and/or convicted of a crime, but has a history of stalking, sexually violent, predatory, and/or opportunistic behavior, which demonstrates a likelihood to commit a sexually violent and/or predatory act based on current behaviors, and constitutes a current risk to others as determined by a qualified professional; and

(2) Who has been determined to have a developmental disability as defined by RCW 71A.10.020(3).

NEW SECTION. Sec. 3. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assessment" means the written opinion of a qualified professional stating, at a minimum:

(a) Whether a person meets the criteria established in section 2 of this act;

(b) What restrictions are necessary.

(2) "Certified community protection program intensive supported living services" means access to twenty-four-hour supervision, instruction, and support services as identified in the person's plan of care.

(3) "Community protection program" means services specifically designed to support persons who meet the criteria of section 2 of this act.

(4) "Constitutes a risk to others" means a determination of a person's risk and/or dangerousness based upon a thorough assessment by a qualified professional.

(5) "Department" means the department of social and health services.

(6) "Developmental disability" means that condition defined in RCW 71A.10.020(3).

(7) "Disclosure" means providing copies of professional assessments, incident reports, legal documents, and other information pertaining to community protection issues to ensure the provider has all relevant information. Polygraph and plethysmograph reports are excluded from disclosure.

(8) "Division" means the division of developmental disabilities.

(9) "Managed successfully" means that a person supported by a community protection program does not engage in the behavior identified in section 2 of this act.

(10) "Opportunistic behavior" means an act committed on impulse, which is not premeditated.

(11) "Predatory" means acts directed toward strangers, individuals with whom a relationship has been established or promoted for the primary purpose of victimization, or casual acquaintances with whom no substantial personal relationship exists. Predatory behavior may be characterized by planning and/or rehearsing the act, stalking, and/or grooming the victim.

(12) "Qualified professional" means a person with at least three years' prior experience working with individuals with developmental disabilities, and: (a) If the person being assessed has demonstrated sexually aggressive or sexually violent behavior, that person must be assessed by a qualified professional who is a certified sex offender treatment provider, or affiliate sex offender treatment provider working under the supervision of a certified sex offender treatment provider; or (b) If the person being assessed has demonstrated violent, dangerous, or aggressive behavior, that person must be assessed by a licensed psychologist or psychiatrist who has received specialized training in the treatment of or has at least three years' prior experience treating violent or aggressive behavior.

(13) "Treatment team" means the program participant and the group of people responsible for the development, implementation, and monitoring of the person's individualized supports and services. This group may include, but is not limited to, the case resource manager, therapist, residential provider, employment/day program provider, and the person's legal representative and/or family, provided the person consents to the family member's involvement.

(14) "Violent offense" means any felony defined as a violent offense in RCW 9.94A.030.

NEW SECTION. Sec. 4. (1) Prior to receiving services through the community protection program, a person must first receive an assessment of risk and/or dangerousness by a qualified professional. The assessment must be consistent with the guidelines for risk assessments and psychosexual evaluations developed by the department. The person requesting services and the person's legal representative have the right to choose the qualified professional who will perform the assessment from a list of state contracted qualified professionals. The assessment must contain, at a minimum, a determination by the qualified professional whether the person can be managed successfully in the community with reasonably available safeguards and that lesser restrictive residential placement alternatives have been considered and would not be reasonable for the person seeking services. The department may request an additional evaluation by a qualified professional evaluator who is contracted with the state.

(2) Any person being considered for placement in the community protection program and his or her legal representative must be informed in writing of the following: (a) Limitations regarding the services that will be available due to the person's community protection issues; (b) disclosure requirements as a condition of receiving services other than case management; (c) the requirement to engage in therapeutic treatment may be a condition of receiving certain services; (d) anticipated restrictions that may be provided including, but not limited to intensive supervision, limited access to television viewing, reading material, videos; (e) the right to accept or decline services; (f) the anticipated consequences of declining services such as the loss of existing services and removal from waiver services; (g) the right to an administrative fair hearing in accordance with department and division policy; (h) the requirement to sign a preplacement agreement as a condition of receiving community protection intensive supported living services; (i) the right to retain current services during the pendency of any challenge to the department's decision; (j) the right to refuse to participate in the program.

(3)(a) If the department determines that a person is appropriate for placement in the community protection program, the individual and his or her legal representative shall receive in writing a determination by the department that the person meets the criteria for placement within the community protection program.

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

(b) If the department determines that a person cannot be managed successfully in the community protection program with reasonably available safeguards, the department must notify the person and his or her legal representative in writing.

NEW SECTION. Sec. 5. (1) Individuals receiving services through the department's community protection waiver retain all appeal rights provided for in RCW 71A.10.050. In addition, such individuals have a right to an administrative hearing pursuant to chapter 34.05 RCW to appeal the following decisions by the department:

- (a) Termination of community protection waiver eligibility;
- (b) Assignment of the applicant to the community protection waiver;
- (c) Denial of a request for less restrictive community residential placement.

(2) Final administrative decisions may be appealed pursuant to the provisions of RCW 34.05.510.

(3) The secretary shall adopt rules concerning the procedure applicable to requests for hearings under this section and governing the conduct thereof.

(4) When the department takes any action described in subsection (1) of this section it shall give notice as provided by RCW 71A.10.060. The notice must include a statement advising the person enrolled on the community protection waiver of the right to an adjudicative proceeding and the time limits for filing an application for an adjudicative proceeding. Notice must also include a statement advising the recipient of the right to file a petition for judicial review of a final administrative decision as provided in chapter 34.05 RCW.

(5) Nothing in this section creates an entitlement to placement on the community protection waiver nor does it create a right to an administrative hearing on department decisions denying placement on the community protection waiver.

NEW SECTION. Sec. 6. (1) Community protection program participants shall have appropriate opportunities to receive services in the least restrictive manner and in the least restrictive environments possible. When considering requests or recommendations for lessening program restrictions, reducing supervision, or terminating services, careful consideration to the safety and welfare of both the individual and the community must be given.

(2) There must be a review by the treatment team every ninety days to assess each participant's progress, evaluate use of less restrictive measures, and make changes in the participant's program as necessary. The team must review all restrictions and recommend reductions if appropriate. The therapist must write a report annually evaluating the participant's risk of offense and/or risk of behaviors that are dangerous to self or others. The department shall have rules in place describing this process. If a treatment team member has reason to be concerned that circumstances have changed significantly, the team member may request that a complete reassessment be conducted at any time.

NEW SECTION. Sec. 7. A participant who demonstrates success in complying with reduced restrictions and remains free of offenses that may indicate a relapse for at least twelve months, may be considered for placement in a less restrictive community residential setting. The participant must show, at a minimum that he or she is complying with reduced restrictions and remains free of offense that would indicate relapse for at least twelve months.

The process to move a participant to a less restrictive residential placement shall include:

(1) Written verification of the person's treatment progress, assessment of low risk of reoffense, and a recommendation as to suitable placement by the treatment team;

(2) Development of a gradual phase out plan by the treatment team, projected over a reasonable period of time and includes specific criteria for evaluating reductions in restrictions, especially supervision;

(3) The absence of any incidents that may indicate relapse for a minimum of twelve months;

(4) A written plan that details what supports and services, including the level of supervision the person will receive from the division upon exiting the community protection program;

(5) An assessment consistent with the guidelines for risk assessments and psychosexual evaluations developed by the division, conducted by a qualified professional, evaluating the participant's risk of reoffense and/or dangerousness, including an opinion as to whether or not the person can be managed successfully in a less restrictive community residential setting;

(6) Recommendation by the treatment team that the participant is ready to move to a less restrictive community residential placement.

NEW SECTION. Sec. 8. (1) The department is authorized to take one or more of the enforcement actions listed in subsection (2) of this section when the department finds that a provider of residential services and support with whom the department entered into an agreement with under this chapter has:

(a) Failed or refused to comply with the requirements of this chapter or the rules adopted under it;

(b) Failed or refused to cooperate with the certification process;

(c) Prevented or interfered with a certification, inspection, or investigation by the department;

(d) Failed to comply with any applicable requirements regarding vulnerable adults under chapter 74.34 RCW;

(e) Knowingly, or with reason to know, made a false statement of material fact related to certification or contracting with the department or in any matter under investigation by the department.

(2) The department may:

(a) Decertify or refuse to renew the certification of a provider;

(b) Impose conditions on the provider's certification;

(c) Suspend department referrals to the provider;

(d) Impose civil penalties of not more than three hundred dollars per day per violation. Each day during which the same or similar action or inaction occurs constitutes a separate violation; or

(e) Require a provider to implement a plan of correction developed by the department, and to cooperate with subsequent monitoring of the provider's progress.

(3) When determining the appropriate enforcement action or actions to take under subsection (2) of this section, the department must select actions commensurate with the seriousness of the harm or threat of harm, to the persons being served by the provider. Further, the department may take enforcement actions that are more severe for violations that are uncorrected, repeated, pervasive, or present a serious threat of harm to the health, safety, or welfare of persons served by the provider.

(4) The provisions of chapter 34.05 RCW apply to enforcement actions under this section. Except for the imposition of civil penalties, the effective date of enforcement actions shall not be delayed or suspended pending any hearing or informal review.

(5) The enforcement actions authorized in this section are not exclusive and nothing in this section prohibits the department from taking any other action authorized in statute or rule or under the terms of a contract with the provider.

NEW SECTION. Sec. 9. The department shall develop and maintain rules, guidelines, or policy manuals, as appropriate, for implementing and maintaining the community protection program under this chapter.

NEW SECTION. Sec. 10. Sections 2 through 9 of this act are each added to chapter 71A.12 RCW.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Kline spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kline to Second Substitute Senate Bill No. 6630.

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

The motion by Senator Kline carried and the striking amendment was adopted by voice vote.

MOTIONS

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "disabilities;" strike the remainder of the title and insert "adding new sections to chapter 71A.12 RCW; creating a new section; prescribing penalties; and declaring an emergency."

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6630 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Parlette spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Parlette: "Would the Senator from the thirty-seventh district yield to a question? Senator, does the amendment that you just added change the underlying program at all?"

Senator Kline: "No. It adds, essentially, the one function that I described. Fines are allowed now. DSHS, in addition to its other quasi disciplinary actions, pulling a contract, for example, or non renewing a contract. Now, may take an intermediate level of disciplinary action, that is, impose a fine of up to three-hundred dollars against a provider that for anyway violates the contract. That way, if there is nothing really significant that requires pulling the contract, that can be a lower level of disciplinary action."

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6630.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6630 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senator Benton - 1

Excused: Senators Deccio and Oke - 2

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6630, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6365, by Senators Rasmussen, Schoesler, Jacobsen, Fraser and Shin

Changing the registration fees for weighing and measuring devices. Revised for 1st Substitute: Changing fees in the weights and measures program.

On motion of Senator Rasmussen, Substitute Senate Bill No. 6365 was substituted for Senate Bill No. 6365 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6365 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6365.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6365 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Delvin, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 38

Voting nay: Senators Benton, Carrell, Esser, McCaslin, Morton, Roach, Sheldon, Stevens and Zarelli - 9

Excused: Senators Deccio and Oke - 2

SUBSTITUTE SENATE BILL NO. 6365, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6223, by Senators Rockefeller, Regala, Oke, Berkey and Spanel

Modifying provisions regarding abandoned or derelict vessels.

MOTIONS

On motion of Senator Rockefeller, Substitute Senate Bill No. 6223 was substituted for Senate Bill No. 6223 and the substitute bill was placed on the second reading and read the second time.

Senator Rockefeller spoke in favor of the substitute bill.

On motion of Senator Rockefeller, the rules were suspended, Substitute Senate Bill No. 6223 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Morton spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Haugen was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6223.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6223 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, Haugen and Oke - 3

SUBSTITUTE SENATE BILL NO. 6223, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6287, by Senators Fairley, Thibaudeau and Shin

Authorizing special parking privileges for the legally blind.

MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 6287 was substituted for Senate Bill No. 6287 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 6287 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and McCaslin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6287.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6287 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, Haugen and Oke - 3

SUBSTITUTE SENATE BILL NO. 6287, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6508, by Senators Rasmussen, Poulsen, Kline, McCaslin, Brown, Oke, Schmidt, Swecker, Finkbeiner and Kohl-Welles

Developing minimum renewable fuel content requirements and fuel quality standards in an alternative fuels market.

MOTION

On motion of Senator Poulsen, Substitute Senate Bill No. 6508 was substituted for Senate Bill No. 6508 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Poulsen moved that the following striking amendment by Senator Poulsen be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that it is in the public interest to establish a market for alternative fuels in Washington. By requiring a growing percentage of our fuel supply to be renewable biofuel that meets appropriate fuel quality standards, we will reduce our dependence on imports of foreign oil, improve the health and quality of life for Washingtonians, and stimulate the creation of a new industry that benefits our farmers and rural communities.

NEW SECTION. Sec. 2. A new section is added to chapter 19.112 RCW to read as follows:

(1) Special fuel licensees under chapter 82.38 RCW, other than international fuel tax agreement licensees and special fuel distributors, shall provide evidence to the department of licensing that at least two percent of total annual diesel fuel sales are biodiesel fuel sales, when the director determines that feedstock grown in Washington state can satisfy a two-percent requirement, or the date November 30, 2008, has passed.

(2) Special fuel licensees under chapter 82.38 RCW, other than international fuel tax agreement licensees and special fuel distributors, shall provide evidence to the department of licensing that at least five percent of total annual diesel fuel sales are biodiesel fuel sales, when the director determines that both in-state oil seed crushing capacity and feedstock grown in Washington state can satisfy a three-percent requirement.

(3) For the purposes of this chapter, "biodiesel fuel" has the meaning provided in RCW 82.29A.135.

(4) The director and the director of licensing shall adopt rules for enforcing and carrying out the purposes of this section.

NEW SECTION. Sec. 3. A new section is added to chapter 19.112 RCW to read as follows:

(1) Beginning December 1, 2008, all gasoline sold or offered for sale in Washington shall contain at least two percent denatured ethanol by volume.

(2) If the director of ecology determines that ethanol content greater than two percent will not jeopardize continued attainment of the federal clean air act's national ambient air quality standard for ozone pollution in Washington and the director of agriculture determines that sufficient raw materials are available within Washington to support economical production of ethanol at higher levels, the director of agriculture may require by rule that all gasoline sold or offered for sale in Washington shall contain up to a maximum of ten percent of denatured ethanol by volume. The director of agriculture shall allow blenders and retailers six months to meet the new minimum content requirement.

(3) The director of agriculture shall adopt rules for enforcing and carrying out the purposes of this section.

Sec. 4. RCW 19.112.020 and 1990 c 102 s 3 are each amended to read as follows:

(1) This chapter shall be administered by the director or his or her authorized agent. ~~((For the purpose of administering this chapter,))~~

(2) The director shall adopt rules for maintaining standards for biodiesel fuel or fuel blended with biodiesel fuel by adopting all or part of the standards set forth in the Annual Book of ASTM Standards and supplements ((thereto, and revisions thereof, are adopted)), amendments, or revisions thereof, all or part of the standards set forth in the National Institute of Standards and Technology (NIST) Handbook 130, Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality rules, and any supplements, amendments, or revisions thereof, together with applicable federal environmental protection agency standards. If a conflict exists between federal environmental protection agency standards, ASTM standards, or ((state)) NIST standards, for purposes of uniformity, federal environmental protection agency standards shall take precedence over ASTM and NIST standards. ((Any state standards adopted must be consistent with federal environmental protection agency standards and ASTM standards not in conflict with federal environmental protection agency standards.)) The

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

department of agriculture shall not exceed ASTM standards for diesel.

(3) The director may establish a fuel testing laboratory or may contract with a laboratory for testing. The director may also adopt rules on false and misleading advertising, labeling and posting of prices, and the standards for, and identity of, motor fuels. The director shall require fuel pumps offering biodiesel and ethanol blends to be identified by a label stating the percentage of biodiesel or ethanol.

NEW SECTION. Sec. 5. A new section is added to chapter 19.112 RCW to read as follows:

The governor shall establish a biofuels advisory committee to advise the director on implementing or suspending the minimum renewable fuel content requirements. The committee shall advise the director on applicability to all users; logistical, technical, and economic issues of implementation; and how the use of renewable fuel blends greater than two percent could achieve the goals of this act. The director shall make recommendations to the legislature and the governor on the implementation or suspension of this act by September 1, 2007.

NEW SECTION. Sec. 6. A new section is added to chapter 19.112 RCW to read as follows:

The governor, by executive order, may suspend all or portions of the minimum renewable fuel content requirements in section 2 or 3 of this act, or both, based on a determination that such requirements are temporarily technically or economically infeasible.

NEW SECTION. Sec. 7. A new section is added to chapter 19.112 RCW to read as follows:

(1) By November 30, 2008, the director shall determine whether the state's diesel fuel supply is comprised of at least ten percent biodiesel made predominantly from Washington feedstock, and whether the goals of section 2 of this act have been achieved.

(2) By November 30, 2008, the director shall determine whether the state's gasoline fuel supply is comprised of at least five percent ethanol made predominantly from Washington feedstock, without jeopardizing continued attainment of the federal clean air act's national ambient air quality standard for ozone pollution, and whether the goals of section 3 of this act have been achieved.

(3) By December 1, 2008, the director shall notify the governor and the legislature of the findings in subsections (1) and (2) of this section.

(4) If the findings from the director indicate that the goals of section 2 or 3 of this act, or both, have been achieved, then the governor shall issue an executive order declaring that section 2 or 3 of this act, or both, are no longer applicable.

NEW SECTION. Sec. 8. A new section is added to chapter 19.112 RCW to read as follows:

(1) If either or both of the goals in sections 2 and 3 of this act are not achieved by November 30, 2008, the director shall monitor the state's diesel and gasoline fuel supply until such time as those goals, or either of them, is met.

(2) The director shall report to the governor and the legislature November 30th of the year in which a goal is met.

(3) Following notification under this section that a goal has been met, the governor shall prepare executive request legislation repealing section 2 or 3 of this act, or both, as applicable.

NEW SECTION. Sec. 9. A new section is added to chapter 19.112 RCW to read as follows:

For the purposes of sections 2 through 8 of this act, "diesel" means special fuel as defined in RCW 82.38.020, and dyed special fuel as defined in 26 C.F.R. Sec. 48.4082-1T as of October 24, 2005."

Senator Poulsen spoke in favor of adoption of the striking amendment.

MOTION

Senator Mulliken moved that the following amendment by Senators Mulliken and Schoesler to the striking amendment be adopted.

Beginning on page 1, line 3 of the amendment, strike all of

sections 1 through 4, and insert the following:

"**Sec. 1.** RCW 43.19.642 and 2003 c 17 s 2 are each amended to read as follows:

(1) All state agencies are encouraged to use a fuel blend of twenty percent biodiesel and eighty percent petroleum diesel for use in diesel-powered vehicles and equipment.

(2) Effective June 1, 2006, for agencies complying with the ultra-low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.

(3) Effective June 1, 2009, all state agencies combined are required to use a minimum of twenty percent biodiesel, to be derived from Washington grown feedstock to the maximum extent possible, as compared to the total aggregate volume of all diesel purchases made by state agencies for the operation of diesel-powered vehicles and equipment."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Beginning on page 3, line 15 of the amendment, strike all of sections 5 through 9, and insert the following:

"**NEW SECTION. Sec. 2.** A new section is added to chapter 43.19 RCW to read as follows:

The department of general administration must assist state agencies seeking to meet the biodiesel fuel mandates in RCW 43.19.642 by coordinating the purchase and delivery of biodiesel if requested by any state agency. The department may use long-term contracts of up to ten years to secure a sufficient and stable supply of biodiesel for use by state agencies.

NEW SECTION. Sec. 3. A new section is added to chapter 43.19 RCW to read as follows:

The department of general administration shall coordinate a biodiesel technical assistance team, including representatives from the department of agriculture, the department of ecology, the department of community, trade, and economic development's energy policy division, and Washington State University's energy program. The team shall provide assistance to fleet managers and recommend best management practices concerning the use of biodiesel."

On page 5, line 2 of the title amendment, after "insert" strike the remainder of the title amendment and insert "amending RCW 43.19.642; and adding new sections to chapter 43.19 RCW."

Senator Mulliken spoke in favor of adoption of the amendment to the striking amendment.

Senator Poulsen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Mulliken and Schoesler on page 1, line 3 to the striking amendment to Substitute Senate Bill No. 6508.

MOTION

Senator Mulliken demanded a division.

The motion by Senator Mulliken failed and the amendment to the striking amendment was not adopted by a rising vote.

MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler to the striking amendment be adopted.

On page 1, line 10, after "November 30," strike "2008", and insert "2009"

On page 2, line 5, after "December 1," strike "2008", and

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

insert "2009"

On page 3, line 24, after "September 1" strike "2007" and insert "2008"

On page 3, line 33, after "November 30," strike "2008" and insert "2009"

On page 4, line 3, after "November 30," strike "2008" and insert "2009"

On page 4, line 9, after "December 1," strike "2008" and insert "2009"

On page 4, line 19, after "November 30," strike "2008" and insert "2009"

Renumber the sections consecutively and correct any internal references accordingly.

Senators Schoesler, Sheldon and Mulliken spoke in favor of adoption of the amendment to the striking amendment.

Senators Poulsen and Doumit spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 1, line 10 to the striking amendment to Substitute Senate Bill No. 6508.

The motion by Senator Schoesler failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler to the striking amendment be adopted.

On page 1, line 20, after "(2)", strike everything through "(3)" on line 27.

Renumber the sections consecutively and correct any internal references accordingly.

WITHDRAWAL OF AMENDMENT

On motion of Senator Schoesler, the amendment by Senator Schoesler on page 1, line 20 to the striking amendment to Substitute Senate Bill No. 6508 was withdrawn.

MOTION

Senator Fraser moved that the following amendment by Senators Fraser, Doumit and Poulsen to the striking amendment be adopted.

On page 3, after line 24 insert the following:

"Sec. 6. RCW 43.19.642 and 2003 c 17 s 2 are each amended to read as follows:

(1) All state agencies are encouraged to use a fuel blend of twenty percent biodiesel and eighty percent petroleum diesel for use in diesel-powered vehicles and equipment.

(2) Effective June 1, 2006, for agencies complying with the ultra- low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.

(3) Effective June 1, 2009, all state agencies are required to use a minimum of twenty percent biodiesel as compared to total volume of all diesel purchases made by the agency for the operation of the agency's diesel-powered vehicles and construction equipment.

(4) All state agencies using biodiesel fuel shall, beginning on July 1, 2006, file quarterly reports with the department of general administration documenting any problems encountered with the use of the fuel and a description of how the problems were resolved.

NEW SECTION. Sec. 7. A new section is added to chapter

43.19 RCW to read as follows:

(1) The department of general administration must assist state agencies seeking to meet the biodiesel fuel mandates in RCW 43.19.642 by coordinating the purchase and delivery of biodiesel if requested by any state agency. The department may use long-term contracts of up to ten years to secure a sufficient and stable supply of biodiesel for use by state agencies.

(2) The department shall compile and analyze the reports submitted under RCW 43.19.642(4) and report its findings and recommendations to the governor and legislature within thirty days from the end of each reporting period. The governor shall consider these reports in determining whether to temporarily suspend minimum renewable fuel content requirements as authorized under section 8 of this act."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Fraser spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fraser, Doumit and Poulsen on page 3, line 24 to the striking amendment to Substitute Senate Bill No. 6508.

The motion by Senator Fraser carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Poulsen as amended to Substitute Senate Bill No. 6508.

The motion by Senator Poulsen carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 2 of the title, after "standards;" strike the remainder of the title and insert "amending RCW 19.112.020; adding new sections to chapter 19.112 RCW; and creating a new section."

On page 5, line 2 of the title, after "19.112.020", insert "and 43.19.642"

On page 5, line 3 of the title, after "crating a new", strike "section" and insert "sections"

MOTION

On motion of Senator Poulsen, the rules were suspended, Engrossed Substitute Senate Bill No. 6508 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schoesler, Mulliken, Morton, Honeyford and Parlette spoke against passage of the bill.

Senators Rasmussen and Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6508 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Shin, Spanel, Thibaudeau and Weinstein - 27

Voting nay: Senators Benson, Benton, Brandland, Carrell, Delvin, Haugen, Hewitt, Honeyford, Johnson, McCaslin,

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

Morton, Mulliken, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 20

Excused: Senators Deccio and Oke - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6508, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Ms. Elizabeth Kohl, the mother of Senator Kohl-Welles, who was seated at the rear of the chamber.

REMARKS BY THE PRESIDENT

President Owen: "Now, I'm going to have to have you come up here one of these days and make that speech to the Senators where they can all hear you. We are very pleased and honored as always to have you with us today. You're very lovely and remarkable person and Happy Birthday."

MOTION

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

MOTION

Senator Shin moved adoption of the following resolution:

SENATE RESOLUTION 8712

By Senators Shin, Jacobsen, Kastama, Hargrove, Weinstein, Regala, Sheldon, Berkey, Franklin and Rockefeller

WHEREAS, Communities are composed of people of all ethnic backgrounds who have a wide range of needs, and the Mukilteo Family YMCA is composed of people of all religious affiliations working together to build strong values, families, and communities; and

WHEREAS, In the spirit of the rich heritage rooted in these values, the Mukilteo Family YMCA was chartered in 1993 to achieve its mission of providing a safety hub and infrastructure in the community; and

WHEREAS, This organization is largely successful because governing leaders in the community have invested their own hearts and time to celebrate and provide the community with a facility where children, individuals, and families can all join together in activities that help strengthen their bonds with family, the community, and themselves; and

WHEREAS, This type of outlet in the community is becoming more important because we live in a world of competing needs within our work, family, and community, making it increasingly difficult to feel connected to our neighbors and to know who to lean on when help is needed; and

WHEREAS, The Mukilteo Family YMCA serves more than 19,000 people each year as a community center, with over 30 organized programs that help individuals of all ages build themselves physically, through workout facilities and fitness programs, emotionally, mentally, and spiritually through the classes and service opportunities the programs provide; and

WHEREAS, These programs also provide: Affordable child care for families of every income level; fun and constructive activities that foster inner strength and confidence; and service learning opportunities for people of all ages; and

WHEREAS, The founding board members of the Mukilteo Family YMCA, many of whom still serve on the board today, worked indefatigably to establish a sound footing for the organization and continue to devote countless hours to ensuring the long-term viability of this worthwhile organization; and

2006 REGULAR SESSION

WHEREAS, This strategic plan will only deepen the impact of the programs that already touch so many individuals and families in the community;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize and express its appreciation for the Mukilteo Family YMCA for its service to children, teens, families, and the community at large; and

BE IT FURTHER RESOLVED, That the Senate of the state of Washington recognize (1) the Mukilteo Family YMCA for its history of building the values of caring, honesty, respect, and responsibility and serving the community by emotionally, physically, and spiritually supporting people of all ages and economic, social, and cultural backgrounds, and (2) that this impact will only be broadened with expansion; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Mukilteo Family YMCA.

Senators Shin and Jacobsen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8712.

The motion by Senator Shin carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Board of the Mukilteo Family YMCA, Frank Foster, Board Chair; Jeff Dunleavy, Executive Director; and Matt Martin, Capital Campaign Chair who were seated in the gallery.

MOTION

At 12:21 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:21 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6802, by Senator Brown

Regarding air pollution control authority boards.

MOTION

On motion of Senator Brown, Substitute Senate Bill No. 6802 was substituted for Senate Bill No. 6802 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Delvin moved that the following amendment by Senator Delvin be adopted.

On page 1, line 10, after "four" insert "hundred"
Senator Delvin spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Delvin on page 1, line 10 to Substitute Senate Bill No. 6802.

The motion by Senator Delvin carried and the amendment was adopted by voice vote.

MOTION

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

On motion of Senator Brown, the rules were suspended, Engrossed Substitute Senate Bill No. 6802 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brown spoke in favor of passage of the bill.

MOTION

On motion of Senator Mulliken, Senators Morton, Finkbeiner, Honeyford, Zarelli, Brandland, Pflug and Benson were excused.

MOTION

On motion of Senator Regala, Senators Doumit, Jacobsen, Kline, McAuliffe, Poulsen and Pridemore were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6802.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6802 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 5; Absent, 0; Excused, 8.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Thibaudeau and Weinstein - 36

Voting nay: Senators Honeyford, Morton, Mulliken, Schoesler and Swecker - 5

Excused: Senators Benson, Deccio, Jacobsen, McAuliffe, Oke, Pflug, Poulsen and Zarelli - 8

ENGROSSED SUBSTITUTE SENATE BILL NO. 6802, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6189, by Senator Keiser

Regulating hospitals and ambulatory surgical centers. Revised for 1st Substitute: Requiring hospitals to provide patients certain billing information.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 6189 was substituted for Senate Bill No. 6189 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Keiser moved that the following amendment by Senator Keiser be adopted.

On page 1, line 1 of the title, after "Relating to" strike "hospital billing information" and insert "requiring hospitals to provide information to help patients better understand their hospital bills".

Senator Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser on page 1, line 1 to Substitute Senate Bill No. 6189.

The motion by Senator Keiser carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 6189 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6189.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6189 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 42

Voting nay: Senator Benton - 1

Excused: Senators Deccio, Jacobsen, Oke, Pflug, Poulsen and Zarelli - 6

ENGROSSED SUBSTITUTE SENATE BILL NO. 6189, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 1:39 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 1:52 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

February 11, 2006

MR. PRESIDENT:

The House has passed the following bill {s):

HOUSE BILL NO. 1305,
THIRD SUBSTITUTE HOUSE BILL NO. 1458,
SUBSTITUTE HOUSE BILL NO. 1944,
SUBSTITUTE HOUSE BILL NO. 2033,
SUBSTITUTE HOUSE BILL NO. 2219,
HOUSE BILL NO. 2364,
HOUSE BILL NO. 2398,
SUBSTITUTE HOUSE BILL NO. 2437,
SUBSTITUTE HOUSE BILL NO. 2447,
HOUSE BILL NO. 2551,

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

HOUSE BILL NO. 2617,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2685,
 SUBSTITUTE HOUSE BILL NO. 3180,
 SUBSTITUTE HOUSE BILL NO. 3282,
 SECOND SUBSTITUTE HOUSE BILL NO. 3287,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 11, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2943,
 and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 13, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:
 HOUSE JOINT RESOLUTION NO. 4202,
 and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 11, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:
 ENGROSSED HOUSE BILL NO. 2340,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 2418,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2534,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2651,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 11, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:
 ENGROSSED HOUSE BILL NO. 1069,
 SECOND SUBSTITUTE HOUSE BILL NO. 1395,
 SUBSTITUTE HOUSE BILL NO. 2658,
 SUBSTITUTE HOUSE BILL NO. 2670,
 SUBSTITUTE HOUSE BILL NO. 2694,
 HOUSE BILL NO. 2704,
 SUBSTITUTE HOUSE BILL NO. 2715,
 HOUSE BILL NO. 2717,
 HOUSE BILL NO. 2829,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 13, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:
 SUBSTITUTE HOUSE BILL NO. 1341,
 HOUSE BILL NO. 1763,
 HOUSE BILL NO. 1964,
 SUBSTITUTE HOUSE BILL NO. 2416,
 SUBSTITUTE HOUSE BILL NO. 2457,
 SUBSTITUTE HOUSE BILL NO. 2669,
 HOUSE BILL NO. 3237,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

SECOND READING

SENATE BILL NO. 6720, by Senators Brandland, Kohl-Welles, McAuliffe, Hargrove, Rockefeller, Schmidt, Rasmussen, Stevens, Delvin and Roach

Revising reporting requirements for criminal history record information.

The measure was read the second time.

MOTION

On motion of Senator Brandland, the rules were suspended, Senate Bill No. 6720 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brandland and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6720.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6720 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 4; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Absent: Senators Finkbeiner, Hewitt, Kline and Mulliken - 4

Excused: Senators Deccio and Oke - 2

SENATE BILL NO. 6720, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Esser moved that the Senate advance to the ninth order of business for the purpose of relieving the Committee on Ways & Means of Senate Bill No. 6309.

Senator Esser: "Would the Senator from the forty-seventh District yield to a question? Senator, why is it critical and essential to adopt this motion immediately to go to the ninth order to remove Senate Bill No. 6309 from the Senate Ways & Means Committee?"

Senator Johnson: "Senator, the short answer is, that the bill, the new estate tax stand alone the estate state tax, was effective July 1 of last year so deaths in July mean the tax will be due in April coming up. So it must be acted upon now before that tax is due. The tax is expected to collect less than two-hundred million per biennium and since we were here last year we've had a revenue forecast....."

Senator Eide spoke against the motion.

REMARKS BY THE PRESIDENT

President Owen: "Senator Eide, do you have a point of order because otherwise I need to let him finish his comments and then you can respond to his comments."

Senator Johnson: "Thank you Mr. President. Since we were in session a year ago, the revenue forecast has shown increases of more than twice the amount to be raised by the state tax and will probably be more with next week's forecast. Finally, just a reminder from last year's debate, this tax is grossly unfair. It favors farm businesses but not other businesses and it factors in out-of-state properties so you can have property in this state under the two million dollar exemption and still pay an estate tax. If that's not unconstitutional, it's at least grossly unfair. Please support the motion."

Senator Doumit spoke against the motion.

MOTION

Senator Esser demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

MOTION

On motion of Senator Schoesler, Senator Mulliken was excused.

The President declared the question before the Senate to be the motion by Senator Esser that the Senate advance to the ninth order of business for the purpose of relieving the Committee on Ways & Means of Senate Bill No. 6309.

The Secretary called the roll on the motion by Senator Esser and the motion failed by the following vote: Yeas, 21; Nays, 25; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 21.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25.

Excused: Senators Deccio, Mulliken and Oke - 3.

SECOND READING

SENATE BILL NO. 6463, by Senators Fairley and Benton

Allowing banks and savings banks to organize as limited liability companies.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 6463 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Benson spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senator McCaslin was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6463.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6463 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Deccio, McCaslin, Mulliken and Oke - 4

SENATE BILL NO. 6463, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6362, by Senators Kohl-Welles, Keiser, Jacobsen and Kline

Modifying voter registration provisions.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6362 was substituted for Senate Bill No. 6362 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6362 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6362.

ROLL CALL

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6362 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 5; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 40

Voting nay: Senators Finkbeiner, Johnson, Morton, Stevens and Zarelli - 5

Excused: Senators Deccio, McCaslin, Mulliken and Oke - 4
 SUBSTITUTE SENATE BILL NO. 6362, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6133, by Senators Rasmussen, Schoesler, Swecker and Pridemore

Licensing Christmas tree growers.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6133 was substituted for Senate Bill No. 6133 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6133 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6133.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6133 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senator Honeyford - 1

Excused: Senators Deccio, McCaslin, Mulliken and Oke - 4
 SUBSTITUTE SENATE BILL NO. 6133, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6194, by Senators Franklin, Regala, Keiser, Eide, Prentice, Thibaudeau, Jacobsen, Fairley, McAuliffe, Fraser, Spanel, Kline, Kohl-Welles and Shin

Requiring multicultural education for health professionals.

The measure was read the second time.

MOTION

Senator Franklin moved that the following amendment by Senator Franklin be adopted.

On page 1, line 17, after "shall", strike "require a course" and insert, "include instruction and assessment".

Renumber the sections consecutively and correct any internal references accordingly.

Senators Franklin and Pflug spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Franklin on page 1, line 17 to Senate Bill No. 6194.

The motion by Senator Franklin carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Franklin, the rules were suspended, Engrossed Senate Bill No. 6194 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

Senator Parlette spoke against passage of the bill.

Senator Pflug spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6194.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6194 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 13; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Thibaudeau and Weinstein - 32

Voting nay: Senators Benson, Brandland, Delvin, Hewitt, Honeyford, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 13

Excused: Senators Deccio, McCaslin, Mulliken and Oke - 4

ENGROSSED SENATE BILL NO. 6194, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6232, by Senators Keiser and Thibaudeau

Requiring health carriers to report certain information.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 6232 was substituted for Senate Bill No. 6232 and the substitute bill was placed on the second reading and read the second time.

MOTION

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

Senator Keiser moved that the following amendment by Senator Keiser be adopted.

On page 1, line 7, after "year" strike "a report that contains" and insert "as part of the additional data statement or as a supplemental data statement"

Senator Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser on page 1, line 7 to Substitute Senate Bill No. 6232.

The motion by Senator Keiser carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 6232 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6232.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6232 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 1; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Voting nay: Senators Carrell and Roach - 2

Absent: Senator Brown - 1

Excused: Senators Deccio, McCaslin, Mulliken and Oke - 4

ENGROSSED SUBSTITUTE SENATE BILL NO. 6232, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6193, by Senators Franklin, Regala, Keiser, Eide, Prentice, Rasmussen, Jacobsen, Fairley, McAuliffe, Fraser, Brown, Kline, Kohl-Welles, Parlette and Shin

Requiring surveys of health professions work force supply and demographics.

MOTIONS

On motion of Senator Franklin, Second Substitute Senate Bill No. 6193 was substituted for Senate Bill No. 6193 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Franklin, the rules were suspended, Second Substitute Senate Bill No. 6193 was advanced to third

reading, the second reading considered the third and the bill was placed on final passage.

Senators Franklin and Parlette spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6193.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6193 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Voting nay: Senators Benton and Schoesler - 2

Excused: Senators Deccio, McCaslin, Mulliken and Oke - 4

SECOND SUBSTITUTE SENATE BILL NO. 6193, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6308, by Senators Carrell, Stevens, Regala, Schoesler, Schmidt, Oke and Rasmussen

Creating a joint select committee on offenders programs, sentencing, and supervision.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6308 was substituted for Senate Bill No. 6308 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6308 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carrell and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6308.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6308 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt,

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

Schoesler, Sheldon, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senator Shin - 1

Excused: Senators Deccio, McCaslin, Mulliken and Oke - 4

SUBSTITUTE SENATE BILL NO. 6308, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6234, by Senators Fairley, Keiser, Spanel and Esser

Creating the insurance fraud program.

MOTION

On motion of Senator Fairley, Substitute Senate Bill No. 6234 was substituted for Senate Bill No. 6234 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Benton moved that the following striking amendment by Senator Benton be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The purpose of this act is to confront the problem of insurance fraud in this state by making a concerted effort to detect insurance fraud, reduce the occurrence of fraud through criminal enforcement and deterrence, require restitution of fraudulently obtained insurance benefits and expenses incurred by an insurer in investigating fraudulent claims, and reduce the amount of premium dollars used to pay fraudulent claims. The primary focus of the insurance fraud program is on organized fraudulent activities committed against insurance companies.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Insurance commissioner" means the insurance commissioner of this state.

(2) "Insurance fraud" means an act or omission committed by a person who, knowingly, and with intent to defraud, commits, or conceals any material information concerning, one or more of the following:

(a) Presenting, causing to be presented, or preparing with knowledge or belief that it will be presented to or by an insurer, broker, or its agent, false information as part of, in support of, or concerning a fact material to one or more of the following:

(i) An application for the issuance or renewal of an insurance policy;

(ii) The rating of an insurance policy or contract;

(iii) A claim for payment or benefit pursuant to an insurance policy;

(iv) Premiums paid on an insurance policy;

(v) Payments made in accordance with the terms of an insurance policy; or

(vi) The reinstatement of an insurance policy;

(b) Willful embezzlement, abstracting, purloining, or conversion of moneys, funds, premiums, credits, or other property of an insurer or person engaged in the business of insurance; or

(c) Attempting to commit, aiding or abetting in the commission of, or conspiracy to commit the acts or omissions specified in this subsection.

The definition of insurance fraud is for illustrative purposes only under this chapter to describe the nature of the behavior to be reported and investigated, and is not intended in any manner to create or modify the definition of any existing criminal acts nor to create or modify the burdens of proof in any criminal prosecution brought as a result of an investigation under this chapter.

(3) "Insurer" means an insurance company authorized under chapter 48.05 RCW, a health care service contractor registered under chapter 48.44 RCW, and a health care maintenance organization registered under chapter 48.46 RCW.

NEW SECTION. Sec. 3. (1) There is established an insurance fraud program within the office of the attorney general. The attorney general may employ supervisory, legal, and investigative personnel for the program, who must be qualified by training and experience in the areas of detection, investigation, or prosecution of fraud in which the insurance industry is a victim. The chief of the fraud program is a full-time position that is appointed by the attorney general. The chief serves at the pleasure of the attorney general. The attorney general shall provide office space, equipment, supplies, investigators, clerical staff, and other staff that are necessary for the program to carry out its duties and responsibilities under this chapter.

(2) The attorney general may fund one or more state patrol officers to work with the insurance fraud program and the funding for the officers must be paid out of the budget of the insurance fraud program.

(3) The attorney general may make grants to or reimburse local prosecuting attorneys to assist in the prosecution of insurance fraud. The grants must be paid out of the budget of the insurance fraud program. The attorney general may investigate and seek prosecution of crimes involving insurance fraud upon the request of or with the concurrence of the county prosecuting attorney of the jurisdiction in which the offense has occurred. Before such a prosecution, the attorney general and the county in which the offense occurred shall reach an agreement regarding the payment of all costs, including expert witness fees, and defense attorneys' fees associated with any such prosecution.

(4) Staff levels for this program, until June 30, 2010, shall not exceed 8.0 full-time equivalents.

NEW SECTION. Sec. 4. The annual cost of operating the fraud program is funded from the attorney general's insurance fraud account which is hereby created. Moneys in the account may be spent only after appropriation.

NEW SECTION. Sec. 5. (1) The attorney general may:

(a) Employ and train personnel to achieve the purposes of this chapter and to employ legal counsel, investigators, auditors, and clerical support personnel and other personnel as the attorney general determines necessary from time to time to accomplish the purposes of this chapter;

(b) Initiate inquiries and conduct investigations when the attorney general has cause to believe that insurance fraud has been, is being, or is about to be committed;

(c) Conduct independent examinations of alleged insurance fraud;

(d) Review notices, reports, or complaints of suspected insurance fraud activities from federal, state, and local law enforcement and regulatory agencies, persons engaged in the business of insurance, and any other person to determine whether the reports require further investigation;

(e) Share records and evidence with federal, state, or local law enforcement or regulatory agencies, and enter into interagency agreements;

(f) Conduct investigations outside this state. If the information the attorney general seeks to obtain is located

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

outside this state, the person from whom the information is sought may make the information available to the attorney general to examine at the place where the information is located. The attorney general may designate representatives, including officials of the state in which the matter is located, to inspect the information on behalf of the attorney general, and the attorney general may respond to similar requests from officials of other states;

(g) Administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records that the attorney general deems relevant or material to an inquiry concerning insurance fraud;

(h) Report incidents of alleged insurance fraud disclosed by its investigations to the appropriate prosecutorial authority, including but not limited to other appropriate law enforcement, administrative, regulatory, or licensing agency;

(i) Assemble evidence, prepare charges, and work closely with any prosecutorial authority having jurisdiction to pursue prosecution of insurance fraud; and

(j) Undertake independent studies to determine the extent of fraudulent insurance acts.

(2) The fraud program investigators who have obtained certification as a peace officer under RCW 43.101.095 have the powers and status of a limited authority Washington peace officer.

NEW SECTION. Sec. 6. (1) Any insurer or licensee of the insurance commissioner that has reasonable belief that an act of insurance fraud which is or may be a crime under Washington law has been, is being, or is about to be committed shall furnish and disclose the knowledge and information to the attorney general or the national insurance crime bureau, the national association of insurance commissioners, or similar organization, who shall disclose the information to the attorney general, and cooperate fully with any investigation conducted by the attorney general.

(2) Any person that has a reasonable belief that an act of insurance fraud which is or may be a crime under Washington law has been, is being, or is about to be committed; or any person who collects, reviews, or analyzes information concerning insurance fraud which is or may be a crime under Washington law may furnish and disclose any information in its possession concerning such an act to the attorney general or to an authorized representative of an insurer that requests the information for the purpose of detecting, prosecuting, or preventing insurance fraud.

NEW SECTION. Sec. 7. (1) Documents, materials, or other information as described in subsection (3), (4), or both of this section are exempt from public inspection and copying under chapters 42.17 and 42.56 RCW. The attorney general is authorized to use such documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the attorney general's official duties.

(2) The attorney general:

(a) May share documents, materials, or other information, including the documents, materials, or information subject to subsection (1) of this section, with (i) the national association of insurance commissioners and its affiliates and subsidiaries, (ii) regulatory and law enforcement officials of other states and nations, the federal government, and international authorities, (iii) the national insurance crime bureau, and (iv) an insurer with respect to whom the suspected fraudulent claim may be perpetrated;

(b) May receive documents, materials, or information from (i) the national association of insurance commissioners and its affiliates and subsidiaries, (ii) regulatory and law enforcement

officials of other states and nations, the federal government, and international authorities, (iii) the national insurance crime bureau, and (iv) an insurer with respect to whom the suspected fraudulent claim may be perpetrated and any such documents, materials, or information as described in subsection (3), (4), or both of this section are exempt from public inspection and copying; and

(c) May enter into agreements governing the sharing and use of information consistent with this subsection.

(3) Specific investigative and law enforcement records obtained by the attorney general, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy, are exempt under subsection (1) of this section.

(4) Information revealing the identity of persons who are witnesses to or victims of crime obtained by the attorney general or investigative or law enforcement agencies under this chapter, if disclosure would endanger any person's life, physical safety, or property, is exempt under subsection (1) of this section. If at the time the documents, materials, or information are provided to the attorney general or investigative or law enforcement agencies under this chapter, and the victim or witness indicates a desire for disclosure or nondisclosure, their desire governs.

(5) No waiver of an existing privilege or claim of confidentiality in the documents, materials, or information may occur as a result of disclosure to the attorney general under this section or as a result of sharing documents, materials, or information as authorized in subsection (2) of this section.

(6) Documents, materials, or other information that is in the possession of persons other than the attorney general that would otherwise not be confidential by law or privileged do not become confidential by law or privileged by providing the documents, materials, or other information to the attorney general.

NEW SECTION. Sec. 8. In a criminal prosecution for any crime under Washington law in which the insurance company is a victim, the insurance company is entitled to be considered as a victim in any restitution ordered by the court under RCW 9.94A.753, as part of the criminal penalty imposed against the defendant convicted for such a violation.

NEW SECTION. Sec. 9. This chapter does not:

(1) Preempt the authority or relieve the duty of any other general authority law enforcement agencies to investigate, examine, and prosecute suspected violations of law;

(2) Prevent or prohibit a person from voluntarily disclosing any information concerning insurance fraud to any law enforcement agency other than the attorney general; or

(3) Limit any of the powers granted elsewhere in this title to the attorney general to investigate and examine possible violations of the law and to take appropriate action.

NEW SECTION. Sec. 10. No later than six months after the effective date of this section, or when the insurer has used all its existing paper application and claim forms which were in its possession on the effective date of this section, whichever is later, all applications for insurance, and all claim forms regardless of the form of transmission provided and required by an insurer or required by law as condition of payment of a claim, must contain a statement, permanently affixed to the application or claim form, that clearly states in substance the following:

"It is a crime to knowingly provide false, incomplete, or misleading information to an insurance company for the purpose of defrauding the company. Penalties include imprisonment, fines, and denial of insurance benefits."

The lack of a statement required in this section does not constitute a defense in any criminal prosecution nor any civil action.

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

NEW SECTION. Sec. 11. The attorney general shall appoint an insurance fraud advisory board. The board shall consist of nine members. Four members shall be representatives from the insurance industry doing business in this state, at least one of which shall be from a Washington domestic insurer, two members shall represent consumers, one member shall represent the national insurance crime bureau or successor organization, one member shall represent prosecutors, and one member shall represent other law enforcement agencies. The members of the board serve four-year terms and until their successors are appointed and qualified. Three of the original members must be appointed to serve an initial term of four years, two must be appointed to serve an initial term of three years, two must be appointed to serve an initial term of two years, and two must be appointed to serve an initial term of one year. The members of the board receive no compensation. The board shall advise the attorney general and the legislature with respect to the effectiveness, resources allocated to the fraud program, the source of the funding for the program, and before June 30, 2010, if the staffing level restriction in section 3(5) of this act should be renewed.

NEW SECTION. Sec. 12. The attorney general shall prepare an annual report of the activities of the fraud program. The report shall be submitted to the legislature no later than March 1st for the prior calendar year. The report shall, at a minimum, include information as to the number of cases reported to the attorney general, the number of cases referred for prosecution, the number of convictions obtained, the amount of money recovered, and any recommendations of the insurance advisory board.

NEW SECTION. Sec. 13. The attorney general may adopt rules to implement and administer this chapter.

Sec. 14. RCW 48.50.070 and 2000 c 254 s 5 are each amended to read as follows:

Any licensed insurance agent, any licensed insurance broker, or any insurer or person acting in the insurer's behalf, health maintenance organization or person acting in behalf of the health maintenance organization, health care service contractor or person acting in behalf of the health care service contractor, or any authorized agency which releases information, whether oral or written, to the attorney general, the national insurance crime bureau, the national association of insurance commissioners, other law enforcement agent or agency, or another insurer under RCW 48.50.030, 48.50.040, 48.50.050, ((or)) 48.50.055, or section 5 of this act is immune from liability in any civil or criminal action, suit, or prosecution arising from the release of the information, unless actual malice on the part of the agent, broker, insurer, health care maintenance organization, health care service contractor, or authorized agency against the insured is shown.

Sec. 15. RCW 48.50.075 and 1995 c 285 s 24 are each amended to read as follows:

In denying a claim, an insurer, health maintenance organization, or health care service contractor who relies upon a written opinion from an authorized agency specifically enumerated in RCW 48.50.020(1) (a) through (g) that criminal activity that is related to that claim is being investigated, or a crime has been charged, and that the claimant is a target of the investigation or has been charged with a crime, is not liable for bad faith or other noncontractual theory of damages as a result of this reliance.

Immunity under this section shall exist only so long as the incident for which the claimant may be responsible is under active investigation or prosecution, or the authorized agency states its position that the claim includes or is a result of criminal activity in which the claimant was a participant.

Sec. 16. RCW 10.93.020 and 2002 c 128 s 1 are each

amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "General authority Washington law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, as distinguished from a limited authority Washington law enforcement agency, and any other unit of government expressly designated by statute as a general authority Washington law enforcement agency. The Washington state patrol and the department of fish and wildlife are general authority Washington law enforcement agencies.

(2) "Limited authority Washington law enforcement agency" means any agency, political subdivision, or unit of local government of this state, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor control board, the office of the attorney general, and the state department of corrections.

(3) "General authority Washington peace officer" means any full-time, fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington generally.

(4) "Limited authority Washington peace officer" means any full-time, fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible. A limited authority Washington peace officer may be a specially commissioned Washington peace officer if otherwise qualified for such status under this chapter.

(5) "Specially commissioned Washington peace officer", for the purposes of this chapter, means any officer, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state of Washington, who does not qualify under this chapter as a general authority Washington peace officer for that commissioning agency, specifically including reserve peace officers, and specially commissioned full-time, fully compensated peace officers duly commissioned by the states of Oregon or Idaho or any such peace officer commissioned by a unit of local government of Oregon or Idaho. A reserve peace officer is an individual who is an officer of a Washington law enforcement agency who does not serve such agency on a full-time basis but who, when called by the agency into active service, is fully commissioned on the same basis as full-time peace officers to enforce the criminal laws of the state.

(6) "Federal peace officer" means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

(7) "Agency with primary territorial jurisdiction" means a city or town police agency which has responsibility for police activity within its boundaries; or a county police or sheriff's

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

department which has responsibility with regard to police activity in the unincorporated areas within the county boundaries; or a statutorily authorized port district police agency or four-year state college or university police agency which has responsibility for police activity within the statutorily authorized enforcement boundaries of the port district, state college, or university.

(8) "Primary commissioning agency" means (a) the employing agency in the case of a general authority Washington peace officer, a limited authority Washington peace officer, an Indian tribal peace officer, or a federal peace officer, and (b) the commissioning agency in the case of a specially commissioned Washington peace officer (i) who is performing functions within the course and scope of the special commission and (ii) who is not also a general authority Washington peace officer, a limited authority Washington peace officer, an Indian tribal peace officer, or a federal peace officer.

(9) "Primary function of an agency" means that function to which greater than fifty percent of the agency's resources are allocated.

(10) "Mutual law enforcement assistance" includes, but is not limited to, one or more law enforcement agencies aiding or assisting one or more other such agencies through loans or exchanges of personnel or of material resources, for law enforcement purposes.

Sec. 17. RCW 42.56.400 and 2005 c 274 s 420 are each amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of all viators regulated by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(7) Examination reports and information obtained by the department of financial institutions from banks under RCW 30.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(8) Information provided to the insurance commissioner under RCW 48.110.040(3);

(9) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged; ~~(and)~~

(10) Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070; and

2006 REGULAR SESSION

(11) Documents, materials, or information obtained by the attorney general under section 7 of this act.

NEW SECTION. Sec. 18. A new section is added to chapter 42.17 RCW to read as follows:

Documents, materials, or information obtained by the attorney general under section 7 of this act are exempt from disclosure under this chapter.

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 20. Sections 1 through 13 and 19 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 21. This act takes effect July 1, 2006."

On page 1, line 1 of the title, after "fraud;" strike the remainder of the title and insert "amending RCW 48.50.070, 48.50.075, 10.93.020, and 42.56.400; adding a new section to chapter 42.17 RCW; adding a new chapter to Title 43 RCW; prescribing penalties; and providing an effective date."

Senator Benton and Zarelli spoke in favor of adoption of the striking amendment.

Senators Fairley and Rockefeller spoke against adoption of the striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Benton to Substitute Senate Bill No. 6234.

ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senator Benton and the striking amendment was not adopted by the following vote: Yeas, 21; Nays, 24; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hargrove, Hewitt, Honeyford, Johnson, Morton, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 21.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 24.

Excused: Senators Deccio, McCaslin, Mulliken and Oke - 4.

MOTION

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 6234 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Benson spoke in favor of passage of the bill.

Senator Benton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6234.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6234 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 10; Absent, 0; Excused, 4.

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 35

Voting nay: Senators Benton, Hewitt, Honeyford, Johnson, Morton, Parlette, Pflug, Schoesler, Sheldon and Stevens - 10

Excused: Senators Deccio, McCaslin, Mulliken and Oke - 4
 SUBSTITUTE SENATE BILL NO. 6234, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6255, by Senators Eide and McAuliffe

Improving student performance through student-centered planning.

MOTION

On motion of Senator Eide, Substitute Senate Bill No. 6255 was substituted for Senate Bill No. 6255 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Pflug moved that the following amendment by Senators Pflug and Eide be adopted.

On page 2, line 29, after "section.", insert "The rules shall require school districts receiving grants from the implementation of the student-centered planning program to make every effort, to the extent possible, to insure adequate capacity in the courses selected by the students."

Senators Eide and Pflug spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Pflug and Eide on page 2, line 29 to Substitute Senate Bill No. 6255.

The motion by Senator Pflug carried and the amendment was adopted by voice vote.

MOTION

Senator Schmidt moved that the following amendment by Senators Schmidt and Eide be adopted.

On page 2, after line 33, insert the following:

"NEW SECTION. **Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2006, in the omnibus appropriations act, this act is null and void."

Senators Schmidt and Eide spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Schmidt and Eide on page 2, line 33 to Substitute Senate Bill No. 6255.

The motion by Senator Schmidt carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Eide, the rules were suspended, Engrossed Substitute Senate Bill No. 6255 was advanced to third reading, the second reading considered the third and the

bill was placed on final passage.

Senators Eide and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6255.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6255 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 45

Voting nay: Senator Zarelli - 1

Excused: Senators Deccio, McCaslin and Oke - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 6255, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6366, by Senators Keiser, Thibaudeau and Kline

Concerning preparation and response to pandemic influenza.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 6366 was substituted for Senate Bill No. 6366 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Keiser moved that the following striking amendment by Senator Keiser be adopted:

Strike everything after the enacting clause, and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

(1) Pandemic influenza is a global outbreak of disease that occurs when a new virus appears in the human population, causes serious illness, and then spreads easily from person to person.

(2) Historically, pandemic influenza has occurred on average every thirty years. Most recently, the Asian flu in 1957-58 and the Hong Kong flu in 1968-69 killed seventy thousand and thirty-four thousand, respectively, in the United States.

(3) Another influenza pandemic could emerge with little warning, affecting a large number of people. Estimates are that another pandemic influenza would cause more than two hundred thousand deaths in our country, with as many as five thousand in Washington. Our state could also expect ten thousand to twenty-four thousand people needing hospital stays, and as many as a million people requiring outpatient visits. During a severe pandemic these numbers could be much higher. The economic losses could also be substantial.

(4) The current Avian or bird flu that is spreading around the world has the potential to start a pandemic. There is yet no proven vaccine, and antiviral medication supplies are limited and of unknown effectiveness against a human version of the virus, leaving traditional public health measures as the only

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

means to slow the spread of the disease. Given the global nature of a pandemic, as much as possible, the state must be able to respond assuming only limited outside resources and assistance will be available.

(5) An effective response to pandemic influenza in Washington must focus at the local level and will depend on preestablished partnerships and collaborative planning on a range of best-case and worst-case scenarios. It will require flexibility and real-time decision making, guided by accurate information. It will also depend on a well-informed public that understands the dangers of pandemic influenza and the steps necessary to prevent the spread of the disease.

(6) Avian flu is but one example of an infectious disease that, were an outbreak to occur, could pose a significant statewide health hazard. As such, preparation for pandemic flu will also enhance the capacity of local public health jurisdictions to respond to other emergencies.

It is therefore the intent of the legislature that adequate pandemic flu preparedness and response plans be developed and implemented by local public health jurisdictions statewide in order to limit the number of illnesses and deaths, preserve the continuity of essential government and other community services, and minimize social disruption and economic loss in the event of an influenza pandemic.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of health.

(2) "Local health jurisdiction" means a local health department as established under chapter 70.05 RCW, a combined city-county health department as established under chapter 70.08 RCW, or a health district established under chapter 70.05 or 70.46 RCW.

NEW SECTION. Sec. 3. To the extent state or federal funds are provided for this purpose, by January 1, 2007, each local health jurisdiction shall develop a pandemic flu preparedness and response plan, consistent with requirements and performance standards established by the department and the United States department of health and human services, for the purpose of:

(1) Defining preparedness activities that should be undertaken before a pandemic occurs that will enhance the effectiveness of response measures;

(2) Describing the response, coordination, and decision-making structure that will incorporate the local health jurisdiction, the local health care system, other local response agencies, and state and federal agencies during the pandemic;

(3) Defining the roles and responsibilities for the local health jurisdiction, local health care partners, and local response agencies during all phases of a pandemic;

(4) Describing public health interventions in a pandemic response and the timing of such interventions;

(5) Serving as a guide for local health care system partners, response agencies, and businesses in the development of pandemic influenza response plans; and

(6) Providing technical support and information on which preparedness and response actions are based.

Each plan shall be developed based on an assessment by the local health jurisdiction of its current capacity to respond to pandemic flu and otherwise meet department outcome measures related to infectious disease outbreaks of statewide significance.

NEW SECTION. Sec. 4. Each jurisdiction shall develop its pandemic flu preparedness and response plan in consultation with appropriate public and private sector partners, including departments of emergency management, law enforcement, school districts, hospitals and medical professionals, tribal governments, and business organizations. At a minimum, each plan shall address:

(1) Strategies to educate the public about the consequences of influenza pandemic and what each person can do to prepare,

2006 REGULAR SESSION

including the adoption of universal infectious disease prevention practices and maintaining appropriate emergency supplies;

(2) Jurisdiction-wide disease surveillance programs, coordinated with state and federal efforts, to detect pandemic influenza strains in humans and animals, including health care provider compliance with reportable conditions requirements, and investigation and analysis of reported illness or outbreaks;

(3) Communication systems, including the availability of and access to specialized communications equipment by health officials and community leaders, and the use of mass media outlets;

(4) Mass vaccination plans and protocols to rapidly administer vaccine and monitor vaccine effectiveness and safety;

(5) Guidelines for the utilization of antiviral medications for the treatment and prevention of influenza;

(6) Implementation of nonmedical measures to decrease the spread of the disease as guided by the epidemiology of the pandemic, including increasing adherence to public health advisories, voluntary social isolation during outbreaks, and health officer orders related to quarantines;

(7) Medical system mobilization, including improving the linkages and coordination of emergency responses across health care organizations, and assuring the availability of adequate facilities and trained personnel; and

(8) Strategies for maintaining social order and essential community services while limiting the spread of disease throughout the duration of the pandemic.

NEW SECTION. Sec. 5. To the extent state or federal funds are provided for this purpose, the department, in consultation with the state director of emergency management, shall provide technical assistance and disburse funds as needed to support local health jurisdictions in developing their pandemic flu preparedness and response plans. Upon receipt of a plan determined by the department to meet its established requirements and standards, additional funding shall be provided to a district to support the preparedness response activities identified in the plan, including but not limited to:

(1) Education, information, and outreach, in multiple languages, to increase community preparedness and reduce the spread of the disease should it occur;

(2) Development of materials and systems to be used in the event of a pandemic to keep the public informed about the influenza, the course of the pandemic, and response activities;

(3) Development of the legal documents necessary to facilitate and support the necessary government response;

(4) Training and response drills for local health jurisdiction staff, law enforcement, health care providers, and others with responsibilities identified in the plan;

(5) Enhancement of the communicable disease surveillance system; and

(6) Development of coordination and communication systems among responding agencies.

Where appropriate, these activities shall be coordinated and funded on a regional or statewide basis. In the event that a local health jurisdiction does not show adequate progress towards implementing its plan, the department may intervene to provide necessary technical assistance.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act constitute a new chapter in Title 70 RCW.

Senators Keiser and Parlette spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Keiser to Substitute Senate Bill No. 6366.

The motion by Senator Keiser carried and the striking amendment was adopted by voice vote.

MOTION

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "influenza;" strike the remainder of the title and insert "and adding a new chapter to Title 70 RCW."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 6366 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Parlette spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Sheldon: "Would Senator Keiser yield to a question? Senator Keiser, in reading the bill, is it your intention that this is not an unfunded mandate for the counties but the counties will receive funding from the state in order to prepare these plans?"

Senator Keiser: "It is my intention this is not being an unfunded mandate, absolutely."

Senator Benton spoke on passage of the bill.

Senator Thibaudeau spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6366.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6366 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and McCaslin - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6366, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6427, by Senators Kastama, Mulliken, Morton and Rasmussen

Concerning schedules for the review of comprehensive plans and development regulations.

MOTION

On motion of Senator Pridemore, Substitute Senate Bill No. 6427 was substituted for Senate Bill No. 6427 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Pridemore moved that the following striking amendment by Senators Pridemore, Kastama, Benton and Roach be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. There is a statewide interest in maintaining coordinated planning as called for in the legislative findings of the growth management act, RCW 36.70A.010. It is the intent of the legislature that smaller, slower-growing counties and cities be provided with flexibility in meeting the requirements to review local plans and development regulations in RCW 36.70A.130, while ensuring coordination and consistency with the plans of neighboring cities and counties.

Sec. 2. RCW 36.70A.130 and 2005 c 423 s 6 and 2005 c 294 s 2 are each reenacted and amended to read as follows:

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section.

(b) Except as otherwise provided, a county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefor.

(c) The review and evaluation required by this subsection may be combined with the review required by subsection (3) of this section. The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ten-year population forecast by the office of financial management.

(d) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the time periods specified in subsection (4) of this section or in accordance with the provisions of subsections (5) and (8) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea;

(ii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW;

(iii) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget; ~~(and)~~

(iv) Until June 30, 2006, the designation of recreational lands under RCW 36.70A.1701. A county amending its comprehensive plan pursuant to this subsection (2)(a)(iv) may not do so more frequently than every eighteen months; and

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

(v) The adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.031(2), provided that amendments are considered in accordance with the public participation program established by the county or city under this subsection (2)(a) and all persons who have requested notice of a comprehensive plan update are given notice of the amendments and an opportunity to comment.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

(3)(a) Each county that designates urban growth areas under RCW 36.70A.110 shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas.

(b) The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

(4) The department shall establish a schedule for counties and cities to take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter. Except as provided in subsections (5) and (8) of this section, the schedule established by the department shall provide for the reviews and evaluations to be completed as follows:

(a) On or before December 1, 2004, and every seven years thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(b) On or before December 1, 2005, and every seven years thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

(c) On or before December 1, 2006, and every seven years thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before December 1, 2007, and every seven years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the time limits established in subsection (4) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) A county that is subject to a schedule established by the department under subsection (4)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the thirty-six months following the date established in the applicable schedule: The county has a population of less than fifty thousand and has had its population increase by no more than

seventeen percent in the ten years preceding the date established in the applicable schedule as of that date.

(c) A city that is subject to a schedule established by the department under subsection (4)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the thirty-six months following the date established in the applicable schedule: The city has a population of no more than five thousand and has had its population increase by the greater of either no more than one hundred persons or no more than seventeen percent in the ten years preceding the date established in the applicable schedule as of that date.

(d) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(6) A county or city subject to the time periods in subsection (4)(a) of this section that, pursuant to an ordinance adopted by the county or city establishing a schedule for periodic review of its comprehensive plan and development regulations, has conducted a review and evaluation of its comprehensive plan and development regulations and, on or after January 1, 2001, has taken action in response to that review and evaluation shall be deemed to have conducted the first review required by subsection (4)(a) of this section. Subsequent review and evaluation by the county or city of its comprehensive plan and development regulations shall be conducted in accordance with the time periods established under subsection (4)(a) of this section.

(7) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). Only those counties and cities in compliance with the schedules in this section (~~and those counties and cities demonstrating substantial progress towards compliance with the schedules in this section for development regulations that protect critical areas~~) may receive grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030. (~~A county or city that is fewer than twelve months out of compliance with the schedules in this section for development regulations that protect critical areas is deemed to be making substantial progress towards compliance.~~) Only those counties and cities in compliance with the schedules in this section may receive preference for grants or loans subject to the provisions of RCW 43.17.250.

(8) Except as provided in subsection (5)(b) and (c) of this section:

(a) Counties and cities required to satisfy the requirements of this section according to the schedule established by subsection (4)(b) through (d) of this section may comply with the requirements of this section for development regulations that protect critical areas one year after the dates established in subsection (4)(b) through (d) of this section(-);

(b) Counties and cities complying with the requirements of this section one year after the dates established in subsection (4)(b) through (d) of this section for development regulations that protect critical areas shall be deemed in compliance with the requirements of this section(-); and

(c) This subsection (8) applies only to the counties and cities specified in subsection (4)(b) through (d) of this section, and only to the requirements of this section for development regulations that protect critical areas that must be satisfied by December 1, 2005, December 1, 2006, and December 1, 2007.

(9) Notwithstanding subsection (8) of this section and the substantial progress provisions of subsections (7) and (10) of this section, only those counties and cities complying with the schedule in subsection (4) of this section may receive preferences for grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030.

(10) Until December 1, 2005, and notwithstanding subsection (7) of this section, a county or city subject to the time

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

periods in subsection (4)(a) of this section demonstrating substantial progress towards compliance with the schedules in this section for its comprehensive land use plan and development regulations may receive grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030. A county or city that is fewer than twelve months out of compliance with the schedules in this section for its comprehensive land use plan and development regulations is deemed to be making substantial progress towards compliance."

Senators Pridemore and Benton spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Pridemore, Kastama, Benton and Roach to Substitute Senate Bill No. 6427.

The motion by Senator Pridemore carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "counties;" strike the remainder of the title and insert "reenacting and amending RCW 36.70A.130; and creating a new section."

MOTION

On motion of Senator Eide, the rules were suspended, Engrossed Substitute Senate Bill No. 6427 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Regala, Senators Thibaudeau and Kline were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6427.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6427 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 45.

Excused: Senators Deccio, Kline, McCaslin and Thibaudeau - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6427, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Oke: "Thank you Mr. President. Been having a lot of people come up and saying 'What's going on?' and just to let the body know that this week or last week really I got a call

from oncologist said, 'It's back.' So today I was in the Seattle taking two pints of red blood cells. My red bloods are way down and they told me that, they told me, that they came from Seattle, a very liberal district, so I'm getting a little concerned there. I'm feeling well. We're on plan B. They're going to give me some new medicine Friday and some other things and then my brother's waiting to give me his stem cells, if we have to do that this summer. The good part is, it's easy going in. They'll probably kill off all mine Multiple Myeloma cells in me, but then cells might start attacking something else that I need like a liver or something else. So a lot of prayers needs. Appreciate your prayers, support vigil. Always been there for me and I feel good and I feel like we'll make it through this session and we'll do some good things. God bless, thank you."

SECOND READING

SENATE BILL NO. 6364, by Senators Roach, Rasmussen, Kastama, Haugen and Kline

Prohibiting certain activities on motor driven boats and vessels.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 6364 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6364.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6364 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 45.

Excused: Senators Deccio, Kline, McCaslin and Thibaudeau - 4.

SENATE BILL NO. 6364, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6579, by Senators McAuliffe, Eide, Weinstein, Schmidt, Berkey, Rasmussen, Franklin, Keiser and Shin

Requiring parents be notified when a juvenile is taken into custody.

MOTIONS

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

On motion of Senator McAuliffe, Substitute Senate Bill No. 6579 was substituted for Senate Bill No. 6579 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 6579 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6579.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6579 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46.

Excused: Senators Deccio, McCaslin and Thibaudeau - 3.

SUBSTITUTE SENATE BILL NO. 6579, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6731, by Senators Fraser, Kohl-Welles, Deccio, Fairley, Mulliken, Prentice, Roach, Honeyford, McAuliffe, Keiser, Regala, Delvin, Franklin, Shin, Sheldon, Berkey, Rasmussen, Haugen, Thibaudeau, Kline and Parlette

Prohibiting sellers of travel from promoting travel for sex tourism.

The measure was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 6731 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser, Parlette and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6731.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6731 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel,

2006 REGULAR SESSION

Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47.

Excused: Senators Deccio and McCaslin - 2.

SENATE BILL NO. 6731, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6541, by Senators Prentice and Zarelli

Regarding appeal bond requirements against signatories of the tobacco master settlement agreement.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 6541 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6541.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6541 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Zarelli - 45.

Voting nay: Senators Kohl-Welles and Weinstein - 2.

Excused: Senators Deccio and McCaslin - 2.

SENATE BILL NO. 6541, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6555, by Senators Prentice, Haugen, Mulliken, Berkey, Kastama and Rasmussen

Providing research and services for special purpose districts.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6555 was substituted for Senate Bill No. 6555 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6555 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6555.

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6555 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47.

Excused: Senators Deccio and McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 6555, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6330, by Senators Shin, Kastama, Sheldon, Rasmussen, Doumit, Weinstein, Fraser, Swecker, McAuliffe, Oke, Eide, Honeyford, Franklin, Mulliken, Prentice, Pflug, Kohl-Welles, Jacobsen and Roach

Establishing the Washington trade corps fellowship program.

MOTIONS

On motion of Senator Shin, Substitute Senate Bill No. 6330 was substituted for Senate Bill No. 6330 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Shin, the rules were suspended, Substitute Senate Bill No. 6330 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6330.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6330 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47.

Excused: Senators Deccio and McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 6330, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6411, by Senators Doumit, Parlette, Pridemore, Delvin, Fraser, McAuliffe, Shin and Kohl-Welles

Allowing six-year long collective bargaining agreements.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 6411 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Doumit spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6411.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6411 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43.

Voting nay: Senators Honeyford, Mulliken, Pflug and Schoesler - 4.

Excused: Senators Deccio and McCaslin - 2.

SENATE BILL NO. 6411, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6459, by Senators Keiser, Brandland, Thibaudeau, Spanel, Rasmussen, Kline, Parlette and Kohl-Welles

Supporting community-based health care solutions.

MOTION

On motion of Senator Keiser, Second Substitute Senate Bill No. 6459 was substituted for Senate Bill No. 6459 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Keiser moved that the following striking amendment by Senator Keiser be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Despite sustained efforts at the federal and state level, too many people in Washington remain without access to appropriate health care. Particularly alarming is the increase in the number of small business employees who are uninsured. Without a health home, many low-income and other vulnerable populations are left to inefficiently navigate a fragmented treatment system that fails to support their long-term well-being.

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

(2) In recent years, numerous community-based organizations have emerged around the state to address health care concerns at a local level. Through innovation and public/private collaboration, they have demonstrated great success and show even greater promise in improving health care access for local residents. Less remote than state and federal agencies, these organizations have built on local relationships to increase the availability and affordability of services, and coordinate care, making efficient use of a wide variety of community resources to meet community needs.

(3) Many of these organizations have relied on grants from the healthy communities access program, an initiative of the United States department of health and human services that provided funding and technical assistance to support collaborative efforts at the local level to coordinate and strengthen health services for the uninsured and underinsured. The program, however, was recently discontinued, placing these local efforts at risk.

It is therefore the intent of the legislature to enhance and support the development of collaborative community-based organizations working at the local level to increase access to health care for Washington residents.

NEW SECTION. Sec. 2. (1) The community health care collaborative grant program is established to further the efforts of community-based organizations to increase access to appropriate, affordable health care for Washington residents, particularly employed low-income persons who are uninsured and underinsured, through local programs addressing one or more of the following: (a) Access to medical treatment; (b) the efficient use of health care resources; or (c) quality of care.

(2) Grants of up to five hundred thousand dollars per organization shall be awarded pursuant to sections 3 and 4 of this act by the administrator of the health care authority in consultation with the secretary of the department of health, the assistant secretary of the health and recovery services administration within the department of social and health services, and the insurance commissioner.

(3) The health care authority shall provide administrative support for the program.

NEW SECTION. Sec. 3. Eligibility for grants shall be limited to nonprofit organizations established to serve a defined substate geographic region and having a formal collaborative governance structure and decision-making process for improving access. The nature and format of the application, and the application procedure, shall be determined by the administrator of the health care authority. At a minimum, each application shall: (1) Identify the geographic region served by the organization; (2) show how the structure and operation of the organization reflects the interests of, and is accountable to, this region; (3) indicate the size of the grant being requested, and how the money will be spent; and (4) include sufficient information for an evaluation of the application based on the criteria established in section 4 of this act.

NEW SECTION. Sec. 4. (1) Grants shall be awarded on a competitive basis based on a determination of which applicant organization will best serve the purposes of the grant program. In making this determination, consideration shall be given to the extent to which:

(a) The programs to be supported by the grant are likely to address, in a measurable fashion, documented health care access needs within the region to be served;

(b) An applicant organization can be expected to successfully implement these programs, including the extent to which the application reflects formal, active collaboration among key community members such as local governments, school districts, large and small businesses, nonprofit organizations, carriers, private health care providers, and public health agencies;

(c) The applicant organization will match the grant with funds from other sources. Grants may be awarded only to

organizations providing at least two dollars in matching funds for each grant dollar awarded;

(d) The grant will enhance the long-term capacity of the applicant organization and its partners to serve the region's documented health care access needs, including the sustainability of the programs to be supported by the grant;

(e) The programs to be supported by the grant reflect creative, innovative approaches which complement and enhance existing efforts to address the needs of the uninsured and underinsured and, if successful, could be replicated in other areas of the state; and

(f) The programs to be supported by the grant make efficient and cost-effective use of available funds through administrative simplification and improvements in the structure and operation of the health care delivery system.

(2) The administrator shall endeavor to disburse grant funds throughout the state, supporting organizations and programs of differing sizes and scales, and serving differing populations.

NEW SECTION. Sec. 5. One-half the total amount of any award shall be disbursed to an organization upon its selection as a grant recipient. The remaining half shall be disbursed one year later only upon receipt by the administrator of the health care authority of a progress report from the organization, and a determination by the administrator, in consultation with the secretary of the department of health, the assistant secretary of the health and recovery services administration within the department of social and health services, and the insurance commissioner, that the organization is satisfactorily serving the purposes of the grant program and meeting the objectives identified in its application regarding: (1) Access to medical treatment; (2) the efficient use of health care resources; or (3) quality of care.

NEW SECTION. Sec. 6 By July 1, 2008, the administrator of the health care authority shall provide the governor and the legislature with an evaluation of the community health care collaborative grant program, describing the organizations and programs funded and the results achieved. Particularly successful programs shall be highlighted with recommendations on whether, and how, the programs could be replicated statewide. The evaluation shall also summarize any recommendations from the participating organizations regarding ways to improve the grant program and for the state to otherwise support community-based organizations working to improve access to health care for Washington residents, including any changes in state statutes or regulations.

NEW SECTION. Sec. 7 The health care authority may adopt rules to implement this act.

NEW SECTION. Sec. 8 The community health care collaborative account is created in the custody of the state treasurer. Expenditures from the account may be used only for the purposes set forth in this act. Only the administrator of the health care authority or the administrator's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 9 This act expires June 30, 2009." Senator Keiser spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Keiser to Second Substitute Senate Bill No. 6459.

The motion by Senator Keiser carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "solutions;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6459 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Brandland and Delvin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6459.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6459 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46.

Voting nay: Senator Pflug - 1.

Excused: Senators Deccio and McCaslin - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6459, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6501, by Senators Rockefeller, Poulsen, Morton, Honeyford, Fraser, Regala, Kohl-Welles, Rasmussen, Kline and Keiser

Creating the Washington bioenergy loan program. Revised for 1st Substitute: Creating the Washington bioenergy assistance program.

MOTION

On motion of Senator Rockefeller, Substitute Senate Bill No. 6501 was substituted for Senate Bill No. 6501 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rockefeller moved that the following striking amendment by Senator Rockefeller be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that:

(1) Washington's dependence on energy supplied from outside the state and volatile global energy markets makes its economy and citizens vulnerable to unpredictable and high energy prices;

(2) Washington's dependence on petroleum-based fuels increases energy costs for citizens and businesses;

(3) Diesel soot from diesel engines ranks as the highest toxic air pollutant in Washington, leading to hundreds of premature deaths and increasing rates of asthmas and other lung diseases;

(4) The use of biodiesel results in significantly less air pollution than traditional diesel fuels;

(5) Improper disposal and treatment of organic waste from farms and livestock operations can have a significant negative impact on water quality;

(6) Washington has abundant supplies of organic wastes from farms that can be used for energy production and abundant farmland where crops could be grown to supplement or supplant petroleum-based fuels;

(7) The use of energy and fuel derived from these sources can help citizens and business conserve energy and reduce the use of petroleum-based fuels, would improve air and water quality in Washington, reduce environmental risks from farm wastes, create new markets for farm products, and provide new industries and jobs for Washington citizens; and

(8) The bioenergy industry is a new and developing industry that is, in part, limited by the availability of capital for the construction of facilities for converting farm and forest products into energy and fuels.

Therefore, the legislature finds that it is in the public interest to encourage the rapid adoption and use of bioenergy, to develop a viable bioenergy industry within Washington state, and to support a viable agriculture industry to grow bioenergy crops. To accomplish this, the Washington bioenergy assistance program is established to stimulate the construction of facilities in Washington to generate energy from farm sources or convert organic matter into fuels.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assistance" includes loans, leases, product purchases, or other forms of financial or technical assistance.

(2) "Department" means the department of agriculture.

(3) "Director" means the director of the department of agriculture.

(4) "Political subdivision" means any port district, county, city, town, special purpose district, and any other municipal corporation or quasi-municipal corporation in the state.

(5) "Project" means the construction of facilities, including the purchase of equipment, to convert farm products or wastes into electricity or gaseous and liquid fuels. These specifically include facilities to generate electricity or methane from the anaerobic digestion of organic matter, and facilities for the extracting oils from canola, rape, mustard, and other oilseeds. "Project" may also include the construction of facilities used to distribute and store fuels that are produced from farm products or wastes.

NEW SECTION. Sec. 3. (1) A bioenergy assistance program is established within the department. The director, in cooperation with the department of community, trade, and economic development, may approve an application providing assistance for a project only if the director finds:

(a) The project will convert farm products or wastes directly into electricity or into gaseous or liquid fuels;

(b) The project demonstrates technical feasibility and probable business success;

(c) The business or facility produces long-term economic benefits to the state, a region of the state, or a particular community in the state;

(d) The project does not require continuing state support;

(e) The assistance will result in new jobs, job retention, or higher incomes for citizens of the state;

(f) The assistance is accompanied by private investment;

(g) The state is provided an option under the assistance agreement to purchase a portion of the fuel or feedstock to be produced by the project, exercisable by the department of general administration;

(h) The project will increase energy independence or diversity for the state;

(i) The project will use feed stocks produced in the state, if feasible, except this criterion shall not apply to the construction

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

of facilities used to distribute and store fuels that are produced from farm products or wastes;

(j) Any product produced by the project will be suitable for its intended use, will meet accepted national or state standards, and will be stored and distributed in a safe and environmentally sound manner;

(k) The application provides for adequate reporting or disclosure of financial and employment data to the director, and permits the director to require an annual or other periodic audit of the project books; and

(l) For applications seeking direct financial assistance, the applicant is unable to secure adequate financing from other sources.

(2) The director may approve an application for assistance up to five million dollars.

(3) The director shall enter into agreements with approved applicants to fix the terms and rates of the assistance to minimize the costs to the applicants, and to encourage establishment of a viable bioenergy industry. The agreement shall include provisions to protect the state's investment, taking into account depreciation and other circumstances or market conditions. In the event the department of general administration coordinates a biodiesel technical assistance team, the agreement shall incorporate the appropriate best management practices developed by the team.

(4) The director may defer any payments for up to twelve months or until the project starts to receive revenue from operations, whichever is sooner.

(5) Political subdivisions and private entities, including economic development councils, may participate in the program.

NEW SECTION. Sec. 4. (1) The director may establish policies and procedures necessary for processing, reviewing, and approving applications made under this section.

(2) Each application must show in detail the nature of the project, the source of the feedstock, and the technologies that will be used. Each application must contain a credit analysis of the applicant and a detailed feasibility analysis and business plan.

(3) The director shall consult with those agencies having expertise and knowledge to assess the technical and business feasibility of the project and probability of success. These agencies may include, but are not limited to, Washington State University, the University of Washington, the department of ecology, the department of community, trade, and economic development, and the Washington state conservation commission.

(4) If the total requested dollar amount of assistance exceeds the amount available in the Washington bioenergy assistance account created in section 5 of this act, the applications must be prioritized based upon the following criteria:

(a) The extent to which the project will help conserve energy and reduce dependence on petroleum fuels and imported energy either directly or indirectly;

(b) The extent to which the project will reduce air and water pollution either directly or indirectly;

(c) The extent to which the project will establish a viable bioenergy production capacity in Washington;

(d) The benefits to Washington's agriculture producers; and

(e) The number and quality of jobs and economic benefits created by the project.

NEW SECTION. Sec. 5. The Washington bioenergy assistance account is created in the state treasury. All receipts from appropriations made to the account and any loan payments of principal and interest derived from loans made under this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for assistance for projects consistent with this chapter. Administrative costs of the department may not exceed three percent of the total funds available for this program.

NEW SECTION. Sec. 6. The director shall report to the legislature and governor on the status of the Washington bioenergy assistance program created under this chapter, on or before December 1st of the years 2006, 2007, and 2009. This report must include information on the projects that have been funded, the status of these projects, and their environmental, energy savings, and job creation benefits.

Sec. 7. RCW 42.56.270 and 2005 c 274 s 407 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.-- (sections 1 through 6, 9, and 10 of this act), 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011; and

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter.

Sec. 8. RCW 43.84.092 and 2005 c 514 s 1106, 2005 c 353 s 4, 2005 c 339 s 23, 2005 c 314 s 110, 2005 c 312 s 8, and 2005 c 94 s 2 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the

drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional transportation investment district account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington bioenergy assistance account, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. Sections 1 through 6 and 9 of this act expire June 30, 2016. Any moneys in the Washington bioenergy assistance account on that date and any moneys received pursuant to assistance made under this chapter must be deposited in the general fund.

NEW SECTION. Sec. 11. Sections 1 through 6, 9, 10, and 12 of this act constitute a new chapter in Title 15 RCW.

NEW SECTION. Sec. 12. This act takes effect July 1, 2006."

Senator Rockefeller spoke in favor of adoption of the striking amendment.

POINT OF INQUIRY

Senator Mulliken: "Would Senator Rockefeller yield to a question? I'm referring to page 2, section 2 and I'd like to just clarify the sub 4 under section 2 where it says that the political subdivision as a definition means 'any port district, county, city, towns, special purpose district any other municipal corporation or quasi municipal corporation in this state.' In discussions we've talked about the economic development councils being part of their, the going through the process, and allowing recommendations from them. Is it your understanding that includes them?"

Senator Rockefeller: "Thank you for your question Senator. I would refer you to in section 3, sub 4, rather sub 5, on the bottom of page three, where it says, 'Political subdivisions and private enterprises, including economic development councils may participate in the program.'"

Senator Mulliken spoke in favor of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Rockefeller to Substitute Senate Bill No. 6501.

The motion by Senator Rockefeller carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 42.56.270; reenacting and amending RCW 43.84.092; adding a new chapter to Title 15 RCW; providing an effective date; and providing an expiration date."

2006 REGULAR SESSION

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Substitute Senate Bill No. 6501 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Mulliken spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6501.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6501 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47.

Excused: Senators Deccio and McCaslin - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6501, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6539, by Senators Kohl-Welles, Parlette and Keiser

Changing the formula cap on spirits, beer, and wine restaurant licenses.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 6539 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6539.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6539 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45.

Voting nay: Senators Honeyford and Mulliken - 2.

Excused: Senators Deccio and McCaslin - 2.

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

SENATE BILL NO. 6539, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6826, by Senator Benton

Exempting fees and charges for public transportation services from public utility taxes.

The measure was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 6826 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Fraser was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6826.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6826 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46.

Excused: Senators Deccio, Fraser and McCaslin - 3.

SENATE BILL NO. 6826, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6646, by Senators Doumit, Parlette, Sheldon, Swecker and Rasmussen

Regarding outdoor burning in areas of small towns and cities.

MOTION

On motion of Senator Doumit, Substitute Senate Bill No. 6646 was substituted for Senate Bill No. 6646 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Doumit moved that the following striking amendment by Senators Doumit and Poulsen be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.94.743 and 2004 c 213 s 1 are each amended to read as follows:

(1) Consistent with the policy of the state to reduce outdoor burning to the greatest extent practical:

(a) Outdoor burning shall not be allowed in any area of the state where federal or state ambient air quality standards are exceeded for pollutants emitted by outdoor burning.

(b) Outdoor burning shall not be allowed in any (~~urban growth area as defined by RCW 36.70A.030, or any~~) city of the state having a population greater than ten thousand people if such cities are threatened to exceed state or federal air quality standards, and alternative disposal practices consistent with good solid waste management are reasonably available or practices eliminating production of organic refuse are reasonably available. In no event shall such burning be allowed (~~after December 31, 2000, except that~~) within (~~the~~) urban growth areas as defined by RCW 36.70A.030, except that within urban growth areas for cities having a population of less than five thousand people, that are neither within nor contiguous with any nonattainment or maintenance area designated under the federal clean air act, (~~in~~) no (~~event shall~~) such burning shall be allowed after December 31, (~~2006~~) 2008.

(c) Notwithstanding any other provision of this section, outdoor burning may be allowed for the exclusive purpose of managing storm or flood-related debris. The decision to allow burning shall be made by the entity with permitting jurisdiction as determined under RCW 70.94.660 or 70.94.755. If outdoor burning is allowed in areas subject to (a) or (b) of this subsection, a permit shall be required, and a fee may be collected to cover the expenses of administering and enforcing the permit. All conditions and restrictions pursuant to RCW 70.94.750(1) and 70.94.775 apply to outdoor burning allowed under this section.

(d)(i) Outdoor burning that is normal, necessary, and customary to ongoing agricultural activities, that is consistent with agricultural burning authorized under RCW 70.94.650 and 70.94.656, is allowed within the urban growth area as defined in (b) of this subsection if the burning is not conducted during air quality episodes, or where a determination of impaired air quality has been made as provided in RCW 70.94.473, and the agricultural activities preceded the designation as an urban growth area.

(ii) Outdoor burning of cultivated orchard trees, whether or not agricultural crops will be replanted on the land, shall be allowed as an ongoing agricultural activity under this section if a local horticultural pest and disease board formed under chapter 15.09 RCW, an extension office agent with Washington State University that has horticultural experience, or an entomologist employed by the department of agriculture, has determined in writing that burning is an appropriate method to prevent or control the spread of horticultural pests or diseases.

(2) "Outdoor burning" means the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion.

(3) This section shall not apply to silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas."

Senator Doumit spoke in favor of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Doumit and Poulsen to Substitute Senate Bill No. 6646.

The motion by Senator Doumit carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

was adopted:

On page 1, line 2 of the title, after "cities;" strike the remainder of the title and insert "and amending RCW 70.94.743."

MOTION

On motion of Senator Doumit, the rules were suspended, Engrossed Substitute Senate Bill No. 6646 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Doumit, Morton, Jacobsen and Honeyford spoke in favor of passage of the bill.

Senator Fraser spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6646.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6646 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Rasmussen, Roach, Schmidt, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli - 35.

Voting nay: Senators Fairley, Fraser, Keiser, Kline, Kohl-Welles, Poulsen, Pridemore, Regala, Rockefeller, Spanel, Thibaudeau and Weinstein - 12.

Excused: Senators Deccio and McCaslin - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6646, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6699, by Senators Pridemore, Schmidt, Zarelli, McAuliffe, Spanel and Delvin

Concerning cost savings on course materials for students at state universities, regional universities, and The Evergreen State College.

MOTIONS

On motion of Senator Pridemore, Substitute Senate Bill No. 6699 was substituted for Senate Bill No. 6699 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pridemore, the rules were suspended, Substitute Senate Bill No. 6699 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Schmidt spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Fraser was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6699.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6699 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45.

Voting nay: Senator Carrell - 1.

Excused: Senators Deccio, Fraser and McCaslin - 3.

SUBSTITUTE SENATE BILL NO. 6699, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6342, by Senators Kline, Esser and Pflug

Changing the election and appointment provisions for municipal court judges.

The measure was read the second time.

MOTION

Senator Kline moved that the following amendment by Senator Kline be adopted.

On page 2, line 6, after "and" insert "a resident"

On page 3, line 15, after "person" insert "must be a citizen of the United States of America and a resident of the state of Washington, and"

Senator Kline spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kline on page 2, line 6 to Senate Bill No. 6342.

The motion by Senator Kline carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Senate Bill No. 6342 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline, Johnson, Rockefeller and Roach spoke in favor of passage of the bill.

Senator Zarelli spoke against passage of the bill.

MOTION

Senator Jacobsen demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Jacobsen, "Shall the main question be now put?"

MOTION

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

Senator Honeyford demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

The Secretary called the roll on the motion by Senator Jacobsen that the main question be now put and the motion carried by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 25.

Voting nay: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Kastama, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens, Swecker and Zarelli - 22.

Excused: Senators Deccio and McCaslin - 2.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6342.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6342 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Berkey, Brown, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Jacobsen, Johnson, Kline, Kohl-Welles, McAuliffe, Mulliken, Prentice, Pridemore, Regala, Rockefeller, Schmidt, Spanel, Stevens, Thibaudeau and Weinstein - 27

Voting nay: Senators Benton, Brandland, Carrell, Doumit, Hargrove, Honeyford, Kastama, Keiser, Morton, Oke, Parlette, Pflug, Poulsen, Rasmussen, Roach, Schoesler, Sheldon, Shin, Swecker and Zarelli - 20

Excused: Senators Deccio and McCaslin - 2

ENGROSSED SENATE BILL NO. 6342, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:43 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 6:50 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 6373, by Senators Keiser, Deccio, Zarelli and Spanel

Removing expiration of reporting to the legislature of holding a boarding home medicaid eligible resident's room or unit.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 6373 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Benson spoke in favor of passage of the bill.

MOTION

On motion of Senator Esser, Senators Morton, Johnson, Benton, Finkbeiner, Roach, Zarelli, Honeyford, Brandland, Mulliken, Schoesler and Pflug were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6373.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6373 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 5; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker and Thibaudeau - 40

Absent: Senators Doumit, Jacobsen, Poulsen, Rockefeller and Weinstein - 5

Excused: Senators Deccio, Mulliken, Roach and Zarelli - 4

SENATE BILL NO. 6373, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Senator Rockefeller: Had I been present I would have voted "Yes" on Senate Bill No. 6373, which eliminates the expiration date for the current bed hold policy applicable to boarding homes providing adult residential or assisted living services.

SENATOR ROCKEFELLER, 23rd Legislative District

SECOND READING

SUBSTITUTE SENATE BILL NO. 5717, by Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators Rockefeller, Benton, Fairley, Oke, Keiser, Zarelli, Shin, Rasmussen and Kohl-Welles)

Providing a funding formula for skill centers. Revised for 2nd Substitute: Requiring a study on the availability and use of skill centers.

MOTIONS

On motion of Senator McAuliffe, Second Substitute Senate Bill No. 5717 was substituted for Substitute Senate Bill No. 5717 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Second Substitute Senate Bill No. 5717 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Schmidt spoke in favor of passage of the bill.

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

MOTION

On motion of Senator Schoesler, Senators Mulliken and Zarelli were excused.

MOTION

On motion of Senator Regala, Senators Doumit, Jacobsen, Rockefeller and Weinstein were excused.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5717.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5717 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 44

Excused: Senators Deccio, Doumit, Jacobsen, Mulliken and Zarelli - 5

SECOND SUBSTITUTE SENATE BILL NO. 5717, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6791, by Senators Poulsen, Kohl-Welles and Rockefeller

Allowing the sale of alcoholic beverages on state ferries. Revised for 1st Substitute: Concerning liquor licenses issued to entities providing concession services on ferries.

MOTIONS

On motion of Senator Poulsen, Substitute Senate Bill No. 6791 was substituted for Senate Bill No. 6791 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Poulsen, the rules were suspended, Substitute Senate Bill No. 6791 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Poulsen spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Kline and Pridemore were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6791.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6791 and the bill passed the Senate

by the following vote: Yeas, 37; Nays, 6; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 37

Voting nay: Senators Benton, Hargrove, Morton, Oke, Roach and Stevens - 6

Excused: Senators Deccio, Jacobsen, Kline, Mulliken, Pridemore and Zarelli - 6

SUBSTITUTE SENATE BILL NO. 6791, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5333, by Senators Regala, Esser, Prentice, Hewitt, Pridemore and McCaslin

Modifying requirements for voter-approved property tax levies. Revised for 2nd Substitute: Modifying requirements for voter-approved regular property tax levies.

MOTIONS

On motion of Senator Regala, Second Substitute Senate Bill No. 5333 was substituted for Senate Bill No. 5333 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Second Substitute Senate Bill No. 5333 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5333.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5333 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 45

Voting nay: Senators Benton and Pflug - 2

Excused: Senators Deccio and Zarelli - 2

SECOND SUBSTITUTE SENATE BILL NO. 5333, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6195, by Senators Franklin, Regala, Keiser, Eide, Prentice, Jacobsen, McAuliffe, Fraser, Kline and Shin

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

Requiring health impact assessments.

MOTIONS

On motion of Senator Franklin, Second Substitute Senate Bill No. 6195 was substituted for Senate Bill No. 6195 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Franklin, the rules were suspended, Second Substitute Senate Bill No. 6195 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6195.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6195 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 45

Voting nay: Senators Pflug and Schoesler - 2

Excused: Senators Deccio and Zarelli - 2

SECOND SUBSTITUTE SENATE BILL NO. 6195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5236, by Senators Kohl-Welles, Parlette, Keiser, Fraser, Honeyford and Kline

Providing additional funding to the prevailing wage program of the department of labor and industries by discontinuing the transfer of moneys from the public works administration account to the general fund-state account.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5236 was substituted for Senate Bill No. 5236 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5236 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5236.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5236 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused,

1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senator Finkbeiner - 1

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 5236, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

MOTION

At 7:31 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 8:15 p.m. by President Owen.

MOTION

On motion of Senator Kastama, the rules were suspended, Senate Bill No. 5462 was returned to second reading for the purpose of amendment.

SECOND READING

SENATE BILL NO. 5462, by Senators McCaslin and Kastama

Changing the terms for nonlegislative members of the legislative ethics board.

The measure was read the second time.

MOTION

Senator Kastama moved that the following striking amendment by Senators Kastama and McCaslin be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.52.350 and 1994 c 154 s 205 are each amended to read as follows:

(1) The executive ethics board is created, composed of five members, appointed by the governor as follows:

(a) One member shall be a classified service employee as defined in chapter 41.06 RCW;

(b) One member shall be a state officer or state employee in an exempt position;

(c) One member shall be a citizen selected from a list of three names submitted by the attorney general;

(d) One member shall be a citizen selected from a list of three names submitted by the state auditor; and

(e) One member shall be a citizen selected at large by the governor.

(2) Except for ~~((initial members and))~~ members completing partial terms, members shall serve ~~((a single))~~ five-year terms. No member may serve more than two full terms.

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

(3) No more than three members may be identified with the same political party.

~~(4) ((Terms of initial board members shall be staggered as follows: One member shall be appointed to a one-year term; one member shall be appointed to a two-year term; one member shall be appointed to a three-year term; one member shall be appointed to a four-year term; and one member shall be appointed to a five-year term.~~

~~(5))~~ A vacancy on the board shall be filled in the same manner as the original appointment.

~~((6))~~ (5) Each member shall serve for the term of his or her appointment and until his or her successor is appointed.

~~((7))~~ (6) The members shall annually select a chair from among themselves.

~~((8))~~ (7) Staff shall be provided by the office of the attorney general.

Sec. 2. RCW 42.52.310 and 1994 c 154 s 201 are each amended to read as follows:

(1) The legislative ethics board is created, composed of nine members, selected as follows:

(a) Two senators, one from each of the two largest caucuses, appointed by the president of the senate;

(b) Two members of the house of representatives, one from each of the two largest caucuses, appointed by the speaker of the house of representatives;

(c) Five citizen members:

(i) One citizen member chosen by the governor from a list of three individuals submitted by each of the four legislative caucuses; and

(ii) One citizen member selected by three of the four other citizen members of the legislative ethics board.

(2) Except for ~~((initial members and))~~ members completing partial terms, nonlegislative members shall serve ~~((a single))~~ five-year terms. No nonlegislative member may serve more than two full terms.

(3) No more than three of the public members may be identified with the same political party.

~~(4) ((Terms of initial nonlegislative board members shall be staggered as follows: One member shall be appointed to a one-year term; one member shall be appointed to a two-year term; one member shall be appointed to a three-year term; one member shall be appointed to a four-year term; and one member shall be appointed for a five-year term.~~

~~(5))~~ A vacancy on the board shall be filled in the same manner as the original appointment.

~~((6))~~ (5) Legislative members shall serve two-year terms, from January 31st of an odd-numbered year until January 31st of the next odd-numbered year.

~~((7))~~ (6) Each member shall serve for the term of his or her appointment and until his or her successor is appointed.

~~((8))~~ (7) The citizen members shall annually select a chair from among themselves."

Senator McCaslin spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kastama and McCaslin to Senate Bill No. 5462.

The motion by Senator Kastama carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "terms of members of ethics boards; and amending RCW 42.52.350 and 42.52.310."

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Senate Bill No. 5462 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and McCaslin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5462.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5462 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 4; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senators Brown, Doumit, Oke and Poulsen - 4

Excused: Senator Deccio - 1

ENGROSSED SENATE BILL NO. 5462, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Schoesler, Senator Oke was excused.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6367, by Senators Haugen, Jacobsen and Berkey

Requiring voluntary measures be included in critical area development regulations.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6367 was substituted for Senate Bill No. 6367 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6367 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Mulliken and Roach spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Brown, Doumit and Poulsen were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6367.

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6367 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, Doumit and Oke - 3

SUBSTITUTE SENATE BILL NO. 6367, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6369, by Senators Haugen, Mulliken and Rasmussen

Providing excise tax exemptions for water services provided by small water systems.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6369 was substituted for Senate Bill No. 6369 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6369 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6369.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6369 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senator Brown - 1

Excused: Senators Deccio, Doumit and Oke - 3

SUBSTITUTE SENATE BILL NO. 6369, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6568, by Senators Regala, Carrell and Oke

Modifying animal fighting provisions.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Senate Bill No. 6568 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6568.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6568 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Oke - 2

SENATE BILL NO. 6568, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6391, by Senators Keiser, Deccio, Thibaudeau and Fairley

Concerning the provision of services to independent residents in a continuing care retirement community. Revised for 1st Substitute: Concerning the provision of services for nonresident individuals residing in long-term care settings.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 6391 was substituted for Senate Bill No. 6391 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Keiser moved that the following striking amendment by Senator Keiser be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.20.020 and 2004 c 142 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Boarding home" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing housing, basic services, and assuming general responsibility for the safety and well-being of the residents, and may also provide domiciliary care, consistent with chapter 142, Laws of 2004, to seven or more residents after July 1, 2000. However, a boarding home that is licensed for three to six residents prior to or on July 1, 2000, may maintain its boarding home license as long as it is

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

continually licensed as a boarding home. "Boarding home" shall not include facilities certified as group training homes pursuant to RCW 71A.22.040, nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the department of housing and urban development.

(2) "Basic services" means housekeeping services, meals, nutritious snacks, laundry, and activities.

(3) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(4) "Secretary" means the secretary of social and health services.

(5) "Department" means the state department of social and health services.

(6) "Resident's representative" means a person designated voluntarily by a competent resident, in writing, to act in the resident's behalf concerning the care and services provided by the boarding home and to receive information from the boarding home, if there is no legal representative. The resident's competence shall be determined using the criteria in RCW 11.88.010(1)(e). The resident's representative may not be affiliated with the licensee, boarding home, or management company, unless the affiliated person is a family member of the resident. The resident's representative shall not have authority to act on behalf of the resident once the resident is no longer competent.

(7) "Domiciliary care" means: Assistance with activities of daily living provided by the boarding home either directly or indirectly; or health support services, if provided directly or indirectly by the boarding home; or intermittent nursing services, if provided directly or indirectly by the boarding home.

(8) "General responsibility for the safety and well-being of the resident" means the provision of the following: Prescribed general low sodium diets; prescribed general diabetic diets; prescribed mechanical soft foods; emergency assistance; monitoring of the resident; arranging health care appointments with outside health care providers and reminding residents of such appointments as necessary; coordinating health care services with outside health care providers consistent with RCW 18.20.380; assisting the resident to obtain and maintain glasses, hearing aids, dentures, canes, crutches, walkers, wheelchairs, and assistive communication devices; observation of the resident for changes in overall functioning; blood pressure checks as scheduled; responding appropriately when there are observable or reported changes in the resident's physical, mental, or emotional functioning; or medication assistance as permitted under RCW 69.41.085 and as defined in RCW 69.41.010.

(9) "Legal representative" means a person or persons identified in RCW 7.70.065 who may act on behalf of the resident pursuant to the scope of their legal authority. The legal representative shall not be affiliated with the licensee, boarding home, or management company, unless the affiliated person is a family member of the resident.

(10) "Nonresident individual" means a person who resides in independent senior housing, independent living units in continuing care retirement communities, or in other similar living environments or in a boarding home and may receive one or more of the services listed in RCW 18.20.030(5)~~((but))~~. A nonresident individual may not receive domiciliary care, as defined in this chapter, directly or indirectly by the ((facility)) boarding home and may not receive the items and services listed in subsection (8) of this section, except during the time the person is receiving adult day services as defined in this section.

2006 REGULAR SESSION

(11) "Resident" means an individual who is not related by blood or marriage to the operator of the boarding home, and by reason of age or disability, chooses to reside in the boarding home and receives basic services and one or more of the services listed under general responsibility for the safety and well-being of the resident and may receive domiciliary care or respite care provided directly or indirectly by the boarding home and shall be permitted to receive hospice care through an outside service provider when arranged by the resident or the resident's legal representative under RCW 18.20.380.

(12) "Resident applicant" means an individual who is seeking admission to a licensed boarding home and who has completed and signed an application for admission, or such application for admission has been completed and signed in their behalf by their legal representative if any, and if not, then the designated representative if any.

(13) "Adult day services" means care and services provided to a nonresident individual by the boarding home on the boarding home premises, for a period of less than twenty-four continuous hours, and does not involve an overnight stay."

Senator Keiser spoke in favor of adoption of the striking amendment.

MOTION

Senator Thibaudeau moved that the following amendment by Senators Thibaudeau and Keiser to the striking amendment be adopted.

On page 3, after line 26 of the amendment, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 18.135 RCW to read as follows:

This chapter does not prohibit or restrict the performance of blood-drawing procedures by health care assistants in the residences of research study participants when such procedures have been authorized by the institutional review board of a comprehensive cancer center or nonprofit degree-granting institution of higher education and are conducted under the general supervision of a physician.

Sec. 3. RCW 18.135.040 and 1984 c 281 s 3 are each amended to read as follows:

A certification issued to a health care assistant pursuant to this chapter shall be authority to perform only the functions authorized in RCW 18.135.010 subject to proper delegation and supervision in the health care facility making the certification or under the supervision of the certifying health care practitioner in other health care facilities or in his or her office or in the residences of research study participants in accordance with section 2 of this act. No certification made by one health care facility or health care practitioner is transferrable to another health care facility or health care practitioner."

Senator Thibaudeau spoke in favor of adoption of the amendment to the striking amendment.

Senator Parlette spoke against adoption of the amendment to the striking amendment.

POINT OF INQUIRY

Senator Parlette: "Would Senator Thibaudeau yield to a question? So, can you explain for me please, and for the members of the Senate, the purpose of this amendment?"

Senator Thibaudeau: "As I described it Senator Parlette, Fred Hutchinson as you know does considerable research and sometimes there are participants in this research, can't come to the center. Instead, they would like to be able to send these research assistants to the homes of the participants, saving participants travel and hardship and do the blood draws in the

31+	36-	41-	46-	51-	57-	77-	87-	108-	129-
41	48	54	61	68	75	102	116	144	171
VH2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
f									
21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
27	34	41	48	54	61	89	102	116	144
VH18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
20	27	34	41	48	54	75	89	102	116
VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m
12+	15-	21-	26-	31-	36-	46-	57-	67-	77-
14-	20	27	34	41	48	61	75	89	102
V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y
6-	12+	13-	15-	22-	33-	41-	51-	62-	72-
12	14	17	20	29	43	54	68	82	96
IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m
3-	6-	12+	13-	15-	22-	33-	43-	53-	63-
9	12	14	17	20	29	43	57	70	84
HH	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m
1-	3-	4-	9-	12+	17-	22-	33-	43-	51-
3-	8-	12	12	16	22	29	43	57	68
H	4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
0-90	2-	3-	4-	12+	14-	17-	22-	33-	43-
Days	6-	9	12	14	18	22	29	43	57
f		3m	4m	5m	8m	13m	16m	20m	2y2m
0-60	0-90	2-	2-	3-	4-	12+	14-	17-	22-
Days	Days	5-	6-	8-	12	14-	18	22	29))

TABLE 1

Sentencing Grid											
SERIOUSNESS LEVEL		OFFENDER SCORE									
0	1	2	3	4	5	6	7	8	9	10 or more	
X	Life Sentence without Parole/Death Penalty										
VI											
X	225-	233-	243-	262-	272-	289-	289-	315-	345-	383-	383-
V	335	350	365	370	383	390	439	473	518	576	862
X	1123-	134-	144-	154-	165-	175-	195-	216-	257-	298-	298-
V	220	234	244	254	265	275	295	316	357	397	595

X	1115-	125-	134-	144-	154-	163-	182-	201-	242-	277-	277-
II	172	187	202	215	230	245	273	301	357	418	624
X	188-	95-	103-	112-	120-	128-	151-	166-	196-	222-	222-
I	128	143	155	168	180	194	227	248	290	336	500
XI	73-	80-	88-	95-	108-	112-	136-	148-	173-	196-	196-
	107	120	132	143	150	166	204	222	257	294	442
X	48-	53-	58-	63-	68-	72-	96-	102-	120-	127-	127-
	71	79	86	93	100	107	132	150	180	220	312
IX	29-	34-	38-	43-	48-	53-	72-	83-	102-	108-	108-
	43	50	57	64	71	79	107	120	150	192	270
V	120-	24-	29-	34-	38-	43-	63-	72-	83-	90-	90-
II	28	36	43	50	57	64	93	107	120	162	225
V	114-	20-	24-	29-	34-	38-	53-	63-	72-	72-	72-
I	21	28	36	43	50	57	79	93	107	131	180
VI	10+	14-	20-	24-	29-	34-	43-	53-	63-	64-	64-
	16	21	28	36	43	50	64	79	93	115	157
V	6-	10	12+	14-	21-	31-	38-	48-	58-	61-	61-
	12	16	18	21	30	45	57	71	86	107	120
IV	3-	6-	10	12+	14-	21-	31-	43-	49-	52-	52-
	9	12	16	18	21	30	45	57	74	95	120
III	1-	3-	4-	9-	11-	16-	21-	31-	40-	43-	43-
	3	8	12	12	17	23	30	45	60	76	120
II	0-90	2-	3-	4-	10	13-	16-	21-	31-	36-	36-
	Days	6	9	12	16	19	23	30	45	64	120
I	0-60	0-90	2-	2-	3-	4-	10	13-	16-	17-	17-
	Days	Days	5	6	8	12	16	19	23	34	60

Numbers in the first and second horizontal rows of each seriousness category (~~represent sentencing midpoints in years(y) and months(m).~~ Numbers in the second and third rows)) represent standard sentence ranges in months, or in days if so designated. 12 + equals one year and one day. 10+ equals ten months and one day. Sec. 2. RCW 9.94A.535 and 2005 c 68 s 3 are each amended to read as follows:

The court may impose a sentence outside the standard sentence range for an offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. Facts supporting aggravated sentences, other than the fact of a prior conviction, shall be determined pursuant to the provisions of RCW 9.94A.537.

Whenever a sentence outside the standard sentence range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

outside the standard sentence range shall be a determinate sentence.

If the sentencing court finds that an exceptional sentence outside the standard sentence range should be imposed, the sentence is subject to review only as provided for in RCW 9.94A.585(4).

A departure from the standards in RCW 9.94A.589 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in this section, and may be appealed by the offender or the state as set forth in RCW 9.94A.585 (2) through (6).

(1) Mitigating Circumstances - Court to Consider

The court may impose an exceptional sentence below the standard range if it finds that mitigating circumstances are established by a preponderance of the evidence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law, was significantly impaired. Voluntary use of drugs or alcohol is excluded.

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(i) The offender score due to other current offenses, as opposed to prior offenses, results in a presumptive sentence that is clearly excessive.

(2) Aggravating Circumstances - Considered and Imposed by the Court

The trial court may impose an aggravated exceptional sentence without a finding of fact by a jury under the following circumstances:

~~((a))~~ The defendant and the state both stipulate that justice is best served by the imposition of an exceptional sentence outside the standard range, and the court finds the exceptional sentence to be consistent with and in furtherance of the interests of justice and the purposes of the sentencing reform act.

~~((b) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.~~

~~(c) The defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished.~~

~~(d) The failure to consider the defendant's prior criminal history which was omitted from the offender score calculation pursuant to RCW 9.94A.525 results in a presumptive sentence that is clearly too lenient.)~~

(3) Aggravating Circumstances - Considered by a Jury - Imposed by the Court

Except for circumstances listed in subsection (2) of this section, the following circumstances are an exclusive list of factors that can support a sentence above the standard range.

Such facts should be determined by procedures specified in RCW 9.94A.537.

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance.

(c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.835.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020, and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(i) The offense resulted in the pregnancy of a child victim of rape.

(j) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

defendant established or promoted the relationship for the primary purpose of victimization.

(k) The offense was committed with the intent to obstruct or impair human or animal health care or agricultural or forestry research or commercial production.

(l) The current offense is trafficking in the first degree or trafficking in the second degree and any victim was a minor at the time of the offense.

(m) The offense involved a high degree of sophistication or planning.

(n) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(o) The defendant committed a current sex offense, has a history of sex offenses, and is not amenable to treatment.

(p) The offense involved an invasion of the victim's privacy.

(q) The defendant demonstrated or displayed an egregious lack of remorse.

(r) The offense involved a destructive and foreseeable impact on persons other than the victim.

(s) The defendant committed the offense to obtain or maintain his or her membership or to advance his or her position in the hierarchy of an organization, association, or identifiable group.

(t) The defendant committed the current offense shortly after being released from incarceration.

(u) The current offense is a burglary and the victim of the burglary was present in the building or residence when the crime was committed.

(v) The offense was committed against a law enforcement officer who was performing his or her official duties at the time of the offense, the offender knew that the victim was a law enforcement officer, and the victim's status as a law enforcement officer is not an element of the offense.

(w) The defendant committed the offense against a victim who was acting as a good samaritan.

(x) The defendant committed the offense against a public official or officer of the court in retaliation of the public official's performance of his or her duty to the criminal justice system.

(y) The victim's injuries substantially exceed the level of bodily harm necessary to satisfy the elements of the offense. This aggravator is not an exception to RCW 9.94A.530(2).

(z) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(aa) The defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished.

(bb) The failure to consider the defendant's prior criminal history which was omitted from the offender score calculation pursuant to RCW 9.94A.525 results in a presumptive sentence that is clearly too lenient.

Sec. 3. RCW 9.94A.537 and 2005 c 68 s 4 are each amended to read as follows:

(1) At any time prior to trial or entry of the guilty plea if substantial rights of the defendant are not prejudiced, the state may give notice that it is seeking a sentence above the standard sentencing range. The notice shall state aggravating circumstances upon which the requested sentence will be based.

(2) The facts supporting aggravating circumstances shall be proved to a jury beyond a reasonable doubt. The jury's verdict on the aggravating factor must be unanimous, and by special interrogatory. If a jury is waived, proof shall be to the court beyond a reasonable doubt, unless the defendant stipulates to the aggravating facts. A jury may be empaneled to find aggravating facts if the defendant pleads guilty to the underlying crime but not to the aggravating factor.

(3) Evidence regarding any facts supporting aggravating circumstances under RCW 9.94A.535(3) (a) through (y) shall be

2006 REGULAR SESSION

presented to the jury during the trial of the alleged crime, unless the state alleges the aggravating circumstances listed in RCW 9.94A.535(3) (e)(iv), (h)(i), (o), or (t). If one of these aggravating circumstances is alleged, the trial court may conduct a separate proceeding if the evidence supporting the aggravating fact is not part of the res geste of the charged crime, if the evidence is not otherwise admissible in trial of the charged crime, and if the court finds that the probative value of the evidence to the aggravated fact is substantially outweighed by its prejudicial effect on the jury's ability to determine guilt or innocence for the underlying crime.

(4) If the court conducts a separate proceeding to determine the existence of aggravating circumstances, the proceeding shall immediately follow the trial on the underlying conviction, if possible. If any person who served on the jury is unable to continue, the court shall substitute an alternate juror.

(5) If the jury finds, unanimously and beyond a reasonable doubt, one or more of the facts alleged by the state in support of an aggravated sentence, the court may sentence the offender pursuant to RCW 9.94A.535 to a term of confinement up to the maximum allowed under RCW 9A.20.021 for the underlying conviction if it finds, considering the purposes of this chapter, that the facts found are substantial and compelling reasons justifying an exceptional sentence.

(6) If the defendant enters a guilty plea to the charged crime or the case is remanded for a new sentencing hearing, the court may empanel a jury for the purpose of considering any aggravating circumstances alleged by the state. The trial on the aggravating circumstances should occur within ninety days of the entry of the guilty plea, or the filing of an appellate court mandate. Upon a showing of good cause, the court may extend the time for the trial on aggravating circumstances. The time limit for holding a sentencing hearing, set forth in RCW 9.94A.500, shall not begin to run until the jury renders a verdict on the aggravating circumstances.

Sec. 4. RCW 9.94A.190 and 2001 2nd sp.s. c 12 s 313 are each amended to read as follows:

(1) A sentence that includes a term or terms of confinement totaling more than one year, or a sentence set under RCW 9.94A.510 based on a sentence range with a minimum sentence of more than ten months, shall be served in a facility or institution operated, or utilized under contract, by the state. Except as provided in this subsection or subsection (3) or (5) of this section, a sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized under contract, by the county, or if home detention or work crew has been ordered by the court, in the residence of either the offender or a member of the offender's immediate family.

(2) If a county uses a state partial confinement facility for the partial confinement of a person sentenced to confinement for not more than one year, the county shall reimburse the state for the use of the facility as provided in this subsection. The office of financial management shall set the rate of reimbursement based upon the average per diem cost per offender in the facility. The office of financial management shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of funds provided by the legislature to the department for the purpose of covering the cost of county use of state partial confinement facilities. The office of financial management shall reestablish reimbursement rates each even-numbered year.

(3) A person who is sentenced for a felony to a term of not more than one year, and who is committed or returned to incarceration in a state facility on another felony conviction, either under the indeterminate sentencing laws, chapter 9.95 RCW, or under this chapter shall serve all terms of confinement, including a sentence of not more than one year, in a facility or institution operated, or utilized under contract, by the state, consistent with the provisions of RCW 9.94A.589.

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

(4) Notwithstanding any other provision of this section, a sentence imposed pursuant to RCW 9.94A.660 which has a standard sentence range of over one year, regardless of length, shall be served in a facility or institution operated, or utilized under contract, by the state.

(5) Sentences imposed pursuant to RCW 9.94A.712 shall be served in a facility or institution operated, or utilized under contract, by the state.

Sec. 5. RCW 9.94A.850 and 2005 c 282 s 19 are each amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The legislature finds that the commission, having accomplished its original statutory directive to implement this chapter, and having expertise in sentencing practice and policies, shall:

(a) Evaluate state sentencing policy, to include whether the sentencing ranges and standards are consistent with and further:

(i) The purposes of this chapter as defined in RCW 9.94A.010; and

(ii) The intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender.

The commission shall provide the governor and the legislature with its evaluation and recommendations under this subsection not later than December 1, 1996, and every two years thereafter;

(b) Recommend to the legislature revisions or modifications to the standard sentence ranges, state sentencing policy, prosecuting standards, and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity;

(c) Study the existing criminal code and from time to time make recommendations to the legislature for modification;

(d)(i) Serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; (ii) develop and maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (iii) conduct ongoing research regarding adult and juvenile sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the adult criminal justice system and the juvenile justice system;

(e) Assume the powers and duties of the juvenile disposition standards commission after June 30, 1996;

(f) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally, specifically review the guidelines relating to the confinement of minor and first-time offenders as well as the use of diversion, and review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth;

(g) Solicit the comments and suggestions of the juvenile justice community concerning disposition standards, and make recommendations to the legislature regarding revisions or modifications of the standards. The evaluations shall be submitted to the legislature on December 1 of each odd-numbered year. The department of social and health services shall provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders, and with recommendations for modification of the disposition standards. The administrative office of the courts shall provide the

commission with available data on diversion, including the use of youth court programs, and dispositions of juvenile offenders under chapter 13.40 RCW; and

(h) Not later than December 1, 1997, and at least every two years thereafter, based on available information, report to the governor and the legislature on:

(i) Racial disproportionality in juvenile and adult sentencing, and, if available, the impact that diversions, such as youth courts, have on racial disproportionality in juvenile prosecution, adjudication, and sentencing;

(ii) The capacity of state and local juvenile and adult facilities and resources; and

(iii) Recidivism information on adult and juvenile offenders.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community restitution, and a fine.

(4) The standard sentence ranges of total and partial confinement under this chapter, except as provided in RCW 9.94A.517, are subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than ~~((seventy-five))~~ sixty percent of the maximum term in the range, except that for murder in the second degree in seriousness level XIV under RCW 9.94A.510, the minimum term in the range shall be no less than fifty percent of the maximum term in the range and except that for any offense with an offender score of ten or more, the minimum term in the range shall be no less than twenty-five percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021.

(5)(a) Not later than December 31, 1999, the commission shall propose to the legislature the initial community custody ranges to be included in sentences under RCW 9.94A.715 for crimes committed on or after July 1, 2000. Not later than December 31 of each year, the commission may propose modifications to the ranges. The ranges shall be based on the principles in RCW 9.94A.010, and shall take into account the funds available to the department for community custody. The minimum term in each range shall not be less than one-half of the maximum term.

(b) The legislature may, by enactment of a legislative bill, adopt or modify the community custody ranges proposed by the commission. If the legislature fails to adopt or modify the initial ranges in its next regular session after they are proposed, the proposed ranges shall take effect without legislative approval for crimes committed on or after July 1, 2000.

(c) When the commission proposes modifications to ranges pursuant to this subsection, the legislature may, by enactment of a bill, adopt or modify the ranges proposed by the commission for crimes committed on or after July 1 of the year after they were proposed. Unless the legislature adopts or modifies the commission's proposal in its next regular session, the proposed ranges shall not take effect.

(6) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW.

NEW SECTION. Sec. 6. (1) Savings to the state general fund resulting from reductions in sentencing as a result of sections 1 and 5 of this act, shall be deposited in the criminal justice treatment account. All moneys deposited pursuant to this act shall be appropriated to the division of alcohol and substance abuse for distribution pursuant to RCW 70.96A.350(5).

(2) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

NEW SECTION. Sec. 7. It is the intent of the legislature to restore the ability to impose an aggravated sentence lost by the superior court as a result of the decision of the United States supreme court in *Blakely v. State of Washington*, 542 U.S. 296 (2004). The legislature finds that as the seriousness level of the crime and the criminal history of the offender increase, the need for an individualized and informed assessment of the circumstances of the crime, the offender, and the victim, by the judiciary, is necessary for justice to be obtained. The legislature further finds that the exercise of the judiciary's sentencing discretion over a broader range based upon the assessment of these circumstances is consistent with the policies supporting Washington's sentencing reform act.

NEW SECTION. Sec. 8. A new section is added to chapter 9.94A RCW to read as follows:

(1) For offenders convicted of a violent offense, the upper limit of the standard sentencing range shall be advisory only. However, without limiting the sentencing discretion of the judge, in cases in which the prosecutor seeks a sentence above the standard range, the prosecutor must assert a statutory aggravating factor. Notwithstanding any other law, the maximum sentence that a court may impose for a violent offense where the lower limit of the standard sentencing range is more than twelve months is the maximum sentence for the current offense under chapter 9A.20 RCW, or twice the upper limit of the standard sentencing range, whichever is less; the maximum sentence that a court may impose for all other violent offenses is twice the upper limit of the standard range or twelve months, whichever is less. This provision shall not apply to any offender sentenced under RCW 9.94A.712.

(2) In making its determination of the sentence length to be imposed, the court shall consider the risk assessment prepared by the department of corrections, if any, the presentence report, if any, and other materials provided by the offender, and any information provided by the victim or victims of the crime. Nothing in this section requires the department of corrections to prepare a risk assessment or presentence report prior to sentencing.

(3) A sentence imposed under this section shall be a determinate sentence unless it is imposed on an offender sentenced under RCW 9.94A.712. The sentence may be appealed by the offender or the state as set forth in RCW 9.94A.585 (2) through (6).

(4) Nothing in this section prohibits an aggravated exceptional sentence from being imposed on an offender under RCW 9.94A.535 or 9.94A.537 up to the statutory maximum sentence as defined in RCW 9.94A.030.

Sec. 9. RCW 9.94A.480 and 2002 c 290 s 16 are each amended to read as follows:

(1) A current, newly created or reworked judgment and sentence document for each felony sentencing shall record any and all recommended sentencing agreements or plea agreements and the sentences for any and all felony crimes kept as public records under RCW 9.94A.475 shall contain the clearly printed name and legal signature of the sentencing judge. The judgment and sentence document as defined in this section shall also provide additional space for the sentencing judge's reasons, if any, for going either above or below the presumptive or advisory sentence range for any and all felony crimes covered as public records under RCW 9.94A.475. Both the sentencing judge and the prosecuting attorney's office shall each retain or receive a completed copy of each sentencing document as defined in this section for their own records.

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

- (a) Any violent offense as defined in this chapter;
- (b) Any most serious offense as defined in this chapter;

(c) Any felony with any deadly weapon special verdict under RCW 9.94A.602;

(d) Any felony with any deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both; and/or

(e) The felony crimes of possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, and/or use of a machine gun in a felony.

(3) The sentencing guidelines commission shall compare each individual judge's sentencing practices to the standard ~~((or))~~, presumptive, or advisory sentence range for any and all felony crimes listed in subsection (2) of this section for the appropriate offense level as defined in RCW 9.94A.515 or 9.94A.518, offender score as defined in RCW 9.94A.525, and any applicable deadly weapon enhancements as defined in RCW 9.94A.533 (3) or (4), or both. These comparative records shall be retained and made available to the public for review in a current, newly created or reworked official published document by the sentencing guidelines commission.

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

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

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "sentences;" strike the remainder of the title and insert "amending RCW 9.94A.510, 9.94A.535, 9.94A.537, 9.94A.190, 9.94A.850, and 9.94A.480; adding a new section to chapter 9.94A RCW; creating new sections; and prescribing penalties."

WITHDRAWAL OF AMENDMENT

On motion of Senator Johnson, the striking amendment by Senators Johnson and Thibaudeau to Second Substitute Senate Bill No. 6497 was withdrawn.

MOTION

On motion of Senator Kline, the rules were suspended, Second Substitute Senate Bill No. 6497 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Johnson spoke in favor of passage of the bill.

Senator Carrell spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6497.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6497 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 0; Excused,

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

2.

Voting yea: Senators Berkey, Brandland, Brown, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 32

Voting nay: Senators Benson, Benton, Carrell, Delvin, Esser, Honeyford, Mulliken, Parlette, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 15

Excused: Senators Deccio and Oke - 2

SECOND SUBSTITUTE SENATE BILL NO. 6497, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6885, by Senators Kohl-Welles, McAuliffe, Thibaudeau, Keiser and Fairley

Modifying unemployment insurance provisions.

MOTION

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6885 was substituted for Senate Bill No. 6885 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles be adopted.

On page 8, after line 29, strike all of subsections (B) and (C) and insert the following:

"(B) If, on the cut-off date, the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide more than ten months of unemployment benefits, the commissioner shall calculate the flat social cost factor for the rate year immediately following the cut-off date by reducing the total social cost by the dollar amount that represents the number of months for which the balance in the unemployment compensation fund on the cut-off date will provide benefits above ten months and dividing the result by the total taxable payroll. However, the calculation under this subsection (2)(b)(i)(B) for a rate year may not ~~(result in a--)~~ ~~reduce the flat social cost factor ((that is more than two-tenths lower than the--))~~ below the calculation under (b)(i)(A) of this subsection for that rate year by more than:

(I) Two-tenths, if the balance in the unemployment compensation fund will provide benefits for more than ten months but less than twelve months;

(II) Three-tenths, if the balance in the unemployment compensation fund will provide benefits for at least twelve months but less than fourteen months; or

(III) Four-tenths, if the balance in the unemployment compensation fund will provide benefits for fourteen months or more.

For the purposes of this subsection, the commissioner shall determine the number of months of unemployment benefits in the unemployment compensation fund using the benefit cost rate for the average of the three highest calendar benefit cost rates in the twenty consecutive completed calendar years immediately preceding the cut-off date or a period of consecutive calendar years immediately preceding the cut-off date that includes three recessions, if longer.

(C) The minimum flat social cost factor calculated under this subsection (2)(b) shall be six-tenths of one percent, except that if (b)(i)(B)(II) of this subsection applies, the minimum shall be fifty-five one-hundredths of one percent, and if (b)(i)(B)(III) of this subsection applies, the minimum shall be five-tenths of one percent."

On page 10, starting on line 29, after "through" strike "June" and insert "December"

On page 10, starting on line 30, strike "30, ((2007)) 2006" and insert "2007"

On page 11, line 4, after "quarters" insert "and dividing the amount by four"

On page 11, at the beginning of line 20, strike "four" and insert "sixteen"

On page 11, line 22, after "date" insert ", divided by four"

Senator Kohl-Welles spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles on page 8, line 29 to Substitute Senate Bill No. 6885.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles, Doumit and Berkey be adopted.

On page 18, after line 31 insert the following:

"**Sec. 8.** RCW 50.20.050 and 2003 2nd sp.s. c 4 s 4 are each amended to read as follows:

(1) With respect to claims that have an effective date before January 4, 2004:

(a) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the individual's training and experience.

(b) An individual shall not be considered to have left work voluntarily without good cause when:

(i) He or she has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if the claimant took all reasonable precautions, in accordance with any regulations that the commissioner may prescribe, to protect his or her employment status by having promptly notified the employer of the reason for the absence and by having promptly requested reemployment when again able to assume employment: PROVIDED, That these precautions need not have been taken when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system;

(iii) He or she has left work to relocate for the spouse's employment that is due to an employer-initiated mandatory

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

transfer that is outside the existing labor market area if the claimant remained employed as long as was reasonable prior to the move; or

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110.

(c) In determining under this subsection whether an individual has left work voluntarily without good cause, the commissioner shall only consider work-connected factors such as the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness for the work, the individual's ability to perform the work, and such other work connected factors as the commissioner may deem pertinent, including state and national emergencies. Good cause shall not be established for voluntarily leaving work because of its distance from an individual's residence where the distance was known to the individual at the time he or she accepted the employment and where, in the judgment of the department, the distance is customarily traveled by workers in the individual's job classification and labor market, nor because of any other significant work factor which was generally known and present at the time he or she accepted employment, unless the related circumstances have so changed as to amount to a substantial involuntary deterioration of the work factor or unless the commissioner determines that other related circumstances would work an unreasonable hardship on the individual were he or she required to continue in the employment.

(d) Subsection (1)(a) and (c) of this section shall not apply to an individual whose marital status or domestic responsibilities cause him or her to leave employment. Such an individual shall not be eligible for unemployment insurance benefits beginning with the first day of the calendar week in which he or she left work and thereafter for seven calendar weeks and until he or she has requalified, either by obtaining bona fide work in employment covered by this title and earning wages in that employment equal to seven times his or her weekly benefit amount or by reporting in person to the department during ten different calendar weeks and certifying on each occasion that he or she is ready, able, and willing to immediately accept any suitable work which may be offered, is actively seeking work pursuant to customary trade practices, and is utilizing such employment counseling and placement services as are available through the department. This subsection does not apply to individuals covered by (b)(ii) or (iii) of this subsection.

(2) With respect to claims that have an effective date on or after January 4, 2004:

(a) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;
 (ii) The extent of direction and control by the employer over the work; and
 (iii) The level of skill required for the work in light of the individual's training and experience.

(b) An individual is not disqualified from benefits under (a) of this subsection when:

(i) He or she has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant pursued all reasonable alternatives to preserve his or her employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated his or her employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) He or she ~~((A))~~ left work to relocate for the spouse's employment that, due to a mandatory military transfer ~~((B))~~ is outside the existing labor market area; and ~~((C))~~ is in Washington or another state that, pursuant to statute, does not consider such an individual to have left work voluntarily without good cause; and ~~((D))~~ he or she remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

(v) The individual's usual compensation was reduced by twenty-five percent or more;

(vi) The individual's usual hours were reduced by twenty-five percent or more;

(vii) The individual's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the individual's job classification and labor market;

(viii) The individual's worksite safety deteriorated, the individual reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The individual left work because of illegal activities in the individual's worksite, the individual reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time; or

(x) The individual's usual work was changed to work that violates the individual's religious convictions or sincere moral beliefs."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senator Kohl-Welles spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles, Doumit and Berkey on page 18, line 31 to Substitute Senate Bill No. 6885.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 6885 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Brown and Doumit spoke in favor of passage of the bill.

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

Senators Parlette, Finkbeiner, Honeyford and Benton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6885.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6885 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Voting nay: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Haugen, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Excused: Senators Deccio and Oke - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6885, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed Substitute Senate Bill No. 6885 was immediately transmitted to the House of Representatives.

MOTION

At 9:40 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Tuesday, February 14, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 14, 2006

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Deccio, Mulliken and Rasmussen.

The Sergeant at Arms Color Guard consisting of Pages Hahna Lee and Matt McNeely, presented the Colors. Senator Fraser offered the prayer.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

February 10, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is the Department of Agriculture Pesticide Investigations and Enforcement annual report. This report is mandated under RCW 15.58.420 and RCW 17.21.359.

If you have any questions about the report, please call 360-902-1812.

Sincerely,

Mary Beth Lang, Assistant to the Director
The Department of Agriculture Pesticide Investigations and Enforcement annual report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 10, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Fish & Wildlife Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor
The Department of Fish & Wildlife Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 10, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is South Puget Sound Community College Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor
The South Puget Sound Community College Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 10, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Red Raspberry Commission Audit Report

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor
The Washington State Red Raspberry Commission is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 10, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Caseload Forecast Council Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor
The Caseload Forecast Council Audit Report is on file in the Office of the Secretary of the Senate.

MOTION

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

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006
INTRODUCTION AND FIRST READING

2006 REGULAR SESSION

SB 6896 by Senators Prentice, Doumit, Brown, Regala, Rockefeller and Kohl-Welles

AN ACT Relating to state funding stabilization; amending RCW 43.135.025 and 43.135.035; reenacting and amending RCW 43.84.092 and 43.84.092; adding new sections to chapter 41.45 RCW; making appropriations; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE
BILLS

EHB 1069 by Representatives McIntire, Conway, Priest, Upthegrove, Kilmer, Moeller, Dickerson, Williams, Schual-Berke, Nixon, Springer, Sells, P. Sullivan, Green, Lovick, Kenney, Haigh, Wallace, Kagi, Simpson, Linville, Morris, Wood, Hunter, Lantz, Hudgins, Ericks, Darneille, Clibborn, Sommers, Morrell, Takko, O'Brien, Appleton, Hunt, Santos, Ormsby, Murray and Chase

AN ACT Relating to performance audits of tax preferences; adding new sections to chapter 43.136 RCW; and repealing RCW 43.136.010, 43.136.020, 43.136.030, 43.136.040, 43.136.050, and 43.136.070.

Referred to Committee on Ways & Means.

HB 1305 by Representatives Haigh, McDonald, Eickmeyer, Holmquist, Wallace, P. Sullivan, Roach, Morrell and Sells

AN ACT Relating to authorized emergency vehicles; and amending RCW 46.37.194.

Referred to Committee on Transportation.

SHB 1341 by House Committee on Local Government (originally sponsored by Representatives Simpson, P. Sullivan, Nixon, Buck, Springer, Hankins, Haler, Quall, B. Sullivan, Kessler, Morris, Roberts and Chase)

AN ACT Relating to the exemption of public hospital districts from regulatory restrictions on investments; and adding a new section to chapter 70.44 RCW.

Referred to Committee on Government Operations & Elections.

E2SHB 1395 by House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Conway and Condotta)

AN ACT Relating to the uniform regulation of business and professions; amending RCW 18.140.160, 18.185.110, 18.185.120, 19.16.410, 18.220.040, 18.220.130, 18.220.140, 18.165.170, 18.170.180, 18.235.005, 18.235.010, 18.235.020, 18.235.040, 18.235.050, 18.235.080, 18.235.090, 18.235.100, 18.235.110, 18.235.130, 18.235.150, and 18.235.210; and repealing RCW 18.140.175 and 18.85.343.

Referred to Committee on Labor, Commerce, Research & Development.

3SHB 1458 by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Hunt,

Dickerson, McCoy, B. Sullivan, Williams, Haigh, Appleton, Linville, Chase, Dunshee, Simpson, Upthegrove, Moeller and McDermott)

AN ACT Relating to managing on-site sewage disposal systems in marine areas; adding a new section to chapter 90.48 RCW; adding a new chapter to Title 70 RCW; and creating a new section.

Referred to Committee on Water, Energy & Environment.

HB 1763 by Representatives B. Sullivan, Cody, Walsh and Nixon

AN ACT Relating to anatomical gifts; and repealing RCW 68.50.560.

Referred to Committee on Health & Long-Term Care.

SHB 1944 by House Committee on Commerce & Labor (originally sponsored by Representatives Hunt and Williams)

AN ACT Relating to raffles conducted by state employees; adding a new section to chapter 9.46 RCW; and adding a new section to chapter 42.52 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

HB 1964 by Representatives Walsh, Grant, Haler, McIntire, Conway, Hankins and Chase

AN ACT Relating to designating the Walla Walla sweet onion as the official Washington state vegetable; and adding a new section to chapter 1.20 RCW.

Referred to Committee on Government Operations & Elections.

SHB 2033 by House Committee on Finance (originally sponsored by Representatives McIntire, Orcutt, Conway, Hunter, Chase and Santos)

AN ACT Relating to the allocation of printing and publishing income for municipal business and occupation taxes; adding a new section to chapter 35.102 RCW; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SHB 2219 by House Committee on Local Government (originally sponsored by Representatives Hunt, DeBolt, Williams and Alexander)

AN ACT Relating to urban industrial land banks; and amending RCW 36.70A.367.

Referred to Committee on Government Operations & Elections.

EHB 2340 by Representatives Kirby, Roach, Chase, Kenney and Simpson

AN ACT Relating to mortgage brokers and loan originators; amending RCW 19.146.005, 19.146.010, 19.146.020, 19.146.0201, 19.146.030, 19.146.040, 19.146.060, 19.146.070, 19.146.200, 19.146.205, 19.146.210, 19.146.215, 19.146.225, 19.146.228, 19.146.235, and 19.146.280; reenacting and amending RCW 19.146.220; adding new sections to chapter 19.146 RCW; creating a new

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

2006 REGULAR SESSION

section; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

HB 2364 by Representatives Santos, Orcutt, McIntire, Hunter, Armstrong, Morrell, Roach, Kenney, Fromhold, Ericks and McDermott

AN ACT Relating to use tax owed by converting or merging credit unions when converting or merging a federal, foreign, or out-of-state credit union into a state charter; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways & Means.

HB 2398 by Representatives Cody, Morrell, Appleton, Hasegawa, Clibborn, Hudgins, Dickerson, Kagi, Green and Schual-Berke

AN ACT Relating to expanding participation in state purchased health care programs; amending RCW 48.41.100 and 70.47.020; and adding a new section to chapter 70.47 RCW.

Referred to Committee on Health & Long-Term Care.

SHB 2407 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Lovick, Strow, O'Brien, Ericks, Dunshee, Linville, Grant, Lantz, Kessler, Williams, Blake, Morrell, Rodne, Hunt, Conway, P. Sullivan, Springer, Takko, Kilmer, Fromhold, B. Sullivan, Hunter, Simpson, Green, Miloscia, Sells, Upthegrove, Campbell and Ormsby)

AN ACT Relating to electronic monitoring of sex offenders; amending RCW 9.94A.715; reenacting and amending RCW 9.94A.505; adding a new section to chapter 9.94A RCW; adding a new section to chapter 4.24 RCW; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

HB 2409 by Representatives O'Brien, Rodne, Ericks, Lovick, Anderson, Jarrett, Nixon, McDonald, Williams, Darneille, Buck, Conway, P. Sullivan, Tom, Takko, Lantz, Kilmer, Fromhold, B. Sullivan, Morrell, Simpson, Springer, Green, Miloscia, Sells and Ormsby

AN ACT Relating to strengthening the sex and kidnapping offender registration statute by decreasing the amount of time within which returning or out-of-state registrants must register after establishing residence in Washington, requiring offenders with fixed residences to provide their complete residential addresses when registering, requiring homeless offenders, when they check in weekly, to inform the county sheriff where they have been over the past week and where they plan to be in the forthcoming week, requiring offenders to sign the written notice they provide to the county sheriff when they change residences or cease to have a fixed residence, and clarifying that any violation of RCW 9A.44.130 is a crime; amending RCW 9A.44.130; reenacting and amending RCW 9A.44.130; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SHB 2416 by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives

Kessler, Hasegawa, Hunt, Haigh, McIntire, Dunshee, B. Sullivan and Takko)

AN ACT Relating to state park fees; and amending RCW 79A.05.070.

Referred to Committee on Natural Resources, Ocean & Recreation.

E2SHB 2418 by House Committee on Capital Budget (originally sponsored by Representatives Springer, Miloscia, Chase, Morrell, Hasegawa, Darneille, Santos, P. Sullivan, Kagi, Green, Sells, Ormsby and O'Brien)

AN ACT Relating to affordable housing; amending RCW 82.45.060, 43.185C.010, and 43.63A.655; adding new sections to chapter 43.185 RCW; adding new sections to chapter 43.185A RCW; adding a new section to 2005 c 488 (uncodified); adding new sections to chapter 43.185C RCW; creating new sections; recodifying RCW 43.63A.655; making appropriations; and providing expiration dates.

Referred to Committee on Ways & Means.

SHB 2437 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Hudgins, Chase, Dunshee and Upthegrove)

AN ACT Relating to state-owned refueling stations; and creating a new section.

Referred to Committee on Water, Energy & Environment.

SHB 2447 by House Committee on Finance (originally sponsored by Representatives Condotta and Armstrong)

AN ACT Relating to extending the state sales and use tax credit for public facilities districts created before September 1, 2006; and amending RCW 82.14.390.

Referred to Committee on Ways & Means.

SHB 2457 by House Committee on Finance (originally sponsored by Representatives Grant, Williams, Blake, Clibborn, Linville, Cox, Buck, Haigh, Sump, Newhouse, Walsh, Buri, Haler, Morrell, Morris, Ericks, Strow, O'Brien and Holmquist)

AN ACT Relating to excise tax relief for farm machinery and equipment; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Agriculture & Rural Economic Development.

ESHB 2534 by House Committee on Transportation (originally sponsored by Representatives Nixon, Rodne and Woods)

AN ACT Relating to full disclosure of vehicle taxes and license fees; amending RCW 46.16.210; and creating a new section.

Referred to Committee on Transportation.

HB 2551 by Representative Dunshee

AN ACT Relating to campaign contributions by limited liability companies; and amending RCW 42.17.660.

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

2006 REGULAR SESSION

Referred to Committee on Government Operations & Elections.

HB 2580 by Representatives Upthegrove, Schual-Berke, P. Sullivan, Simpson and McCune

AN ACT Relating to the excise taxation of persons that inspect, test, and label canned salmon; amending RCW 82.04.280 and 82.04.280; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Ways & Means.

SHB 2590 by House Committee on Finance (originally sponsored by Representatives Dickerson and McIntire)

AN ACT Relating to the excise taxation of nonprofit organizations organized and operated for zoological purposes; amending RCW 82.04.4328, 82.04.4322, 82.04.4324, 82.04.4326, 82.04.4327, 82.08.031, and 82.12.031; and creating new sections.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 2617 by Representatives Kretz, Blake, Ahern, Schindler, Sump, Condotta, Holmquist, Kristiansen, Serben, Campbell, McDonald, Hinkle and Dunn

AN ACT Relating to allowing local jurisdictions to allow off-road vehicles to operate on designated city or county roads; amending RCW 46.09.115, 46.09.120, 46.09.180, and 46.37.010; and reenacting and amending RCW 46.16.010.

Referred to Committee on Transportation.

ESHB 2651 by House Committee on Economic Development, Agriculture & Trade (originally sponsored by Representatives Pettigrew, Kristiansen, Haigh, Buri, Walsh, Linville, Kretz, Grant, Cox, Newhouse, Holmquist, Blake, Armstrong and Springer)

AN ACT Relating to disclosure of animal information; amending RCW 42.56.380; reenacting and amending RCW 42.17.310; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Agriculture & Rural Economic Development.

SHB 2658 by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Hinkle, B. Sullivan, Condotta and Kretz)

AN ACT Relating to a statewide off-road vehicle data base; and amending RCW 46.09.250 and 46.09.110.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 2669 by House Committee on Health Care (originally sponsored by Representatives Cody, Green, Morrell, Clibborn, Campbell, Moeller, Priest and Lantz)

AN ACT Relating to licensing specialty hospitals; adding a new section to chapter 70.41 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SHB 2670 by House Committee on Finance (originally sponsored by Representatives Kilmer, Lantz, Priest, Talcott, Green, Conway, Darneille, Cody, Hinkle, Linville, Flannigan, Miloscia and Moeller)

AN ACT Relating to financing for hospital benefit zones; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 39 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

ESHB 2685 by House Committee on Appropriations (originally sponsored by Representatives Fromhold, Conway, Lovick, Quall, Simpson, Ormsby and Moeller)

AN ACT Relating to general provisions in the public safety employees' retirement system; amending RCW 41.37.005, 41.37.010, 41.04.270, 41.04.278, and 41.04.393; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 2694 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Haigh, Nixon, Sump and Hunt)

AN ACT Relating to eliminating Saturday counting of ballots; amending RCW 29A.60.160; reenacting and amending RCW 29A.60.160; providing an effective date; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

HB 2704 by Representatives O'Brien, Pearson, Darneille, Kirby, Ahern, Williams, Strow, Kilmer, Green, Sells and Morrell

AN ACT Relating to organized retail theft; amending RCW 9A.56.010; reenacting and amending RCW 9A.82.010 and 9.94A.515; adding new sections to chapter 9A.56 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 2715 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Ericks, Anderson, Morris, Haler, Crouse, Hankins, Nixon, Sump, P. Sullivan, Hudgins, Kilmer, Takko, Green, Sells, Clibborn, Simpson, Springer, Roberts, Ormsby, Morrell and McIntire)

AN ACT Relating to the state interoperability executive committee; amending RCW 43.105.330; and creating a new section.

Referred to Committee on Government Operations & Elections.

HB 2717 by Representatives Schindler, O'Brien, Dunn, McCune, Miloscia and Holmquist

AN ACT Relating to mobile home park sewer-related charges; and amending RCW 35.67.370.

Referred to Committee on Government Operations & Elections.

2SHB 2799 by House Committee on Finance (originally sponsored by Representatives Chase, Morris, Crouse, Eickmeyer, Clibborn, P. Sullivan, Hunt, McCoy, Miloscia, Grant, Sells, Williams, McCune, Moeller, Conway, Upthegrove, Morrell, Simpson, Kilmer, Kagi, Hudgins, Dunn and Darneille)

AN ACT Relating to providing tax exemptions for solar hot water systems; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Water, Energy & Environment.

2SHB 2805 by House Committee on Appropriations (originally sponsored by Representatives O'Brien, Ericks, Morrell, Miloscia and Green)

AN ACT Relating to missing persons; amending RCW 68.50.320; adding new sections to chapter 36.28A RCW; adding a new section to chapter 43.103 RCW; adding a new section to chapter 43.43 RCW; and creating new sections.

Referred to Committee on Judiciary.

HB 2829 by Representatives Wallace, Curtis, Haigh, Springer, Morrell, Hunt, Takko, Schual-Berke, Murray and Moeller

AN ACT Relating to driver training schools; amending RCW 46.82.280, 46.82.300, 46.82.310, 46.82.320, 46.82.325, 46.82.330, 46.82.340, 46.82.350, 46.82.360, 46.82.370, 46.82.420, 18.235.020, and 46.20.055; adding a new section to chapter 46.82 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SHB 2846 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Miloscia, Hunt, Campbell and Dunshee)

AN ACT Relating to campaign finance disclosure; and amending RCW 42.17.030 and 42.17.405.

Referred to Committee on Government Operations & Elections.

E3SHB 2939 by House Committee on Capital Budget (originally sponsored by Representatives Grant, Dunshee, Linville, Kessler, Upthegrove, Kilmer, Ericks, Hasegawa, P. Sullivan, Santos, Green, Springer, Conway, Simpson and Hudgins)

AN ACT Relating to creation of the energy freedom program; amending RCW 82.16.020; adding a new chapter to Title 43 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Water, Energy & Environment.

ESHB 2943 by House Committee on Health Care (originally sponsored by Representatives Cody, Curtis, Morrell, Campbell, Green, Clibborn, Kessler, Serben, Rodne, Roach, Moeller, Buri, Pearson, McCune, Appleton, Kenney, Hasegawa and Dunn)

AN ACT Relating to health care provider contracting; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SHB 3024 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Haigh, Cox, Ericks, Miloscia, Armstrong, McCoy, McDermott, Green, Morrell, Wallace, Nixon, Clements, Chase and Linville)

AN ACT Relating to alternative public works contracting for school district capital demonstration projects; and amending RCW 39.10.067, 39.10.115, and 39.10.902.

Referred to Committee on Government Operations & Elections.

HB 3057 by Representatives Green, Nixon, Hunt, Sump, Miloscia, Haigh, Schual-Berke and Morrell

AN ACT Relating to modifying the provisions of the address confidentiality program; and amending RCW 40.24.020, 40.24.030, 40.24.040, 40.24.060, and 40.24.070.

Referred to Committee on Government Operations & Elections.

SHB 3109 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Miloscia, Morrell and O'Brien)

AN ACT Relating to government performance and accountability; amending RCW 43.09.430, 43.09.435, 43.09.450, 43.09.455, and 43.09.460; adding new sections to chapter 43.41 RCW; adding a new section to chapter 44.28 RCW; creating a new section; recodifying RCW 43.09.430, 43.09.435, 43.09.455, 43.09.460, and 43.09.450; and repealing RCW 43.09.440, 43.09.445, and 43.88.162.

Referred to Committee on Government Operations & Elections.

SHB 3180 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Haigh, Nixon, Hudgins, Jarrett, Cody, Haler, Santos and Morrell)

AN ACT Relating to contractors with the state; and amending RCW 42.40.020 and 49.60.210.

Referred to Committee on Government Operations & Elections.

HB 3237 by Representatives Hunter, Eickmeyer, Simpson, Grant, Linville, Hankins and Jarrett

AN ACT Relating to a review of the department of natural resources' aquatic program; and creating new sections.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 3282 by House Committee on Select Committee on Hood Canal (originally sponsored by Representatives Eickmeyer, Green, Haigh, Appleton, Kilmer, O'Brien, Lantz, McCoy, Chase, Miloscia, Clibborn and Ormsby)

AN ACT Relating to the Hood Canal aquatic rehabilitation account; and adding a new section to chapter 90.88 RCW.

Referred to Committee on Ways & Means.

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

2006 REGULAR SESSION

2SHB 3287 by House Committee on Appropriations
(originally sponsored by Representatives Chase, Sump,
Eickmeyer, McCoy, Walsh and Pearson)

MESSAGE FROM THE HOUSE

February 13, 2006

AN ACT Relating to studying nitrogen contributions from on-site sewage systems in Hood Canal; and creating a new section.

Referred to Committee on Water, Energy & Environment.

HJR 4202 by Representatives Simpson, P. Sullivan, Nixon, Buck, Springer, Hankins, Haler, Quall, B. Sullivan, Kessler, Morris, Roberts and Chase

Authorizing investment of hospital district funds.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE HOUSE

February 13, 2006

MR. PRESIDENT:

The House has passed the following bill(s):
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1765,
SECOND SUBSTITUTE HOUSE BILL NO. 2422,
SUBSTITUTE HOUSE BILL NO. 2452,
SUBSTITUTE HOUSE BILL NO. 2815,
SUBSTITUTE HOUSE BILL NO. 2946,
HOUSE BILL NO. 3016,
SECOND SUBSTITUTE HOUSE BILL NO. 3070,
HOUSE BILL NO. 3172,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3186
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 13, 2006

MR. PRESIDENT:

The House has passed the following bill(s):
THIRD SUBSTITUTE HOUSE BILL NO. 1226,
SUBSTITUTE HOUSE BILL NO. 1614,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2349,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2574,
SECOND SUBSTITUTE HOUSE BILL NO. 2593,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2706,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2740,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2850,
ENGROSSED HOUSE BILL NO. 2910,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2951,
SUBSTITUTE HOUSE BILL NO. 2958,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MR. PRESIDENT:

The House has passed the following bill(s):
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1015,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2475,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2594,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2895,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3089,
SUBSTITUTE HOUSE BILL NO. 3137,
SUBSTITUTE HOUSE BILL NO. 3178,
ENGROSSED HOUSE BILL NO. 3192,
HOUSE BILL NO. 3266,
HOUSE BILL NO. 3275,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

PERSONAL PRIVILEGE

Senator Eide: "Well, I understand we have cookies being delivered to our desk and I'm sure it's because of Linda, your beautiful wife, who can certainly cook. I wanted to take this opportunity to thank her once again for the goodies. We look forward to them every Valentines Day. She's a sweetheart."

REPLY BY THE PRESIDENT

President Owen: "Thank you, I will send her that message but she's probably still sleeping now. She was cooking at three o'clock this morning."

PERSONAL PRIVILEGE

Senator Hargrove: "Yes, I understand that we were going to get three cookies. Did you eat the others?"

PERSONAL PRIVILEGE

Senator McCaslin: "If there's anyone on this floor that doesn't need a third cookie it's the previous speaker. On behalf of this side of the aisle, we thank you and thank Linda and we just wish everyday was a Valentine's Day."

PERSONAL PRIVILEGE

Senator Delvin: "Thank you Mr. President. I would ask that the Senate Security keep an eye on the Senator from the Twenty-Fourth District. He has some pants on today that has some extra big pockets and some cookies might disappear today."

SECOND READING

SENATE BILL NO. 5439, by Senators Roach, Swecker, Delvin, Sheldon, Parlette, Kohl-Welles and McCaslin

Authorizing background checks on gubernatorial appointees.

The measure was read the second time.

MOTION

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

2006 REGULAR SESSION

On motion of Senator Kastama, the rules were suspended, Senate Bill No. 5439 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Roach spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senators Deccio, Mulliken, Hewitt, Finkbeiner, Roach and Benton were excused.

MOTION

On motion of Senator Regala, Senators Rasmussen, Brown and Keiser were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5439.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5439 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Voting nay: Senators Brandland and Honeyford - 2

Absent: Senator Pflug - 1

Excused: Senators Deccio, Mulliken and Rasmussen - 3

SENATE BILL NO. 5439, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

Senator Thibaudeau moved adoption of the following resolution:

SENATE RESOLUTION
8714

By Senators Thibaudeau and Morton

WHEREAS, "CREATE," a grassroots arts program, was founded in 1995 in Pend Oreille County by five mothers in the community who were concerned about the decrease in the availability of arts programs in public schools; and

WHEREAS, Recognizing that music and art enrichment programs are important components of a well-rounded education, the founders came together to fill a void in the community; and

WHEREAS, This arts and humanities program serves the geographically isolated and economically disadvantaged population of Pend Oreille County; and

WHEREAS, Various studies indicate that children involved in music, drama, and art programs not only do better in school, but are better equipped to explore their own creative potential; and

WHEREAS, This groundbreaking program gives novices and professional artists alike the opportunity to learn, grow, and showcase creative works through a variety of programs;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize "CREATE" as a resourceful and innovative community arts program, and recognize the founders and other supporters in the community; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to "CREATE" founders: Martha Nichols, Joyce Weir, Nancy Cain, Carol Mack, Kate Drum, and "CREATE" managing director Lucy Wilson.

Senators Thibaudeau, Morton, McAuliffe and Jacobsen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8714.

The motion by Senator Thibaudeau carried and the resolution was adopted by voice vote.

MOTION

At 9:26 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:04 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6717, by Senators Kohl-Welles, Brandland, McAuliffe, Hargrove, Rockefeller, Shin, Rasmussen, Schmidt and Stevens

Extending the joint task force on criminal background check processes.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6717 was substituted for Senate Bill No. 6717 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6717 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Brandland spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senator Pflug was excused.

MOTION

On motion of Senator Regala, Senator Thibaudeau was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6717.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6717 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

2006 REGULAR SESSION

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Excused: Senators Deccio, Pflug and Thibaudeau - 3

SUBSTITUTE SENATE BILL NO. 6717, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Owen: "Just a brief announcement for the members, the question has arisen as to whether or not the cookies may be eaten on the floor. For the members information we will implement the annual suspension of the St. Valentines Day no eating cookies on the floor rule. So, the cookies may be eaten on the floor, today only."

PERSONAL PRIVILEGE

Senator Rasmussen: "Well I as one and I'm sure this all the members of the Senate would join me in saying, thank you to Linda because it's just not Valentine's Day without a wonderful message from you and Linda. I certainly appreciate it and thank you very much. You have a lovely wife. You are indeed a very, very lucky man to have such a good woman in front of you."

PERSONAL PRIVILEGE

Senator Honeyford: "How can we eat this cookie without a cup of coffee?"

PERSONAL PRIVILEGE

Senator Roach: "I also want to thank Linda for having the good sense to put walnuts in these chocolate chip cookies. I can expand a little bit about this. We had a family gathering one time and the family is getting pretty big. We have five children, eight grandchildren. It was a big party. Everybody brought their spouses and everything. I decided that I would make my favorite cookie, which would be chocolate chip cookies and I like them with walnuts. I made a bunch of cookies and I made several batches, big, rounded on the plate and then I made another batch over here. There were two batches next to each other and one little sign I put said 'With' and the other little sign I put next to the cookies it said, 'Without'. So, one had with the walnuts and one without. Now, it was kind of a test of sorts. I wanted to let you know this that the cookies that said 'without' the plate was empty by the end of the day. The plate that said, 'With' was almost totally full. Apparently my son and I were the only ones that liked the walnuts and I want to let you know that, I'm very pleased that you and your wife understand that there should, in fact, be walnuts in a good, chocolate chip cookie."

PERSONAL PRIVILEGE

Senator McCaslin: "This could be called a public announcement to all of you senators. Those who arrived last year and those who have been here for years. On your desk is a handy little reference booklet that tells you what to say but not what not to say. So, I would recommend it to you all. It lists all the senators in here. What district they are from and gives you

the proper motions to make when you get up and you don't know what to do with a bill and the President says 'Would you like to move it?' or, 'Would you not like to move it?' I've often wondered about people get up and say I move an amendment and I often wonder where they're moving it to. It's proper to say 'I move it to be adopted' or, The amendment so and so should be adopted. It's just a little point of order that I think all of you should refer too. I know the floor leader for the other side does an excellent job and she doesn't need it but, thank you, Mr. President."

MOTION

On motion of Senator Schoesler, Senators Stevens and Swecker were excused.

MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5048 was returned to second reading for the purpose of amendment.

SECOND READING

SENATE BILL NO. 5048, by Senators Oke, Brown, Keiser, Swecker, Kline, Morton, Rockefeller, Deccio, Thibaudeau, Finkbeiner, McAuliffe, Sheldon, Rasmussen, Spanel, Berkey, Eide, Doumit, Regala, Kohl-Welles, Jacobsen, Franklin, Haugen, Fraser, Kastama and Weinstein

Prohibiting tobacco product sampling.

The measure was read the second time.

MOTION

Senator Oke moved that the following amendment by Senator Oke be adopted.

Beginning on page 3, line 29, strike all of section 4 and insert the following:

"Sec. 4. RCW 70.155.090 and 2005 c 206 s 2 are each amended to read as follows:

(1) Where there may be a question of a person's right to purchase or obtain tobacco products by reason of age, the retailer(~~(-sampler,))~~ or agent thereof, shall require the purchaser to present any one of the following officially issued identification that shows the purchaser's age and bears his or her signature and photograph: (a) Liquor control authority card of identification of a state or province of Canada; (b) driver's license, instruction permit, or identification card of a state or province of Canada; (c) "identocard" issued by the Washington state department of licensing under chapter 46.20 RCW; (d) United States military identification; (e) passport; (f) enrollment card, issued by the governing authority of a federally recognized Indian tribe located in Washington, that incorporates security features comparable to those implemented by the department of licensing for Washington drivers' licenses. At least ninety days prior to implementation of an enrollment card under this subsection, the appropriate tribal authority shall give notice to the board. The board shall publish and communicate to licensees regarding the implementation of each new enrollment card; or (g) merchant marine identification card issued by the

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

2006 REGULAR SESSION

United States coast guard.

(2) It is a defense to a prosecution under RCW 26.28.080 that the person making a sale reasonably relied on any of the officially issued identification as defined in subsection (1) of this section. The liquor control board shall waive the suspension or revocation of a license if the licensee clearly establishes that he or she acted in good faith to prevent violations and a violation occurred despite the licensee's exercise of due diligence."

Senator Oke spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Oke on page 3, line 29 to Senate Bill No. 5048.

The motion by Senator Oke carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Oke, the rules were suspended, Engrossed Senate Bill No. 5048 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oke, Kohl-Welles and Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5048.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5048 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 6; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Weinstein and Zarelli - 39

Voting nay: Senators Benson, Delvin, Hewitt, Honeyford, Pflug and Schoesler - 6

Excused: Senators Deccio, Stevens, Swecker and Thibaudeau - 4

ENGROSSED SENATE BILL NO. 5048, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6606, by Senators Fraser, Oke, Fairley, Deccio, Berkey, McAuliffe, Keiser, Kline, Regala, Honeyford, Thibaudeau, Mulliken, Pridemore, Rockefeller, Delvin, Rasmussen and Kohl-Welles

Requiring standards for educational interpreters for students who are deaf or hard of hearing.

The measure was read the second time.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted.

On page 1, line 15, after "students." strike "The superintendent must" and insert "By January 15, 2007, the superintendent must report to the education committees of the legislature and"

On page 1, line 17, after "standards." insert "The superintendent of public instruction must obtain formal legislative approval through legislation before the implementation of any standards for educational interpreters."

Senator Benton spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 1, line 15 to Senate Bill No. 6606.

The motion by Senator Benton carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Senate Bill No. 6606 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Brandland: "Would Senator Fraser yield to a question? Thank you Senator Fraser. I'm concerned here, I think I may have my bills mixed up. I'm just looking for clarification. I think that we also had a bill that was going to mandate the certification and it required our school districts to pay for training and that sort of thing. I'm wondering, oh, that is not this bill? I guess then, my question is, at this point, if we do implement standards, OSPI does implement standards and they pass those on to our school districts, will it then be their responsibility to make sure that their interpreters rise to this level of standard?"

Senator Fraser: "Senator, in response to your question, what this bill does is have the superintendent develop standards and, to the extent funds are appropriated in the budget, to consult with an advisory committee and then, with the amendment that was just adopted, they'd have to come back to the legislature before implementation."

Senator Mulliken spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Jacobsen was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6606.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6606 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland,

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

2006 REGULAR SESSION

Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Thibaudeau, Weinstein and Zarelli - 46

the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

Excused: Senators Deccio, Stevens and Swecker - 3

ENGROSSED SENATE BILL NO. 6606, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Schoesler, Senator Parlette was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6697.

SECOND READING

SENATE BILL NO. 6454, by Senators Mulliken, Pridemore, Fraser, Rockefeller, Franklin, Spanel, Shin and Roach

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6697 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Providing annual increases in certain retirement allowances.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Thibaudeau, Weinstein and Zarelli - 45

The measure was read the second time.

MOTION

On motion of Senator Mulliken, the rules were suspended, Senate Bill No. 6454 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Excused: Senators Deccio, Parlette, Stevens and Swecker - 4

Senator Mulliken spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6454.

SUBSTITUTE SENATE BILL NO. 6697, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ROLL CALL

SECOND READING

The Secretary called the roll on the final passage of Senate Bill No. 6454 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

SENATE BILL NO. 6676, by Senators Roach, Kline, Mulliken, Fairley and Rasmussen

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Thibaudeau, Weinstein and Zarelli - 46

Prohibiting fraudulent transfers of motor vehicles. Revised for 1st Substitute: Prohibiting fraudulent filings of vehicle reports of sale.

Excused: Senators Deccio, Stevens and Swecker - 3

SENATE BILL NO. 6454, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 6676 was substituted for Senate Bill No. 6676 and the substitute bill was placed on the second reading and read the second time.

SECOND READING

SENATE BILL NO. 6697, by Senators Berkey, Schmidt, Shin, Haugen, McAuliffe, Kohl-Welles and Rasmussen

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 6676 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6676.

Establishing technology priorities for institutions of higher education.

MOTIONS

On motion of Senator Berkey, Substitute Senate Bill No. 6697 was substituted for Senate Bill No. 6697 and the substitute bill was placed on the second reading and read the second time.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6676 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

On motion of Senator Berkey, the rules were suspended, Substitute Senate Bill No. 6697 was advanced to third reading,

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Pflug, Poulsen, Prentice,

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senators Honeyford and Mulliken - 2

Excused: Senators Deccio and Parlette - 2

SUBSTITUTE SENATE BILL NO. 6676, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6723, by Senators Eide, Delvin, Keiser, Kohl-Welles and Rasmussen

Determining the retirement allowance of a member who is killed in the course of employment.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Bill No. 6723 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Eide spoke in favor of final passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6723.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6723 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Parlette - 2

SENATE BILL NO. 6723, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6861, by Senators Delvin, Poulsen, Mulliken, Morton and Honeyford

Requiring a study of competing interests of domestic water users.

The measure was read the second time.

MOTION

On motion of Senator Delvin, the rules were suspended, Senate Bill No. 6861 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Delvin, Poulsen and Honeyford spoke in favor of passage of the bill.

2006 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Senate Bill No. 6861.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6861 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Parlette - 2

SENATE BILL NO. 6861, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6171, by Senators McAuliffe, Schmidt, Rasmussen and Kohl-Welles

Creating a demonstration project to help prepare bilingual and special education teachers.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 6171 was substituted for Senate Bill No. 6171 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 6171 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Schmidt and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6171.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6171 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Parlette - 2

SUBSTITUTE SENATE BILL NO. 6171, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

2006 REGULAR SESSION

SENATE BILL NO. 6415, by Senators Pridemore, McAuliffe, Mulliken and Kohl-Welles

Allowing interpreters to assist hearing impaired persons during driver's license examinations.

The measure was read the second time.

MOTION

On motion of Senator Pridemore, the rules were suspended, Senate Bill No. 6415 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6415.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6415 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Parlette - 2

SENATE BILL NO. 6415, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6473, by Senators Poulsen, Morton and Rockefeller

Eliminating the requirement that telecommunications companies file price lists.

MOTIONS

On motion of Senator Poulsen, Substitute Senate Bill No. 6473 was substituted for Senate Bill No. 6473 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Poulsen, the rules were suspended, Substitute Senate Bill No. 6473 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Poulsen and Morton spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senator Carrell was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6473.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6473 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Carrell and Deccio - 2

SUBSTITUTE SENATE BILL NO. 6473, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6504, by Senators Berkey and Mulliken

Prohibiting public hospital district employees from serving as commissioners.

The measure was read the second time.

MOTION

On motion of Senator Berkey, the rules were suspended, Senate Bill No. 6504 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Berkey and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6504.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6504 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Carrell and Deccio - 2

SENATE BILL NO. 6504, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6660, by Senator Spanel

Implementing the compensation and fringe benefit provisions in the master collective bargaining agreement.

MOTION

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

On motion of Senator Spanel, Substitute Senate Bill No. 6660 was substituted for Senate Bill No. 6660 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Spanel moved that the following striking amendment by Senators Spanel and Kohl-Welles be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.80.010 and 2002 c 354 s 302 are each amended to read as follows:

(1) For the purpose of negotiating collective bargaining agreements under this chapter, the employer shall be represented by the governor or governor's designee, except as provided for institutions of higher education in subsection ~~((4))~~ (5) of this section.

(2)(a) If an exclusive bargaining representative represents more than one bargaining unit, the exclusive bargaining representative shall negotiate with each employer representative as designated in subsection (1) of this section one master collective bargaining agreement on behalf of all the employees in bargaining units that the exclusive bargaining representative represents. For those exclusive bargaining representatives who represent fewer than a total of five hundred employees each, negotiation shall be by a coalition of all those exclusive bargaining representatives. The coalition shall bargain for a master collective bargaining agreement covering all of the employees represented by the coalition. The governor's designee and the exclusive bargaining representative or representatives are authorized to enter into supplemental bargaining of agency-specific issues for inclusion in or as an addendum to the master collective bargaining agreement, subject to the parties' agreement regarding the issues and procedures for supplemental bargaining. This section does not prohibit cooperation and coordination of bargaining between two or more exclusive bargaining representatives.

(b) This subsection (2) does not apply to exclusive bargaining representatives who represent employees of institutions of higher education, except when the institution of higher education has elected to exercise its option under subsection ~~((4))~~ (5) of this section to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section.

(c) If five hundred or more employees of an independent state elected official listed in RCW 43.01.010 are organized in a bargaining unit or bargaining units under RCW 41.80.070, the official shall be consulted by the governor or the governor's designee before any agreement is reached under (a) of this subsection concerning supplemental bargaining of agency specific issues affecting the employees in such bargaining unit.

(3) The governor shall submit a request for funds necessary to implement the compensation and fringe benefit provisions in the master collective bargaining agreement or for legislation necessary to implement the agreement. Except under subsection (5)(b) of this section, requests for funds necessary to implement the provisions of bargaining agreements shall not be submitted to the legislature by the governor unless such requests:

(a) Have been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the requests are to be considered; and

(b) Have been certified by the director of the office of financial management as being feasible financially for the state.

(4) The legislature shall approve or reject the submission of the request for funds as a whole. The legislature shall not consider a request for funds to implement a collective bargaining agreement unless the request is transmitted to the legislature as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060. If the legislature rejects or fails to act on the submission, either party may reopen all or part of the

2006 REGULAR SESSION

agreement or the exclusive bargaining representative may seek to implement the procedures provided for in RCW 41.80.090.

~~((4))~~ (5)(a) For the purpose of negotiating agreements for institutions of higher education, the employer shall be the respective governing board of each of the universities, colleges, or community and technical colleges or a designee chosen by the board to negotiate on its behalf. A governing board may elect to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1), (2), and (3) of this section. Prior to entering into negotiations under this chapter, the institutions of higher education or their designees shall consult with the director of the office of financial management regarding financial and budgetary issues that are likely to arise in the impending negotiations. If appropriations are necessary to implement the compensation and fringe benefit provisions of the bargaining agreements reached between institutions of higher education and exclusive bargaining representatives agreed to under the provisions of this chapter, the governor shall submit a request for such funds to the legislature according to the provisions of subsection (3) of this section.

~~((5))~~ (b) The October 1st deadline under subsection (3)(a) of this section is suspended, however, if one or both of the parties to an agreement make application before that date to the commission for appointment of a mediator to assist in the resolution of differences that occur during the negotiation of an agreement for compensation and fringe benefits, or if the parties are engaged in the fact-finding process provided for in RCW 41.80.090. If the October 1st deadline is suspended, a request for funds necessary to implement the compensation and fringe benefit provisions in the master collective bargaining agreement shall not be submitted by the governor to the legislature unless:

(i) An agreement is reached by November 15th preceding the legislative session at which the requests are to be considered on the compensation and fringe benefit provisions in the master collective bargaining agreement;

(ii) Such requests have been submitted to the director of financial management; and

(iii) Such requests have been certified by the director of the office of financial management as being feasible financially for the state.

(6) There is hereby created a joint committee on employment relations, which consists of two members with leadership positions in the house of representatives, representing each of the two largest caucuses; the chair and ranking minority member of the house appropriations committee, or its successor, representing each of the two largest caucuses; two members with leadership positions in the senate, representing each of the two largest caucuses; and the chair and ranking minority member of the senate ways and means committee, or its successor, representing each of the two largest caucuses. The governor shall periodically consult with the committee regarding appropriations necessary to implement the compensation and fringe benefit provisions in the master collective bargaining agreements, and upon completion of negotiations, advise the committee on the elements of the agreements and on any legislation necessary to implement the agreements.

~~((6))~~ (7) If, after the compensation and fringe benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

~~((7))~~ (8) After the expiration date of a collective bargaining agreement negotiated under this chapter, all of the terms and conditions specified in the collective bargaining agreement remain in effect until the effective date of a subsequently negotiated agreement, not to exceed one year from

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

2006 REGULAR SESSION

the expiration date stated in the agreement. Thereafter, the employer may unilaterally implement according to law."

Senator Spanel spoke in favor of adoption of the striking amendment.

MOTION

On motion of Senator Brandland, Senator Parlette was excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Spanel and Kohl-Welles to Substitute Senate Bill No. 6660.

The motion by Senator Spanel carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "agreement;" strike the remainder of the title and insert "and amending RCW 41.80.010."

MOTION

On motion of Senator Spanel, the rules were suspended, Engrossed Substitute Senate Bill No. 6660 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Spanel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6660.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6660 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Carrell, Deccio and Parlette - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 6660, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6840, by Senators Morton and Poulsen

Modifying energy efficiency provisions.

MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 6840 was substituted for Senate Bill No. 6840 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 6840 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton and Poulsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6840.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6840 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 6840, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6851, by Senators Prentice and Fairley

Revising provisions concerning closure of mobile home parks and manufactured housing communities.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6851 was substituted for Senate Bill No. 6851 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6851 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6851.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6851 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 46

Absent: Senators Benton and Zarelli - 2

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 6851, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

2006 REGULAR SESSION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

MOTION

On motion of Senator Shin, the rules were suspended, Senate Bill No. 5609 was returned to second reading for the purpose of amendment.

SECOND READING

SENATE BILL NO. 5609, by Senators Shin, Mulliken, Keiser, Carrell, Kohl-Welles and Benson

Increasing the operating fee waiver authority for Central Washington University.

The measure was read the second time.

MOTION

Senator Shin moved that the following striking amendment by Senator Shin be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.15.910 and 2005 c 249 s 3 are each amended to read as follows:

(1) For the purpose of providing state general fund support to public institutions of higher education, except for revenue waived under programs listed in subsections (3) and (4) of this section, and unless otherwise expressly provided in the omnibus state appropriations act, the total amount of operating fees revenue waived, exempted, or reduced by a state university, a regional university, The Evergreen State College, or the community colleges as a whole, shall not exceed the percentage of total gross authorized operating fees revenue in this subsection. As used in this section, "gross authorized operating fees revenue" means the estimated gross operating fees revenue as estimated under RCW 82.33.020 or as revised by the office of financial management, before granting any waivers. This limitation applies to all tuition waiver programs established before or after July 1, 1992.

(a) University of Washington	21 percent
(b) Washington State University	20 percent
(c) Eastern Washington University	11 percent
(d) Central Washington University	((8)) 11 percent
(e) Western Washington University	10 percent
(f) The Evergreen State College	6 percent
(g) Community colleges as a whole	35 percent

(2) The limitations in subsection (1) of this section apply to waivers, exemptions, or reductions in operating fees contained in the following:

- (a) RCW 28B.15.014;
- (b) RCW 28B.15.100;
- (c) RCW 28B.15.225;
- (d) RCW 28B.15.380;
- (e) RCW 28B.15.520;
- (f) RCW 28B.15.526;
- (g) RCW 28B.15.527;
- (h) RCW 28B.15.543;
- (i) RCW 28B.15.545;
- (j) RCW 28B.15.555;
- (k) RCW 28B.15.556;
- (l) RCW 28B.15.615;
- (m) RCW 28B.15.730;
- (n) RCW 28B.15.740;
- (o) RCW 28B.15.750;
- (p) RCW 28B.15.756;
- (q) RCW 28B.50.259;
- (r) RCW 28B.70.050; and

(s) RCW 28B.15.621(2).

(3) The limitations in subsection (1) of this section do not apply to waivers, exemptions, or reductions in services and activities fees contained in the following:

- (a) RCW 28B.15.522;
- (b) RCW 28B.15.540; and
- (c) RCW 28B.15.558.

(4) The total amount of operating fees revenue waived, exempted, or reduced by institutions of higher education participating in the western interstate commission for higher education western undergraduate exchange program under RCW 28B.15.544 shall not exceed the percentage of total gross authorized operating fees revenue in this subsection.

- (a) Washington State University 1 percent
- (b) Eastern Washington University 3 percent
- (c) Central Washington University 3 percent

NEW SECTION. Sec. 2. This act takes effect July 1, 2007."

Senator Shin spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Shin to Senate Bill No. 5609.

The motion by Senator Shin carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 2 of the title, after "University;" strike the remainder of the title and insert "amending RCW 28B.15.910; and providing an effective date."

MOTION

On motion of Senator Shin, the rules were suspended, Engrossed Senate Bill No. 5609 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin and Mulliken spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5609.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5609 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

ENGROSSED SENATE BILL NO. 5609, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator McCaslin: "A few minutes ago I had a conversation with Senator Deccio and he's doing fine. He needs a couple

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

2006 REGULAR SESSION

more tests this week and he'll be back with a smile. I was very happy to hear that."

REMARKS BY THE PRESIDENT

President Owen: "Senator McCaslin, if I might, my wife did make special cookies at your request for you and Senator Deccio, which I see Senator Brandland is scoping out right now. I would respectfully request that you do allow those cookies to stay there til he get's back."

PERSONAL PRIVILEGE

Senator McCaslin: "Mr. President, you have my word as a state senator. Where are they?"

MOTION

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

MESSAGE FROM THE HOUSE

February 13, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:
 SUBSTITUTE HOUSE BILL NO. 2987
 and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 13, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:
 SUBSTITUTE HOUSE BILL NO. 2325,
 SUBSTITUTE HOUSE BILL NO. 2345,
 HOUSE BILL NO. 2632,
 SUBSTITUTE HOUSE BILL NO. 2759,
 SUBSTITUTE HOUSE BILL NO. 2780,
 SUBSTITUTE HOUSE BILL NO. 2804,
 SUBSTITUTE HOUSE BILL NO. 2833,
 SECOND SUBSTITUTE HOUSE BILL NO. 2912,
 HOUSE BILL NO. 3106,
 HOUSE BILL NO. 3156,
 HOUSE JOINT MEMORIAL NO. 4031,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 13, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:
 SUBSTITUTE HOUSE BILL NO. 2471,
 SUBSTITUTE HOUSE BILL NO. 2553,
 SUBSTITUTE HOUSE BILL NO. 2776,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2842,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2848,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 2860,
 SUBSTITUTE HOUSE BILL NO. 2863,

SUBSTITUTE HOUSE BILL NO. 2898,
 SECOND SUBSTITUTE HOUSE BILL NO. 2914,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2942,
 HOUSE BILL NO. 3122,
 HOUSE BILL NO. 3157,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3207,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

SUPPLEMENTAL INTRODUCTION AND FIRST READING

E2SHB 2860 by House Committee on Capital Budget (originally sponsored by Representatives Grant, Newhouse, Hankins, Haler, Walsh and McCune)

AN ACT Relating to water resource management in the Columbia river basin; amending 2005 c 488 s 332 (uncodified); reenacting and amending RCW 43.84.092; adding a new chapter to Title 90 RCW; creating a new section; making appropriations; providing an effective date; and providing an expiration date.

MOTION

On motion of Senator Eide, the rules were suspended and Engrossed Second Substitute House Bill No. 2860 was placed on the second reading calendar.

MOTION

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

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2860, by House Committee on Capital Budget (originally sponsored by Representatives Grant, Newhouse, Hankins, Haler, Walsh and McCune)

Regarding water resource management in the Columbia river basin.

The measure was read the second time.

MOTION

On motion of Senator Poulsen, the rules were suspended, Engrossed Second Substitute House Bill No. 2860 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton, Pridemore, Hewitt, Rasmussen, Mulliken, Parlette, Shin, Rockefeller, Honeyford, Poulsen, Kastama and Franklin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2860.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2860 and the bill

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2860, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6151, by Senators Schoesler, Poulsen, Mulliken, Rasmussen, Jacobsen, Morton and Delvin

Protecting aquifer levels.

MOTION

On motion of Senator Poulsen, Substitute Senate Bill No. 6151 was substituted for Senate Bill No. 6151 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Schoesler moved that the following amendment by Senators Schoesler and Poulsen be adopted.

On page 2, beginning on line 29, after "90.44.510." strike all material through "right." on line 34

Senator Schoesler spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Schoesler and Poulsen on page 2, line 29 to Substitute Senate Bill No. 6151.

The motion by Senator Schoesler carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Spanel, Senator Haugen was excused.

MOTION

On motion of Senator Poulsen, the rules were suspended, Engrossed Substitute Senate Bill No. 6151 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6151.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6151 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley,

2006 REGULAR SESSION

Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator McCaslin - 1

Excused: Senators Deccio and Haugen - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6151, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:25 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

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

SECOND READING

SENATE BILL NO. 6613, by Senators Prentice, Keiser, Kline, Rasmussen and Shin

Prohibiting internet gambling.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6613 was substituted for Senate Bill No. 6613 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6613 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senators Swecker, Honeyford, Stevens and Hewitt were excused.

MOTION

On motion of Senator Regala, Senator Poulsen was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6613.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6613 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau,

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

2006 REGULAR SESSION

Weinstein and Zarelli - 44

Absent: Senators Doumit and Kline - 2

Excused: Senators Deccio, Poulsen and Swecker - 3

SUBSTITUTE SENATE BILL NO. 6613, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5141, by Senators Rasmussen, Schmidt, McAuliffe, Delvin, Rockefeller, Shin, Weinstein, Berkey, Pflug, Kohl-Welles, Hargrove, Kline, Regala, Thibaudeau and Spanel

Providing for early intervention services for children with disabilities.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5141 was substituted for Senate Bill No. 5141 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5141 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

MOTION

On motion of Senator Weinstein, Senators Doumit and Kline were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5141.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5141 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, Doumit and Poulsen - 3

SUBSTITUTE SENATE BILL NO. 5141, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Schoesler, Senator Parlette was excused.

SECOND READING

SENATE BILL NO. 6141, by Senator Honeyford

Including the value of wind turbine facilities in the property tax levy limit calculation.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 6141 was substituted for Senate Bill No. 6141 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 6141 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6141.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6141 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, Doumit and Poulsen - 3

SUBSTITUTE SENATE BILL NO. 6141, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6201, by Senator Fairley

Creating a homeowners' association act committee.

MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 6201 was substituted for Senate Bill No. 6201 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 6201 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Benson spoke in favor of passage of the bill.

MOTION

On motion of Senator Oke, Senator Morton was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6201.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6201 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner,

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

2006 REGULAR SESSION

Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Deccio, Doumit, Morton and Poulsen - 4
SUBSTITUTE SENATE BILL NO. 6201, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6376, by Senators Rasmussen, Honeyford, Jacobsen, Shin, Morton and Delvin

Changing livestock inspection fee provisions.

The measure was read the second time.

MOTION

Senator Rasmussen moved that the following amendment by Senator Rasmussen be adopted.

On page 2, line 1, after "inspection" insert "fee"

Senator Rasmussen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rasmussen on page 2, line 1 to Senate Bill No. 6376.

The motion by Senator Rasmussen carried and the amendment was adopted by voice vote.

MOTION

Senator Schoesler moved that the following amendment by Senators Schoesler and Rasmussen be adopted.

On page 3, after line 3, insert the following:

"**Sec. 3.** RCW 16.57.160 and 2003 c 326 s 18 are each amended to read as follows:

The director may adopt rules:

(1) Designating any point for mandatory inspection of cattle or horses or the furnishing of proof that cattle or horses passing or being transported through the point have been inspected or identified and are lawfully being transported;

(2) Providing for self-inspection of (~~fifteen~~) twenty-five head or less of cattle;

(3) Providing for issuance of individual horse and cattle identification certificates or other means of horse and cattle identification; and

(4) Designating the documents that constitute other satisfactory proof of ownership for cattle and horses. A bill of sale may not be designated as documenting satisfactory proof of ownership for cattle."

Renumber the remaining section accordingly.

Senator Schoesler spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Schoesler and Rasmussen on page 3, line 3 to Engrossed Senate Bill No. 6376.

The motion by Senator Schoesler carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "16.57.220" strike "and 16.58.130" and insert ", 16.58.130, and 16.57.160"

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 6376 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6376.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6376 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, Morton and Poulsen - 3

ENGROSSED SENATE BILL NO. 6376, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6527, by Senators Jacobsen, Mulliken, Haugen and Sheldon

Extending the negotiation period for the Milwaukee Road trail.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 6527 was substituted for Senate Bill No. 6527 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 6527 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen, Benson and Mulliken spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6527.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6527 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt,

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

2006 REGULAR SESSION

Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, Morton and Poulsen - 3

SUBSTITUTE SENATE BILL NO. 6527, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6625, by Senators Parlette and Fraser

Concerning the management of public lands.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 6625 was substituted for Senate Bill No. 6625 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 6625 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette and Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6625.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6625 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Morton - 2

SUBSTITUTE SENATE BILL NO. 6625, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6656, by Senators Kastama, Mulliken and Rasmussen

Revising snowmobile operation provisions.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Senate Bill No. 6656 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Mulliken spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6656.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6656 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Morton - 2

SENATE BILL NO. 6656, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6740, by Senators Fraser, Kohl-Welles, Fairley, Keiser and Franklin

Protecting homeowners who hire contractors to remodel or build their homes.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 6740 was substituted for Senate Bill No. 6740 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Fraser be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the vast majority of contractors engaged in the business of constructing or remodeling owner-occupied single-family homes are both technically proficient in their trade and able to manage their business dealings in accordance with the highest standards. The legislature also finds, however, that in those relatively few, but all-too-frequent, instances where prime contractors on such construction or remodeling projects intentionally, negligently, or unintentionally divert payments received from homeowners that are intended for subcontractors, suppliers, and others, existing provisions are inadequate to protect homeowners. Additionally, the toll on an individual homeowner's personal economic and emotional condition that such financial mismanagement by this small fraction of prime contractors is not adequately balanced against the responsibilities, obligations, and possible penalties that contractors bear for such mismanagement. Consequently, the legislature finds that it is necessary to (1) raise awareness about the harm that can be caused when those relatively few unscrupulous contractors divert homeowner payments that are intended to pay subcontractors and suppliers; (2) increase awareness by homeowners to the potential for liens against their residence if contractors fail to pay suppliers and subcontractors as promised; and (3) increase opportunities for homeowners to become better educated about ways to protect themselves from

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

2006 REGULAR SESSION

financial mismanagement by those few contractors who are unable or unwilling to meet the financial management standards set by the vast majority of residential contractors in this state.

Sec. 2. RCW 60.04.091 and 1992 c 126 s 7 are each amended to read as follows:

Every person claiming a lien under RCW 60.04.021 shall file for recording, in the county where the subject property is located, a notice of claim of lien not later than ninety days after the person has ceased to furnish labor, professional services, materials, or equipment or the last date on which employee benefit contributions were due.

(1) The notice of claim of lien((: (1)) shall state in substance and effect:

(a) The name, ((phone)) telephone number, and address of the claimant;

(b) The first ((and)) date on which the claimant began to perform labor, provide professional services, or supply material or equipment or the first date on which employee benefits became due;

(c) The last date on which the labor, professional services, materials, or equipment was furnished or employee benefit contributions were due;

((e)) (d) The name of the person indebted to the claimant;

((d)) (e) The street address, legal description, or other description reasonably calculated to identify, for a person familiar with the area, the location of the real property to be charged with the lien;

((e)) (f) The name of the owner or reputed owner of the property, if known, and, if not known, that fact shall be stated;

((and (f)) (g) The principal amount for which the lien is claimed, excluding any interest, late fees, costs, attorneys' fees, or similar charges; and

(h) Whether the claimant is the assignee of the claim.

(2) The notice of claim of lien shall be signed by the claimant or some person authorized to act on his or her behalf who shall affirmatively state they have read or heard and understand the notice of claim of lien ((and)), believe the ((notice of claim of lien)) contents to be true and correct, and the lien is not frivolous and is not clearly excessive, under penalty of perjury, and shall be acknowledged as set forth in the form below, or pursuant to chapter 64.08 RCW. If the lien has been assigned, the name of the assignee shall be stated. Where an action to foreclose the lien has been commenced such notice of claim of lien may be amended as pleadings may be by order of the court insofar as the interests of third parties are not adversely affected by such amendment. A claim of lien substantially in the following form shall be sufficient:

CLAIM OF LIEN

..., claimant, vs ..., name of person indebted to claimant: Notice is hereby given that the person named below claims a lien pursuant to chapter ((64.04)) 60.04 RCW. In support of this lien the following information is submitted:

- 1. NAME OF LIEN CLAIMANT:
TELEPHONE NUMBER:
ADDRESS:

2. DATE ON WHICH THE CLAIMANT BEGAN TO PERFORM LABOR, PROVIDE PROFESSIONAL SERVICES, SUPPLY MATERIAL OR EQUIPMENT OR THE DATE ON WHICH EMPLOYEE BENEFIT CONTRIBUTIONS BECAME DUE:

3. NAME OF PERSON INDEBTED TO THE CLAIMANT:

4. DESCRIPTION OF THE PROPERTY AGAINST WHICH A LIEN IS CLAIMED (Street address, legal description or other information that will reasonably describe the property):

5. NAME OF THE OWNER OR REPUTED OWNER (If not known state "unknown"):

6. THE LAST DATE ON WHICH LABOR WAS PERFORMED; PROFESSIONAL SERVICES WERE FURNISHED; CONTRIBUTIONS TO AN EMPLOYEE BENEFIT PLAN WERE DUE; OR MATERIAL, OR EQUIPMENT WAS FURNISHED:

7. PRINCIPAL AMOUNT FOR WHICH THE LIEN IS CLAIMED IS:

8. IF THE CLAIMANT IS THE ASSIGNEE OF THIS CLAIM SO STATE HERE:

..., Claimant

(Phone number, address, city, and

state of claimant)

STATE OF WASHINGTON, COUNTY OF

..., ss.

..., being sworn, says: I am the claimant (or attorney of the claimant, or administrator, representative, or agent of the trustees of an employee benefit plan) above named; I have read or heard and understand the foregoing claim, read and know the contents thereof, and believe the same to be true and correct and that the claim of lien is not frivolous and is made with reasonable cause, and is not clearly excessive under penalty of perjury.

Subscribed and sworn to before me this ... day of.

ADVISORY NOTICE TO PARTY RECEIVING THIS LIEN CLAIM

1. You are advised to consult with an attorney immediately and before making any payment to the lien claimant in order to help determine the validity of the claim.

2. One of the things you should discuss with your attorney is whether the claim was filed in time. As a general rule, a lien claim filed more than ninety days after the lien claimant stopped working on your project cannot be enforced under state law, RCW 60.04.091.

3. Another timing issue you should discuss with your attorney is whether you received proper notice. Under the same state law, the lien claimant cannot be awarded certain fees and costs unless you were served or received this lien claim notice by certified or registered mail within fourteen days of when the lien claim was filed with the court.

(3) The period provided for recording the claim of lien is a period of limitation and no action to foreclose a lien shall be maintained unless the claim of lien is filed for recording within the ninety-day period stated. The lien claimant shall give a copy of the claim of lien to the owner or reputed owner by mailing it by certified or registered mail or by personal service within fourteen days of the time the claim of lien is filed for recording. Failure to do so results in a forfeiture of any right the claimant

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006
may have to attorneys' fees and costs against the owner under RCW 60.04.181.

(4) A lien claimant that, for any reason, includes any interest, late fee, cost, attorneys' fees, or similar charges as part of the principal amount for which the lien is claimed shall be deemed to have waived any right under contract or otherwise to such charges, and shall also forfeit any right the claimant may have to attorneys' fees and costs against the owner under RCW 60.04.181.

Sec. 3. RCW 60.04.250 and 1990 c 81 s 1 are each amended to read as follows:

The department of labor and industries shall prepare master documents that provide informational material about:

(1) Construction lien laws and available safeguards against real property lien claims. The material shall include methods of protection against lien claims, including obtaining lien release documents, performance bonds, joint payee checks, the opportunity to require contractor disclosure of all potential lien claimants as a condition of payment, and lender supervision under ((RCW 60.04.200 and 60.04.210)) this chapter. The material shall also include sources of further information, including the department of labor and industries and the office of the attorney general.

(2) The basics of lien law relating to owner-occupied residential improvements and new construction projects, including a list of available safeguards against real property lien claims. Before any building permit may be issued for (a) the construction of a new owner-occupied single-family residence; or (b) the improvement to an owner-occupied single-family residence for an amount in excess of one thousand dollars, if the construction will involve the services of a prime residential contractor, the permit-issuing agency shall provide the homeowner with a copy of the document described in this section. The document shall be deemed timely provided if the permit-issuing agency does any one of the following within fourteen days of receipt of the permit application:

- (i) Personally delivers the document to the homeowner;
- (ii) Places the document in United States mail, regular postage prepaid and addressed to the homeowner; or
- (iii) Otherwise provides the document to the homeowner through an agent who is not the prime residential contractor or any employee, owner, or agent of the prime residential contractor.

Failure to timely provide the document to the homeowner does not affect, alter, or delay the processing or completeness of the permit application or subject the permit-issuing agency to any penalty or liability. The document shall be in substantially the following form and shall also include information describing the scope and limits of state contractor bonding requirements, the provisions of this act, and the availability of further information, including the department of labor and industries and the office of the attorney general.

Dear Homeowner:

Before any permit can be issued, you must file with this agency the attached document acknowledging that you have received and read this form. You should also review the items below and carefully consider what protection, if any, you want against potential lien claims on your property as a result of the construction work for which you are contracting. If your contractor fails to pay subcontractors, suppliers, or laborers or neglects to make other legally required payments, those who are owed money can file a lien against your property for payment, even if you have paid your contractor in full. Anyone filing a valid lien claim may force the sale of your property to recover the unpaid amount. This is true if you have hired a contractor to build a new home or are buying a newly built home. It is also true when you remodel or improve your property.

People who supply materials or labor ordered by your contractor are permitted by law to file a lien only if they do so

within ninety days of cessation of performance or delivery of materials. The time frame is spelled out in RCW 60.04.091.

If you enter into a contract to buy a newly built home, you may not receive a notice of a lien based on a claim by a contractor or material handler. Be aware that a lien may be claimed even though you have not received a notice. Before making final payment on the project, obtain a completed lien release form from each contractor and material supplier. A sample of this release of lien form is available from the department of labor and industries, contractor registration section.

You have final responsibility for seeing that all bills are paid even if you have paid your contractor in full.

If you are dealing with a lending institution, ask your loan officer what precautions the lending institution takes to verify that subcontractors and material suppliers are being paid when mortgage money is paid to your contractor. You may want to request lender supervision if your lending institution is providing interim or construction financing.

If you receive a notice to enforce a lien, take the notice seriously. Let your contractor know you have received the notice. Find out what arrangements are being made to pay the sender of the notice.

When in doubt, or if you need more details, consult your attorney. When and how to pay your contractor is a decision that requires serious consideration. Washington law, RCW 18.27.114, requires contractors to give you this disclosure statement if your contract exceeds one thousand dollars.

Below is a list of some alternatives about how you may want to protect yourself from possible lien claims on your property, and inform your contractor of your selections or discuss your selections with your contractor (select one):

..... issue checks made payable jointly, naming the contractor and the subcontractor or supplier as payees.

..... issue checks to the contractor and subcontractors in the amounts equal to the amounts for which lien releases that release all lien rights to those amounts, as provided by RCW 60.04.071, have been provided to me by each lien claimant requesting payment.

..... use an escrow agent to disburse construction funds and to protect my interests. (NOTE: Before making this selection, find out whether the escrow agent you plan to use will protect you against liens when disbursing payments. If you are interested in using this alternative, consult your attorney.)

..... insist that the contractor set up a trust account for all funds paid to this contractor, and the trust funds must be disbursed in accordance with our construction agreement to subcontractors and suppliers.

..... None of the above protections from potential lien claims against my property as a result of this construction work.

In addition to the above selection, consider whether to insist that the prime residential contractor is to disclose all potential lien claimants as a condition of payment. (NOTE: A lien claimant must, under RCW 60.04.091(2), mail by certified or registered mail or by personal service a copy of the claim of lien to the owner within fourteen days of the time the lien is recorded. While an action is ongoing, the law, RCW 60.04.151, allows an owner to withhold from this prime residential contractor the amount of money for which a claim is recorded by a subcontractor, supplier, or laborer.)

More information about contractors is available by visiting the department of labor and industries on the internet at www.LNI.wa.gov/SCS/contractors/ or by calling the contractor registration hotline at 1-800-647-0982. You may also call your local department of labor and industries office. See listings under "Washington, state of" in the government section or the white pages of the telephone book.

Sec. 4. RCW 60.04.031 and 1992 c 126 s 2 are each amended to read as follows:

(1) Except as otherwise provided in this section, every person furnishing professional services, materials, or equipment

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

2006 REGULAR SESSION

for the improvement of real property shall give the owner or reputed owner notice in writing of the right to claim a lien. If the prime contractor is in compliance with the requirements of RCW 19.27.095, 60.04.230, and 60.04.261, this notice shall also be given to the prime contractor as described in this subsection unless the potential lien claimant has contracted directly with the prime contractor. The notice may be given at any time but only protects the right to claim a lien for professional services, materials, or equipment supplied after the date which is sixty days before:

(a) Mailing the notice by certified or registered mail to the owner or reputed owner; or

(b) Delivering or serving the notice personally upon the owner or reputed owner and obtaining evidence of delivery in the form of a receipt or other ~~((acknowledgement))~~ acknowledgment signed by the owner or reputed owner or an affidavit of service.

(i) In the case of new construction of a single-family residence, the notice of a right to claim a lien may be given at any time but only protects the right to claim a lien for professional services, materials, or equipment supplied after a date which is ten days before the notice is given as described in this subsection.

(ii) In the case of the repair, alteration, or remodel of a single-family residence or garage appurtenant to a single-family residence, the notice of a right to claim a lien may be given at any time but only protects the right to claim a lien for professional services, materials, or equipment supplied after a date which is thirty days before the notice is given as described in this subsection.

(2) Notices of a right to claim a lien shall not be required of:

(a) Persons who contract directly with the owner or the owner's common law agent;

(b) Laborers whose claim of lien is based solely on performing labor; or

(c) Subcontractors who contract for the improvement of real property directly with the prime contractor, except as provided in subsection (3)~~((b))~~ (a)(ii) of this section.

(3)(a) Persons who furnish professional services, materials, or equipment in connection with the new construction, repair, alteration, or remodel of ~~((an existing owner-occupied))~~ a single-family residence or appurtenant garage:

~~((a))~~ (i) Who contract directly with the ~~((owner-occupier or their))~~ residential homeowner or the homeowner's common law agent shall not be required to send a written notice of the right to claim a lien and shall have a lien for the full amount due under their contract, as provided in RCW 60.04.021; or

~~((b))~~ (ii) Who do not contract directly with the ~~((owner-occupier or their))~~ residential homeowner or the homeowner's common law agent shall give notice of the right to claim a lien to the ~~((owner-occupier))~~ homeowner.

(b) Claims of liens of persons furnishing professional services, materials, or equipment who do not contract directly with the ~~((owner-occupier))~~ homeowner or their common law agent ~~((may only be satisfied from))~~ for the construction, repair, alteration, or remodel of the homeowner's residence shall be dismissed if:

(i) The amounts ~~((not yet))~~ paid to the prime residential contractor by the owner at the time the notice described in this section is received equals or otherwise satisfies all amounts owed by the homeowner to all potential lien claimants, including the prime residential contractor, regardless of whether amounts ~~((not yet))~~ paid to the prime residential contractor are due; and

(ii) The homeowner notifies the potential lien claimant in writing that the lien is subject to dismissal pursuant to this subsection, and such notice is received by the potential lien claimant within thirty days of receipt of the notice provided by (a)(ii) of this subsection.

(c) For the purposes of this subsection "received" means actual receipt of notice by personal service, or registered or certified

mail, or three days after mailing by registered or certified mail, excluding Saturdays, Sundays, or legal holidays.

(4) The notice of right to claim a lien described in subsection (1) of this section, shall include but not be limited to the following information and shall substantially be in the following form, using lower-case and upper-case ten-point type where appropriate.

NOTICE TO OWNER
IMPORTANT: READ BOTH SIDES OF THIS NOTICE
CAREFULLY.
PROTECT YOURSELF FROM PAYING TWICE

To:Date:

Re: _____ (description of property: Street address or general location.)

From:
AT THE REQUEST OF: _____ (Name of person ordering the professional services, materials, or equipment)

THIS IS NOT A LIEN--THIS NOTICE IS MEANT TO PROVIDE YOU WITH INFORMATION NECESSARY TO PROPERLY MANAGE YOUR CONSTRUCTION PROJECT.

This notice is sent to you to tell you who is providing professional services, materials, or equipment for the improvement of your property and to advise you of the rights of these persons and your responsibilities. Also take note that laborers on your project may claim a lien without sending you a notice.

OWNER/OCCUPIER OF EXISTING RESIDENTIAL PROPERTY AND/OR

NEW RESIDENTIAL PROPERTY

Under Washington law, those who furnish labor, professional services, materials, or equipment for the repair, remodel, or alteration of your owner-occupied principal residence and who are not paid, have a right to enforce their claim for payment against your property. This claim is known as a construction lien.

The law limits the amount that a lien claimant can claim against your property. ~~((Claims may only be made against that portion of the contract price you have not yet paid to your prime contractor as of the time this notice was given to you or three days after this notice was mailed to you.))~~ If the improvement to your property is new construction of a single-family residence or its appurtenant garage, a lien may be claimed for some or all professional services, materials, or equipment furnished after a date that is ten days before this notice was given to you or mailed to you. If the improvement to your property is the repair, alteration, or remodel of a single-family residence or its appurtenant garage, a lien may be claimed for some or all professional services, materials, or equipment furnished after a date that is thirty days before this notice was given to you or mailed to you. Review the back of this notice for more information and ways to avoid lien claims.

COMMERCIAL ~~((AND/OR NEW RESIDENTIAL))~~ PROPERTY

We have or will be providing professional services, materials, or equipment for the improvement of your commercial ~~((or new residential))~~ project. In the event you or your contractor fail to pay us, we may file a lien against your property. A lien may be claimed for all professional services, materials, or equipment furnished after a date that is sixty days before this notice was given to you or mailed to you ~~((unless the improvement to your property is the construction of a new single-family residence, then ten days before this notice was given to you or mailed to you)).~~

Sender:

Address:

Telephone:

Brief description of professional services, materials, or equipment provided or to be provided:

IMPORTANT INFORMATION ON REVERSE SIDE
IMPORTANT INFORMATION FOR YOUR PROTECTION

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

2006 REGULAR SESSION

This notice is sent to inform you that we have or will provide professional services, materials, or equipment for the improvement of your property. We expect to be paid by the person who ordered our services, but if we are not paid, we have the right to enforce our claim by filing a construction lien against your property.

(Street Address)

.....

(City, State, Zip Code)

.....

(Phone Number)

LEARN more about the lien laws and the meaning of this notice by discussing them with your contractor, suppliers, Department of Labor and Industries, the firm sending you this notice, your lender, or your attorney.

COMMON METHODS TO AVOID CONSTRUCTION LIENS: There are several methods available to protect your property from construction liens. The following are two of the more commonly used methods.

DUAL PAYCHECKS (Joint Checks): When paying your contractor for services or materials, you may make checks payable jointly to the contractor and the firms furnishing you this notice.

LIEN RELEASES: You may require your contractor to provide lien releases signed by all the suppliers and subcontractors from whom you have received this notice. If they cannot obtain lien releases because you have not paid them, you may use the dual payee check method to protect yourself.

YOU SHOULD TAKE APPROPRIATE STEPS TO PROTECT YOUR PROPERTY FROM LIENS.

YOUR PRIME CONTRACTOR AND YOUR CONSTRUCTION LENDER ARE REQUIRED BY LAW TO GIVE YOU WRITTEN INFORMATION ABOUT LIEN CLAIMS. IF YOU HAVE NOT RECEIVED IT, ASK THEM FOR IT.

(5) Every potential lien claimant providing professional services where no improvement as defined in RCW 60.04.011(5) (a) or (b) has been commenced, and the professional services provided are not visible from an inspection of the real property may record in the real property records of the county where the property is located a notice which shall contain the professional service provider's name, address, telephone number, legal description of the property, the owner or reputed owner's name, and the general nature of the professional services provided. If such notice is not recorded, the lien claimed shall be subordinate to the interest of any subsequent mortgagee and invalid as to the interest of any subsequent purchaser if the mortgagee or purchaser acts in good faith and for a valuable consideration acquires an interest in the property prior to the commencement of an improvement as defined in RCW 60.04.011(5) (a) or (b) without notice of the professional services being provided. The notice described in this subsection shall be substantially in the following form:

NOTICE OF FURNISHING PROFESSIONAL SERVICES

That on the (day) day of (month and year), (name of provider) began providing professional services upon or for the improvement of real property legally described as follows:

[Legal Description is mandatory]

The general nature of the professional services provided is The owner or reputed owner of the real property is

.....

(Signature)

.....

(Name of Claimant)

.....

(6) A lien authorized by this chapter shall not be enforced unless the lien claimant has complied with the applicable provisions of this section.

Sec. 5. RCW 60.04.011 and 1992 c 126 s 1 are each amended to read as follows:

Unless the context requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Construction agent" means any registered or licensed contractor, registered or licensed subcontractor, architect, engineer, or other person having charge of any improvement to real property, who shall be deemed the agent of the owner for the limited purpose of establishing the lien created by this chapter.

(2) "Contract price" means the amount, including overhead and profit, agreed upon by the contracting parties, or if no amount is agreed upon, then the customary and reasonable charge therefor, but in no case shall contract price include any amount payable under the contract, or otherwise, in the event of nonpayment or late payment.

(3) "Draws" means periodic disbursements of interim or construction financing by a lender.

(4) "Furnishing labor, professional services, materials, or equipment" means the performance of any labor or professional services, the contribution owed to any employee benefit plan on account of any labor, the provision of any supplies or materials, and the renting, leasing, or otherwise supplying of equipment for the improvement of real property.

(5) "Improvement" means: (a) Constructing, altering, repairing, remodeling, demolishing, clearing, grading, or filling in, of, to, or upon any real property or street or road in front of or adjoining the same; (b) planting of trees, vines, shrubs, plants, hedges, or lawns, or providing other landscaping materials on any real property; and (c) providing professional services upon real property or in preparation for or in conjunction with the intended activities in (a) or (b) of this subsection.

(6) "Interim or construction financing" means that portion of money secured by a mortgage, deed of trust, or other encumbrance to finance improvement of, or to real property, but does not include:

- (a) Funds to acquire real property;
(b) Funds to pay interest, insurance premiums, lease deposits, taxes, assessments, or prior encumbrances;
(c) Funds to pay loan, commitment, title, legal, closing, recording, or appraisal fees;
(d) Funds to pay other customary fees, which pursuant to agreement with the owner or borrower are to be paid by the lender from time to time;
(e) Funds to acquire personal property for which the potential lien claimant may not claim a lien pursuant to this chapter.

(7) "Labor" means exertion of the powers of body or mind performed at the site for compensation. "Labor" includes amounts due and owed to any employee benefit plan on account of such labor performed.

(8) "Mortgagee" means a person who has a valid mortgage of record or deed of trust of record securing a loan.

(9) "Owner-occupied" means a single-family residence occupied by the owner as his or her principal residence.

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

2006 REGULAR SESSION

(10) "Payment bond" means a surety bond issued by a surety licensed to issue surety bonds in the state of Washington that confers upon potential claimants the rights of third party beneficiaries.

(11) "Potential lien claimant" means any person or entity entitled to assert lien rights under this chapter who has otherwise complied with the provisions of this chapter and is registered or licensed if required to be licensed or registered by the provisions of the laws of the state of Washington.

(12) "Prime contractor" includes all contractors, general contractors, and specialty contractors, as defined by chapter 18.27 or 19.28 RCW, or who are otherwise required to be registered or licensed by law, who contract directly with a property owner or their common law agent to assume primary responsibility for the creation of an improvement to real property, and includes property owners or their common law agents who are contractors, general contractors, or specialty contractors as defined in chapter 18.27 or 19.28 RCW, or who are otherwise required to be registered or licensed by law, who offer to sell their property without occupying or using the structures, projects, developments, or improvements for more than one year.

(13) "Professional services" means surveying, establishing or marking the boundaries of, preparing maps, plans, or specifications for, or inspecting, testing, or otherwise performing any other architectural or engineering services for the improvement of real property.

(14) "Real property lender" means a bank, savings bank, savings and loan association, credit union, mortgage company, or other corporation, association, partnership, trust, or individual that makes loans secured by real property located in the state of Washington.

(15) "Residential homeowner" or "homeowner" means the same as the term is defined by RCW 18.27.010.

(16) "Site" means the real property which is or is to be improved.

~~((+6))~~ (17) "Subcontractor" means a general contractor or specialty contractor as defined by chapter 18.27 or 19.28 RCW, or who is otherwise required to be registered or licensed by law, who contracts for the improvement of real property with someone other than the owner of the property or their common law agent.

Sec. 6. RCW 18.27.010 and 2001 c 159 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1)(a) "Contractor" means any person, firm, or corporation who or which, in the pursuit of an independent business undertakes to, or offers to undertake, or submits a bid to, construct, alter, repair, add to, subtract from, provide construction consultation or management services, except as a licensed architect, for, develop, improve, move, wreck or demolish, for another, any building, highway, road, railroad, excavation or other structure, project, development, or improvement attached to real estate or to do any part thereof including the installation of doors, windows, carpeting or other floor covering, kitchen and bathroom cabinetry, fixtures, and built-in appliances, the erection of scaffolding or other structures or works in connection therewith or who installs or repairs roofing or siding, or who provides tree removal or trimming services; or, who, to do similar work upon his or her own property, employs members of more than one trade upon a single job or project or under a single building permit except as otherwise provided herein.

(b) "Contractor" includes any person, firm, corporation, or other entity covered by this subsection, whether or not registered as required under this chapter.

(c) A "contractor" is presumed to be a developer and prime residential contractor in business for another, and is not eligible for the exemption provided in RCW 18.27.090 (11) or (12), when the contractor owns and constructs, alters, repairs, or

remodels one or more residential structures, and offers for sale or lease (i) more than two such structures in any twenty-four month period, or (ii) any such structure without occupying or using it for more than one year.

~~(d)~~ Solely for the purposes of RCW 18.27.200 (2) and (3) and 18.27.340(3)(b), "contractor" includes any party that, in the pursuit of an independent business retains, for or on behalf of a residential homeowner, the services of a general contractor or specialty contractor to alter, repair, or improve an existing residential structure owned and occupied by the homeowner that has been damaged by an accident, fire, or weather-related or other natural event.

(2) "Department" means the department of labor and industries.

(3) "Director" means the director of the department of labor and industries or designated representative employed by the department.

(4) "General contractor" means a contractor whose business operations ~~((require))~~ involve the use or supervision of more than ((two unrelated)) one building ((trades or crafts)) trade, craft, or contractor whose work the general contractor ((shall)) superintends or ((do)) does in whole or in part. "General contractor" ((shall)) does not include an individual who does all work personally without employees or other "specialty contractors" as defined in this section. The terms "general contractor," "developer," and "builder" are synonymous.

(5) "Partnership" means a business formed under Title 25 RCW.

(6) "Prime residential contractor" means a prime contractor, as defined in RCW 60.04.011, that is engaged in the business of constructing, altering, repairing, or remodeling single-family homes for residential homeowners.

(7) "Registration cancellation" means a written notice from the department that a contractor's action is in violation of this chapter and that the contractor's registration has been revoked.

~~((7))~~ (8) "Registration suspension" means a written notice from the department that a contractor's action is a violation of this chapter and that the contractor's registration has been suspended for a specified time, or until the contractor shows evidence of compliance with this chapter.

~~((8))~~ (9) "Residential homeowner" for the purposes of this chapter and chapter 64.04 RCW means an individual person or persons owning or leasing real property:

(a) Upon which one single-family residence is to be built and in which the owner or lessee intends to reside upon completion of any construction; or

(b) Upon which there is a single-family residence to which improvements are to be made and in which the owner or lessee intends to reside upon completion of any construction.

~~((9))~~ (10) "Specialty contractor" means a contractor whose operations do not (a) require or involve the use of any unrelated building trade, craft, or contractor; nor (b) fall within the definition of "general contractor".

~~((+0))~~ (11) "Unregistered contractor" means a person, firm, corporation, or other entity doing work as a contractor without being registered in compliance with this chapter. "Unregistered contractor" includes contractors whose registration is expired, revoked, or suspended. "Unregistered contractor" does not include a contractor who has maintained a valid bond and the insurance or assigned account required by RCW 18.27.050, and whose registration has lapsed for thirty or fewer days.

~~((+1))~~ (12) "Unsatisfied final judgment" means a judgment that has not been satisfied either through payment, court approved settlement, discharge in bankruptcy, or assignment under RCW 19.72.070.

~~((+2))~~ (13) "Verification" means the receipt and duplication by the city, town, or county of a contractor registration card that is current on its face, checking the department's contractor registration data base, or calling the department to confirm that the contractor is registered.

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

2006 REGULAR SESSION

Sec. 7. RCW 18.27.020 and 1997 c 314 s 3 are each amended to read as follows:

- (1) Every contractor shall register with the department.
- (2) It is a gross misdemeanor for any contractor to:
 - (a) Advertise, offer to do work, submit a bid, or perform any work as a contractor without being registered as required by this chapter;
 - (b) Advertise, offer to do work, submit a bid, or perform any work as a contractor when the contractor's registration is suspended or revoked;
 - (c) Use a false or expired registration number in purchasing or offering to purchase an advertisement for which a contractor registration number is required; ~~((or))~~
 - (d) Transfer a valid registration to an unregistered contractor or allow an unregistered contractor to work under a registration issued to another contractor; or
 - (e) Subcontract work to or employ an unregistered contractor.

(3) It is not unlawful for a general contractor to employ an unregistered contractor who was registered at the time he or she entered into a contract with the general contractor, unless the general contractor or his or her representative has been notified in writing by the department of labor and industries that the contractor has become unregistered.

(4) All ~~((misdemeanor))~~ actions under this chapter shall be prosecuted in the county where the infraction occurs.

(5) A person is guilty of a separate gross misdemeanor for each day worked if, after the person receives a citation from the department, the person works while unregistered, or while his or her registration is suspended or revoked, or works under a registration issued to another contractor. A person is guilty of a separate gross misdemeanor for each worksite on which he or she violates subsection (2) of this section. Nothing in this subsection applies to a registered contractor.

(6) The director by rule shall establish a two-year audit and monitoring program for a contractor not registered under this chapter who becomes registered after receiving an infraction or conviction under this chapter as an unregistered contractor. The director shall notify the departments of revenue and employment security of the infractions or convictions and shall cooperate with these departments to determine whether any taxes or registration, license, or other fees or penalties are owed the state.

Sec. 8. RCW 18.27.030 and 2001 c 159 s 2 are each amended to read as follows:

(1) An applicant for registration as a contractor shall submit an application under oath upon a form to be prescribed by the director and which shall include the following information pertaining to the applicant:

- (a) Employer social security number.
- (b) Unified business identifier number, if required by the department of revenue.
- (c) Evidence of workers' compensation coverage for the applicant's employees working in Washington, as follows:
 - (i) The applicant's industrial insurance account number issued by the department;
 - (ii) The applicant's self-insurer number issued by the department; or
 - (iii) For applicants domiciled in a state or province of Canada subject to an agreement entered into under RCW 51.12.120(7), as permitted by the agreement, filing a certificate of coverage issued by the agency that administers the workers' compensation law in the applicant's state or province of domicile certifying that the applicant has secured the payment of compensation under the other state's or province's workers' compensation law.

- (d) Employment security department number.
- (e) State excise tax registration number.
- (f) Unified business identifier (UBI) account number may be substituted for the information required by (c) of this subsection

if the applicant will not employ employees in Washington, and by (d) and (e) of this subsection.

(g) Type of contracting activity, whether a general or a specialty contractor and if the latter, the type of specialty, and whether the contractor engages or intends to engage in the new construction, repair, alteration, or remodel of the single-family residence or appurtenant garage of any residential homeowner.

(h) The name and address of each partner if the applicant is a firm or partnership, or the name and address of the owner if the applicant is an individual proprietorship, or the name and address of the corporate officers and statutory agent, if any, if the applicant is a corporation or the name and address of all members of other business entities.

(i) The information contained in such application is a matter of public record and open to public inspection.

(2) The department may verify the workers' compensation coverage information provided by the applicant under subsection (1)(c) of this section, including but not limited to information regarding the coverage of an individual employee of the applicant. If coverage is provided under the laws of another state, the department may notify the other state that the applicant is employing employees in Washington.

(3)(a) The department shall deny an application for registration if: (i) The applicant has been previously performing work subject to this chapter as a sole proprietor, partnership, corporation, or other entity and the department has notice that the applicant has an unsatisfied final judgment against him or her in an action based on this chapter or the applicant owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment; (ii) the applicant was a principal or officer of a partnership, corporation, or other entity that either has an unsatisfied final judgment against it in an action that was incurred for work performed subject to this chapter or owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment; or (iii) the applicant does not have a valid unified business identifier number, if required by the department of revenue.

(b) The department shall suspend an active registration if (i) the department has notice that the registrant is a contractor or sole proprietor or a principal or officer of a registered contractor that has an unsatisfied final judgment against it for work within the scope of this chapter; or (ii) the applicant does not maintain a valid unified business identifier number, if required by the department of revenue.

(4) The department shall not deny an application or suspend a registration because of an unsatisfied final judgment if the applicant's or registrant's unsatisfied final judgment was determined by the director to be the result of the fraud or negligence of another party.

Sec. 9. RCW 18.27.040 and 2001 c 159 s 3 are each amended to read as follows:

(1) Each applicant shall file with the department a surety bond issued by a surety insurer who meets the requirements of chapter 48.28 RCW in the sum of twelve thousand dollars if the applicant is a general contractor and six thousand dollars if the applicant is a specialty contractor. If no valid bond is already on file with the department at the time the application is filed, a bond must accompany the registration application. The bond shall have the state of Washington named as obligee with good and sufficient surety in a form to be approved by the department. The bond shall be continuous and may be canceled by the surety upon the surety giving written notice to the director. A cancellation or revocation of the bond or withdrawal of the surety from the bond automatically suspends the registration issued to the registrant until a new bond or reinstatement notice has been filed and approved as provided in this section. The bond shall be conditioned that the applicant will pay all persons performing labor, including employee benefits, for the contractor, will pay all taxes and contributions due to the state of Washington, and will pay all persons furnishing labor or material or renting or supplying equipment

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

to the contractor and will pay all amounts that may be adjudged against the contractor by reason of breach of contract including negligent or improper work in the conduct of the contracting business. A change in the name of a business or a change in the type of business entity shall not impair a bond for the purposes of this section so long as one of the original applicants for such bond maintains partial ownership in the business covered by the bond.

(2) At the time of initial registration or renewal, the contractor shall provide a bond or other security deposit as required by this chapter and comply with all of the other provisions of this chapter before the department shall issue or renew the contractor's certificate of registration. Any contractor registered as of July 1, 2001, who maintains that registration in accordance with this chapter is in compliance with this chapter until the next renewal of the contractor's certificate of registration.

(3) Any person, firm, or corporation having a claim against the contractor for any of the items referred to in this section may bring suit upon the bond or deposit in the superior court of the county in which the work was done or of any county in which jurisdiction of the contractor may be had. The surety issuing the bond shall be named as a party to any suit upon the bond. Action upon the bond or deposit brought by a residential homeowner for breach of contract by a party to the construction contract shall be commenced by filing the summons and complaint with the clerk of the appropriate superior court within two years from the date the claimed contract work was substantially completed or abandoned. Action upon the bond or deposit brought by any other authorized party shall be commenced by filing the summons and complaint with the clerk of the appropriate superior court within one year from the date the claimed labor was performed and benefits accrued, taxes and contributions owing the state of Washington became due, materials and equipment were furnished, or the claimed contract work was substantially completed or abandoned. Service of process in an action against the contractor, the contractor's bond, or the deposit shall be exclusively by service upon the department. Three copies of the summons and complaint and a fee adopted by rule of not less than twenty dollars to cover the costs shall be served by registered or certified mail, or other delivery service requiring notice of receipt, upon the department at the time suit is started and the department shall maintain a record, available for public inspection, of all suits so commenced. Service is not complete until the department receives the fee and three copies of the summons and complaint. The service shall constitute service on the registrant and the surety for suit upon the bond or deposit and the department shall transmit the summons and complaint or a copy thereof to the registrant at the address listed in the registrant's application and to the surety within two days after it shall have been received.

(4) The surety upon the bond shall not be liable in an aggregate amount in excess of the amount named in the bond nor for any monetary penalty assessed pursuant to this chapter for an infraction. The liability of the surety shall not cumulate where the bond has been renewed, continued, reinstated, reissued or otherwise extended. The surety upon the bond may, upon notice to the department and the parties, tender to the clerk of the court having jurisdiction of the action an amount equal to the claims thereunder or the amount of the bond less the amount of judgments, if any, previously satisfied therefrom and to the extent of such tender the surety upon the bond shall be exonerated but if the actions commenced and pending at any one time exceed the amount of the bond then unimpaired, claims shall be satisfied from the bond in the following order:

(a) Employee labor and claims of laborers, including employee benefits;

(b) Claims for breach of contract by a party to the construction contract;

(c) Registered or licensed subcontractors, material, and equipment;

(d) Taxes and contributions due the state of Washington;

(e) Any court costs, interest, and ~~(attorney's [attorneys']) attorneys' fees~~ plaintiff may be entitled to recover. The surety is not liable for any amount in excess of the penal limit of its bond.

A payment made by the surety in good faith exonerates the bond to the extent of any payment made by the surety.

(5) The total amount paid from a bond or deposit required of a general contractor by this section to claimants other than residential homeowners must not exceed one-half of the bond amount. The total amount paid from a bond or deposit required of a specialty contractor by this section to claimants other than residential homeowners must not exceed one-half of the bond amount or four thousand dollars, whichever is greater.

(6) The prevailing party in an action filed under this section against the contractor and contractor's bond or deposit, for breach of contract by a party to ~~((a))~~ the construction contract involving a residential homeowner, is entitled to costs, interest, and reasonable attorneys' fees. The surety upon the bond is not liable in an aggregate amount in excess of the amount named in the bond nor for any monetary penalty assessed pursuant to this chapter for an infraction.

(7) If a final judgment impairs the liability of the surety upon the bond so furnished that there is not in effect a bond in the full amount prescribed in this section, the registration of the contractor is automatically suspended until the bond liability in the required amount unimpaired by unsatisfied judgment claims is furnished.

(8) In lieu of the surety bond required by this section the contractor may file with the department a deposit consisting of cash or other security acceptable to the department.

(9) Any person having filed and served a summons and complaint as required by this section having an unsatisfied final judgment against the registrant for any items referred to in this section may execute upon the security held by the department by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the department within one year of the date of entry of such judgment. Upon the receipt of service of such certified copy the department shall pay or order paid from the deposit, through the registry of the superior court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the department shall be the order of receipt by the department, but the department shall have no liability for payment in excess of the amount of the deposit.

(10) The director ~~((may))~~ shall require an applicant applying to renew or reinstate a registration or applying for a new registration to file a bond of ~~((up to three))~~ at least two times, but not more than five times, the normally required amount, if the director determines that an applicant, or a previous registration of a corporate officer, owner, or partner of a current applicant, has had in the past five years a total of six final judgments in actions under this chapter involving a residential single-family dwelling on two or more different structures.

(11) The director may adopt rules necessary for the proper administration of the security.

Sec. 10. RCW 18.27.080 and 1988 c 285 s 2 are each amended to read as follows:

(1) No person engaged in the business or acting in the capacity of a contractor may: (a) Bring or maintain any action in any court of this state for the collection of compensation for the performance of any work or for breach of any contract for which registration is required under this chapter; or (b) commence any action to compel another to comply with an arbitration or similar provision in the contractor's contract, or to enforce any such arbitration ruling; without alleging and proving that he was a duly registered contractor and held a current and valid certificate of registration at the time he contracted for the performance of such work or entered into such contract.

(2) For the purposes of this section, the court shall not find a contractor in substantial compliance with the registration requirements of this chapter unless: ((+)) (a) The department

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

2006 REGULAR SESSION

has on file the information required by RCW 18.27.030; ~~((2))~~ (b) the contractor has a current bond or other security as required by RCW 18.27.040; and ~~((3))~~ (c) the contractor has current insurance as required by RCW 18.27.050. In determining under this section whether a contractor is in substantial compliance with the registration requirements of this chapter, the court shall take into consideration the length of time during which the contractor did not hold a valid certificate of registration.

Sec. 11. RCW 18.27.200 and 2002 c 82 s 6 are each amended to read as follows:

(1) It is a violation of this chapter and an infraction for any contractor to:

(a) Advertise, offer to do work, submit a bid, or perform any work as a contractor without being registered as required by this chapter;

(b) Advertise, offer to do work, submit a bid, or perform any work as a contractor when the contractor's registration is suspended or revoked;

(c) Transfer a valid registration to an unregistered contractor or allow an unregistered contractor to work under a registration issued to another contractor; or

(d) If the contractor is a contractor as defined in RCW 18.106.010, violate RCW 18.106.320.

(2) It is a violation of this chapter and an infraction for any contractor to employ an unregistered contractor. It is not a violation for a contractor to employ an unregistered contractor who was registered at the time he or she entered into a contract with the general contractor, unless the contractor or his or her representative has been notified in writing by the department that the contractor has become unregistered.

(3) Each day that a contractor works without being registered as required by this chapter, works while the contractor's registration is suspended or revoked, employs an unregistered contractor, or works under a registration issued to another contractor is a separate infraction. Each worksite at which a contractor works without being registered as required by this chapter, works while the contractor's registration is suspended or revoked, or works under a registration issued to another contractor is a separate infraction.

Sec. 12. RCW 18.27.340 and 1997 c 314 s 17 are each amended to read as follows:

(1) Except as otherwise provided in subsection (3) of this section, a contractor found to have committed an infraction under RCW 18.27.200 shall be assessed a monetary penalty of not less than two hundred dollars and not more than five thousand dollars.

(2) The director may waive collection in favor of payment of restitution to a consumer complainant.

(3) A contractor found to have committed an infraction under RCW 18.27.200 for:

(a) Failure to register; or

(b) Employing an unregistered contractor, shall be assessed a fine of not less than one thousand dollars, nor more than five thousand dollars. The director may reduce the penalty for failure to register, but in no case below five hundred dollars, if the person becomes registered within ten days of receiving a notice of infraction and the notice of infraction is for a first offense. The director may reduce the penalty for employing an unregistered contractor, but in no case may reduce the penalty below seven hundred fifty dollars, if the notice of infraction is for a first offense for employing an unregistered contractor.

(4) Monetary penalties collected under this chapter shall be deposited in the general fund.

NEW SECTION. Sec. 13. This act takes effect July 1, 2007."

Senator Hargrove spoke in favor of adoption of the striking amendment.

MOTION

Senator Shin moved that the following amendment by Senator Shin to the striking amendment be adopted.

On page 1, after line 27 of the amendment, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 18.27 RCW to read as follows:

No prime residential contractor shall commence or maintain any action to enforce or to compel arbitration regarding payment of the final five percent of the contract price of any contract between the contractor and a residential homeowner for the construction, alteration, remodel, or other improvement of the residential homeowner's residence until after:

(1) Ninety days after the last date that work was performed on, or goods were supplied to, the homeowner's residence by any potential lien claimant retained by the prime residential contractor on behalf of the homeowner; or

(2) A lien release has been provided to the homeowner by all potential lien claimants, other than the prime residential contractor, that provided goods or services to or on behalf of the homeowner; whichever occurs earlier."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 27, line 24 of the title amendment, after "18.27.340;" insert "adding a new section to chapter 18.27 RCW;"

Senator Shin spoke in favor of adoption of the amendment to the striking amendment.

Senator Honeyford spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Shin on page 1, line 27 to the striking amendment to Substitute Senate Bill No. 6740.

The motion by Senator Shin failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Fraser to Substitute Senate Bill No. 6740.

Senators Johnson and Stevens spoke against adoption of the striking amendment.

MOTION

Senator Weinstein demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Weinstein, "Shall the main question be now put?"

A division was demanded.

The motion by Senator Weinstein that the previous question be put was sustained by rising vote.

Senator Hargrove spoke in favor of adoption of the striking amendment.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "homes;" strike the remainder of the title and insert "amending RCW 60.04.091,

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

60.04.250, 60.04.031, 60.04.011, 18.27.010, 18.27.020, 18.27.030, 18.27.040, 18.27.080, 18.27.200, and 18.27.340; creating a new section; prescribing penalties; and providing an effective date."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 6740 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove, Fraser spoke in favor of passage of the bill.

Senators Finkbeiner, Parlette spoke against passage of the bill.

MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute Senate Bill No. 6740 was deferred and the bill held its place on the third reading calendar.

SECOND READING

SENATE BILL NO. 6821, by Senators McAuliffe, Schmidt, Weinstein, Kohl-Welles, Pridemore, Benton, Delvin, Rasmussen and Franklin

Creating a work group to explore the creation of college and career readiness centers.

MOTION

On motion of Senator McAuliffe, Substitute Senate Bill No. 6821 was substituted for Senate Bill No. 6821 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Franklin moved that the following striking amendment by Senators Franklin, McAuliffe and Schmidt be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature recognizes that the state has committed itself to providing educational opportunities to students until age twenty-one or until they receive a high school diploma, whichever occurs first. The legislature further recognizes that the purpose of education reform has been to assure that all students are provided a rigorous educational experience that will prepare them for college or the work force. The legislature understands, however, that all students have different learning styles and learn at different rates and that some may require more time to earn a diploma than the standard four years of high school. For these older students, the legislature recognizes that additional opportunities outside of the traditional high school classroom may be necessary. It is the intent of the legislature to explore what learning environments are best suited to helping students access the knowledge and skills necessary to become college or career ready.

NEW SECTION. Sec. 2. (1) To the extent funds are appropriated, the office of the superintendent of public instruction in conjunction with the higher education coordinating board and the state board for community and technical colleges, shall convene a work group to explore the creation of college and career readiness centers as a way to provide additional learning opportunities for students in middle school, high school, and beyond high school, up to age twenty-one, who are at a risk of not graduating from high school with

2006 REGULAR SESSION

their peers. The work group shall, at a minimum, consider the following issues:

(a) Where college and career readiness centers should be located;

(b) How to best administer the educational program at the centers in order to provide students with a flexible learning environment that accommodates the needs of students, including instructional activities and support;

(c) How students, parents, and the community should be provided information about college and career readiness centers;

(d) Funding mechanisms for college and career readiness centers;

(e) Eligibility criteria for college and career readiness centers; and

(f) How a community-school district partnership involving parents, youth organizations, institutions of higher education, and other community leaders of community organizations could be brought together to help implement college and career readiness centers that would support students with diverse learning styles and strategies who may have unique problems and barriers to success in public high schools. In considering the development and implementation of a community-school district partnership, the work group shall consider and make recommendations regarding the use of demonstration projects to pilot this option, including a time frame and cost for implementation.

(2) The work group shall include representatives of the following groups, agencies, and organizations:

(a) The office of the superintendent of public instruction;

(b) The state board of education;

(c) Teachers and faculty from the K-12 and higher education system;

(d) School administrators;

(e) School counselors;

(f) Educational service districts;

(g) Institutions of higher education;

(h) Work force training and education coordinating board;

(i) Representatives of cultural, linguistic, and racial minority groups;

(j) Representatives of the business community;

(k) Representatives of federally recognized Washington tribes;

(l) Skill centers; and

(m) Other interested organizations and personnel.

(3) The office of the superintendent of public instruction shall report the findings of the work group under this section to the state board of education and the legislature no later than January 10, 2007."

Senators Franklin and McAuliffe spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Franklin, McAuliffe and Schmidt to Substitute Senate Bill No. 6821.

The motion by Senator Franklin carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "centers;" strike the remainder of the title and insert "and creating new sections."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 6821 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

Senators McAuliffe and Pflug spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Rockefeller was excused.

MOTION

On motion of Senator Schoesler, Senator Parlette was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6821.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6821 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Hewitt - 1

Excused: Senators Deccio and Parlette - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6821, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6522, by Senators Benton, Kastama, Roach, Berkey, Benson, Zarelli, Stevens, Delvin, Honeyford and Schmidt

Concerning campaign contributions made by out-of-state entities.

The measure was read the second time.

MOTION

Senator Finkbeiner moved that the following amendment by Senators Finkbeiner and Brown be adopted.

On page 2, line 10, after "than" strike "twenty-five" and insert "~~((twenty-five))~~ one thousand three hundred fifty"

Senators Finkbeiner and Brown spoke in favor of adoption of the amendment.

Senator Honeyford spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Finkbeiner and Brown on page 2, line 10 to Senate Bill No. 6522.

The motion by Senator Finkbeiner carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Benton, the rules were suspended,

2006 REGULAR SESSION

Engrossed Senate Bill No. 6522 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6522.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6522 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Hargrove - 1

Excused: Senator Deccio - 1

ENGROSSED SENATE BILL NO. 6522, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6464, by Senators Delvin, McAuliffe, Hewitt, Pridemore and Rasmussen

Expanding the baccalaureate degree program at WSU, Tri-Cities.

MOTIONS

On motion of Senator Delvin, Substitute Senate Bill No. 6464 was substituted for Senate Bill No. 6464 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Delvin, the rules were suspended, Substitute Senate Bill No. 6464 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Delvin spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Jacobsen: "Would Senator Delvin yield to a question? Yes, I'm curious if the four year program are they planning on having an athletic program, in particular football?"

Senator Delvin: "Not that I'm aware of."

Senator Jacobsen: "Well, that'd be two schools we could beat instead of one in the state, when we get our recruiting up to speed."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6464.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6464 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused,

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

2006 REGULAR SESSION

1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 6464, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6292, by Senators Kohl-Welles, Parlette, Keiser, Thibaudeau, Kline, McAuliffe and Mulliken

Providing an exemption from unemployment compensation contributions for certain small performing arts industries.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6292 was substituted for Senate Bill No. 6292 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6292 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6292.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6292 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 6292, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Esser moved that the Senate advance to the ninth order of business for the purpose of relieving the Committee on Ways & Means of Senate Bill No. 6471 and Senate Joint Resolution No. 8222.

Senator Esser spoke in favor of the motion.

POINT OF INQUIRY

Senator Esser: "Would Senator Zarelli yield to a question? Senator, why is it critical and essential to vote for this motion to go to the ninth order of business at this particular point in time?"

Senator Zarelli: "Thank you Senator. I think we all realize in an hour and a half or so, we'll reach a cut off by rule here in the Senate. I think this bill or these two bills are very important that we get out before that cut off for the very clear reason that if we're....."

POINT OF ORDER

Senator Eide: "Well, I believe the good Senator should be speaking on this himself. He's the one that made the motion and I don't understand how they can ask a question to another member and debate..... I'm objecting."

REPLY BY THE PRESIDENT

President Owen: "So noted, but he may ask a question and the questioned may answer."

Senator Zarelli: "Thank you Mr. President. Just so the body is aware, these two bills, a constitutional amendment establishes a rainy day fund in the....."

POINT OF ORDER

Senator Eide: "I believe the motion before us is whether or not we go to the ninth order. Should we be discussing whether or not we should go to ninth order."

REPLY BY THE PRESIDENT

President Owen: "Your point is well taken. The discussion should be on moving to the ninth order of business."

Senator Zarelli: "Thank you Mr. President. I'm trying to help everybody to understand what it is we are going to the ninth order for. To help substantiate the claim that we need to go to the ninth order."

REPLY BY THE PRESIDENT

President Owen: "You may not discuss the merits of the bill in the motion to go to the ninth order but you may discuss the reason for going to the ninth order."

Senator Zarelli: "Thank you Mr. President. So the body is aware the measure in which we are trying to move to from, by going to the ninth order, is rainy day fund and the enabling legislation that would help move that along. I believe that this body has throughout the last month or so made comments from the Governor's office to the Majority Leader on the other side of the aisle, as well as the Chair of Ways & Means how important as measure like this would be and, therefore, Mr. President, I think that this body should endorse the comments of all those leaders here in Olympia and we ought to go to the ninth order, relieve the committee of these measures and have an up or down vote on them before that cut off rolls around at five o'clock. Thank you Mr. President."

Senator Doumit spoke against the motion to advance to the ninth order of business.

MOTION

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

2006 REGULAR SESSION

Senator Esser demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

POINT OF INQUIRY

Senator Hewitt: "Would Senator Doumit yield to a question?"

PARLIAMENTARY INQUIRY

Senator Brown: "Thank you Mr. President. Maybe I'm mistaking but I thought our general practice in the Senate was to have one person speak on the motion to go to the ninth order from each side. That was, that's the general practice that we have utilized in the past when I have been on the minority side of the aisle as I recall."

REPLY BY THE PRESIDENT

President Owen: "Senator Brown, we actually had that discussion ourselves yesterday and the actual practice is that on points of order we allow a statement on either side. But in this type of motion, it is open to debate."

MOTION

Senator Brown demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

REMARKS BY THE PRESIDENT

President Owen: "The President and these fine legal help that I have up here, are trying to sort this out because, Senator Hewitt, you were in the middle of asking a question. Now, the purpose for demanding the previous question is to cut off debate so that if a debate is going on it could go on forever and you can interrupt that at any time. The President does believe, however, you should be able to finish asking the question that you were going to ask that you were cut off in the middle of. However, because she then made that motion, Senator Doumit would not be allowed to answer until we...so if you want ask your question you can. The President would allow you to finish asking your question, not in the form of debate but in the form of a question and then we will dispose of Senator Brown's motion."

Senator Hewitt: "Thank you Mr. President. May I ask the question of another Senator?"

REMARKS BY THE PRESIDENT

President Owen: "You can continue with the question to the Senator that you are asking."

REMARKS BY SENATOR HEWITT

Senator Hewitt: "So, my question to the Senator from the Nineteenth is, the debate that we were having or the discussion we're having is if this in indeed necessary to implement the budget? I was hoping that I could get a resolution on why he thought it would be necessary to implement the budget and if they believe that's its necessary to implement the budget, does that mean that this bill is still alive?"

The President declared the question before the Senate to be

the motion of Senator Brown, "Shall the main question be now put?"

The motion by Senator Brown that the previous question be put was sustained by voice vote.

The President declared the question before the Senate to be the motion by Senator Esser that the Senate advance to the ninth order of business to relieve the Committee of Ways & Means of Senate Bill No. 6471 and Senate Joint Resolution No. 8222.

The Secretary called the roll on the motion by Senator Esser to advance to the ninth order and the motion failed by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens, Swecker and Zarelli - 22.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 26.

Excused: Senator Deccio - 1.

SECOND READING

SENATE BILL NO. 6418, by Senators Keiser and Deccio

Adding requirements to renew initial limited licenses for dental hygienists.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 6418 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6418.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6418 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SENATE BILL NO. 6418, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6570, by Senators Fairley, Benton, Berkey and Honeyford

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

Requiring lenders to consider retail installment contracts for the purchase of motor vehicles.

MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 6570 was substituted for Senate Bill No. 6570 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 6570 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Johnson was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6570.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6570 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Johnson - 2

SUBSTITUTE SENATE BILL NO. 6570, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6637, by Senators Keiser and Deccio

Concerning qualifications for adult family home providers.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 6637 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6637.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6637 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland,

2006 REGULAR SESSION

Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Hargrove - 1

Excused: Senators Deccio and Johnson - 2

SENATE BILL NO. 6637, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6208, by Senators Rockefeller and Johnson

Simplifying session law publication.

The measure was read the second time.

MOTION

On motion of Senator Rockefeller, the rules were suspended, Senate Bill No. 6208 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6208.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6208 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Johnson - 2

SENATE BILL NO. 6208, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6396, by Senators Kohl-Welles, Schmidt, Pridemore, Keiser, Franklin, Thibaudeau, Spanel and Jacobsen

Modifying the accumulation and use of sick leave accrued by part-time faculty.

MOTION

On motion of Senator Kohl-Welles, Engrossed Substitute Senate Bill No. 6396 was substituted for Senate Bill No. 6396 and the substitute bill was placed on the second reading and read the second time.

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

2006 REGULAR SESSION

MOTION

Senator Honeyford moved that the following amendment by Senator Jacobsen be adopted.

On page 2, after line 32, insert the following:

"**NEW SECTION. Sec. 2.** In the event that SSB 6356 passes the legislature, the provisions of that bill shall apply to the state community and technical colleges system."

Senator Honeyford spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Jacobsen on page 2, line 32 to Substitute Senate Bill No. 6396.

The motion by Senator Honeyford carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 6396 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Parlette, Pflug and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6396.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6396 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senator Esser - 1

Excused: Senator Deccio - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6396, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator Honeyford: "We had on our calendar Senate Bill No. 6838 and Yakima County is a leading hot producing area, number two in the world, and those does, deals with sale of beer. I was wondering we're going to consider that or not?"

REPLY BY THE PRESIDENT

President Owen: "You're asking the wrong man."

SECOND READING

SENATE BILL NO. 6679, by Senator Haugen

Introducing federal law preemption in regulating train speeds.

MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 6679 was substituted for Senate Bill No. 6679 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Haugen moved that the following amendment by Senators Haugen and Benson be adopted.

On page 2, beginning on line 17, after "without" strike all material through "of" on line 18, and insert "making a finding permitted under"

On page 2, beginning on line 32, after "that a" strike all material through "hazard" on line 33, and insert "lower limit is necessary to address local conditions consistent with P.L. 91-458, Sec. 205 (49 U.S.C. Sec. 20106)"

Senators Haugen and Benson spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Benson on page 2, line 17 to Substitute Senate Bill No. 6679.

The motion by Senator Haugen carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6679 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6679.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6679 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6679, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6401, by Senators Doumit, Jacobsen, Schoesler, Regala, Morton and Honeyford

Modifying definitions of charter licenses.

MOTIONS

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

On motion of Senator Doumit, Substitute Senate Bill No. 6401 was substituted for Senate Bill No. 6401 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Doumit, the rules were suspended, Substitute Senate Bill No. 6401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Doumit spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6401.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6401 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 6401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6635, by Senators Franklin, Benton, Zarelli, Stevens, Honeyford and Rasmussen

Changing provisions relating to adoption.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 6635 was substituted for Senate Bill No. 6635 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Franklin moved that the following striking amendment by Senators Franklin, Rasmussen, Hargrove, Benton and Zarelli be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.33.045 and 1995 c 270 s 8 are each amended to read as follows:

(1) An adoption shall not be delayed or denied on the basis of the race, color, or national origin of the adoptive parent or the child involved. ~~((However:))~~

(2) When ~~((the department or an agency considers))~~ considering whether a placement option is in a child's best interests, the department or agency may consider the cultural, ethnic, or racial background of the child and the capacity of prospective adoptive parents to meet the needs of a child of this background if:

(a) A particular child presents specific compelling special circumstances; and

(b) Consideration of the child's cultural, ethnic, or racial background is the only way to achieve the best interest of that child. ((This))

(3) The department shall create standardized training to be provided to all department or agency employees involved in the placement of a child to assure compliance with Title VI of the

2006 REGULAR SESSION

civil rights act of 1964 and the multiethnic placement act of 1994, as amended by the interethnic adoption provisions of the small business job protection act of 1996.

(4) The provisions of this section shall not apply to or affect the application of the Indian child welfare act of 1978, 25 U.S.C. Sec. 1901 et seq.

NEW SECTION. Sec. 2. A new section is added to chapter 26.33 RCW to read as follows:

(1) The department shall establish and maintain, by rule, a schedule of standard adoption-related fees that may be charged. The fee schedule shall be established in consultation with:

- (a) Adoption advocates;
- (b) Agency representatives;
- (c) Adoption attorneys;
- (d) Child welfare advocates;
- (e) Birth and adoptive parents and adoptees;
- (f) Federally recognized tribes; and
- (g) Superior court judges.

(2) Each adoption petition filed pursuant to RCW 26.33.150 seeking adoption of a minor child shall be accompanied by a written disclosure statement containing an itemized accounting of all moneys paid or estimated to be paid by the petitioner for fees, costs, and expenses related to the adoption. The form of the disclosure statement shall be prescribed by the department in consultation with approved adoption agencies licensed in this state.

(3) If any adoption-related fees disclosed in an adoption proceeding are in excess of those established pursuant to subsection (1) of this section, the court may forward a copy of the written disclosure statement to the department.

NEW SECTION. Sec. 3. A new section is added to chapter 26.33 RCW to read as follows:

The department shall, in consultation with adoption advocates, representatives of adoption agencies, adoption attorneys, child-placing agencies, birth and adoptive parents and adoptees, federally recognized tribes, and representatives of the superior court judges, review the fees associated with children adopted out of the foster care system who are dependents of the state of Washington. The review shall include a determination of whether fees or any other factors are barriers to adoptions of children out of the foster care system. The department shall brief the legislature by December 1, 2006, on recommendations related to reducing any barriers that may exist pertaining to the adoption of children who are dependents of the state of Washington.

Sec. 4. RCW 26.33.190 and 1991 c 136 s 3 are each amended to read as follows:

(1) Any person may at any time request an agency, the department, an individual approved by the court, or a qualified salaried court employee to prepare a preplacement report. A certificate signed under penalty of perjury by the person preparing the report specifying his or her qualifications as required in this chapter shall be attached to or filed with each preplacement report and shall include a statement of training or experience that qualifies the person preparing the report to discuss relevant adoption issues. A person may have more than one preplacement report prepared. All preplacement reports shall be filed with the court in which the petition for adoption is filed.

(2) The preplacement report shall be a written document setting forth all relevant information relating to the fitness of the person requesting the report as an adoptive parent. The report shall be based on a study which shall include an investigation of the home environment, family life, health, facilities, and resources of the person requesting the report. The report shall include a list of the sources of information on which the report is based. The report shall include a recommendation as to the fitness of the person requesting the report to be an adoptive parent. The report shall also verify that the following issues were discussed with the prospective adoptive parents:

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

2006 REGULAR SESSION

(a) The concept of adoption as a lifelong developmental process and commitment;

(b) The potential for the child to have feelings of identity confusion and loss regarding separation from the birth parents;

(c) Disclosure of the fact of adoption to the child;

(d) The child's possible questions about birth parents and relatives; and

(e) The relevance of the child's racial, ethnic, and cultural heritage, if considered pursuant to RCW 26.33.045.

(3) All preplacement reports shall include an investigation of the conviction record, pending charges, or disciplinary board final decisions of prospective adoptive parents. The investigation shall include an examination of state and national criminal identification data provided by the Washington state patrol criminal identification system as described in chapter 43.43 RCW.

(4) An agency, the department, or a court approved individual may charge a reasonable fee based on the time spent in conducting the study and preparing the preplacement report. The court may set a reasonable fee for conducting the study and preparing the report when a court employee has prepared the report. An agency, the department, a court approved individual, or the court may reduce or waive the fee if the financial condition of the person requesting the report so warrants. An agency's, the department's, or court approved individual's, fee is subject to review by the court upon request of the person requesting the report.

(5) The person requesting the report shall designate to the agency, the department, the court approved individual, or the court in writing the county in which the preplacement report is to be filed. If the person requesting the report has not filed a petition for adoption, the report shall be indexed in the name of the person requesting the report and a cause number shall be assigned. A fee shall not be charged for filing the report. The applicable filing fee may be charged at the time a petition governed by this chapter is filed. Any subsequent preplacement reports shall be filed together with the original report.

(6) A copy of the completed preplacement report shall be delivered to the person requesting the report.

(7) A person may request that a report not be completed. A reasonable fee may be charged for the value of work done.

Sec. 5. RCW 26.33.240 and 1987 c 170 s 8 are each amended to read as follows:

(1) After the reports required by section 2 of this act and RCW 26.33.190 and 26.33.200 have been filed, the court shall schedule a hearing on the petition for adoption upon request of the petitioner for adoption. Notice of the date, time, and place of hearing shall be given to the petitioner and any person or agency whose consent to adoption is required under RCW 26.33.160, unless the person or agency has waived in writing the right to receive notice of the hearing. If the child is an Indian child, notice shall also be given to the child's tribe. Notice shall be given in the manner prescribed by RCW 26.33.310.

(2) Notice of the adoption hearing shall also be given to any person who or agency which has prepared a preplacement report. The notice shall be given in the manner prescribed by RCW 26.33.230.

(3) If the court determines, after review of the petition, ~~((preplacement and post-placement))~~ reports, and other evidence introduced at the hearing, that all necessary consents to adoption are valid or have been dispensed with pursuant to RCW 26.33.170 and that the adoption is in the best interest of the adoptee, and, in the case of an adoption of an Indian child, that the adoptive parents are within the placement preferences of 25 U.S.C. Sec. 1915 or good cause to the contrary has been shown on the record, the court shall enter a decree of adoption pursuant to RCW 26.33.250.

(4) If the court determines the petition should not be granted because the adoption is not in the best interest of the child, the court shall make appropriate provision for the care and custody of the child.

Sec. 6. RCW 26.33.400 and 1991 c 136 s 6 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, "advertisement" means communication by newspaper, radio, television, handbills, placards or other print, broadcast, or the electronic medium. This definition applies throughout this section.

(2) No person or entity shall cause to be published for circulation, or broadcast on a radio or television station, within the geographic borders of this state, an advertisement of a child or children offered or wanted for adoption, or shall hold himself or herself out through such advertisement as having the ability to place, locate, dispose, or receive a child or children for adoption unless such person or entity is:

(a) A duly authorized agent, contractee, or employee of the department or a children's agency or institution licensed by the department to care for and place children;

(b) A person who has a completed preplacement report as set forth in RCW 26.33.190 (1) and (2) or chapter 26.34 RCW with a favorable recommendation as to the fitness of the person to be an adoptive parent, or such person's duly authorized uncompensated agent, or such person's attorney who is licensed to practice in the state. Verification of compliance with the requirements of this section shall consist of a written declaration by the person or entity who prepared the preplacement report.

Nothing in this section prohibits an attorney licensed to practice in Washington state from advertising his or her availability to practice or provide services related to the adoption of children.

~~(3)(a) A violation of subsection (2) of this section is a matter affecting the public interest ((for the purpose of applying chapter 19.86 RCW. A violation of subsection (2) of this section is not reasonable in relation to the development and preservation of business. A violation of subsection (2) of this section)) and constitutes an unfair or deceptive act or practice in trade or commerce for the purpose of applying chapter 19.86 RCW.~~

(b) The attorney general may bring an action in the name of the state against any person violating the provisions of this section in accordance with the provisions of RCW 19.86.080.

(c) Nothing in this section applies to any radio or television station or any publisher, printer, or distributor of any newspaper, magazine, billboard, or other advertising medium which accepts advertising in good faith without knowledge of its violation of any provision of this section after an attempt to verify the advertising is in compliance with this section.

NEW SECTION. Sec. 7. A new section is added to chapter 26.33 RCW to read as follows:

It is prohibited in the state of Washington for any entity engaged in any service related to the adoption of children to operate as a for-profit entity.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act take effect January 1, 2007.

NEW SECTION. Sec. 9. The secretary of the department of social and health services may take the necessary steps to ensure that this act is implemented on its effective date."

Senator Franklin spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Franklin, Rasmussen, Hargrove, Benton and Zarelli to Substitute Senate Bill No. 6635.

The motion by Senator Franklin carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "adoption;" strike the remainder of the title and insert "amending RCW 26.33.045,

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

26.33.190, 26.33.240, and 26.33.400; adding new sections to chapter 26.33 RCW; creating a new section; and providing an effective date."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 6635 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

Senator Shin spoke against passage of the bill

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6635.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6635 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senators Benson, Berkey, Kastama and Shin - 4

Excused: Senator Deccio - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6635, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6412, by Senators Doumit, Zarelli and Hargrove

Increasing the number of superior court judges in Clallam and Cowlitz counties.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 6412 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6412.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6412 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette,

2006 REGULAR SESSION

Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SENATE BILL NO. 6412, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6766, by Senators Schmidt, McAuliffe and Rasmussen

Regarding the national guard conditional scholarship.

The measure was read the second time.

MOTION

On motion of Senator Schmidt, the rules were suspended, Senate Bill No. 6766 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schmidt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6766.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6766 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Hewitt - 1

Excused: Senator Deccio - 1

SENATE BILL NO. 6766, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5654, by Senators Prentice, Esser, Oke and Kohl-Welles

Protecting the privacy of personal information of criminal justice officials.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5654 was substituted for Senate Bill No. 5654 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5654 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

PARLIAMENTARY INQUIRY

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

2006 REGULAR SESSION

Senator Esser: "I thought that there was an amendment on the bar? It's in the system."

REPLY BY THE PRESIDENT

President Owen: "We'll take a moment and look."

PARLIAMENTARY INQUIRY

Senator Prentice: "Did I finish 'bumping' it?"

REPLY BY THE PRESIDENT

President Owen: "You did."

Senators Prentice, Finkbeiner, Esser and Johnson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5654.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5654 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 5654, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Esser moved that the Senate advance to the ninth order of business for the purpose of relieving the Government Operations & Elections Committee of Senate Bill No. 6388.

MOTION

At 4:43 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon Wednesday, February 15, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

THIRTY-EIGHTH DAY**NOON SESSION**

Senate Chamber, Olympia, February 15, 2006

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS**

February 15, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROSEMARIE DUFFY, appointed January 30, 2006, for the term ending January 19, 2010, as Member of the Board of Pharmacy.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

February 15, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SHEILA L. FOX, appointed January 30, 2006, for the term ending January 30, 2010, as Member of the State Board of Education.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 15, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

EDWARD JAMES, JR., appointed February 10, 2005, for the term ending September 30, 2008, as Member, Board of Trustees, Renton Technical College District No. 27.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 15, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KRISTINA MAYER, appointed January 30, 2006, for the term ending January 30, 2007, as Member of the State Board of Education.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE HOUSE

February 15, 2006

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2860,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2860,

MESSAGE FROM THE HOUSE

February 14, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3079,

ENGROSSED HOUSE BILL NO. 3310,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 14, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:

ENGROSSED HOUSE BILL NO. 2322,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2668,

ENGROSSED HOUSE BILL NO. 2801,

ENGROSSED HOUSE BILL NO. 2889,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 14, 2006

MR. PRESIDENT:

The House has passed the following bill(s):

THIRTY-EIGHTH DAY, FEBRUARY 15, 2006

2006 REGULAR SESSION

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1488,

and the same are herewith transmitted.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056,
 SUBSTITUTE HOUSE BILL NO. 2426,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2540,
 HOUSE BILL NO. 2612,
 SUBSTITUTE HOUSE BILL NO. 2695,
 SUBSTITUTE HOUSE BILL NO. 2893,
 SUBSTITUTE HOUSE BILL NO. 3120,
 ENGROSSED HOUSE BILL NO. 3278,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6897 by Senators Roach, Fairley, Rasmussen and Pflug

AN ACT Relating to "Multiple Sclerosis" special license plates; amending RCW 46.16.745 and 46.16.316; reenacting and amending RCW 46.16.313 and 46.16.725; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 6898 by Senators Fraser, Brandland, Prentice and Zarelli

AN ACT Relating to authorizing state general obligation bonds for correctional facilities and the Columbia river basin water supply development program; adding new chapters to Title 43 RCW; creating a new section; and declaring an emergency.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

Referred to Committee on Ways & Means.

E2SHB 1015 by House Committee on Appropriations (originally sponsored by Representatives Campbell, Morrell, Skinner, Hankins, Simpson, Schindler and Chase)

AN ACT Relating to the reporting of infections acquired in health care facilities; reenacting and amending RCW 70.41.200; adding a new section to chapter 43.70 RCW; adding a new section to chapter 42.56 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

3SHB 1226 by House Committee on Appropriations (originally sponsored by Representatives Schual-Berke, Tom, Haigh, Cody, Fromhold, Jarrett, Hudgins, Conway, Appleton, Flannigan, Murray, McCoy, Lantz, Hasegawa, Williams, Kagi, Ormsby, Morrell, Chase, Dickerson, Kenney and Sells)

AN ACT Relating to campaign contribution limits; amending RCW 42.17.640 and 42.17.700; adding new sections to chapter 42.17 RCW; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SHB 1614 by House Committee on Appropriations (originally sponsored by Representatives Green, Talcott, Conway and Darneille)

AN ACT Relating to correctional programs, facilities, and institutions on the grounds of a state hospital; and adding a new section to chapter 72.09 RCW.

Referred to Committee on Human Services & Corrections.

THIRTY-EIGHTH DAY, FEBRUARY 15, 2006

2006 REGULAR SESSION

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1488,

and the same are herewith transmitted.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056,
 SUBSTITUTE HOUSE BILL NO. 2426,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2540,
 HOUSE BILL NO. 2612,
 SUBSTITUTE HOUSE BILL NO. 2695,
 SUBSTITUTE HOUSE BILL NO. 2893,
 SUBSTITUTE HOUSE BILL NO. 3120,
 ENGROSSED HOUSE BILL NO. 3278,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6897 by Senators Roach, Fairley, Rasmussen and Pflug

AN ACT Relating to "Multiple Sclerosis" special license plates; amending RCW 46.16.745 and 46.16.316; reenacting and amending RCW 46.16.313 and 46.16.725; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 6898 by Senators Fraser, Brandland, Prentice and Zarelli

AN ACT Relating to authorizing state general obligation bonds for correctional facilities and the Columbia river basin water supply development program; adding new chapters to Title 43 RCW; creating a new section; and declaring an emergency.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

Referred to Committee on Ways & Means.

E2SHB 1015 by House Committee on Appropriations (originally sponsored by Representatives Campbell, Morrell, Skinner, Hankins, Simpson, Schindler and Chase)

AN ACT Relating to the reporting of infections acquired in health care facilities; reenacting and amending RCW 70.41.200; adding a new section to chapter 43.70 RCW; adding a new section to chapter 42.56 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

3SHB 1226 by House Committee on Appropriations (originally sponsored by Representatives Schual-Berke, Tom, Haigh, Cody, Fromhold, Jarrett, Hudgins, Conway, Appleton, Flannigan, Murray, McCoy, Lantz, Hasegawa, Williams, Kagi, Ormsby, Morrell, Chase, Dickerson, Kenney and Sells)

AN ACT Relating to campaign contribution limits; amending RCW 42.17.640 and 42.17.700; adding new sections to chapter 42.17 RCW; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SHB 1614 by House Committee on Appropriations (originally sponsored by Representatives Green, Talcott, Conway and Darneille)

AN ACT Relating to correctional programs, facilities, and institutions on the grounds of a state hospital; and adding a new section to chapter 72.09 RCW.

Referred to Committee on Human Services & Corrections.

MESSAGE FROM THE HOUSE

February 14, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:
 SECOND SUBSTITUTE HOUSE BILL NO. 1834,
 ENGROSSED HOUSE BILL NO. 1849,
 SUBSTITUTE HOUSE BILL NO. 2431,
 SUBSTITUTE HOUSE BILL NO. 2539,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2673,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2680,
 SUBSTITUTE HOUSE BILL NO. 2843,
 SUBSTITUTE HOUSE BILL NO. 2876,
 HOUSE BILL NO. 2879,,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2884,
 HOUSE BILL NO. 2957,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 14, 2006

MR. PRESIDENT:

The House has passed the following bill(s):
 SUBSTITUTE HOUSE BILL NO. 2446,
 ENGROSSED HOUSE BILL NO. 2579,
 HOUSE BILL NO. 2606,
 HOUSE BILL NO. 2622,
 HOUSE BILL NO. 2643,
 SUBSTITUTE HOUSE BILL NO. 2678,
 SUBSTITUTE HOUSE BILL NO. 2713,
 SUBSTITUTE HOUSE BILL NO. 2778,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2984,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3127,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 14, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2479,
 HOUSE BILL NO. 2693,
 HOUSE BILL NO. 2710,
 SUBSTITUTE HOUSE BILL NO. 2749,
 HOUSE BILL NO. 2765,
 SUBSTITUTE HOUSE BILL NO. 3082,
 HOUSE BILL NO. 3099,
 SUBSTITUTE HOUSE BILL NO. 3102,
 HOUSE BILL NO. 3134,
 HOUSE BILL NO. 3285,

THIRTY-EIGHTH DAY, FEBRUARY 15, 2006

2006 REGULAR SESSION

ESHB 1765 by House Committee on Commerce & Labor (originally sponsored by Representatives Chase, Newhouse, Eickmeyer, Buri, Appleton, B. Sullivan and Dunn)

AN ACT Relating to auctioning vessels; and amending RCW 88.02.230 and 46.70.011.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 2325 by House Committee on Local Government (originally sponsored by Representatives Simpson, Tom, B. Sullivan, Springer, Sells, Holmquist, McCune, O'Brien, Pettigrew, Ahern, DeBolt, Jarrett, Appleton, Miloscia, Ormsby, Dunn, Priest, Roach, Dunshee, Woods, Hunter and Ericks)

AN ACT Relating to the development of affordable housing through flexible short subdivision; amending RCW 58.17.060; and creating a new section.

Referred to Committee on Government Operations & Elections.

SHB 2345 by House Committee on Local Government (originally sponsored by Representatives Simpson, Rodne, Appleton and Haler)

AN ACT Relating to regional fire protection service authorities; amending RCW 52.26.020, 52.26.040, 52.26.050, 52.26.060, 52.26.070, 52.26.090, 52.26.100, 52.26.130, 52.26.140, and 52.26.220; and adding new sections to chapter 52.26 RCW.

Referred to Committee on Government Operations & Elections.

E2SHB 2349 by House Committee on Appropriations (originally sponsored by Representatives Morris, Hudgins, Chase, Murray, Darneille, Dickerson, B. Sullivan and Sells)

AN ACT Relating to new renewable energy standards; and creating a new section.

Referred to Committee on Water, Energy & Environment.

2SHB 2422 by House Committee on Appropriations (originally sponsored by Representatives B. Sullivan, Chase and Conway)

AN ACT Relating to providing funding for state and local parks; amending RCW 43.99N.060; reenacting and amending RCW 43.84.092; adding new sections to chapter 79A.05 RCW; adding a new section to chapter 43.33A RCW; creating a new section; and providing an effective date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 2446 by House Committee on Local Government (originally sponsored by Representatives Buri, Sump and Haler)

AN ACT Relating to school district substitute teacher and substitute educational aide contracts; and amending RCW 42.23.030.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 2452 by House Committee on Judiciary (originally sponsored by Representatives Kessler, Armstrong, Clibborn,

Priest, Nixon, Blake, Hunt, Morrell, Grant, Newhouse, Dickerson, Kagi, Ericksen, Ericks, Wood, Upthegrove, Ormsby, Roberts and O'Brien)

AN ACT Relating to a privilege from compelled testimony for members of the news media; and adding a new chapter to Title 5 RCW.

Referred to Committee on Judiciary.

SHB 2471 by House Committee on Housing (originally sponsored by Representatives McCune, Miloscia, Dunn, Campbell, Linville, Morrell, Strow, O'Brien, Green, Sells, Chase and Holmquist)

AN ACT Relating to creating a veteran homeownership program; and adding a new section to chapter 43.180 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

ESHB 2475 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Williams, Fromhold, Wood, B. Sullivan, Simpson, Sells, Ormsby and Green)

AN ACT Relating to collective bargaining regarding hours of work for individual providers; amending RCW 74.39A.270; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

ESHB 2479 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Haigh, Nixon, Green, Hunt, Haler, Morrell and Upthegrove)

AN ACT Relating to voting equipment; amending RCW 29A.04.611, 29A.12.080, 29A.12.101, 29A.40.110, 29A.46.020, and 29A.46.110; and adding a new section to chapter 29A.46 RCW.

Referred to Committee on Government Operations & Elections.

SHB 2553 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kirby and Morrell)

AN ACT Relating to regulating service contracts and guarantee protection products; amending RCW 48.110.010, 48.110.015, 48.110.020, 48.110.030, 48.110.040, 48.110.050, 48.110.060, 48.110.070, 48.110.080, 48.110.090, 48.110.100, 48.110.110, 48.110.120, 48.110.130, 48.110.140, and 48.110.900; adding new sections to chapter 48.110 RCW; creating a new section; repealing RCW 48.96.005, 48.96.010, 48.96.020, 48.96.025, 48.96.030, 48.96.040, 48.96.045, 48.96.047, 48.96.050, 48.96.060, 48.96.900, and 48.96.901; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

E2SHB 2574 by House Committee on Appropriations (originally sponsored by Representatives Cody, Morrell, Green and Upthegrove)

AN ACT Relating to hospital charity care and debt collection policies; amending RCW 70.170.020, 70.170.060,

THIRTY-EIGHTH DAY, FEBRUARY 15, 2006

2006 REGULAR SESSION

and 19.16.500; adding a new section to chapter 70.170 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

EHB 2579 by Representatives Upthegrove, Lantz, Dickerson, Appleton, Morrell, Hasegawa, Quall, Hunter, Haler, O'Brien, Murray, Hunt, Schual-Berke, Ormsby, Springer and Moeller

AN ACT Relating to educational assessments; amending RCW 28A.230.095; creating a new section; and making an appropriation.

Referred to Committee on Early Learning, K-12 & Higher Education.

2SHB 2593 by House Committee on Appropriations (originally sponsored by Representatives Appleton, B. Sullivan, Jarrett, Morris, Hankins, Chase, McIntire, Dickerson, McCoy, Conway, Green, Darneille, Schual-Berke, Lovick, Pettigrew, Sommers, Ericks, Lantz, Hasegawa, Morrell, Kenney, Haler, Springer, Roberts, P. Sullivan, Strow, Miloscia, Wallace, Cody, Sells, Moeller, Dunshee, Williams, O'Brien, McDermott, Kessler, Woods, Kilmer, Eickmeyer, Hunt, Flannigan, Takko, Nixon, Rodne, Simpson, Linville and Kagi)

AN ACT Relating to oil spill prevention, preparedness, and response; and adding new sections to chapter 88.46 RCW.

Referred to Committee on Water, Energy & Environment.

ESHB 2594 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Hasegawa, McCoy, Santos, Pettigrew, Kenney, Hudgins, Upthegrove, Hunt, O'Brien, Haigh, Kagi and Dickerson)

AN ACT Relating to bilingual voting assistance; amending RCW 29A.44.410; reenacting and amending RCW 29A.44.240; creating new sections; and providing expiration dates.

Referred to Committee on Government Operations & Elections.

HB 2606 by Representatives Curtis, Takko, Orcutt, McDonald, Grant, Hinkle, Clements, Moeller, Chandler, Wallace, Tom, Kretz, Nixon, Blake, Kessler, Rodne, Haigh, B. Sullivan and Morrell

AN ACT Relating to allowing volunteer fire personnel to hold elective or appointed office; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 52.30 RCW.

Referred to Committee on Government Operations & Elections.

HB 2622 by Representatives Blake, Buck, Williams, Chase, Morrell, Buri, Linville, McCoy, Roach, Morris, Flannigan, Newhouse, Eickmeyer, Wallace, B. Sullivan, Dunshee, Nixon, Upthegrove, Conway, Hinkle, Moeller, Condotta and Kretz

AN ACT Relating to the reciprocity of concealed pistol licenses; and amending RCW 9.41.073.

Referred to Committee on Judiciary.

HB 2632 by Representatives Darneille, Green, Morrell, Appleton, Upthegrove, Murray, Cody, Moeller and McDermott

AN ACT Relating to human immunodeficiency virus insurance coverage; and amending RCW 43.70.670.

Referred to Committee on Health & Long-Term Care.

HB 2643 by Representatives Clements, Kenney, Upthegrove and Strow

AN ACT Relating to allowing vehicles with aftermarket hydraulic systems to operate on public roadways; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Transportation.

SHB 2678 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kagi, Kretz, B. Sullivan and Ericks)

AN ACT Relating to the pollution liability insurance agency; amending RCW 70.148.005, 70.148.020, 70.148.050, and 70.149.010; reenacting and amending RCW 43.79A.040; repealing RCW 70.148.900, 70.149.900, and 82.23A.902; repealing 2000 c 16 s 4 and 1998 c 245 s 178 (uncodified); repealing 2000 c 16 s 5 and 1997 c 8 s 3 (uncodified); repealing 2005 c 428 s 4 (uncodified); providing an effective date; and providing an expiration date.

Referred to Committee on Water, Energy & Environment.

HB 2693 by Representatives Buri, Grant, Holmquist, Haler, Linville, Kretz, McCune and Dunn

AN ACT Relating to exempting out-of-state persons from having to obtain commercial driver's licenses; and amending RCW 46.25.050.

Referred to Committee on Transportation.

ESHB 2706 by House Committee on Education (originally sponsored by Representatives Hunter, Sommers, Tom, Anderson, Talcott, Quall, McIntire, Dunn, Green, Kenney and Lantz)

AN ACT Relating to requiring a more rigorous curriculum for high school graduation; amending RCW 28A.230.090; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

HB 2710 by Representatives Buck and B. Sullivan

AN ACT Relating to clarifying the process for hydraulic permit appeals; and amending RCW 77.55.021 and 77.55.301.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 2713 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Simpson, Woods and Hunt)

AN ACT Relating to clarifying that special district boards, councils, and commissions may publicly take positions on ballot measures; amending RCW 42.17.130; and creating a new section.

Referred to Committee on Government Operations & Elections.

ESHB 2740 by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Orcutt, Blake and Kretz)

AN ACT Relating to reauthorizing the department of natural resources to have exclusive jurisdiction over all forest practices applications; creating a new section; and providing an expiration date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 2749 by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives B. Sullivan, McCoy, Upthegrove, Chase, P. Sullivan, Appleton, Eickmeyer, Newhouse, Miloscia, Dunshee, Conway and Buck)

AN ACT Relating to specialized forest products; and amending RCW 76.48.020, 76.48.060, 76.48.070, 76.48.110, and 76.48.030.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 2759 by House Committee on Capital Budget (originally sponsored by Representatives Ericks, Pearson, Dunshee, Sells, Roberts and Rodne)

AN ACT Relating to the transfer of certain real property and facilities acquired, constructed, or improved using Referendum 29 or 37 bonds; adding a new section to chapter 43.99C RCW; adding a new section to chapter 43.83D RCW; adding a new section to chapter 36.34 RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 28A.335 RCW; adding a new section to chapter 39.33 RCW; adding a new section to chapter 35.82 RCW; adding a new section to chapter 70.44 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.79 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

HB 2765 by Representatives Buri, Clibborn, Nixon, Cox, Serben, Kristiansen, Jarrett, Kilmer, Wallace, Woods, Moeller and Kretz

AN ACT Relating to limiting the posting of hazards to motorcycles to paved roadways; and reenacting and amending RCW 47.36.200.

Referred to Committee on Transportation.

SHB 2776 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Dickerson, Kirby, Roach and McDonald)

AN ACT Relating to home heating fuel service contracts; amending RCW 48.110.015 and 48.110.020; adding a new chapter to Title 48 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SHB 2778 by House Committee on Finance (originally sponsored by Representatives Murray, Kristiansen, Dickerson, Clements, Chase, McDonald and Dunn)

AN ACT Relating to the business and occupation taxation of payments and contributions to nonprofit convention and tourism promotion corporations by public entities; and adding a new section to chapter 82.04 RCW.

Referred to Committee on International Trade & Economic Development.

SHB 2780 by House Committee on Appropriations (originally sponsored by Representatives McDermott, Hunt, Santos, Cody, Sells, Conway, Kenney, Ormsby, Williams, Green, Dunshee, Campbell, Appleton, Chase and Hasegawa)

AN ACT Relating to authorizing additional payroll deductions for state employees; amending RCW 41.04.230; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SHB 2804 by House Committee on Finance (originally sponsored by Representatives Conway, Holmquist, Serben, McIntire, Ahern, McDermott, Rodne, Buri, McDonald, McCune and Dunn)

AN ACT Relating to the property tax exemption for nonprofit schools and colleges; amending RCW 84.36.050 and 84.36.805; and creating a new section.

Referred to Committee on Ways & Means.

SHB 2815 by House Committee on Local Government (originally sponsored by Representatives Simpson, Jarrett, Springer and Lantz)

AN ACT Relating to clarifying the best available science requirements to protect critical areas; and amending RCW 36.70A.172, 36.70A.280, 36.70A.290, and 36.70A.300.

Referred to Committee on Government Operations & Elections.

SHB 2833 by House Committee on Appropriations (originally sponsored by Representatives Haigh, Eickmeyer, Green, Morris, Crouse, Armstrong, Curtis, Sump, Dunshee and Clements)

AN ACT Relating to the state board for volunteer fire fighters and reserve officers; and amending RCW 41.24.250.

Referred to Committee on Government Operations & Elections.

ESHB 2842 by House Committee on Education (originally sponsored by Representatives B. Sullivan, Anderson, Quall, Tom, Chase and Simpson)

AN ACT Relating to organ and tissue donor education and awareness; amending RCW 46.82.420; adding a new section to chapter 28A.230 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

ESHB 2848 by House Committee on Judiciary (originally sponsored by Representatives Lantz, Ericks, Santos, Williams, Rodne, Priest, Hudgins, Darneille, Morrell, Kessler, McDonald, Roberts, McCoy, Kenney, Campbell, P. Sullivan, Wallace,

THIRTY-EIGHTH DAY, FEBRUARY 15, 2006

2006 REGULAR SESSION

Hasegawa, Kilmer, Green, Simpson, Wood, Ormsby and Springer)

Referred to Committee on Early Learning, K-12 & Higher Education.

AN ACT Relating to protecting confidentiality of domestic violence information; amending RCW 5.60.060, 70.123.040, and 74.04.060; adding a new section to chapter 70.123 RCW; and creating a new section.

2SHB 2912 by House Committee on Appropriations (originally sponsored by Representatives Green, Appleton, Woods, Cody, Moeller, Haigh, Conway, Lantz, Hudgins, Roberts, McCoy, Kenney, Morrell, P. Sullivan, Hasegawa, Kilmer, Simpson and Ormsby)

Referred to Committee on Judiciary.

AN ACT Relating to home visits by mental health professionals; adding new sections to chapter 71.05 RCW; and creating new sections.

ESHB 2850 by House Committee on Finance (originally sponsored by Representatives Clements, Orcutt, Dunn, Armstrong and Newhouse)

Referred to Committee on Human Services & Corrections.

AN ACT Relating to eliminating tax, interest, and penalty provisions for land valued under the open space program; and amending RCW 84.34.070 and 84.34.108.

2SHB 2914 by House Committee on Appropriations (originally sponsored by Representatives Roberts, Haler, Darneille, Kagi, Dickerson, Morrell, Hankins, Green and Simpson)

Referred to Committee on Agriculture & Rural Economic Development.

AN ACT Relating to compliance with certification standards for providers of residential services and support to persons with developmental disabilities; adding a new section to chapter 71A.12 RCW; creating a new section; and prescribing penalties.

HB 2857 by Representatives Kenney, Sells, Cox, Rodne and Kessler

Referred to Committee on Health & Long-Term Care.

AN ACT Relating to terms of appointment of student regents and trustees; and amending RCW 28B.20.100, 28B.30.100, 28B.35.100, and 28B.40.100.

Referred to Committee on Early Learning, K-12 & Higher Education.

ESHB 2942 by House Committee on Health Care (originally sponsored by Representatives Curtis, Morrell, Campbell, Cody, Green, Clibborn, Kessler, Serben, Rodne, Moeller, McCune and Hasegawa)

SHB 2863 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kirby, Roach, Ericks, McDonald, Simpson and Santos)

AN ACT Relating to health care provider contracts; adding new sections to chapter 48.30 RCW; and creating a new section.

AN ACT Relating to retail installment contracts for motor vehicles; and adding a new section to chapter 63.14 RCW.

Referred to Committee on Health & Long-Term Care.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SHB 2946 by House Committee on Education (originally sponsored by Representatives P. Sullivan, Roach, Simpson, Shabro and McCoy)

ESHB 2895 by House Committee on Children & Family Services (originally sponsored by Representatives Lovick, Curtis, Ericks, O'Brien, Dunshee, Kessler, Blake, Clibborn, McCoy, Miloscia, Ahern, Roberts, McDermott, Hunt, McDonald, Williams, Haler, McCune, Kenney, Morrell, Wallace, Kilmer, Green, Springer, Ormsby and Woods)

AN ACT Relating to record checks for employees and applicants for employment at bureau of Indian affairs-funded schools; and amending RCW 28A.400.303 and 28A.400.305.

AN ACT Relating to protecting vulnerable adults from exposure to methamphetamine manufacturing; and amending RCW 74.34.020.

Referred to Committee on Early Learning, K-12 & Higher Education.

Referred to Committee on Human Services & Corrections.

ESHB 2951 by House Committee on Judiciary (originally sponsored by Representatives Campbell, Morrell, McCune and Green)

SHB 2898 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Hunt and Williams)

AN ACT Relating to a firearms training certificate program for retired law enforcement officers; and adding a new section to chapter 36.28A RCW.

AN ACT Relating to distribution of communications by state employees; and adding a new section to chapter 42.52 RCW.

Referred to Committee on Judiciary.

Referred to Committee on Government Operations & Elections.

SHB 2958 by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives B. Sullivan, Buck, Kessler, Orcutt, Blake, Kretz, Hunt, Chandler, Uptegrove and Dickerson)

EHB 2910 by Representatives Quall, Talcott, P. Sullivan, Shabro, Santos, Hunt, Anderson and Kenney

AN ACT Relating to violations of rules concerning nontoxic shot; amending RCW 77.15.400 and 77.15.425; and prescribing penalties.

AN ACT Relating to studying environmental education; and creating a new section.

THIRTY-EIGHTH DAY, FEBRUARY 15, 2006

2006 REGULAR SESSION

Referred to Committee on Natural Resources, Ocean & Recreation.

ESHB 2984 by House Committee on Local Government (originally sponsored by Representatives Springer, Jarrett, Simpson, Clibborn, B. Sullivan, Hasegawa, Sells, P. Sullivan, Moeller, Santos and Green)

AN ACT Relating to affordable housing incentive programs; amending RCW 82.02.020; adding a new section to chapter 36.70A RCW; and creating new sections.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SHB 2987 by House Committee on Transportation (originally sponsored by Representatives Kagi, Clibborn and Dickerson)

AN ACT Relating to vehicle gross weight violations; and amending RCW 46.44.105.

Referred to Committee on Transportation.

HB 3016 by Representatives Simpson, Schindler, Takko, Ahern, Clibborn, Woods, B. Sullivan, Upthegrove, Chase, Kessler, Kilmer and Springer

AN ACT Relating to requiring senate confirmation for members of the growth management hearings boards; and amending RCW 36.70A.260.

Referred to Committee on Government Operations & Elections.

2SHB 3070 by House Committee on Capital Budget (originally sponsored by Representatives Miloschia, Hasegawa, Chase and Santos)

AN ACT Relating to increasing nonprofit housing development capacity; amending RCW 43.180.160; adding a new section to chapter 43.180 RCW; adding a new section to chapter 43.185 RCW; and creating a new section.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SHB 3082 by House Committee on Judiciary (originally sponsored by Representatives Rodne, Springer, Priest, Wood, Lantz and Nixon)

AN ACT Relating to administration of the courts of limited jurisdiction; amending RCW 3.50.003, 3.50.005, 3.50.020, 3.50.805, 39.34.180, and 10.14.150; adding a new section to chapter 3.50 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

ESHB 3089 by House Committee on Transportation (originally sponsored by Representatives Murray, Clibborn, Woods, Simpson and Linville)

AN ACT Relating to commute trip reduction; amending RCW 70.94.524, 70.94.527, 70.94.531, 70.94.534, 70.94.537, 70.94.541, 70.94.544, 70.94.547, and 70.94.551; and adding new sections to chapter 70.94 RCW.

Referred to Committee on Transportation.

HB 3099 by Representatives Hudgins, Crouse and Morris

AN ACT Relating to membership of the information services board; and amending RCW 43.105.032.

Referred to Committee on Government Operations & Elections.

SHB 3102 by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives B. Sullivan, Buck, Appleton, Eickmeyer, Pearson, Campbell and Hasegawa)

AN ACT Relating to geoduck harvesting; amending RCW 77.65.410; creating a new section; and providing an expiration date.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 3106 by Representatives Kenney, Buri, Cox, McIntire and Ericks

AN ACT Relating to work performed by institutions of higher education; and amending RCW 28B.10.350.

Referred to Committee on Early Learning, K-12 & Higher Education.

HB 3122 by Representatives Kagi, Walsh, Dickerson, Darneille, Ericks, Ormsby and Roberts

AN ACT Relating to the safety of child protective, child welfare, and adult protective services workers; amending RCW 9A.46.110; adding a new section to chapter 74.04 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

ESHB 3127 by House Committee on Appropriations (originally sponsored by Representatives Santos, Hasegawa, McCoy, P. Sullivan, McDermott, Upthegrove, Pettigrew and Morrell)

AN ACT Relating to education; amending RCW 28A.300.130 and 42.56.240; adding new sections to chapter 28A.300 RCW; creating a new section; and providing an effective date.

Referred to Committee on Early Learning, K-12 & Higher Education.

HB 3134 by Representatives Conway, Wood, Chase and Kenney

AN ACT Relating to compensation for temporary or permanent total disability; and amending RCW 51.32.225.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 3137 by House Committee on Transportation (originally sponsored by Representatives Lovick, Curtis, Clements, Hunt, Grant, Ericks, Conway, Morrell, Simpson and Kenney)

AN ACT Relating to benefits for surviving spouses of disabled Washington state patrol officers; amending RCW 43.43.270, 41.45.0631, and 41.45.070; and providing an effective date.

THIRTY-EIGHTH DAY, FEBRUARY 15, 2006

2006 REGULAR SESSION

Referred to Committee on Ways & Means.

HB 3156 by Representatives Darneille, Haler, Dickerson, Morrell, Pettigrew and Simpson

AN ACT Relating to creating a pilot program to assist in asset building for low-income persons; adding new sections to chapter 43.63A RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

HB 3157 by Representatives Darneille, Haler, Morrell, Dickerson, Pettigrew, Simpson, Hudgins and Santos

AN ACT Relating to financial literacy and asset building; and adding a new section to chapter 74.08A RCW.

Referred to Committee on Human Services & Corrections.

HB 3172 by Representatives Anderson, Rodne and Morrell

AN ACT Relating to unsolicited facsimiles; amending RCW 80.36.540; and prescribing penalties.

Referred to Committee on Water, Energy & Environment.

SHB 3178 by House Committee on Commerce & Labor (originally sponsored by Representatives Murray and Woods)

AN ACT Relating to collective bargaining by state ferry employees; amending RCW 47.64.011, 47.64.120, 47.64.130, 47.64.140, 47.64.170, 47.64.200, 47.64.210, 47.64.220, 47.64.220, 47.64.230, 47.64.270, and 47.64.280; adding new sections to chapter 47.64 RCW; repealing RCW 47.64.180, 47.64.190, and 47.64.240; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

ESHB 3186 by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson and Rodne)

AN ACT Relating to the modification of disposition orders; and amending RCW 13.40.200.

Referred to Committee on Human Services & Corrections.

EHB 3192 by Representatives B. Sullivan, Ericks and Sells

AN ACT Relating to reimbursement by property owners for street, road, and water or sewer projects; and amending RCW 35.72.020, 35.91.020, and 57.22.020.

Referred to Committee on Government Operations & Elections.

ESHB 3207 by House Committee on Capital Budget (originally sponsored by Representative Santos)

AN ACT Relating to community preservation; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

HB 3266 by Representatives Rodne, Simpson, Anderson and Hudgins

AN ACT Relating to designating state route number 169 as a highway of statewide significance; and adding a new section to chapter 47.05 RCW.

Referred to Committee on Transportation.

HB 3275 by Representative Hinkle

AN ACT Relating to expedited processing for small water impoundments; and amending RCW 90.03.370.

Referred to Committee on Water, Energy & Environment.

HB 3285 by Representatives Conway, Chase, Morrell and Wood

AN ACT Relating to raising the exemption for charitable or nonprofit bingo organizations from the gambling tax on bingo and amusement games; and amending RCW 9.46.110.

Referred to Committee on Labor, Commerce, Research & Development.

HJM 4031 by Representatives Appleton, B. Sullivan, Green, Takko, McCoy, Hunt, Darneille, Flannigan, Kessler, Chase, Eickmeyer, Morris, McIntire, Murray, Woods, O'Brien, Ericks, Pettigrew, Moeller, Dunshee, Lantz, Schual-Berke, Lovick, Morrell, Kenney, Clibborn, Sommers, Walsh, Strow, Haler, Talcott, Jarrett, Wallace, Dickerson, Conway, P. Sullivan, Hasegawa, Upthegrove, Rodne, Hankins, Williams, Springer, Cody, McDermott, Sells, Miloscia, Kagi, Campbell, Simpson, Roberts and Kilmer

Preserving section 5 of the Marine Mammal Protection Act to protect Puget Sound.

Referred to Committee on Natural Resources, Ocean & Recreation.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

Senator Rasmussen moved adoption of the following resolution:

SENATE RESOLUTION
8719

By Senators McAuliffe, Haugen, Prentice, Hewitt, Brandland, Pflug, Thibaudeau, Pridemore, Franklin, Brown, Johnson, Schmidt, Fraser, Fairley, Spanel, Rockefeller, Eide, Carrell, Berkey, Schoesler, Esser, Weinstein, Kastama, Finkbeiner, Hargrove, Shin, Keiser, Rasmussen and Kohl-Welles

WHEREAS, Providing all Washington state children a public education is the paramount duty of the state; and
WHEREAS, It is impossible to provide our children a quality public education if they cannot get to school, if they are

THIRTY-EIGHTH DAY, FEBRUARY 15, 2006

hungry during the school day, or if the schools they arrive at are neglected, cold, and unsafe; and

WHEREAS, Classified employees are: The bus drivers who are safely transporting, in sometimes dangerous road conditions, over 474,514 students each day in 9,035 busses over 500,000 miles; the child nutrition employees providing breakfast for 113,518 students and lunches for over 440,000 students each day; and the custodian, maintenance, and security employees ensuring that the 2,174 school buildings where our children are receiving their education are functional, warm, clean, and safe; and

WHEREAS, Classified employees are the secretaries who make sure that all parents and staff and, most important, all children receive the necessary support and services while at the same time providing love and attention to each student's special needs, even if all that is needed is a Band-Aid, a friendly ear, or a reminder; and

WHEREAS, Classified employees are the instructional assistants who are increasingly depended upon to provide individualized attention to students in the classroom to ensure they meet higher academic standards, as well as provide such specialized services as nursing and interpreting for deaf children, children with disabilities, and students who speak other languages; and

WHEREAS, Classified employees are normally the first employees called upon when there is a threat to our children's safety and security; and

WHEREAS, It is necessary to employ over 50,000 classified employees to provide these essential support services to the nearly one million students receiving public education; and

WHEREAS, Washington state students have had their education significantly enhanced by the services of classified school employees; and

WHEREAS, Washington state citizens seldom reflect on the critical role classified employees play in providing our children a quality education;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor classified school employees during Classified School Employee Week, March 13 through 17, 2006, and urge all citizens to join in honoring and recognizing the dedication and hard work of all classified school employees; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Public School Employees of Washington.

Senators Rasmussen and Schmidt spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8719.

The motion by Senator Rasmussen carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced classified public school employees and representatives including; Mr. George Dockins, President of the Public School Employees (PSE) union of the Eastmont School District in the 12th Legislative District; Mr. Ken Kanikeberg, Assistant Executive Director; Ms. Deborah Nutt, PSE classified employee of the year 2005; the PSE Board of Directors and Legislative Council; interns and former Senator Don Carlson, who were seated in the gallery and recognized by the Senate.

MOTION

At 12:14 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon Thursday, February 16, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

THIRTY-NINTH DAY

NOON SESSION

Senate Chamber, Olympia, February 16, 2006

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 15, 2006

SHB 2325 Prime Sponsor, Committee on Local Government: Encouraging the development of affordable housing. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Without recommendation. Signed by Senators Fairley, Chair; Brandland, Finkbeiner, Franklin, Keiser and Schmidt

Passed to Committee on Government Operations & Elections.

February 15, 2006

E2SHB 2418 Prime Sponsor, Committee on Capital Budget: Increasing the availability of affordable housing. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Without recommendation. Signed by Senators Fairley, Chair; Brandland, Finkbeiner, Franklin, Keiser and Schmidt

Passed to Committee on Ways & Means.

February 15, 2006

HJM 4023 Prime Sponsor, Moeller: Requesting Congress to enact the Kidney Care Quality Improvement Act of 2005. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Parlette

Passed to Committee on Rules for second reading.

February 15, 2006

HJM 4038 Prime Sponsor, Hinkle: Requesting that certified diabetes educators be added as Medicare providers. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Parlette

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS**

February 16, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

HOWARD LINCOLN, appointed January 27, 2006, for the term ending September 30, 2010, as Member, Board of Trustees, Western Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 1488 by House Committee on Appropriations (originally sponsored by Representatives Hunter, Priest, Dickerson, Tom, Upthegrove, Jarrett, Springer, McCoy, B. Sullivan, Conway, Simpson, Flannigan, McIntire, Moeller, Chase, Williams, Kenney, Sells, Murray, Fromhold, Pettigrew, Darneille, Lantz, Clibborn, Kagi, Hasegawa, Morrell, McDermott, Hunt, Blake, Campbell, Cody, Hudgins, Ericks, O'Brien and Nixon)

AN ACT Relating to brominated flame retardants; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Water, Energy & Environment.

2SHB 1834 by House Committee on Appropriations (originally sponsored by Representatives McIntire, Anderson, Kessler, Conway, Fromhold, Clements, Kagi, Linville, Jarrett, Hunter, Tom, Hinkle, Upthegrove, Kilmer, Wood and Santos)

AN ACT Relating to establishing a process for reporting, reviewing, and collecting data on performance measures; amending RCW 43.88.090 and 43.88.030; adding a new section to chapter 43.88 RCW; and adding a new chapter to Title 44 RCW.

Referred to Committee on Ways & Means.

EHB 1849 by Representatives Lovick, Campbell, Simpson, DeBolt, Hinkle and O'Brien

AN ACT Relating to security guard training; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

ESHB 2056 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway and Wood)

AN ACT Relating to recreational vehicle shows; amending RCW 46.70.011; and adding a new section to chapter 46.70 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

EHB 2322 by Representative Ormsby

AN ACT Relating to limiting the phosphorus content in dishwashing detergent; and amending RCW 70.95L.005 and 70.95L.020.

Referred to Committee on Water, Energy & Environment.

SHB 2426 by House Committee on Technology, Energy & Communications (originally sponsored by Representative Morris)

AN ACT Relating to duties of the utilities and transportation commission, including commissioner appointments, delegation of powers, and appointment of administrative law judges; amending RCW 80.01.010, 80.01.030, 80.01.050, and 80.01.060; and adding a new section to chapter 80.01 RCW.

Referred to Committee on Water, Energy & Environment.

SHB 2431 by House Committee on Appropriations (originally sponsored by Representatives Campbell, Morrell, Ericks, Moeller, Springer, B. Sullivan, Simpson, Green, Sells, O'Brien and Lantz)

AN ACT Relating to health professions background checks; amending RCW 18.130.310; adding new sections to chapter 18.130 RCW; adding a new section to chapter 43.70 RCW; and providing effective dates.

Referred to Committee on Health & Long-Term Care.

SHB 2539 by House Committee on Appropriations (originally sponsored by Representatives Schual-Berke, Morrell, Simpson, Roberts, Moeller and Hudgins)

AN ACT Relating to disaster medical assistance teams; amending RCW 38.52.010 and 38.24.010; and adding new sections to chapter 38.52 RCW.

Referred to Committee on Health & Long-Term Care.

ESHB 2540 by House Committee on Health Care (originally sponsored by Representatives Schual-Berke and Morrell)

AN ACT Relating to access to individual health insurance coverage; amending RCW 48.41.100, 48.41.110, 48.41.160,

48.41.190, 48.43.005, and 48.43.041; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

HB 2612 by Representatives Kagi, O'Brien, Darneille, Rodne, Kenney, Schual-Berke, Morrell and Springer

AN ACT Relating to including failure to secure a load in the first degree as a compensable crime under the crime victims' compensation program; and amending RCW 7.68.020.

Referred to Committee on Human Services & Corrections.

ESHB 2668 by House Committee on Commerce & Labor (originally sponsored by Representatives Hudgins, Lovick, Crouse, Upthegrove, B. Sullivan and Sump)

AN ACT Relating to professional athletics regulated by the department of licensing; amending RCW 67.08.002, 67.08.030, 67.08.050, 67.08.055, and 67.08.130; and reenacting and amending RCW 67.08.090.

Referred to Committee on Labor, Commerce, Research & Development.

E2SHB 2673 by House Committee on Finance (originally sponsored by Representatives Linville, Ericksen, P. Sullivan, Buck, Ericks, Kilmer, Kessler, Grant, Walsh, B. Sullivan, Lantz, Morris, O'Brien, Conway, Morrell and Wallace)

AN ACT Relating to creating the local infrastructure financing tool demonstration program; adding a new section to chapter 82.14 RCW; adding a new chapter to Title 39 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on International Trade & Economic Development.

ESHB 2680 by House Committee on Appropriations (originally sponsored by Representatives Conway, Fromhold, Lovick, Kenney, Quall, Simpson and Moeller)

AN ACT Relating to purchasing service credit in plan 2 and plan 3 of the teachers' retirement system for public education experience performed as a teacher in a public school in another state or with the federal government; adding new sections to chapter 41.32 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SHB 2695 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Haigh, Sump and McDermott)

AN ACT Relating to absentee or provisional ballot notice requirements; and amending RCW 29A.60.165.

Referred to Committee on Government Operations & Elections.

EHB 2801 by Representatives Chase, Morrell, Hasegawa, McCoy, Sump, Hunt, Hunter, Upthegrove, Pettigrew, Kenney, Roberts, Moeller, Santos, Schual-Berke, Simpson, Kagi and Darneille

THIRTY-NINTH DAY, FEBRUARY 16, 2006

2006 REGULAR SESSION

AN ACT Relating to discriminatory provisions in the governing documents of homeowners' associations; amending RCW 49.60.227; adding a new section to chapter 64.38 RCW; and creating a new section.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SHB 2843 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Holmquist, Haigh, Nixon, Green, Schindler, Clements, Sump, Ahern, McDermott, Haler, Chase, Sells, McDonald, Hasegawa, Kenney, Kristiansen, Bailey and McCune)

AN ACT Relating to prohibiting county auditors from putting their names on absentee ballot envelopes when running for reelection; amending RCW 29A.40.091; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SHB 2876 by House Committee on Judiciary (originally sponsored by Representatives Ericksen, Wood, Dunn, Armstrong and Ericks)

AN ACT Relating to sound and video recordings by law enforcement officers; and amending RCW 9.73.090.

Referred to Committee on Judiciary.

HB 2879 by Representative McIntire

AN ACT Relating to the electronic administration of the real estate excise tax; amending RCW 82.45.210; reenacting and amending RCW 82.45.180; and declaring an emergency.

Referred to Committee on Ways & Means.

ESHB 2884 by House Committee on Economic Development, Agriculture & Trade (originally sponsored by Representatives Linville and McCoy)

AN ACT Relating to reclaimed water; amending RCW 90.46.050, 90.46.030, 90.46.040, 90.46.042, 90.46.044, 90.46.080, 90.46.090, and 90.46.100; adding a new section to chapter 90.46 RCW; and creating a new section.

Referred to Committee on Water, Energy & Environment.

EHB 2889 by Representatives Woods, Hankins, Murray, Uptegrove, Wallace and Simpson

AN ACT Relating to transportation revenue; amending RCW 46.17.010; reenacting and amending RCW 43.84.092 and 43.84.092; adding a new section to chapter 46.68 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

SHB 2893 by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Simpson, P. Sullivan, Darneille, Williams, McDonald, McCoy, Morrell, Ericks and Green)

AN ACT Relating to restrictions on granting a sex offender visitation under a parenting plan; and amending RCW 26.09.191.

Referred to Committee on Human Services & Corrections.

HB 2957 by Representatives Blake, Orcutt, Kessler, Kristiansen and Dunn

AN ACT Relating to extending the expiration date for reporting requirements on timber purchases; amending RCW 84.33.088; and providing an expiration date.

Referred to Committee on Natural Resources, Ocean & Recreation.

ESHB 3079 by House Committee on Appropriations (originally sponsored by Representatives Conway, Cody, Sells, Dickerson, Morrell, Simpson, Schual-Berke, Hasegawa, Chase and Santos)

AN ACT Relating to health care services; adding a new section to chapter 70.47 RCW; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SHB 3120 by House Committee on Judiciary (originally sponsored by Representatives Lantz, Priest, Kirby and Williams)

AN ACT Relating to notice requirements for tort claims against state and local governments and their officers, employees, or volunteers; and amending RCW 4.92.100, 4.92.110, and 4.96.020.

Referred to Committee on Judiciary.

SHB 3137 by House Committee on Transportation (originally sponsored by Representatives Lovick, Curtis, Clements, Hunt, Grant, Ericks, Conway, Morrell, Simpson and Kenney)

AN ACT Relating to benefits for surviving spouses of disabled Washington state patrol officers; amending RCW 43.43.270, 41.45.0631, and 41.45.070; and providing an effective date.

Referred to Committee on Ways & Means.

EHB 3278 by Representatives Conway and Dickerson

AN ACT Relating to making adjustments in the unemployment insurance system to enhance benefit and tax equity; amending 2005 c 133 s 9 (uncodified); and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

EHB 3310 by Representatives Bailey, Linville, Kessler, Morrell, Clibborn and Morris

AN ACT Relating to health care coverage statutory requirements; and creating new sections.

Referred to Committee on Health & Long-Term Care.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

Senator Keiser moved adoption of the following resolution:

SENATE RESOLUTION
8715

By Senator Keiser

WHEREAS, Diabetes is now widely recognized as one of the top public health threats facing our nation today and affects more than 18 million Americans. In 2002, diabetes accounted for \$132 billion in direct and indirect health care costs; and

WHEREAS, Diabetes now affects nearly 1.4 million Washington residents: Over 298,000 people in Washington have been diagnosed with diabetes; over 126,000 people have undiagnosed diabetes; and, over 963,000 people have prediabetes; and

WHEREAS, People who have diabetes need skills to manage their diabetes and skills to help them stay active in their lives. This training is central to diabetes prevention and care; and

WHEREAS, Chronic disease self-management programs have a proven success rate, allowing persons with diabetes to better control their diabetes; and

WHEREAS, Persons living with diabetes who are properly trained with self-management skills are better able to prevent the deadly complications of diabetes, which can include heart disease, stroke, blindness, lower extremity amputation, and kidney failure; and

WHEREAS, Certified diabetes educators are highly trained multidisciplinary health care professionals dedicated to delivering quality diabetes self-management training; and

WHEREAS, Evidence has shown that access to a certified diabetes educator improves the management of diabetes, a chronic illness that requires a high level of maintenance; and

WHEREAS, Certified diabetes educators teach people with diabetes how to maintain the daily rigors of diet, exercise, meal planning, medication monitoring, healthy coping skills, and other factors necessary to control the disease; and

WHEREAS, Certified diabetes educators are also on the front line of the efforts to promote prevention of diabetes; and

WHEREAS, Certified diabetes educators have received extensive training in diabetes management. They have met all criteria for initial certification, including a prerequisite qualifying professional credential in a specified health care profession. They have professional practice experience in diabetes self-management training that includes one thousand hours of diabetes teaching, have passed a national examination offered by a certifying body recognized as entitled to grant certification to diabetes educators, and are required to renew the certification every five years;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the members of the Washington Association of Diabetes Educators and applaud them for their important efforts on behalf of those living with diabetes; and

BE IT FURTHER RESOLVED, That the Washington State Senate honor the Washington Association of Diabetes Educators on Thursday, February 16, 2006, WADE Day at the Capitol; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the

Senate to the leadership of the Washington Association of Diabetes Educators.

Senator Keiser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8715.

The motion by Senator Keiser carried and the resolution was adopted by voice vote.

MOTION

Senator Schoesler moved adoption of the following resolution:

SENATE RESOLUTION
8705

By Senator Schoesler

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The LaCrosse/Washtucna Tigercats exhibited the highest level of excellence in winning the 2005 Washington State High School Football "B-8" Championship; and

WHEREAS, The LaCrosse/Washtucna Football Team became only the second team in the history of Washington state football, in all classifications, to win four consecutive state championships; and

WHEREAS, The LaCrosse/Washtucna Tigercats Football Team State Championship also tied the state record for consecutive victories with forty-eight; and

WHEREAS, The senior class, comprised of Marshall Burke, Kevin Dainty, Tyler Martin, Dallas Filan, Matt Martin, Dirk Wigen, Jeff Bafus, David Oles, Kellen Hays, and Michael Martin, have completed their high school football careers undefeated; and

WHEREAS, The entire team, which includes, in addition to the seniors, Ben Undercoffler, Kellen Vorderbrueggen, Jared Ayers-Stamper, Jake Fleming, Justin Aune, Chris Keeney, Hans Guske, Cody Bennett, Tom Passmore, Seth Weekes, Tyler Startin, Tyson Sullivan, Grant Burke, Jacob Wigen, Tyson Carter, Bo Sullivan, Luke Stanley, Codii Phelps, and Adam Roberts demonstrated amazing skill and admirable sportsmanship in achieving these outstanding accomplishments; and

WHEREAS, These extraordinary accomplishments could not have been achieved without the support and encouragement of all the students, cheerleaders, band members, faculty, staff, alumni, families, friends, community members, and fans who backed them all the way; and

WHEREAS, The inspiring individual and team achievements of the 2005 LaCrosse/Washtucna Football Team will always be remembered when commemorating their winning year; and

WHEREAS, The victorious LaCrosse/Washtucna Football Team is a source of great pride to all the citizens of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the 2005 LaCrosse/Washtucna Tigercats Football Team; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the 2005 LaCrosse/Washtucna Tigercats Football Team Head Coach Jeff Nelson and the Principal of LaCrosse High School, Doug Curtis, and the Principal of Washtucna High School, Glenn Martin.

Senator Schoesler spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8705.

The motion by Senator Schoesler carried and the resolution was adopted by voice vote.

MOTION

THIRTY-NINTH DAY, FEBRUARY 16, 2006

2006 REGULAR SESSION

At 12:08 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, February 17, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FORTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 17, 2006

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Deccio, Finkbeiner, McCaslin and Oke.

The Sergeant at Arms Color Guard consisting of Pages Cecily Hahn and Christopher Truppner, presented the Colors. Pastor John Shaffer of the Stanwood United Methodist Church offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 16, 2006

HB 1331 Prime Sponsor, Conway: Requiring electrical contractors to be licensed before advertising. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 16, 2006

2SHB 1384 Prime Sponsor, Committee on Technology, Energy & Communications: Authorizing the construction and operation of renewable energy projects by joint operating agencies. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Without recommendation. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Morton, Mulliken and Regala

Passed to Committee on Government Operations & Elections.

February 16, 2006

2SHB 1430 Prime Sponsor, Committee on Commerce & Labor: Authorizing the sale by spirit, beer, and wine licensees of malt liquor in containers that are capable of holding four gallons or more and are registered in accordance with RCW 66.28.200. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

February 16, 2006

SHB 2402 Prime Sponsor, Committee on Technology, Energy & Communications: Providing for expedited processing

of energy facilities and alternative energy resources. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken and Regala

Passed to Committee on Rules for second reading.

February 16, 2006

HB 2406 Prime Sponsor, Roach: Changing insurance statutes, generally. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Finkbeiner, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 16, 2006

HB 2453 Prime Sponsor, Williams: Making the Washington essential property insurance inspection and placement program apply to all counties. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Finkbeiner, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 16, 2006

SHB 2497 Prime Sponsor, Committee on Financial Institutions & Insurance: Authorizing a suspension of business loan payments and interest accrual for active duty national guard members. Revised for 1st Substitute: Providing assistance for business owners who are active duty national guard members. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Finkbeiner, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 16, 2006

HB 2562 Prime Sponsor, Wood: Regulating flavored malt beverage. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

February 16, 2006

SHB 2563 Prime Sponsor, Committee on Commerce & Labor: Concerning the processing of liquor licenses. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended.

FORTIETH DAY, FEBRUARY 17, 2006

Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Keiser, Parlette and Prentice

MINORITY recommendation: Do not pass. Signed by Senator Honeyford

Passed to Committee on Rules for second reading.

February 16, 2006

EHB 2801 Prime Sponsor, Chase: Authorizing removal of discriminatory provisions in the governing documents of homeowners' associations. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Finkbeiner, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 16, 2006

HB 2897 Prime Sponsor, Condotta: Modifying the liquor licensee's caterer's endorsement to include passenger vessels. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 16, 2006

SB 6241 Prime Sponsor, Haugen: Making 2006 supplemental transportation appropriations. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6241 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Berkey, Eide, Esser, Finkbeiner, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 16, 2006

SB 6326 Prime Sponsor, Shin: Providing a source of funding for customized work force training. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6326 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

2006 REGULAR SESSION

February 16, 2006

SB 6368 Prime Sponsor, Haugen: Discontinuing the nursing facility bed tax. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 16, 2006

SB 6379 Prime Sponsor, Poulsen: Increasing temporarily the statewide cap for the customer assistance public utility tax credit. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Parlette, Pridemore, Regala, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 16, 2006

SB 6384 Prime Sponsor, Fraser: Adopting the 2006 supplemental capital budget. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6384 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 16, 2006

SB 6385 Prime Sponsor, Prentice: Providing excise tax relief by modifying due dates and eliminating an assessment penalty. Revised for 1st Substitute: Providing administrative excise tax relief for taxpayers. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6385 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 16, 2006

SB 6386 Prime Sponsor, Prentice: Making 2006 supplemental operating appropriations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6386 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Roach, Rockefeller and Thibaudeau

FORTIETH DAY, FEBRUARY 17, 2006

2006 REGULAR SESSION

MINORITY recommendations: Do not pass. Signed by Senators Schoesler and Zarelli. Without recommendation. Signed by Senators Brandland and Parlette

Passed to Committee on Rules for second reading.

February 16, 2006

SB 6512 Prime Sponsor, Fraser: Enhancing air quality at truck stops. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6512 as recommended by Committee on Water, Energy & Environment be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 16, 2006

SB 6533 Prime Sponsor, Prentice: Providing a tax credit for syrup sales. Revised for 1st Substitute: Providing a business and occupation tax credit for syrup taxes paid by a business. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6533 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

MINORITY recommendations: Do not pass. Signed by Senator Fraser, Vice Chair, Capital Budget Chair. Without recommendation. Signed by Senator Fairley

Passed to Committee on Rules for second reading.

February 16, 2006

SB 6542 Prime Sponsor, Mulliken: Exempting farming services from business and occupation tax. Revised for 2nd Substitute: Exempting persons engaged in farming and certain farming services from business taxes. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6542 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 16, 2006

SB 6557 Prime Sponsor, Kohl-Welles: Modifying the taxation of motion picture and video production services. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6557 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 16, 2006

SB 6558 Prime Sponsor, Brown: Improving the state of Washington's economic, cultural, and educational standing in the motion picture industry. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6558 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 16, 2006

SB 6604 Prime Sponsor, Prentice: Providing excise tax relief for aerospace businesses. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6604 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Pridemore, Rasmussen, Regala, Roach, Schoesler and Zarelli

MINORITY recommendation: Do not pass. Signed by Senators Fraser, Vice Chair, Capital Budget Chair and Rockefeller. Without recommendation. Signed by Senator Fairley

Passed to Committee on Rules for second reading.

February 16, 2006

SB 6671 Prime Sponsor, Doumit: Clarifying the application of taxes to the financial activities of professional employer organizations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6671 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 16, 2006

SB 6686 Prime Sponsor, Prentice: Authorizing a local sales and use tax that is credited against the state sales and use tax. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6686 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Schoesler

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Parlette, Roach and Zarelli

Passed to Committee on Rules for second reading.

February 16, 2006

SB 6704 Prime Sponsor, Rasmussen: Modifying the excise taxation of the manufacturing, selling, and processing of

FORTIETH DAY, FEBRUARY 17, 2006

2006 REGULAR SESSION

certain food products. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Parlette, Pridemore, Rasmussen, Roach, Schoesler, Thibaudeau and Zarelli

MINORITY recommendation: Do not pass. Signed by Senators Fraser, Vice Chair, Capital Budget Chair; Fairley and Rockefeller

Passed to Committee on Rules for second reading.

February 16, 2006

SB 6781 Prime Sponsor, Prentice: Modifying the excise taxation of environmental remediation services. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6781 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 16, 2006

SB 6787 Prime Sponsor, Rockefeller: Modifying funding for local government passenger ferry service. Revised for 1st Substitute: Providing funding for local government passenger ferry service. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6787 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Parlette, Pridemore, Rasmussen, Regala and Rockefeller

MINORITY recommendations: Do not pass. Signed by Senator Zarelli. Without recommendation. Signed by Senators Roach and Schoesler

Passed to Committee on Rules for second reading.

February 16, 2006

SB 6874 Prime Sponsor, Doumit: Providing tax incentives for persons who extract, manufacture, or process timber. Revised for 1st Substitute: Providing tax incentives for the timber and timber products industries. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6874 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller and Schoesler

MINORITY recommendation: Without recommendation. Signed by Senator Fairley

Passed to Committee on Rules for second reading.

February 16, 2006

SB 6896 Prime Sponsor, Prentice: Providing for state funding stabilization. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6896 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Parlette, Schoesler and Zarelli. Without recommendation. Signed by Senator Roach

Passed to Committee on Rules for second reading.

February 16, 2006

SB 6898 Prime Sponsor, Fraser: Authorizing the issuance of general obligation bonds. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6898 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 16, 2006

SHB 3190 Prime Sponsor, Committee on Technology, Energy & Communications: Providing tax incentives to support the semiconductor cluster in the state. Revised for 1st Substitute: Providing tax incentives to support the semiconductor cluster in Washington state. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Parlette, Pridemore, Rasmussen, Roach, Schoesler, Thibaudeau and Zarelli

MINORITY recommendations: Do not pass. Signed by Senators Fraser, Vice Chair, Capital Budget Chair and Fairley. Without recommendation. Signed by Senator Rockefeller

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, the rules were suspended and the measures listed on the supplemental standing committee report were placed on the second reading calendar.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 17, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CONRAD MAHNKEN, appointed November 4, 2005, for the term ending December 31, 2010, as Member of the Fish and Wildlife Commission.

Sincerely,

FORTIETH DAY, FEBRUARY 17, 2006

2006 REGULAR SESSION

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

Employee Whistleblower Program Report. This report is mandated under RCW 42.40.110.

If you have any questions about the report, please call 360-664-7675.

MOTION

On motion of Senator Eide, the appointee listed on the gubernatorial appointment report was referred to the committee as designated.

Sincerely,
Wendy Jarrett, Secretary
The OFM - Performance Audit of the State Employee Whistleblower Program Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

MOTION

February 15, 2006

STATE OF WASHINGTON

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

Olympia, Washington 98504-5000

INTRODUCTION AND FIRST READING

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

SCR 8418 by Senators Shin and Rasmussen

Creating an aerospace task force.

Dear Mr. Hoemann:

Enclosed is DSHS - Expand Community Services Proviso Report. This report is mandated under Chapter 518, Laws of 2005, Section 205(1)(c).

If you have any questions about the report, please call 360-725-3406.

Sincerely,

Cheryl Strange, Secretary

The DSHS - Expand Community Services Proviso Report is on file in the Office of the Secretary of the Senate.

Referred to Committee on International Trade & Economic Development.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

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

MOTION

Senator Jacobsen moved adoption of the following resolution:

MESSAGES FROM THE STATE OFFICES

February 10, 2006

STATE OF WASHINGTON

SENATE RESOLUTION
8718

Olympia, Washington 98504-5000

By Senators Jacobsen and Franklin

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is DSHS - Community Protection Issues Report. This report is mandated under Chapter 518, Laws of 2005, Section 205(1)(d).

If you have any questions about the report, please call 360-725-3406.

Sincerely,

Cheryl Strange, Secretary

The DSHS - Community Protection Issues Report is on file in the Office of the Secretary of the Senate.

WHEREAS, Coretta Scott was born April 27, 1927, near Marion, Alabama to humble beginnings, walking five miles from the family farm to a one room schoolhouse and persevering in her studies, nonetheless; and

WHEREAS, As a young woman studying on a scholarship at the New England Conservatory of Music in Boston, Massachusetts, Coretta Scott met the young divinity student Martin Luther King Jr., marrying him two years later; and

WHEREAS, As her husband Dr. Martin Luther King Jr. rose to eminence as the most influential civil rights leader in America, Coretta Scott King shared in the triumphs and difficulties of the struggle for equal rights in this country in the 1950s and 1960s, withstanding long hours, political pressures, and even fire bombings of the Kings' home; and

WHEREAS, Coretta Scott King, devoted wife and mother, became a symbol of extraordinary grace, strength, and dignity after her husband's assassination in 1968; and

WHEREAS, Coretta Scott King continued her husband's vital work toward equal rights for all Americans, remaining a noble public figure and an important leader in the civil rights movement, training and inspiring many thousands of civil rights activists in the use of nonviolent methods, thus opening the doors for interracial and social change across this nation; and

WHEREAS, The scope of her influence for peace and social justice knew no boundaries as Coretta Scott King devoted the rest of her life to keeping alive the flame her husband had lit, continuing to stand up with courage and ferocity against the death penalty for juveniles and for nuclear disarmament, and

MESSAGES FROM THE STATE OFFICES

February 13, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is OFM - Performance Audit of the State

FORTIETH DAY, FEBRUARY 17, 2006

2006 REGULAR SESSION

leading goodwill missions to many nations around the world; and

Making 2006 supplemental transportation appropriations.

WHEREAS, Coretta Scott King fought successfully for the induction of the national holiday on the third Monday of each January, honoring her late husband as a day for education and lobbying for civil rights, and since the introduction of this holiday in January of 1986, it has been recognized internationally in more than one hundred countries, mightily preserving the legacy of Dr. Martin Luther King Jr.;

MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 6241 was substituted for Senate Bill No. 6241 and the substitute bill was placed on the second reading and read the second time.

NOW, THEREFORE, BE IT RESOLVED, That Washington State mourns the death of Coretta Scott King, an inspiration to people around the world; and this state is inspired by her exemplary diligence in times of asperity as a long-time leader of social change; and

MOTION

Senator Jacobsen moved that the following amendment by Senator Jacobsen be adopted.

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to The Martin Luther King Jr. Center for NonViolent Social Change in Atlanta, Georgia.

Senators Jacobsen and Franklin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8718.

The motion by Senator Jacobsen carried and the resolution was adopted by voice vote.

On page 51, after line 25, insert the following:

"(9) The entire multimodal transportation account--state appropriation provided under this section is contingent on the failure of Initiative Measure No. 917, as filed on January 9, 2006. This appropriation shall be held in reserve status until November 14, 2006. If Initiative Measure No. 917 passes, the entire multimodal transportation account--state appropriation provided under this section shall lapse."

Senator Jacobsen spoke in favor of adoption of the amendment.

Senators Haugen and Benson spoke against adoption of the amendment.

MOTION

At 10:14 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

MOTION

On motion of Senator Mulliken, Senators Deccio, Finkbeiner, McCaslin, Oke, Carrell and Schoesler were excused.

The Senate was called to order at 11:15 a.m. by President Owen.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives of Filipino World War II Veterans who were seated in the gallery.

The President declared the question before the Senate to be the adoption of the amendment by Senator Jacobsen on page 51, line 25 to Substitute Senate Bill No. 6241.

The motion by Senator Jacobsen failed and the amendment was not adopted by voice vote.

PERSONAL PRIVILEGE

MOTION

Senator Prentice: "Sitting in the galleries, Mr. President, is a group that we just recognized. I think this is a part of our history that we need to remember and it's not ancient history. Its history during my life time. When there was the December 7 attack on Pearl Harbor, at the same time there were attacks on many other parts of Pacific and focused particularly in the Phillipines. Without any hesitation some of these men rose and fought along side. At that time the Filipines was part of the United States, commonwealth. They fought loyally, bravely and many were on the Bataan death march and I would urge some of you younger folks to read up on that. The brutality was simply incomprehensible to us today. In 1946, the Phillipines got it's independence but these veterans were acknowledged to have been fighting along side our soldiers. However, at the end of the war they had been denied benefits that they earned at that time because they were citizens and it's been gone. It's been ignored and neglected and, as you can see, these are not young people. They are even older than I am and it's one of the things that we need to consistently fight for. I would say that we need to rise up and be there with our brothers in arms. Thank you very much."

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6241 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6241.

MOTION

ROLL CALL

On motion of Senator Eide, the Senate reverted to the sixth order of business.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6241 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Deccio, Finkbeiner, McCaslin and Oke - 4

SECOND READING

SENATE BILL NO. 6241, by Senators Haugen, Benson and Jacobsen

SUBSTITUTE SENATE BILL NO. 6241, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

FORTIETH DAY, FEBRUARY 17, 2006

SENATE BILL NO. 6386, by Senators Prentice, Zarelli, Fairley, Fraser, Rockefeller, Shin and Brandland

Making 2006 supplemental operating appropriations.

MOTION

On motion of Senator Prentice, Substitute Senate Bill No. 6386 was substituted for Senate Bill No. 6386 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 103, line 30, strike "\$7,655,000" and insert "\$7,686,000"

On page 104, line 12, strike "\$209,346,000" and insert "\$209,320,000"

On page 104, line 15, strike "\$208,179,000" and insert "\$208,174,000"

On page 106, line 18, after "(12)", strike everything through "appropriation are" on line 19, and insert "\$31,000 of the general fund--state appropriation for fiscal year 2007 is"

Renumber the sections consecutively and correct any internal references accordingly.

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Doumit spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 103, line 30 to Substitute Senate Bill No. 6386.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 22, line 16, decrease the general fund--state appropriation for fiscal year 2007 by \$4,600,000 and adjust the totals accordingly.

On page 31, lines 13 - 19, decrease each of the appropriations by 66 percent.

On page 109, line 35, increase the general fund--state appropriation for fiscal year 2007 by \$4,600,000 and adjust the totals accordingly.

On page 116, after line 18, insert the following:

"\$6,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to double the number of uninsured and under-insured low income women screened for breast and cervical cancer."

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Doumit spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 22, line 16 to Substitute Senate Bill No. 6386.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler be adopted.

2006 REGULAR SESSION

On page 95, after line 3, insert the following:

"(25) No funds appropriated in this section shall be expended upon gender reassignment surgery or treatment."

Senator Esser demanded a roll call.

The President declared that one-sixth of the Senate support the demand. The demand is sustained.

Senators Schoesler, Pflug, Stevens and Benson spoke in favor of adoption of the amendment.

Senators Keiser and Brown spoke against adoption of the amendment.

POINT OF ORDER

Senator Esser: "I believe the word grandstanding amounts to impugning..."

Senator Brown: "I apologize. I sincerely apologize."

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 95, line 3 to Substitute Senate Bill No. 6386.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Schoesler and the amendment was adopted by the following vote: Yeas, 32; Nays, 12; Absent, 1; Excused, 4.

Voting yea: Senators Benson, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Morton, Mulliken, Parlette, Pflug, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli - 32

Voting nay: Senators Brown, Fairley, Fraser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Spanel, Thibaudeau and Weinstein - 12

Absent: Senator Benton - 1

Excused: Senators Deccio, Finkbeiner, McCaslin and Oke - 4

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute Senate Bill No. 6386 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice, Doumit and Brown spoke in favor of passage of the bill.

Senators Zarelli and Pflug spoke against passage of the bill.

Senator Schoesler spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6386.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6386 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 19; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 26

FORTIETH DAY, FEBRUARY 17, 2006

2006 REGULAR SESSION

Voting nay: Senators Benson, Brandland, Carrell, Delvin, Esser, Hewitt, Honeyford, Johnson, Kastama, Morton, Mulliken, Parlette, Pflug, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 19

Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Deccio, Finkbeiner, McCaslin and Oke - 4

Excused: Senators Deccio, Finkbeiner, McCaslin and Oke - 4

ENGROSSED SUBSTITUTE SENATE BILL NO. 6386, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 6368, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

SECOND READING

On motion of Senator Eide, Engrossed Substitute Senate Bill No. 6386 was immediately transmitted to the House of Representatives.

SENATE BILL NO. 6604, by Senators Prentice, Rasmussen and McAuliffe

Providing excise tax relief for aerospace businesses.

SECOND READING

MOTIONS

SENATE BILL NO. 6896, by Senators Prentice, Doumit, Brown, Regala, Rockefeller and Kohl-Welles

On motion of Senator Prentice, Second Substitute Senate Bill No. 6604 was substituted for Senate Bill No. 6604 and the substitute bill was placed on the second reading and read the second time.

Providing for state funding stabilization.

On motion of Senator Prentice, the rules were suspended, Second Substitute Senate Bill No. 6604 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

Senators Prentice and Shin spoke in favor of passage of the bill.

On motion of Senator Prentice, Substitute Senate Bill No. 6896 was substituted for Senate Bill No. 6896 and the substitute bill was placed on the second reading and read the second time.

MOTION

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 6896 was deferred and the bill held its place on the second reading calendar.

On motion of Senator Mulliken, Senator Parlette was excused.

SECOND READING

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6604.

SENATE BILL NO. 6368, by Senators Haugen, Benson, Kline, Kohl-Welles, Keiser, Carrell and Fairley

ROLL CALL

Discontinuing the nursing facility bed tax.

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6604 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 6; Absent, 1; Excused, 5.

The measure was read the second time.

MOTION

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker and Zarelli - 37

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 6368 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Voting nay: Senators Fairley, Fraser, Kohl-Welles, Rockefeller, Thibaudeau and Weinstein - 6

Senators Prentice, Benson, Haugen and Shin spoke in favor of passage of the bill.

Excused: Senator Kline - 1

Senators Carrell and Parlette spoke against passage of the bill.

Excused: Senators Deccio, Finkbeiner, McCaslin, Oke and Parlette - 5

The President declared the question before the Senate to be the final passage of Senate Bill No. 6368.

ROLL CALL

SENATE BILL NO. 6604, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Secretary called the roll on the final passage of Senate Bill No. 6368 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

SECOND READING

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore,

SENATE BILL NO. 6874, by Senators Doumit, Zarelli, Hargrove, Morton, Sheldon and Rasmussen

Providing tax incentives for persons who extract, manufacture, or process timber. Revised for 1st Substitute:

FORTIETH DAY, FEBRUARY 17, 2006

Providing tax incentives for the timber and timber products industries.

2006 REGULAR SESSION

making deposits into the emergency reserve fund"

Senator Zarelli spoke in favor of adoption of the amendment.

Senator Prentice spoke against adoption of the amendment.

MOTIONS

On motion of Senator Doumit, Substitute Senate Bill No. 6874 was substituted for Senate Bill No. 6874 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Doumit, the rules were suspended, Substitute Senate Bill No. 6874 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Doumit spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6874.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 1, line 1 to Substitute Senate Bill No. 6896.

The motion by Senator Zarelli failed and the amendment was not adopted by voice vote.

POINT OF ORDER

Senator Zarelli: "Thank you Mr. President. Senate Rule 25 states that no bill shall embrace more than one subject and that shall be expressed in the title. This rule is taken from article two, section nineteen of the state constitution. According to long-standing case law in this state, at a minimum, the title of the bill must give such notice as should reasonably lead to an inquiry into the body of the act itself or indicates to an inquiry in mind the scope and purpose of the law. The title of this bill, 'An act relating to state funding, stabilization' does not give any indication that hidden within the bill is the provision to increase the spending limit under Initiative 601. Instead of funding stabilization the bills main purpose appears to be to raise the current spending limit by 1.2 billion to accommodate more spending than permitted under current law and to avoid otherwise scheduled deposits into the emergency reserve fund. As you know, the expenditures from the emergency reserve fund require a two-thirds vote of this body. Our supreme court has made a distinction between general titles and restrictive titles. A general or broad title is liberally construed and may embrace all matters which are naturally and reasonably connected with it. A restrictive title, however, carves out a selective subject and the subject of the bill must be confined to only the subject expressed in the title. I submit that this title is restrictive. It limits the subject of the bill to stabilization of funds. This clearly does not include other legislative spending issues such as increasing the state spending limit and avoiding the deposits in the emergency reserve fund. In the past, when we've considered bills to make changes to the expenditure limit, that fact has been reflected in the title. Mr. President, I have a few examples I'd like to share. In 2004, Senate Bill No. 6687, 'An act relating to the state expenditure limit,' 2003 'An act relating to the state expenditure limit,' 2003 'An act relating to strengthening the state expenditure limit and so forth. There are several of those examples. Mr. President, I believe this bill is out of order and will remain so until such time as the title is amended to reflect the content of the bill. I would ask the President to rule such."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6874 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 4; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Zarelli - 40

Voting nay: Senators Fairley, Fraser, Kohl-Welles and Weinstein - 4

Excused: Senators Deccio, Finkbeiner, McCaslin, Oke and Parlette - 5

SUBSTITUTE SENATE BILL NO. 6874, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Substitute Senate Bill No. 6896 which was deferred earlier in the day.

MOTION

Senator Mulliken moved that the following amendment by Senator Mulliken be adopted.

On page 2, on line 30, strike "1.29" and insert "4.05".

On page 2, on line 35, strike "0.87" and insert "3.44".

On page 3, on line 4, strike "January 1, 2007" and insert "July 1, 2006".

On page 3, on line 4, strike "1.77" and insert "3.44".

Senator Mulliken spoke in favor of adoption of the amendment.

Senator Doumit spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Mulliken on page 2, line 30 to Substitute Senate Bill No. 6896.

The motion by Senator Mulliken failed and the amendment was not adopted by voice vote.

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted.

On page 1, line 1 of the title, strike "state funding stabilization" and insert "gaming the people's spending limit to permit a seventeen percent increase in spending and avoid

REMARKS BY SENATOR BROWN

Senator Brown: "The bill is, 'An act relating to state funding stabilization' and I believe, Mr. President, as you examine the bill that you will find that that is exactly what the interrelated elements of it do. One piece of the bill relates to state funding stabilization through funding a pension stabilization account. One piece of the bill relates to state funding stabilization by paying forward into the school construction account. One piece of the bill relates to state funding stabilization by paying forward into the health services account. Mr. President, I would argue that all of these pieces of the bill, in fact, fall within the title of the bill and relate to state funding stabilization.' The good gentleman also raises the concern about removing funds from the emergency reserve account. However, this bill does not do that. Instead, this bill

FORTIETH DAY, FEBRUARY 17, 2006

2006 REGULAR SESSION

places funds in state savings accounts for the purposes of funding stabilization. It's essential to the architecture, further more, of overall budget that we put together. The amendment that is in, that we were about to take up, related to 601, is essentially not connected to this bill. Mr. President, I believe, if you would find both the supreme court and your rulings in the past have found such interrelated elements part of a bill like this to be perfectly appropriate in a budget bill necessary to implement the budget. Thank you Mr. President."

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 6896 and the bill held its place on the second reading calendar.

The President Pro Tempore assumed the chair.

SECOND READING

SENATE BILL NO. 6385, by Senators Prentice, Doumit, Rasmussen, Fairley, Zarelli, Rockefeller, Brandland, Fraser, Pflug and Sheldon

Providing excise tax relief by modifying due dates and eliminating an assessment penalty. Revised for 1st Substitute: Providing administrative excise tax relief for taxpayers.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6385 was substituted for Senate Bill No. 6385 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6385 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Kline was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6385.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6385 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Deccio, Finkbeiner, Kline, McCaslin and Oke - 5

SUBSTITUTE SENATE BILL NO. 6385, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6704, by Senators Rasmussen, Prentice, Doumit, Schoesler, Honeyford, Brandland, Sheldon, Morton and Mulliken

Modifying the excise taxation of the manufacturing, selling, and processing of certain food products.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 6704 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6704.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6704 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 4; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Zarelli - 40

Voting nay: Senators Fairley, Fraser, Kohl-Welles and Weinstein - 4

Excused: Senators Deccio, Finkbeiner, Kline, McCaslin and Oke - 5

SENATE BILL NO. 6704, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Prentice: "I neglected earlier to thank the Ways & Means staff. If I'm inappropriate, please don't chastise me but we owe so much. Would you folks please? I can't tell you the kind of work that they do for us and how rapidly the turn arounds are. They follow absolutely every bump of what we're doing and this committee could not function without them and see how bashful they are, because of having to drag them on? So, please, round of applause for the Ways & Means staff."

MOTION

At 1:03 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 1:11 p.m. by President Pro Tempore.

MOTION

At 1:12 p.m., on motion of Senator Eide, the Senate adjourned until 10:30 a.m. Monday, February 20, 2006.

BRAD OWEN, President of the Senate

FORTY-THIRD DAY, FEBRUARY 20, 2006

2006 REGULAR SESSION

FORTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 20, 2006

The Senate was called to order at 10:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators McCaslin and Swecker.

The Sergeant at Arms Color Guard consisting of Pages Ismael Campos II and Darren Levin, presented the Colors. Senator Shin offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 17, 2006

SHB 1107 Prime Sponsor, Committee on Appropriations: Providing for early intervention services for children with disabilities. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Ways & Means.

February 16, 2006

HB 1641 Prime Sponsor, Kretz: Decriminalizing vessel registration violations. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Fraser, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 16, 2006

SHB 1841 Prime Sponsor, Committee on Commerce & Labor: Revising provisions for electrical trainees. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 17, 2006

SHB 1986 Prime Sponsor, Committee on Higher Education & Workforce Education: Requiring a review of tuition waivers. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Kohl-

Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 16, 2006

SHB 2033 Prime Sponsor, Committee on Finance: Modifying municipal business and occupation taxation. Revised for 1st Substitute: Modifying the allocation of printing and publishing income for municipal business and occupation taxes. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 16, 2006

HB 2330 Prime Sponsor, Blake: Modifying provisions concerning the administration of a crab pot buoy tag program. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 16, 2006

HB 2332 Prime Sponsor, Buck: Concerning recreational fishing for albacore tuna. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Morton, Oke, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Stevens

Passed to Committee on Rules for second reading.

February 16, 2006

SHB 2372 Prime Sponsor, Committee on Natural Resources, Ecology & Parks: Encouraging volunteers to teach hunter education courses. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 16, 2006

EHB 2478 Prime Sponsor, Green: Clarifying laws on ballot measures. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Haugen, Kline, McCaslin and Pridemore

MINORITY recommendation: Do not pass. Signed by Senator Roach. Without recommendation. Signed by Senator Benton

FORTY-THIRD DAY, FEBRUARY 20, 2006

2006 REGULAR SESSION

Passed to Committee on Rules for second reading.

February 16, 2006

SHB 2545 Prime Sponsor, Committee on State Government Operations & Accountability: Revising veterans' scoring criteria in examinations. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 16, 2006

SHB 2694 Prime Sponsor, Committee on State Government Operations & Accountability: Eliminating Saturday counting of ballots. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken and Pridemore

MINORITY recommendation: Without recommendation. Signed by Senator Roach

Passed to Committee on Rules for second reading.

February 16, 2006

SHB 2715 Prime Sponsor, Committee on Technology, Energy & Communications: Regarding the state interoperability executive committee. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 16, 2006

HB 3019 Prime Sponsor, Haigh: Clarifying the role of a chief financial officer in a charter county. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 16, 2006

SHB 3024 Prime Sponsor, Committee on State Government Operations & Accountability: Increasing the number of demonstration projects that may be authorized by the school district project review board. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 16, 2006

HB 3041 Prime Sponsor, Alexander: Modifying voter registration timelines. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Haugen, Kline, McCaslin and Pridemore

MINORITY recommendation: Without recommendation. Signed by Senators Benton and Roach

Passed to Committee on Rules for second reading.

February 16, 2006

HB 3057 Prime Sponsor, Green: Modifying address confidentiality program provisions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6899 by Senator Roach

AN ACT Relating to instruction in Spanish and Chinese; amending RCW 28A.410.025; adding a new section to chapter 28A.320 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

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

MOTION

Senator Benton moved adoption of the following resolution:

SENATE RESOLUTION 8695

By Senator Benton

WHEREAS, Ninety-four years ago, on February 6, 1911, Ronald Wilson Reagan was born to John and Nelle Reagan in the family's modest apartment above the general store in Tampico, Illinois; and

WHEREAS, John Reagan struggled both before and during the Great Depression in his attempts to provide for his family, until he was appointed director of the Dixon, Illinois office of

FORTY-THIRD DAY, FEBRUARY 20, 2006

2006 REGULAR SESSION

the Works Progress Administration, a New Deal, back to work program; and

WHEREAS, Ronald Reagan, building upon a successful career in the private sector, acted upon the courage of his convictions and entered the world of politics and public service as Governor of California; and

WHEREAS, Ronald Reagan was extraordinarily successful at communicating his vision to the American people with powerful words such as these:

"The house we hope to build is not for my generation but for yours. It is your future that matters. And I hope that when you are my age, you will be able to say as I have been able to say: We lived in freedom. We lived lives that were a statement, not an apology."; and

WHEREAS, During his career as a public servant, Ronald Reagan was unafraid to do battle on the great issues of his time and, in the words of Theodore Roosevelt, enter the arena, strive valiantly, and spend himself for a worthy cause; and

WHEREAS, Ronald Reagan, as all great American presidents, used the power of the Presidency as he deemed best to invigorate our economy, put Americans to work, honor our obligation to those who need help, and inspire all Americans to seek a more perfect Union; and

WHEREAS, Ronald Reagan's leadership, with the support of the American people, helped to end the Cold War, set many nations on a path to freedom and democracy, and promoted greater peace and stability to many regions of the world; and

WHEREAS, President Ronald Reagan provided this nation a great vision for the future and the leadership to advance the cause of democracy and the American dream; and

WHEREAS, The passing of President Reagan gives cause to remember his mission and work, it does not signal the passing of his legacy;

NOW, THEREFORE, BE IT RESOLVED, That it is with great respect, that the Washington State Senate remember the work, honor, and excellence of character exemplified by President Ronald Wilson Reagan as we honor his life and Presidency.

Senator Benton spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8695.

The motion by Senator Benton carried and the resolution was adopted by voice vote.

MOTION

At 10:43 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate appeared at the Chamber doors of Representatives and requested admission. The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate Brad Owen to the rostrum. The senators were invited to sit within the Chamber.

JOINT SESSION

The Speaker (Representative Lovick presiding) called upon President Owen to preside.

The President called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of Senate members. A quorum of the Legislature was present.

Chief Justice Gerry Alexander arrived and was escorted to the Rostrum.

The Statewide elected officials arrived and were escorted to the Rostrum. The President introduced Secretary of State Sam Reed; Superintendent of Public Instruction Terry Bergeson; Insurance Commissioner Mike Kreidler; and Commissioner of Public Lands Doug Sutherland.

Her Excellency, Governor Christine Gregoire, arrived and was escorted to the Rostrum.

The Medal of Valor honorees arrived and were escorted to the Rostrum. The President introduced Greg Meinhold, Jim Swett, Dennis Kensey and Travis Jackson.

The Flags were escorted to the Rostrum by the Washington State Patrol Honor Guard, composed of Troopers Chad Hoff, Brian Dorsey, Peterson Stock, Jon Ladines and Melissa Braaten, and Sergeants Zach Elmore and Albert Escalera. The President led the Chamber in the Pledge of Allegiance. The National Anthem was sung by Jasmine Coates. The prayer was offered by Chaplain George Albertson, chaplain for the Washington State Patrol and the Thurston County Sheriff's Office.

President Owen: "The purpose of the joint session is to present Medal of Valor Awards, honoring four deserving citizens. It is now my pleasure to present Governor Christine Gregoire."

Governor Gregoire: "Thank you, Mr. President, Mr. Speaker, Secretary Reed, Chief Justice Alexander, members of the Washington State Legislature.

We gather this morning to award our state's Medal of Valor to four of our citizens who risked serious injury or death to save or attempt to save the life of another. These four citizens – emblematic of "do unto others" – have set the bar for citizen heroism. They have blessed us with their courage and their example. They have renewed our faith that, in the heat of the moment, citizens will step up and act with astonishing courage regardless of the sacrifice.

A real hero understands that there are forces greater than self. Courage is grace under pressure, President Kennedy said, quoting Ernest Hemmingway. These citizens we honor today not only illustrate grace under pressure, they went above and beyond to demonstrate a willingness to pay the ultimate price to save a fellow citizen.

There is a common thread that binds each of our awardees: they were the faces in the crowd that did more than stare. They stepped up and helped when others would not. Thank God for them, and for those rare among us like them.

Our Washington State Medal of Valor was created in 1990, but today marks the first time it has been awarded. The medal reads, "For exceptionally valorous service, given in the act of saving the life of another."

Thank you for humbling us, thank you for making us proud to be Washingtonians."

Secretary of State Sam Reed: "The decoration of the state medal of valor is .999 pure silver and consists of the seal of the state of Washington, surrounded by a raised laurel wreath and suspended from a silver bar device inscribed "For Valor" which is suspended from a ring attached by a dark green ribbon, bordered by silver. The reverse of the decoration within the raised laurel wreath is inscribed with the recipient's name and the words: "For exceptionally valorous service, given in the act of saving the life of another."

The certificate accompanying the medal will prominently display the title, "Washington State Medal of Valor", the recipient's name, and the phrase, "For exceptionally valorous service, given in the act of saving the life of another." A seven-line citation will also be included on the certificate."

President Owen: "Madame Governor, it is my pleasure to introduce Travis Jackson and Dennis Kinsey.

These two Clark County men were driving home from work the night of January 18, 2005, when they came upon a fiery car crash. Both of them stopped to assist. Both of them saved a life. Travis Jackson actually witnessed the horrible accident: a Jeep careened over a curb on State Highway 500 at 112th

FORTY-THIRD DAY, FEBRUARY 20, 2006

Avenue in Orchards, crashed into a guardrail, slammed into a concrete signpost and burst into flames.

After calling 9-1-1, Jackson emptied the entire contents of a fire extinguisher to diminish the flames. The driver's door jammed into the rear door, Jackson used his bare hands to pry apart the metal and open the door, out of which black smoke poured. With the assistance of Dennis Kinsey, Jackson grabbed the driver under his arms and hauled him out of the vehicle – just in time. Fire swallowed up the Jeep just as Kinsey and Jackson placed the driver on the road.

Kinsey, a former volunteer emergency management technician, used his expertise on the scene. He knew to carefully cradle the driver's neck and keep him perfectly still until emergency crews arrived. The driver suffered a broken nose, internal injuries and cuts to his face – but thanks to the bravery and swift response of Jackson and Kinsey, he survived.

A firefighter spokesperson on the scene said that once notified, it took crews less than five minutes to get to the scene, but that they could not have saved the driver if he had still been in the Jeep.

Madame Governor – Travis Jackson and Dennis Kinsey."

The Governor awarded Travis Jackson and Dennis Kinsey the Medal of Valor.

Chief Justice Gerry Alexander: "On November 23, 2001, Greg Meinhold was on his way to pick up his dry cleaning, when he found himself distracted. As he drove along Everett's 19th Street, he noticed a canoe – whose only passenger was a dog – floating in the middle of Silver Lake. Suspicious, he got out of his car and walked to the fishing dock along the shore. That's when he saw a man thrashing in the water.

Finding nothing buoyant near the dock, Meinhold drove to a nearby restaurant, where he remembered seeing canoes. He found one – a display model – but no paddles or oars. So, the former Boy Scout who once had taught canoeing improvised: He grabbed an 18-by-24-inch cookie sheet from the restaurant's kitchen.

Meinhold used it to row out one-quarter of a mile to the man who'd been in the frigid water for 20 minutes. Employing a wrestling move he learned in high school, Meinhold was able to get not only the drowning man into the canoe, but his 60-pound Labrador, Sara, too – without capsizing. Medics arrived, and the man survived.

Concerned that the city wouldn't be prepared to deal with similar situations in the future, Meinhold developed a plan for quick water rescue response on Silver Lake – so that other citizens wouldn't have to risk their own lives to rescue someone.

Asked why he felt compelled to rescue the man while others merely watched: "It's a human life. You just pray to God somebody would do it for you or someone you cared about," Meinhold said."

The Governor awarded Greg Meinhold the Medal of Valor.

Representative Lovick: "On December 15, 2004, after delivering flowers and plants to a local nursery, trucker Jim Swett found himself in the middle of a scene described by one onlooker as "a house fire in the middle of the freeway." A southbound truck crossed a freeway median and slammed into two other vehicles as they traveled northbound on Interstate 5 near Smokey Point.

Without regard for his own safety, Swett saved three lives that day. A window and the taillights of one of the cars, a Suburban, had already melted from the intense heat created by nearby vehicles when Swett smashed one of its windows and helped a woman escape. Fearing that flames would ignite the

2006 REGULAR SESSION

Suburban, he attached a tow strap to his semitruck, pulled the melting vehicle to safety, pried open a door with a crowbar, and rescued two terrified children who sat in the back seat crying.

Even after emergency officials arrived on the scene, Swett, then 68 years old, wouldn't rest. He was so focused on helping the survivors of the accident that he didn't realize his arms had been burned by the heat until he returned home.

His selfless decision to risk his own life saved the lives of others. Swett attributes his heroism to his 15-year-old grandson, Brandon, who died in a rollover accident four years earlier. He said the two children in the back of the SUV reminded him of his grandson – all three had red hair."

The Governor awarded Jim Swett the Medal of Valor.

The Sergeant at Arms escorted the Medal of Valor recipients from the Chambers.

The Sergeant at Arms escorted the Governor from the Chambers.

The Sergeant at Arms escorted the elected statewide officials from the Chambers.

The Sergeant at Arms escorted Chief Justice Gerry Alexander from the Chambers.

MOTION

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

President Owen returned the gavel to the Speaker (Representative Lovick presiding). The Speaker (Representative Lovick presiding) thanked the President and asked the Sergeant at Arms to escort the President and members of the Senate from the Chambers.

AFTERNOON SESSION

The Senate was called to order at 1:11 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Zarelli that Substitute Senate Bill 6896 is not properly before the body for its consideration because its title does not correctly reflect the bill's subject, the President finds and rules as follows:

This is an issue of first impression, insofar as no President has made a ruling on the title limitation found in Rule 25. Because of this, the President believes some explanation is necessary and asks for the members' patience as he provides this analysis. Washington's Constitution contains single subject and title limitations at Article II, § 19. Senate Rule 25 mirrors this language, providing, "No bill shall embrace more than one subject and that shall be expressed in the title." While the President will properly defer to the courts on the constitutional provisions, he is charged with giving full force and effect to each of this body's rules.

The President begins by noting the purpose of the title

FORTY-THIRD DAY, FEBRUARY 20, 2006

2006 REGULAR SESSION

requirement, which is to provide some form of notice to the members and the public as to the subject matter of each bill. The volume of legislation introduced each Session is significant, and the sheer number of bills makes it challenging for anyone to read each measure in full. The title provides a shorthand method for a reader to quickly discern the issues and law being affected by a bill to determine if the measure concerns policy of interest to the reader. In this way, someone interested in liquor licenses, for example, could be assured that a measure entitled, "An Act relating to vehicle licensing subagents" does not modify alcohol statutes. It is important, therefore, that the title be accurate as well as concise. It is not required that the title be perfectly precise, but it should adequately describe the scope and purpose of the law being changed so as to cause a reader following a particular issue to determine if further inquiry into the text of the bill is necessary.

Often, there are many options available for titles to a particular measure, and the President is mindful that there are legal, policy, and even political reasons for preferring one set of language to another. The President will give great deference to the title chosen by a member or the body for a bill. The challenge for the President is to adequately recognize the title protection afforded by Rule 25 while refraining from simply substituting his judgment for that of the drafters. Nonetheless, the title limitation adopted by this body must be enforced to the same degree as the other rules, and it is appropriate for the President to examine a title to determine not its legal import, but whether or not it sufficiently describes the subject of the bill itself.

In this case, the President believes that the title of Substitute Senate Bill 6896 does not sufficiently describe the subject matter of the bill. The title, "An Act relating to state funding stabilization" provides no reasonable implication that the bill contains within it policy changes to the state expenditure limit—changes which have application beyond the accounts being referenced in the bill itself. The President makes no ruling as to the appropriateness of the measure itself, and there is every reason to believe that the expenditure limit change is rationally related to the accounts created, but the title, itself, is incomplete. In so holding, the President expressly invites the drafters to amend the title in a manner consistent with this ruling, because it is his belief that any number of titles could adequately reflect the subject matter of this bill.

Finally, the President believes it is appropriate to caution the body that this ruling is a very narrow application of Rule 25 to a specific bill. This ruling should not be viewed as inviting the members to make wholesale challenges to every bill with a title not to a member's liking. So long as a title sufficiently provides notice as to the subject of a bill, drafters have great latitude as to the language they choose. The President will enforce the body's rules, but he will be at great pains to avoid second-guessing their choice of language for a title.

For these reasons, Senator Zarelli's point is well-taken: The title of Substitute Senate Bill 6896, as presently drafted, is incomplete, and the measure is ineligible for final passage in its present form."

MOTION

At 1:17 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 1:58 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 6898, by Senators Fraser, Brandland, Prentice and Zarelli

Authorizing the issuance of general obligation bonds.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6898 was substituted for Senate Bill No. 6898 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6898 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Schoesler, Senators Swecker and McCaslin were excused.

Senators Fraser and Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6898.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6898 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators McCaslin and Swecker - 2

SUBSTITUTE SENATE BILL NO. 6898, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6384, by Senators Fraser, Prentice, Doumit, Zarelli and Brandland

Adopting the 2006 supplemental capital budget.

MOTION

On motion of Senator Fraser, Substitute Senate Bill No. 6384 was substituted for Senate Bill No. 6384 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Berkey moved that the following amendment by Senator Berkey and others be adopted.

On page 51, after line 28, insert the following:

"Sec. 180. 2005 c 488 s 777 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE

SYSTEM

Everett Community College: Undergraduate Education Center (04-2-692)

Appropriation:

State Building Construction Account--State . . . \$7,363,700

Gardner-Evans Higher Education Construction Account--State \$3,844,000

Subtotal Appropriation \$11,207,700

Prior Biennia (Expenditures) \$126,000

Future Biennia (Projected Costs)
((~~\$27,407,540~~))\$38,103,591

TOTAL ((~~\$34,897,240~~))\$49,437,291"

Sec. 181. 2005 c 488 s 795 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Skagit Valley College: Science Building Replacement (04-1-209)

Reappropriation:

State Building Construction Account--State . .

\$14,664

Appropriation:

State Building Construction Account--State

\$2,693,000

Gardner-Evans Higher Education Construction

Account--State \$325,000

Subtotal Appropriation

\$3,018,000

Prior Biennia (Expenditures) \$285,336

Future Biennia (Projected Costs)
((~~\$24,268,049~~))26,693,049

TOTAL ((~~\$27,261,049~~))\$30,011,049"

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Senators Berkey and Brandland spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Berkey and others on page 51, line 28 to Substitute Senate Bill No. 6384.

The motion by Senator Berkey carried and the amendment was adopted by voice vote.

MOTION

Senator Fraser moved that the following amendment by Senator Fraser and others be adopted.

On page 51, after line 28, insert the following:

"NEW SECTION. Sec. 180. A new section is added to 2005 C 488 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College: Water System Replacement (06-1-501)

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$1,951,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,951,000

NEW SECTION. Sec. 181. A new section is added to 2005 C 488 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Highline Community College: Primary Power Branch Replacement (06-1-503)

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$1,717,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,717,000

NEW SECTION. Sec. 182. A new section is added to 2005 C 488 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Skagit Valley College: Campus Fire Loop Replacement (06-1-504)

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$1,634,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,634,000

NEW SECTION. Sec. 183. A new section is added to 2005 C 488 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Seattle Central Community College: Maritime Academy Repairs (06-1-502)

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$268,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$1,588,000

TOTAL \$1,856,000"

On page 56, line 32, after "building" insert "and for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the Richland health sciences center"

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Fraser, Brandland and Eide spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser and others on page 51, line 28 to Substitute Senate Bill No. 6384.

The motion by Senator Fraser carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 6384 was advanced to third reading, the second reading considered the third and the

FORTY-THIRD DAY, FEBRUARY 20, 2006

2006 REGULAR SESSION

bill was placed on final passage.

Senators Fraser, Brandland spoke in favor of passage of the bill.

PERSONAL PRIVILEGE

Senator Fraser: "As we are concluding our work on the capitol budget, I would like to also say thank you to Senator Brandland for our collaborative relationship, also to Ways & Means staff member, Brian Simms, who we kept busy researching this and that and that and this and helped us immeasurably putting this together. Thank you."

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6384.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6384 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Swecker - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6384, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6533, by Senators Prentice, Zarelli, Schoesler, Benton and McCaslin

Providing a tax credit for syrup sales. Revised for 1st Substitute: Providing a business and occupation tax credit for syrup taxes paid by a business.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6533 was substituted for Senate Bill No. 6533 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6533 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6533.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6533 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford,

Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Stevens, Weinstein and Zarelli - 43

Voting nay: Senators Fairley, Fraser, Kline, Spanel and Thibaudeau - 5

Excused: Senator Swecker - 1

SUBSTITUTE SENATE BILL NO. 6533, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6671, by Senators Doumit, Delvin, Rasmussen and Parlette

Clarifying the application of taxes to the financial activities of professional employer organizations.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6671 was substituted for Senate Bill No. 6671 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6671 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Delvin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6671.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6671 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senator Regala - 1

Excused: Senator Swecker - 1

SUBSTITUTE SENATE BILL NO. 6671, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6542, by Senators Mulliken, Rasmussen, Schoesler, Sheldon, Morton, Shin, Delvin and Honeyford

Exempting farming services from business and occupation tax. Revised for 2nd Substitute: Exempting persons engaged in farming and certain farming services from business taxes.

MOTIONS

FORTY-THIRD DAY, FEBRUARY 20, 2006

On motion of Senator Prentice, Second Substitute Senate Bill No. 6542 was substituted for Senate Bill No. 6542 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Second Substitute Senate Bill No. 6542 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice, Mulliken and Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6542.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6542 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Weinstein and Zarelli - 45

Voting nay: Senators Fairley, Kohl-Welles and Thibaudeau - 3

Excused: Senator Swecker - 1

SECOND SUBSTITUTE SENATE BILL NO. 6542, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6326, by Senators Shin, Rasmussen, Pflug, Doumit, Rockefeller, Weinstein, Pridemore, Hewitt, Jacobsen, Thibaudeau, Swecker, Sheldon, Oke, Keiser, Kohl-Welles, Franklin, Kline and Berkey

Providing a source of funding for customized work force training.

MOTIONS

On motion of Senator Prentice, Second Substitute Senate Bill No. 6326 was substituted for Senate Bill No. 6326 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Second Substitute Senate Bill No. 6326 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice, Shin and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6326.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6326 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland,

2006 REGULAR SESSION

Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Swecker - 1

SECOND SUBSTITUTE SENATE BILL NO. 6326, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6512, by Senators Fraser, Pridemore, Honeyford, Poulsen, Mulliken, Regala, Rockefeller, Delvin and Kline

Enhancing air quality at truck stops.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6512 was substituted for Senate Bill No. 6512 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6512 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Morton spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6512.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6512 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Kline and Swecker - 2

SUBSTITUTE SENATE BILL NO. 6512, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6557, by Senators Kohl-Welles and Keiser

Modifying the taxation of motion picture and video production services.

FORTY-THIRD DAY, FEBRUARY 20, 2006

2006 REGULAR SESSION

MOTIONS

On motion of Senator Kohl-Welles, Second Substitute Senate Bill No. 6557 was substituted for Senate Bill No. 6557 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Second Substitute Senate Bill No. 6557 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Parlette spoke in favor of passage of the bill.

MOTION

On motion of Senator Weinstein, Senator Pridemore was excused.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6557.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6557 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Kline, Pridemore and Swecker - 3

SECOND SUBSTITUTE SENATE BILL NO. 6557, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6558, by Senators Brown, Hewitt, Eide, Kohl-Welles, Benson, McAuliffe, Benton, Kline and Keiser

Improving the state of Washington's economic, cultural, and educational standing in the motion picture industry.

MOTIONS

On motion of Senator Brown, Second Substitute Senate Bill No. 6558 was substituted for Senate Bill No. 6558 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Second Substitute Senate Bill No. 6558 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brown spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6558.

ROLL CALL

The Secretary called the roll on the final passage of Second

Substitute Senate Bill No. 6558 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senator Sheldon - 1

Excused: Senator Swecker - 1

SECOND SUBSTITUTE SENATE BILL NO. 6558, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6781, by Senators Prentice, Pflug, Fraser, Parlette, Shin and Schoesler

Modifying the excise taxation of environmental remediation services.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6781 was substituted for Senate Bill No. 6781 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6781 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6781.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6781 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Swecker - 1

SUBSTITUTE SENATE BILL NO. 6781, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8417, by Senators Kohl-Welles, Prentice, Parlette, Kline and Rasmussen

Establishing a committee on gambling policy setting.

MOTIONS

FORTY-THIRD DAY, FEBRUARY 20, 2006

On motion of Senator Kohl-Welles, Substitute Senate Concurrent Resolution No. 8417 was substituted for Senate Concurrent Resolution No. 8417 and the substitute resolution was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Concurrent Resolution No. 8417 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of Substitute Senate Concurrent Resolution No. 8417.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Concurrent Resolution No. 8417 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau and Zarelli - 47

Absent: Senator Weinstein - 1

Excused: Senator Swecker - 1

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8417, having received the constitutional majority, was declared passed.

MOTION

At 3:18 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon Tuesday, February 21, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FORTY-FOURTH DAY, FEBRUARY 21, 2006

2006 REGULAR SESSION

FORTY-FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, February 21, 2006

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 20, 2006

HB 1763 Prime Sponsor, Sullivan, B.: Repealing RCW 68.50.560. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Deccio, Franklin, Johnson, Kastama and Parlette

Passed to Committee on Rules for second reading.

February 20, 2006

ESHB 1850 Prime Sponsor, Committee on Health Care: Creating a retired volunteer medical worker license. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Brandland, Deccio, Franklin, Johnson, Kastama, Kline and Parlette

Passed to Committee on Rules for second reading.

February 20, 2006

2SHB 2342 Prime Sponsor, Committee on Appropriations: Establishing a health care declarations registry. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Deccio, Franklin, Johnson, Kastama, Kline and Parlette

MINORITY recommendation: Without recommendation. Signed by Senator Brandland

Passed to Committee on Ways & Means.

February 20, 2006

SHB 2463 Prime Sponsor, Committee on Health Care: Modifying dental licensure provisions. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Brandland, Deccio, Franklin, Johnson, Kastama, Kline and Parlette

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES

GUBERNATORIAL APPOINTMENTS

February 20, 2006

SGA 9410 TERESA PAN, reappointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Bates Technical College District No. 28. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Eide, Kohl-Welles, Rasmussen, Rockefeller and Shin

Passed to Committee on Rules for second reading.

February 20, 2006

SGA 9414 YVONNE BIANCHI, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Technical College District #25 (Bellingham). Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Eide, Kohl-Welles, Rasmussen, Rockefeller and Shin

Passed to Committee on Rules for second reading.

February 20, 2006

SGA 9415 WILLIAM J. MCDOWELL, reappointed February 10, 2005, for the term ending September 30, 2008, as Member, Board of Trustees, Wenatchee Valley Community College District No. 15. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Eide, Kohl-Welles, Rasmussen, Rockefeller and Shin

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

February 17, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

FORTY-FOURTH DAY, FEBRUARY 21, 2006

2006 REGULAR SESSION

Dear Mr. Hoemann:

Enclosed is DSHS - Contain Per Capita Cost of Adoption Report. This report is mandated under Chapter 518, Laws of 2005, Section 202(6).

If you have any questions about the report, please call 360-902-7936.

Sincerely,

Robin Arnold-Williams, Secretary

The DSHS - Contain Per Capita Cost of Adoption Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 17, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann

Secretary of the Senate

P.O. Box 40482

Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is DSHS - Implementation of Enhancement Program Report. This report is mandated under Chapter 518, Laws of 2005, Section 202(7).

If you have any questions about the report, please call 360-902-7906.

Sincerely,

Robin Arnold-Williams, Secretary

The DSHS - Implementation of Enhancement Program Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 20, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann

Secretary of the Senate

P.O. Box 40482

Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is DSHS - Incarcerated Parents Report. This report is mandated under Chapter 403, Laws of 2005, Section 2(1).

If you have any questions about the report, please call 360-902-0251.

Sincerely,

Robin Arnold-Williams, Secretary

The DSHS - Incarcerated Parents Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 17, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann

Secretary of the Senate

P.O. Box 40482

Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Lottery Commission Audit Report.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Washington State Lottery Commission Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 17, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann

Secretary of the Senate

P.O. Box 40482

Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Fruit Commission Audit Report.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Washington State Fruit Commission Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 17, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann

Secretary of the Senate

P.O. Box 40482

Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Fruit Commission Audit Report. This report is mandated under .

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Washington State Fruit Commission Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 17, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann

Secretary of the Senate

P.O. Box 40482

Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Office of the Treasurer Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Office of the Treasurer Audit Report is on file in the Office

FORTY-FOURTH DAY, FEBRUARY 21, 2006
of the Secretary of the Senate.

2006 REGULAR SESSION

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 21, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

AMY BRAGDON, appointed January 30, 2006, for the term
ending January 30, 2009, as Member of the State Board of
Education.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher
Education.

MOTION

On motion of Senator Eide, the appointee listed on the
Gubernatorial Appointment report was referred to the committee
as designated.

MOTION

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

MOTION

Senator Spanel moved adoption of the following resolution:

SENATE RESOLUTION
8723

By Senators Spanel, Haugen, Stevens and Rasmussen

WHEREAS, Every April, the tulips are in bloom,
celebrating the beginning of spring; and

WHEREAS, The beautiful Skagit Valley is the Northwest's
tulip capital and the number 1 producer of tulip bulbs in North
America; and

WHEREAS, The Skagit Valley Tulip Festival kicks off the
festival season in Washington; and

WHEREAS, Nearly half a million people visited the Skagit
Valley Tulip Festival last year, participating in the joy and
excitement of the event, and contributing to the economy of the
Skagit Valley; and

WHEREAS, This year's 23rd annual festival will run from
April 1 through 30, focusing on the communities of Sedro
Woolley, Burlington, Anacortes, La Conner, Mount Vernon,
Concrete, and Conway; and

WHEREAS, Visitors will be greeted by more than 750 acres
of tulips reflecting all the vibrant colors of the rainbow, by the
fullness of life in the valley, and by its wonderful people; and

WHEREAS, This year's Tulip Festival ambassadors will
ably and personably perform their responsibilities as
representatives of this festival; and

WHEREAS, Highlights of the event include the Kiwanis
Club's 18th Annual Salmon Barbeque, the 26th Annual Tulip
Pedal bike ride, the Anacortes Quilt Walk, the Downtown
Mount Vernon Street Fair, the first Hospice Tour de Fleur, and
much more;

NOW, THEREFORE, BE IT RESOLVED, That the
Washington State Senate salute all the communities of the
Skagit Valley, their chambers of commerce, the Skagit Valley
Tulip Festival Ambassadors, and the Tulip Festival Committee;
and

BE IT FURTHER RESOLVED, That the Senate commend
the community leaders and corporate sponsors for the success of
this important event and encourage citizens from across

Washington to take the time to enjoy this spectacular display;
and

BE IT FURTHER RESOLVED, That copies of this
resolution be immediately transmitted by the Secretary of the
Senate to the Skagit Valley Tulip Festival Executive Director
Cindy Verge and the Tulip Festival Ambassadors.

Senator Spanel spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be
the adoption of Senate Resolution No. 8723.

The motion by Senator Spanel carried and the resolution
was adopted by voice vote.

MOTION

Senator Delvin moved adoption of the following resolution:

SENATE RESOLUTION
8711

By Senator Delvin

WHEREAS, On December 2, 2005, the Prosser High
School Mustangs became one of the first teams in the state of
Washington to compete for the football state championship for a
6th time; and

WHEREAS, The Prosser High School Mustangs had a
season record of 13-2 and advanced to the State Championship
Game; and

WHEREAS, On November 19, 2005, on their way to the
state championship game, the Prosser High School Mustangs
defeated the four-time defending class 3A champions with a
38-35 victory over the Bellevue Wolverines at Neil F. Lampson
Field in Kennewick; and

WHEREAS, The Prosser High School Mustangs were
expected by many to be brushed aside by the nationally
recognized Wolverines; however, due to their skill and
determination they defeated the Wolverines and brought a much
deserved win to Eastern Washington; and

WHEREAS, The ironclad determination of the Prosser High
School Mustangs' defense held the Wolverines to just 289 yards,
almost 100 yards below their season average; and

WHEREAS, The Prosser High School Mustangs Coaching
Staff, led by Head Coach Tom Moore, provided invaluable
leadership, motivation, and direction to the players; and

WHEREAS, With senior leadership provided by Tylan
Watkins, Adrian Washington, Travis Fanciullo, Danny Lochrie,
Ivan Merino, Nick Long, Nick Edwards, David Starkey, Chris
Shepherd, Jake Martin, Jaycobb Gagner, Ty Hartley, Cameron
Brophy, Chad Don, and Trent Crabtree, the Prosser High School
Mustangs have won the Mid-Valley League title 18 of the last
19 years; and

WHEREAS, The Prosser High School Mustangs dominated
All League and All Area selections led by seniors - Nick
Edwards, Jake Martin, Ty Hartley, Danny Lochrie, Ivan Merino,
Cameron Brophy, juniors - Kellen Moore, Bobby Humphreys,
Jared Hancock, Nick Boydson, Cody Frank, Josh Beck, and
sophomore - Cody Bruns; and

WHEREAS, The Prosser High School Mustangs'
Quarterback Kellen Moore set the state records for completions,
yardage, and touchdowns in a single season; and

WHEREAS, Every senior on the Prosser High School
Mustangs team has completed 20 or more hours of community
service as part of their School to Life Program; and

WHEREAS, In addition to Prosser High School having a
fantastic football year, it also showed a significant increase in
the percentage of students who passed the WASL, with a 20-
percent increase in reading, a 12.9-percent increase in math, and
a 12.5-percent increase in writing;

NOW, THEREFORE, BE IT RESOLVED, That the
Washington State Senate recognize and congratulate all the
Prosser High School Mustangs team members, coaches, staff,
faculty, students, parents, and the community for the
extraordinary job well done and for their incredible
achievements; and

FORTY-FOURTH DAY, FEBRUARY 21, 2006

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Prosser Superintendent Ray Tolcacher, Principals Kevin Lusk and Kelly Thorson, Athletic Director Casey Gant, Coach Tom Moore and his Assistant Coaches, and each member of the Prosser High School Mustangs Football Team.

Senator Delvin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8711.

The motion by Senator Delvin carried and the resolution was adopted by voice vote.

MOTION

At 12:06 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, February 22, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FORTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 22, 2006

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton and McCaslin.

The Sergeant at Arms Color Guard consisting of Pages Courtney McClanahan and Brittany Lawrence, presented the Colors. Pastor Ron Hill of the Southside Baptist Church offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 21, 2006

ESHB 1020 Prime Sponsor, Committee on Technology, Energy & Communications: Regarding electrical transmission. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 21, 2006

HB 1361 Prime Sponsor, Alexander: Modifying the disbursement of funds by air pollution control agencies. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 21, 2006

E2SHB 1488 Prime Sponsor, Committee on Appropriations: Prohibiting the sale of products that contain polybrominated diphenyl ethers. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Delvin, Honeyford, Morton and Mulliken

Passed to Committee on Rules for second reading.

February 20, 2006

SHB 1523 Prime Sponsor, Committee on Finance: Extending a sales and use tax exemption to the construction of new facilities to be used for the conditioning of vegetable seeds. Revised for 1st Substitute: Extending a sales and use tax

exemption to the construction of new facilities to be used for the conditioning of vegetable seed. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Ways & Means.

February 20, 2006

SHB 2155 Prime Sponsor, Committee on State Government Operations & Accountability: Regarding preservation of state publications by the state library services. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, Pridemore and Roach

Passed to Committee on Ways & Means.

February 22, 2006

2SHB 2292 Prime Sponsor, Committee on Judiciary: Addressing health care liability reform. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 21, 2006

HB 2364 Prime Sponsor, Santos: Creating a use tax exemption when converting or merging a federal, foreign, or out-of-state credit union into a state charter. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 21, 2006

E2SHB 2393 Prime Sponsor, Committee on Capital Budget: Funding energy freedom projects. Revised for 2nd Substitute: Establishing an energy freedom program. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Delvin, Honeyford and Morton

Passed to Committee on Ways & Means.

February 20, 2006

SHB 2457 Prime Sponsor, Committee on Finance: Providing excise tax relief for farm machinery and equipment. Revised for 1st Substitute: Authorizing sales and use tax exemptions for replacement parts for farm machinery and

FORTY-FIFTH DAY, FEBRUARY 22, 2006

2006 REGULAR SESSION

equipment. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Ways & Means.

February 20, 2006

HB 2520 Prime Sponsor, Nixon: Recodifying and making technical corrections to public disclosure law. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 20, 2006

SHB 2590 Prime Sponsor, Committee on Finance: Exempting nonprofit organizations organized for zoological purposes from certain excise taxes. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Without recommendation. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel and Stevens

Passed to Committee on Ways & Means.

February 21, 2006

HB 2644 Prime Sponsor, Sullivan, P.: Increasing temporarily the statewide cap for the customer assistance public utility tax credit. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Ways & Means.

February 21, 2006

2SHB 2645 Prime Sponsor, Committee on Finance: Providing a limited public utility tax credit for gas distribution businesses. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Ways & Means.

February 21, 2006

ESHB 2651 Prime Sponsor, Committee on Economic Development, Agriculture & Trade: Regarding disclosure of animal information. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 21, 2006

HB 2671 Prime Sponsor, Ericks: Providing excise tax relief by modifying due dates and eliminating an assessment penalty. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 21, 2006

HB 2687 Prime Sponsor, Bailey: Establishing a one thousand dollar minimum monthly benefit for certain plan 1 members of the public employees' retirement system and certain plan 1 members of the teachers' retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 21, 2006

HB 2690 Prime Sponsor, Crouse: Permitting members of the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, the public safety employees' retirement system, plan 1 of the law enforcement officers' and fire fighters' retirement system, and the Washington state patrol retirement system to make a one-time purchase of additional service credit. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 21, 2006

SHB 2691 Prime Sponsor, Committee on Appropriations: Creating optional public retirement benefits for justices and judges. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 21, 2006

HB 2704 Prime Sponsor, O'Brien: Including organized retail theft in crime guidelines. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Without recommendation. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Parlette

Passed to Committee on Judiciary.

February 21, 2006

FORTY-FIFTH DAY, FEBRUARY 22, 2006

ESHB 2850 Prime Sponsor, Committee on Finance: Eliminating tax, interest, and penalty provisions for land valued under the open space program. Revised for 1st Substitute: Modifying interest and penalty provisions for land in the current use agricultural program. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Morton, Schoesler and Sheldon

MINORITY recommendation: Do not pass. Signed by Senator Jacobsen

Passed to Committee on Ways & Means.

February 21, 2006

HB 2879 Prime Sponsor, McIntire: Modifying the electronic administration of the real estate excise tax. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 21, 2006

SHB 2917 Prime Sponsor, Committee on Local Government: Identifying accessory uses on agricultural lands. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 21, 2006

HB 2932 Prime Sponsor, Darneille: Establishing a catastrophic disability allowance under the law enforcement officers' and fire fighters' retirement system, plan 2. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 21, 2006

SHB 2933 Prime Sponsor, Committee on Appropriations: Addressing death benefit payments for law enforcement officers' and fire fighters' retirement system, plan 2. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 21, 2006

2006 REGULAR SESSION

SHB 3033 Prime Sponsor, Committee on Economic Development, Agriculture & Trade: Creating an advisory committee to evaluate animal identification programs. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 21, 2006

SHB 3059 Prime Sponsor, Committee on Finance: Clarifying the application of taxes to the financial activities of professional employer organizations. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler and Zarelli

MINORITY recommendation: Do not pass. Signed by Senator Regala

Passed to Committee on Rules for second reading.

February 21, 2006

HB 3114 Prime Sponsor, Murray: Providing a sales and use tax exemption for recovered wood waste boiler equipment. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Without recommendation. Signed by Senators Poulsen, Chair; Delvin, Fraser, Honeyford, Morton, Mulliken and Regala

Passed to Committee on Ways & Means.

February 21, 2006

EHB 3159 Prime Sponsor, Linville: Modifying the excise taxation of food products. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

MINORITY recommendation: Do not pass. Signed by Senators Fraser, Vice Chair, Capital Budget Chair and Fairley

Passed to Committee on Rules for second reading.

February 20, 2006

ESHB 3222 Prime Sponsor, Committee on Finance: Modifying excise tax exemptions for the handling and processing of livestock manure. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Ways & Means.

MOTION

FORTY-FIFTH DAY, FEBRUARY 22, 2006

2006 REGULAR SESSION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Substitute House Bill No. 2155 which was referred to the Committee on Ways & Means.

MOTION

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

MESSAGE FROM THE HOUSE

February 21, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2871,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 2871 by House Committee on Transportation (originally sponsored by Representatives Murray, Dickerson, Appleton and Simpson)

AN ACT Relating to regional transportation governance; amending RCW 35.58.250, 35.58.260, 36.120.020, 36.120.030, 36.120.040, 36.120.070, 29A.36.071, 36.120.080, 36.120.110, 81.112.030, 35.95A.080, 35.95A.110, 36.120.050, 81.100.080, 81.100.060, 82.14.430, 47.56.076, 36.73.015, and 36.73.020; reenacting and amending RCW 43.79A.040, 43.84.092, and 43.84.092; adding a new section to chapter 36.120 RCW; adding a new section to chapter 82.80 RCW; adding a new section to chapter 47.56 RCW; adding a new section to chapter 47.01 RCW; adding a new chapter to Title 36 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

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

MOTION

Senator Regala moved adoption of the following resolution:

SENATE RESOLUTION
8720

By Senators Regala and Brandland

WHEREAS, The third week in April is celebrated as the National Shaken Baby Awareness Week; and

WHEREAS, Shaken Baby Syndrome is known as the leading cause of death among physically abused children; and

WHEREAS, Shaken Baby Syndrome is a totally preventable form of child abuse, caused by a caregiver losing control and shaking a baby who is usually under the age of two years; and

WHEREAS, Characteristics of Shaken Baby Syndrome are subdural hemorrhages, damage to the spinal cord and neck, and fractures of the ribs and bones; these injuries may not be immediately noticeable; and

WHEREAS, Symptoms of Shaken Baby Syndrome are extreme irritability, lethargy, poor feeding or sucking, breathing problems, convulsions, vomiting, pale or bluish skin, and a coma; and

WHEREAS, Medical professionals believe that thousands of cases of Shaken Baby Syndrome are being misdiagnosed or not detected; and

WHEREAS, Shaken Baby Syndrome results in permanent and irreversible brain damage or death to an infant and may result in more than \$1,000,000 in medical costs to care for a single, disabled child in just the first year of life; and

WHEREAS, Prevention of Shaken Baby Syndrome includes early recognition of child abuse, parenting support through classes, education of health care personnel and family members, stress reduction for parents, and careful evaluation of those outside the family who take care of children; and

WHEREAS, Efforts to prevent Shaken Baby Syndrome are supported by advocacy groups across the United States that were formed by parents and relatives of children who have been killed or injured by shaking, such as The National Shaken Baby Coalition, The Shaken Baby Association, The Skipper (Shaking Kills: Instead Parents Please Educate and Remember) Initiative, Shaken Baby Alliance, Shaken Baby Prevention, Inc., A voice for Gabbie, Don't Shake Jake, and the Kierra Harrison Foundation, whose mission is to educate the general public and professionals about Shaken Baby Syndrome and to increase support for victims and victims' families in the health care and criminal justice system; and

WHEREAS, The Washington State Legislature strongly supports efforts to protect children from abuse and neglect;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the efforts of those who advocate on behalf of victims of Shaken Baby Syndrome during National Shaken Baby Awareness week, the third week in April, and encourage the people of Washington State to remember the victims of Shaken Baby Syndrome and to participate in educational programs to help prevent Shaken Baby Syndrome.

Senators Regala, Haugen, Mulliken and Brandland spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8720.

The motion by Senator Regala carried and the resolution was adopted by voice vote.

PERSONAL PRIVILEGE

Senator Eide: "Well, Mr. President, ladies and gentlemen of the Senate. Today is a special, very special day for a very special lady who happens to turn seventy-five. Happy Birthday Senator Margarita Prentice."

PERSONAL PRIVILEGE

Senator Prentice: "Thank you Mr. President. The question that I was going to ask you was, what just happened to the decorum of the Senate? I want to thank all of you. Do you really have to remind me at seventy-five big ones? One of the things that people forget is that folks my age, woman my age, we're not old, we're in our prime. As time goes on I believe we are proving it. One of the great things that happens when you come to the Senate is that you see people, you've seen them over time and you've seen how great they've become and that holds for all of you. Now, I just got kissed by a couple of males here on the floor. I hope that all happens to you at some point. Thank you very much."

PERSONAL PRIVILEGE

FORTY-FIFTH DAY, FEBRUARY 22, 2006

2006 REGULAR SESSION

Senator Franklin: "Thank you Mr. President. Well, I would certainly loved also a special birthday greetings to my good friend and colleague. We, sometimes, we don't talk very often but we connect because the connection is through that delivery of services as a nurse and we sort of understand each other. You are just in your prime. You're going to be here another twenty-five years. We work together, have known each other, she says forty. Is it forty really? Time went by so quickly. Well, this is seventy-five. It's your youth, in your prime. I have you by a few."

PERSONAL PRIVILEGE

Senator Deccio: "I'd like to tell Senator Prentice that you get around people my age. It's nice to have young folks like you around too."

MOTION

At 10:23 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:15 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

MOTION

On motion of Senator Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointment 9023, Ben Cabildo and Gubernatorial Appointment 9107, Carol Landa-McVicker as members of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17 and the vote of the Senate was recorded as a separate vote for each appointment.

Senator Brown moved that Gubernatorial Appointment No. 9023, Ben Cabildo and Gubernatorial Appointment No. 9107, Carol Lander-McVicker as members of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17.

Senator Brown spoke in favor of the confirmations.

The President declared the question before the Senate to be the confirmations of Gubernatorial Appointment 9023, Ben Cabildo, and Gubernatorial Appointment 9107, Carol Landa-McVicker, as members of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17.

MOTION

On motion of Senator Schoesler, Senators Benton and McCaslin were excused.

APPOINTMENT OF BEN CABILDO

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9023, Ben Cabildo as a member of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17 and the appointment was

confirmed by the following vote: Yeas, 47; Nays, 0 Absent, 0 Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Zarelli - 47

Excused: Senators Benton, McCaslin - 2

APPOINTMENT OF CAROL LANDA-MCVICKER

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9107, Carol Landa-McVicker as a member of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0 ; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Zarelli - 47

Excused: Senators Benton, McCaslin - 2

Gubernatorial Appointment No. 9107, Carol Landa-McVicker, and Gubernatorial Appointment No. 9023, Ben Cabildo, having received the constitutional majority were declared confirmed as members of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17.

MOTION

On motion of Senator Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointment 9259, Paul McDonald; Gubernatorial Appointment 9283, Patricia Whitefoot; Gubernatorial Appointment No. 9270, Lida Parker; Gubernatorial Appointment No. 9308, Larry Sanchez and Gubernatorial Appointment No. 9338, James Carvo as members of the Board of Trustees, Yakima Valley Community College District No. 16 and the vote of the Senate was recorded as a separate vote for each appointment.

MOTION

Senator Deccio moved that Gubernatorial Appointment No. 9259, Paul McDonald, Gubernatorial Appointment No. 9283, Patricia Whitefoot, Gubernatorial Appointment No. 9270, Lisa Parker, Gubernatorial Appointment No. 9308, Larry Sanchez and Gubernatorial Appointment No. 9338, James Carvo as members of the Board of Trustees, Yakima Valley Community College District No. 16, be confirmed.

Senator Deccio spoke in favor of the confirmations.

MOTION

On motion of Senator Schoesler, Senator Roach was excused.

APPOINTMENT OF PAUL MCDONALD

FORTY-FIFTH DAY, FEBRUARY 22, 2006

2006 REGULAR SESSION

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9259, Paul McDonald, Gubernatorial Appointment No. 9283, Patricia Whitefoot, Gubernatorial Appointment No. 9270, Lisa Parker, Gubernatorial Appointment No. 9308, Larry Sanchez and Gubernatorial Appointment No. 9338, James Carvo as members of the Board of Trustees, Yakima Valley Community College District No. 16.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9259, Paul McDonald as a member of the Board of Trustees, Yakima Valley Community College District No. 16 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Zarelli - 47
Excused: Senators Benton, McCaslin - 2

APPOINTMENT OF PATRICIA WHITEFOOT

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9283, Patricia Whitefoot as a member of the Board of Trustees, Yakima Valley Community College District No. 16 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Zarelli - 47
Excused: Senators Benton, McCaslin - 2

APPOINTMENT OF LISA PARKER

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9270, Lisa Parker as a member of the Board of Trustees, Yakima Valley Community College District No. 16 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent 0; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Zarelli - 47
Excused: Senators Benton, McCaslin - 2

APPOINTMENT OF LARRY SANCHEZ

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9308, Larry Sanchez as a member of the Board of Trustees, Yakima Valley Community College District No. 16 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Zarelli - 47
Excused: Senators Benton, McCaslin - 2

APPOINTMENT OF JAMES CARVO

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9338, James Carvo as a member of the Board of Trustees, Yakima Community College District No. 16 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Zarelli - 47
Excused: Senators Benton, McCaslin - 2

Gubernatorial Appointment No. 9338, James Carvo; Gubernatorial Appointment No. 9259, Paul McDonald; Gubernatorial Appointment No. 9283, Patricia Whitefoot; Gubernatorial Appointment No. 9270, Lisa Parker, and Gubernatorial Appointment No. 9308, Larry Sanchez having received the constitutional majority were declared confirmed as members of the Board of Trustees, Yakima Community College District No. 16.

SECOND READING

SENATE BILL NO. 6379, by Senators Poulsen, Morton, Fraser, Finkbeiner, Rockefeller and Rasmussen

Increasing temporarily the statewide cap for the customer assistance public utility tax credit.

The measure was read the second time.

MOTION

On motion of Senator Poulsen, the rules were suspended, Senate Bill No. 6379 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Poulsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6379.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6379 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

FORTY-FIFTH DAY, FEBRUARY 22, 2006

2006 REGULAR SESSION

Excused: Senator Benton - 1

SENATE BILL NO. 6379, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6686, by Senators Prentice, Esser, Kastama, Johnson, Kline, Finkbeiner, Weinstein, Keiser, Berkey and McAuliffe

Authorizing a local sales and use tax that is credited against the state sales and use tax.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6686 was substituted for Senate Bill No. 6686 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6686 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Esser spoke in favor of passage of the bill.

Senators Mulliken and Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6686.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6686 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 38

Voting nay: Senators Carrell, Hewitt, Honeyford, McCaslin, Morton, Mulliken, Parlette, Stevens, Swecker and Zarelli - 10

Excused: Senator Benton - 1

SUBSTITUTE SENATE BILL NO. 6686, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senator Prentice was excused.

SECOND READING

SENATE BILL NO. 6787, by Senators Rockefeller, Poulsen, Haugen and Oke

Modifying funding for local government passenger ferry service. Revised for 1st Substitute: Providing funding for local government passenger ferry service.

MOTION

On motion of Senator Rockefeller, Substitute Senate Bill No. 6787 was substituted for Senate Bill No. 6787 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Poulsen moved that the following amendment by Senator Poulsen be adopted.

On page 2, line 22, after "as", strike all material through the end of line 25, and insert the following:

"either:

(1) a local government assumes the Vashon to Seattle passenger-only ferry route, and provides a level of service for the route that meets or exceeds the state level. The successor entity assuming the route shall assume any existing labor contract governing service on the Vashon to Seattle passenger-only ferry route; or

(2) a legislative authority of a county with a population over one million persons and having a boundary on the Puget Sound creates a ferry district under chapter 36.54 RCW, assumes service among Vashon, Southworth, and Seattle on or before June 30, 2007, and provides a level of service that meets or exceeds the state level of service on the Vashon to Seattle passenger-only ferry route. The successor entity assuming the route shall assume any existing labor contract governing service on the Vashon to Seattle passenger-only ferry route. A successor entity under this subsection shall enter into an interlocal agreement with the public transportation benefit area serving the Southworth ferry terminal within 30 days of beginning Southworth ferry service."

Senator Poulsen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Poulsen on page 2, line 22 to Substitute Senate Bill No. 6787.

The motion by Senator Poulsen carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Substitute Senate Bill No. 6787 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller, Oke, Haugen, Mulliken and Jacobsen spoke in favor of passage of the bill.

POINT OF ORDER

Senator Roach: "Yes, I rise to object to bringing someone's name up like that that's not a member of the body. Criticize if you want in the body, I suppose, but really I think that's out of place."

REPLY BY THE PRESIDENT

President Owen: "Senator Roach, there is no rule against bringing another person's name into a debate that I'm aware of, unless it's a member."

POINT OF ORDER

Senator Jacobsen: "Would it be more appropriate if I talked

FORTY-FIFTH DAY, FEBRUARY 22, 2006

about the initiative and referendum system? How it's impacted governmental policy? Is that ok?"

Senator Roach: "I'd be happy to respond. I think that was directed at me. I think the initiative process....."

REPLY BY THE PRESIDENT

President Owen: "Senator Roach, you both are venturing off and beyond the subject matter at hand, which is a rule I can enforce."

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6787.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6787 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senator Esser - 1

Excused: Senators Benton and Prentice - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6787, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6680, by Senators Brandland, Haugen and Rasmussen

Implementing a biometric matching system for driver's licenses and identicards.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6680 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brandland and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6680.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6680 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette,

2006 REGULAR SESSION

Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Benton and Prentice - 2

SENATE BILL NO. 6680, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5319 was returned to second reading for the purpose of amendment.

SECOND READING

SENATE BILL NO. 5319, by Senators Oke, Doumit, Roach, Hargrove, Honeyford, Swecker, Schoesler, Rasmussen, Berkey, Delvin, Morton, Regala, Sheldon, Stevens, Johnson and Mulliken

Concerning animal trapping.

The measure was read the second time.

MOTION

Senator Oke moved that the following amendment by Senators Oke and Jacobsen be adopted.

Beginning on page 2, line 20, strike all of section 2 and insert the following:

"Sec. 2. RCW 77.08.010 and 2005 c 104 s 1 are each amended to read as follows:

As used in this title or rules adopted under this title, unless the context clearly requires otherwise:

(1) "Director" means the director of fish and wildlife.

(2) "Department" means the department of fish and wildlife.

(3) "Commission" means the state fish and wildlife commission.

(4) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

(5) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

(6) "Ex officio fish and wildlife officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective

FORTY-FIFTH DAY, FEBRUARY 22, 2006

2006 REGULAR SESSION

jurisdictions.

(7) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

(8) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(9) "To fish," "to harvest," and "to take," and their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

(10) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

(11) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.

(12) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

(13) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing or harvesting is prohibited.

(14) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(15) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(16) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(17) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

(18) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(19) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(20) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(21) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(23) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(24) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(25) "Deleterious exotic wildlife" means species of the

animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

(26) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(27) "Person of disability" means a permanently disabled person who is not ambulatory without the assistance of a wheelchair, crutches, or similar devices.

(28) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

(29) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

(30) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

(31) "Senior" means a person seventy years old or older.

(32) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

(33) "Saltwater" means those marine waters seaward of river mouths.

(34) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

(35) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(36) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(37) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(38) "Resident" means:

(a) A person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state; and

(b) A person age eighteen or younger who does not qualify as a resident under (a) of this subsection, but who has a parent that qualifies as a resident under (a) of this subsection.

(39) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(40) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(41) "Commercial" means related to or connected with buying, selling, or bartering.

(42) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

(43) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

(44) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(45) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

FORTY-FIFTH DAY, FEBRUARY 22, 2006

2006 REGULAR SESSION

(46) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

(47) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

(48) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

(49) "Invasive species" means a plant species or a nonnative animal species that either:

(a) Causes or may cause displacement of, or otherwise threatens, native species in their natural communities;

(b) Threatens or may threaten natural resources or their use in the state;

(c) Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or

(d) Threatens or harms human health.

(50) "Prohibited aquatic animal species" means an invasive species of the animal kingdom that has been classified as a prohibited aquatic animal species by the commission.

(51) "Regulated aquatic animal species" means a potentially invasive species of the animal kingdom that has been classified as a regulated aquatic animal species by the commission.

(52) "Unregulated aquatic animal species" means a nonnative animal species that has been classified as an unregulated aquatic animal species by the commission.

(53) "Unlisted aquatic animal species" means a nonnative animal species that has not been classified as a prohibited aquatic animal species, a regulated aquatic animal species, or an unregulated aquatic animal species by the commission.

(54) "Aquatic plant species" means an emergent, submersed, partially submersed, free-floating, or floating-leaving plant species that grows in or near a body of water or wetland.

(55) "Retail-eligible species" means commercially harvested salmon, crab, and sturgeon.

(56) "Body-gripping trap" means a steel trap that grips an animal's body or body part, including steel-jawed foothold trap, neck snare, or foot snare.

(57) "Raw fur" means a pelt that has not been processed for purposes of retail sale.

(58) "Animal problem" means damage, injury, or reasonable threat of damage or injury, caused by furbearing mammals, unclassified wildlife, or deleterious exotic wildlife to: Public or private property or resources; livestock or other domestic animals; or human health or safety.

(59) "Nuisance wildlife" means moles, mice, rats, mountain beavers, gophers, nutria, and other wildlife so designated by the commission by rule.

(60) "Nuisance bird problem" means damage, injury, or reasonable threat of damage or injury, caused by avian species to: Public or private property or resources; human health; or public safety.

(61) "Programmatic trapping permit" means a permit issued by the director for the following purposes: (a) For furbearer management unit purposes; (b) to prevent damage or injury, or a reasonable threat of damage or injury, to (i) public or private property or resources; (ii) livestock or other domestic animals; (iii) agricultural, timber, and horticultural resources; (iv) human health or safety; or (v) other purposes so designated by the commission by rule.

(62) "Conditional use trapping permit" means an emergency permit, limited to specific times, purposes, and areas, issued by the director to address unanticipated and immediate damage or injury to public or private property or resources or other purposes designated by the commission by rule.

(63) "Restricted use trapping permit" means a permit issued by the director to protect either sensitive or endangered species and habitat, or both, or other purposes designated by the commission by rule."

On page 12, line 31, after "July 1," strike "2005" and insert "2006"

Senator Oke spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Oke and Jacobsen on page 2, line 20 to Senate Bill No. 5319.

The motion by Senator Oke carried and the amendment was adopted by voice vote.

MOTION

Senator Regala moved that the following amendment by Senator Regala be adopted.

On page 14, beginning on line 15 strike all of section 11.

Re-number sections consecutively and correct internal references.

On page 1, line 3 of the title, after "77.15.192", strike "; and declaring an emergency".

Senator Regala spoke in favor of adoption of the amendment.

Senator Jacobsen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Regala on page 14, line 15 to Senate Bill No. 5319.

The motion by Senator Regala failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Oke, the rules were suspended, Engrossed Senate Bill No. 5319 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oke spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5319.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5319 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 11; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Deccio, Delvin, Doumit, Finkbeiner, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 35

Voting nay: Senators Carrell, Eide, Esser, Fairley, Franklin, Fraser, Kohl-Welles, McAuliffe, Poulsen, Pridemore and Thibaudeau - 11

Absent: Senator Brown - 1

Excused: Senators Benton and Prentice - 2

ENGROSSED SENATE BILL NO. 5319, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

FORTY-FIFTH DAY, FEBRUARY 22, 2006

2006 REGULAR SESSION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2292, by House Committee on Judiciary (originally sponsored by Representatives Lantz, Cody, Campbell, Kirby, Flannigan, Williams, Linville, Springer, Clibborn, Wood, Fromhold, Morrell, Hunt, Moeller, Green, Kilmer, Conway, O'Brien, Sells, Kenney, Kessler, Chase, Upthegrove, Ormsby, Lovick, McCoy and Santos)

Addressing health care liability reform.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that access to safe, affordable health care is one of the most important issues facing the citizens of Washington state. The legislature further finds that the rising cost of medical malpractice insurance has caused some physicians, particularly those in high-risk specialties such as obstetrics and emergency room practice, to be unavailable when and where the citizens need them the most. The answers to these problems are varied and complex, requiring comprehensive solutions that encourage patient safety practices, increase oversight of medical malpractice insurance, and making the civil justice system more understandable, fair, and efficient for all the participants.

It is the intent of the legislature to prioritize patient safety and the prevention of medical errors above all other considerations as legal changes are made to address the problem of high malpractice insurance premiums. Thousands of patients are injured each year as a result of medical errors, many of which can be avoided by supporting health care providers, facilities, and carriers in their efforts to reduce the incidence of those mistakes. It is also the legislature's intent to provide incentives to settle cases before resorting to court, and to provide the option of a more fair, efficient, and streamlined alternative to trials for those for whom settlement negotiations do not work. Finally, it is the intent of the legislature to provide the insurance commissioner with the tools and information necessary to regulate medical malpractice insurance rates and policies so that they are fair to both the insurers and the insured.

PART I - PATIENT SAFETY

Encouraging Patient Safety Through Communications With Patients

Sec. 101. RCW 5.64.010 and 1975-'76 2nd ex.s. c 56 s 3 are each amended to read as follows:

(1) In any civil action against a health care provider for personal injuries which is based upon alleged professional negligence ((and which is against:

~~— (1) A person licensed by this state to provide health care or related services, including, but not limited to, a physician, osteopathic physician, dentist, nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, osteopathic physician's assistant,~~

~~nurse practitioner, or physician's trained mobile intensive care paramedic, including, in the event such person is deceased, his estate or personal representative;~~

~~— (2) An employee or agent of a person described in subsection (1) of this section, acting in the course and scope of his employment, including, in the event such employee or agent is deceased, his estate or personal representative; or~~

~~— (3) An entity, whether or not incorporated, facility, or institution employing one or more persons described in subsection (1) of this section, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, employee, or agent thereof acting in the course and scope of his employment, including, in the event such officer, director, employee, or agent is deceased, his estate or personal representative;)), or in any arbitration or mediation proceeding related to such civil action, evidence of furnishing or offering or promising to pay medical, hospital, or similar expenses occasioned by an injury is not admissible ((to prove liability for the injury)).~~

(2)(a) In a civil action against a health care provider for personal injuries that is based upon alleged professional negligence, or in any arbitration or mediation proceeding related to such civil action, a statement, affirmation, gesture, or conduct identified in (b) of this subsection is not admissible as evidence if:

— (i) It was conveyed by a health care provider to the injured person, or to a person specified in RCW 7.70.065 (1)(a) or (2)(a) within thirty days of the act or omission that is the basis for the allegation of professional negligence or within thirty days of the time the health care provider discovered the act or omission that is the basis for the allegation of professional negligence, whichever period expires later; and

— (ii) It relates to the discomfort, pain, suffering, injury, or death of the injured person as the result of the alleged professional negligence.

— (b) (a) of this subsection applies to:

— (i) Any statement, affirmation, gesture, or conduct expressing apology, fault, sympathy, commiseration, condolence, compassion, or a general sense of benevolence; or

— (ii) Any statement or affirmation regarding remedial actions that may be taken to address the act or omission that is the basis for the allegation of negligence.

Encouraging Reports of Unprofessional Conduct or Lack of Capacity to Practice Safely

Sec. 102. RCW 4.24.260 and 1994 sp.s. c 9 s 701 are each amended to read as follows:

((Physicians licensed under chapter 18.71 RCW, dentists licensed under chapter 18.32 RCW, and pharmacists licensed under chapter 18.64 RCW)) Any member of a health profession listed under RCW 18.130.040 who, in good faith, makes a report, files charges, or presents evidence against another member of ((their) a health profession based on the claimed ((incompetency or gross misconduct)) unprofessional conduct as provided in RCW 18.130.180 or inability to practice with reasonable skill and safety to consumers by reason of any physical or mental condition as provided in RCW 18.130.170 of such person before the ((medical quality assurance commission established under chapter 18.71 RCW, in a proceeding under chapter 18.32 RCW, or to the board of pharmacy under RCW 18.64.160)) agency, board, or commission responsible for disciplinary activities for the person's profession under chapter 18.130 RCW, shall be immune from civil action for damages arising out of such activities. A person prevailing upon the good faith defense provided for in this section is entitled to recover expenses and reasonable attorneys' fees incurred in establishing the defense.

FORTY-FIFTH DAY, FEBRUARY 22, 2006

2006 REGULAR SESSION

**Medical Quality Assurance Commission Consumer
Membership**

Sec. 103. RCW 18.71.015 and 1999 c 366 s 4 are each amended to read as follows:

The Washington state medical quality assurance commission is established, consisting of thirteen individuals licensed to practice medicine in the state of Washington under this chapter, two individuals who are licensed as physician assistants under chapter 18.71A RCW, and ~~((four))~~ six individuals who are members of the public. At least two of the public members shall not be from the health care industry. Each congressional district now existing or hereafter created in the state must be represented by at least one physician member of the commission. The terms of office of members of the commission are not affected by changes in congressional district boundaries. Public members of the commission may not be a member of any other health care licensing board or commission, or have a fiduciary obligation to a facility rendering health services regulated by the commission, or have a material or financial interest in the rendering of health services regulated by the commission.

The members of the commission shall be appointed by the governor. Members of the initial commission may be appointed to staggered terms of one to four years, and thereafter all terms of appointment shall be for four years. The governor shall consider such physician and physician assistant members who are recommended for appointment by the appropriate professional associations in the state. In appointing the initial members of the commission, it is the intent of the legislature that, to the extent possible, the existing members of the board of medical examiners and medical disciplinary board repealed under section 336, chapter 9, Laws of 1994 sp. sess. be appointed to the commission. No member may serve more than two consecutive full terms. Each member shall hold office until a successor is appointed.

Each member of the commission must be a citizen of the United States, must be an actual resident of this state, and, if a physician, must have been licensed to practice medicine in this state for at least five years.

The commission shall meet as soon as practicable after appointment and elect officers each year. Meetings shall be held at least four times a year and at such place as the commission determines and at such other times and places as the commission deems necessary. A majority of the commission members appointed and serving constitutes a quorum for the transaction of commission business.

The affirmative vote of a majority of a quorum of the commission is required to carry any motion or resolution, to adopt any rule, or to pass any measure. The commission may appoint panels consisting of at least three members. A quorum for the transaction of any business by a panel is a minimum of three members. A majority vote of a quorum of the panel is required to transact business delegated to it by the commission.

Each member of the commission shall be compensated in accordance with RCW 43.03.265 and in addition thereto shall be reimbursed for travel expenses incurred in carrying out the duties of the commission in accordance with RCW 43.03.050 and 43.03.060. Any such expenses shall be paid from funds appropriated to the department of health.

Whenever the governor is satisfied that a member of a commission has been guilty of neglect of duty, misconduct, or malfeasance or misfeasance in office, the governor shall file with the secretary of state a statement of the causes for and the order of removal from office, and the secretary shall forthwith send a certified copy of the statement of causes and order of removal to the last known post office address of the member.

Vacancies in the membership of the commission shall be filled for the unexpired term by appointment by the governor.

The members of the commission are immune from suit in an action, civil or criminal, based on its disciplinary proceedings or other official acts performed in good faith as members of the commission.

Whenever the workload of the commission requires, the commission may request that the secretary appoint pro tempore members of the commission. When serving, pro tempore members of the commission have all of the powers, duties, and immunities, and are entitled to all of the emoluments, including travel expenses, of regularly appointed members of the commission.

Health Care Provider Discipline

Sec. 104. RCW 18.130.160 and 2001 c 195 s 1 are each amended to read as follows:

Upon a finding, after hearing, that a license holder or applicant has committed unprofessional conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition, the disciplining authority may consider the imposition of sanctions, taking into account any prior findings of fact under RCW 18.130.110, any stipulations to informal disposition under RCW 18.130.172, and any action taken by other in-state or out-of-state disciplining authorities, and issue an order providing for one or any combination of the following:

- (1) Revocation of the license;
- (2) Suspension of the license for a fixed or indefinite term;
- (3) Restriction or limitation of the practice;
- (4) Requiring the satisfactory completion of a specific program of remedial education or treatment;
- (5) The monitoring of the practice by a supervisor approved by the disciplining authority;
- (6) Censure or reprimand;
- (7) Compliance with conditions of probation for a designated period of time;
- (8) Payment of a fine for each violation of this chapter, not to exceed five thousand dollars per violation. Funds received shall be placed in the health professions account;
- (9) Denial of the license request;
- (10) Corrective action;
- (11) Refund of fees billed to and collected from the consumer;
- (12) A surrender of the practitioner's license in lieu of other sanctions, which must be reported to the federal data bank.

Any of the actions under this section may be totally or partly stayed by the disciplining authority. In determining what action is appropriate, the disciplining authority must first consider what sanctions are necessary to protect or compensate the public. Only after such provisions have been made may the disciplining authority consider and include in the order requirements designed to rehabilitate the license holder or applicant. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

The licensee or applicant may enter into a stipulated disposition of charges that includes one or more of the sanctions of this section, but only after a statement of charges has been issued and the licensee has been afforded the opportunity for a hearing and has elected on the record to forego such a hearing. The stipulation shall either contain one or more specific findings of unprofessional conduct or inability to practice, or a statement by the licensee acknowledging that evidence is sufficient to justify one or more specified findings of unprofessional conduct or inability to practice. The stipulation entered into pursuant to this subsection shall be considered formal disciplinary action for all purposes.

FORTY-FIFTH DAY, FEBRUARY 22, 2006

2006 REGULAR SESSION

**Increasing Patient Safety Through
Disclosure and Analysis of Adverse Events**

NEW SECTION. Sec. 105. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adverse health event" or "adverse event" means the list of serious reportable events adopted by the national quality forum in 2002, in its consensus report on serious reportable events in health care. The department shall update the list, through adoption of rules, as subsequent changes are made by the national quality forum. The term does not include an incident.

(2) "Ambulatory surgical facility" means any distinct entity that operates exclusively for the purpose of providing surgical services to patients not requiring hospitalization, whether or not the facility is certified under Title XVIII of the federal social security act.

(3) "Childbirth center" means a facility licensed under chapter 18.46 RCW.

(4) "Correctional medical facility" means a part or unit of a correctional facility operated by the department of corrections under chapter 72.10 RCW that provides medical services for lengths of stay in excess of twenty-four hours to offenders.

(5) "Department" means the department of health.

(6) "Health care worker" means an employee, independent contractor, licensee, or other individual who is directly involved in the delivery of health services in a medical facility.

(7) "Hospital" means a facility licensed under chapter 70.41 RCW.

(8) "Incident" means an event, occurrence, or situation involving the clinical care of a patient in a medical facility that:

(a) Results in unanticipated injury to a patient that is not related to the natural course of the patient's illness or underlying condition and does not constitute an adverse event; or

(b) Could have injured the patient but did not either cause an unanticipated injury or require the delivery of additional health care services to the patient.

"Incident" does not include an adverse event.

(9) "Independent entity" means that entity that the department of health contracts with under section 108 of this act to receive notifications and reports of adverse events and incidents, and carry out the activities specified in section 108 of this act.

(10) "Medical facility" means a childbirth center, hospital, psychiatric hospital, or correctional medical facility. An ambulatory surgical facility shall be considered a medical facility for purposes of this chapter upon the effective date of any requirement for state registration or licensure of ambulatory surgical facilities.

(11) "Psychiatric hospital" means a hospital facility licensed as a psychiatric hospital under chapter 71.12 RCW.

NEW SECTION. Sec. 106. (1) The legislature intends to establish an adverse health events and incident reporting system that is designed to facilitate quality improvement in the health care system, improve patient safety and decrease medical errors in a nonpunitive manner. The reporting system shall not be designed to punish errors by health care practitioners or health care facility employees.

(2) Each medical facility shall notify the department of health regarding the occurrence of any adverse event and file a subsequent report as provided in this section. Notification must be submitted to the department within forty-eight hours of confirmation by the medical facility that an adverse event has occurred. A subsequent report must be submitted to the department within forty-five days after confirmation by the medical facility that an adverse event has occurred. The

notification and report shall be submitted to the department using the internet-based system established under section 108(2) of this act.

(3) The notification and report shall be filed in a format specified by the department after consultation with medical facilities and the independent entity. The format shall identify the facility, but shall not include any identifying information for any of the health care professionals, facility employees, or patients involved. This provision does not modify the duty of a hospital to make a report to the department of health or a disciplinary authority if a licensed practitioner has committed unprofessional conduct as defined in RCW 18.130.180.

(4) As part of the report filed under this section, the medical facility must conduct a root cause analysis of the event, describe the corrective action plan that will be implemented consistent with the findings of the analysis, or provide an explanation of any reasons for not taking corrective action. The department shall adopt rules, in consultation with medical facilities and the independent entity, related to the form and content of the root cause analysis and corrective action plan. In developing the rules, consideration shall be given to existing standards for root cause analysis or corrective action plans adopted by the joint commission on accreditation of health facilities and other national or governmental entities.

(5) If, in the course of investigating a complaint received from an employee of a medical facility, the department determines that the facility has not reported an adverse event or undertaken efforts to investigate the occurrence of an adverse event, the department shall direct the facility to report or to undertake an investigation of the event.

(6) The protections of RCW 43.70.075 apply to reports of adverse events that are submitted in good faith by employees of medical facilities.

NEW SECTION. Sec. 107. (1) The department shall:

(a) Receive and investigate, where necessary, notifications and reports of adverse events, including root cause analyses and corrective action plans submitted as part of reports, and communicate to individual facilities the department's conclusions, if any, regarding an adverse event reported by a facility; and

(b) Adopt rules as necessary to implement this chapter.

(2) The department may enforce the reporting requirements of section 106 of this act using their existing enforcement authority provided in chapter 18.46 RCW for childbirth centers, chapter 70.41 RCW for hospitals, and chapter 71.12 RCW for psychiatric hospitals.

NEW SECTION. Sec. 108. (1) The department shall contract with a qualified, independent entity to receive notifications and reports of adverse events and incidents, and carry out the activities specified in this section. In establishing qualifications for, and choosing the independent entity, the department shall strongly consider the patient safety organization criteria included in the federal patient safety and quality improvement act of 2005, P.L. 109-41, and any regulations adopted to implement this chapter.

(2) The independent entity shall:

(a) In collaboration with the department of health, establish an internet-based system for medical facilities and the health care workers of a medical facility to submit notifications and reports of adverse events and incidents, which shall be accessible twenty-four hours a day, seven days a week. The system shall be a portal to report both adverse events and incidents, and notifications and reports of adverse events shall be immediately transmitted to the department. The system shall be a secure system that protects the confidentiality of personal health information and provider and facility specific information submitted in notifications and reports, including appropriate

FORTY-FIFTH DAY, FEBRUARY 22, 2006

2006 REGULAR SESSION

encryption and an accurate means of authenticating the identify of users of the system;

(b) Collect, analyze, and evaluate data regarding notifications and reports of adverse events and incidents, including the identification of performance indicators and patterns in frequency or severity at certain medical facilities or in certain regions of the state;

(c) Develop recommendations for changes in health care practices and procedures, which may be instituted for the purpose of reducing the number or severity of adverse events and incidents;

(d) Directly advise reporting medical facilities of immediate changes that can be instituted to reduce adverse events or incidents;

(e) Issue recommendations to medical facilities on a facility-specific or on a statewide basis regarding changes, trends, and improvements in health care practices and procedures for the purpose of reducing the number and severity of adverse events or incidents. Prior to issuing recommendations, consideration shall be given to the following factors: Expectation of improved quality of care, implementation feasibility, other relevant implementation practices, and the cost impact to patients, payers, and medical facilities. Statewide recommendations shall be issued to medical facilities on a continuing basis and shall be published and posted on a publicly accessible web site. The recommendations made to medical facilities under this section shall not be considered mandatory for licensure purposes unless they are adopted by the department as rules pursuant to chapter 34.05 RCW; and

(f) Monitor implementation of reporting systems addressing adverse events or their equivalent in other states and make recommendations to the governor and the legislature as necessary for modifications to this chapter to keep the system as nearly consistent as possible with similar systems in other states.

(3) The independent entity shall report no later than January 1, 2008, and annually thereafter to the governor and the legislature on the activities under this chapter in the preceding year. The report shall include:

(a) The number of adverse events and incidents reported by medical facilities on a geographical basis and their outcomes;

(b) The information derived from the data collected, including any recognized trends concerning patient safety; and

(c) Recommendations for statutory or regulatory changes that may help improve patient safety in the state.

The annual report shall be made available for public inspection and shall be posted on the department's and the independent entity's web site.

(4) The independent entity shall conduct all activities under this section in a manner that preserves the confidentiality of facilities, documents, materials, or information made confidential by section 110 of this act.

(5) Medical facilities and health care workers may report incidents to the independent entity. The report shall be filed in a format specified by the independent entity, after consultation with the department and medical facilities, and shall identify the facility but shall not include any identifying information for any of the health care professionals, facility employees, or patients involved. This provision does not modify the duty of a hospital to make a report to the department or a disciplinary authority if a licensed practitioner has committed unprofessional conduct as defined in RCW 18.130.180. The protections of RCW 43.70.075 apply to reports of incidents that are submitted in good faith by employees of medical facilities.

Sec. 109. RCW 43.70.075 and 1995 c 265 s 19 are each amended to read as follows:

(1) The identity of a whistleblower who complains, in good faith, to the department of health about the improper quality of care by a health care provider, or in a health care facility, as defined in RCW 43.72.010, or who submits a notification or report of an adverse event or an incident, in good faith, to the department of health under section 106 of this act or to the independent entity under section 108 of this act, shall remain confidential. The provisions of RCW 4.24.500 through 4.24.520, providing certain protections to persons who communicate to government agencies, shall apply to complaints and notifications or reports of adverse events or incidents filed under this section. The identity of the whistleblower shall remain confidential unless the department determines that the complaint or notification or report of the adverse event or incident was not made in good faith. An employee who is a whistleblower, as defined in this section, and who as a result of being a whistleblower has been subjected to workplace reprisal or retaliatory action has the remedies provided under chapter 49.60 RCW.

(2)(a) "Improper quality of care" means any practice, procedure, action, or failure to act that violates any state law or rule of the applicable state health licensing authority under Title 18 or chapters 70.41, 70.96A, 70.127, 70.175, 71.05, 71.12, and 71.24 RCW, and enforced by the department of health. Each health disciplinary authority as defined in RCW 18.130.040 may, with consultation and interdisciplinary coordination provided by the state department of health, adopt rules defining accepted standards of practice for their profession that shall further define improper quality of care. Improper quality of care shall not include good faith personnel actions related to employee performance or actions taken according to established terms and conditions of employment.

(b) "Reprisal or retaliatory action" means but is not limited to: Denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unwarranted and unsubstantiated report of misconduct pursuant to Title 18 RCW; letters of reprimand or unsatisfactory performance evaluations; demotion; reduction in pay; denial of promotion; suspension; dismissal; denial of employment; and a supervisor or superior encouraging coworkers to behave in a hostile manner toward the whistleblower.

(c) "Whistleblower" means a consumer, employee, or health care professional who in good faith reports alleged quality of care concerns to the department of health.

(3) Nothing in this section prohibits a health care facility from making any decision exercising its authority to terminate, suspend, or discipline an employee who engages in workplace reprisal or retaliatory action against a whistleblower.

(4) The department shall adopt rules to implement procedures for filing, investigation, and resolution of whistleblower complaints that are integrated with complaint procedures under Title 18 RCW for health professionals or health care facilities.

NEW SECTION. Sec. 110. (1) When a notification or report of an adverse event or incident under section 106 or 108 of this act is made by or through a coordinated quality improvement program under RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, information and documents, including complaints and incident reports, created specifically for and collected and maintained by a quality improvement committee for the purpose of preparing a notification or report of an adverse event or incident, and the notification or report itself, shall be subject to the confidentiality protections of those laws and RCW 42.17.310(1)(hh) and 42.56.360(1)(c).

FORTY-FIFTH DAY, FEBRUARY 22, 2006

2006 REGULAR SESSION

(2) When a notification or report of an adverse event or incident made by a health care worker under section 106 or 108 of this act uses information and documents, including complaints and incident reports, created specifically for and collected and maintained by a quality improvement committee under RCW 43.70.510 or 70.41.200 or a peer review committee under RCW 4.24.250, the notification or report itself and the information or documents used for the purpose of preparing the notification or report, shall be subject to the confidentiality protections of those laws and RCW 42.17.310(1)(hh) and 42.56.360(1)(c).

Sec. 111. RCW 42.17.310 and 2005 c 424 s 16, 2005 c 349 s 1, 2005 c 312 s 6, 2005 c 284 s 1, 2005 c 172 s 13, and 2005 c 33 s 4 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to

another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, Social Security numbers, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, Social Security numbers, and emergency contact information of dependents of employees or volunteers of a public agency, which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency. For purposes of this subsection, "employees" includes independent provider home care workers as defined in RCW 74.39A.240.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

FORTY-FIFTH DAY, FEBRUARY 22, 2006

2006 REGULAR SESSION

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by, a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, by a peer review committee under RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, and notifications or reports of adverse events or incidents made under section 106 or 108 of this act, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers

FORTY-FIFTH DAY, FEBRUARY 22, 2006

2006 REGULAR SESSION

supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(i) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(ii) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa)(i) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(ii) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iii) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(bbb) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

(ccc) Information compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

(ddd) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(eee) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW.

(fff) Proprietary data, trade secrets, or other information that relates to: (i) A vendor's unique methods of conducting business; (ii) data unique to the product or services of the vendor; or (iii) determining prices or rates to be charged for services, submitted by any vendor to the department of social

FORTY-FIFTH DAY, FEBRUARY 22, 2006

2006 REGULAR SESSION

and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011.

(ggg) The personally identifying information of persons who acquire and use transponders or other technology to facilitate payment of tolls. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. For these purposes aggregate data may include the census tract of the account holder as long as any individual personally identifying information is not released. Personally identifying information may be released to law enforcement agencies only for toll enforcement purposes. Personally identifying information may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order.

(hhh) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information.

(iii) Records of mediation communications that are privileged under chapter 7.07 RCW.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 112. RCW 42.56.360 and 2005 c 274 s 416 are each amended to read as follows:

(1) The following health care information is exempt from disclosure under this chapter:

(a) Information obtained by the board of pharmacy as provided in RCW 69.45.090;

(b) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420;

(c) Information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, and notifications or reports of adverse events or incidents made under section 106 or 108 of this act, regardless of which agency is in possession of the information and documents;

(d)(i) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310;

(ii) If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this subsection (1)(d) as exempt from disclosure;

(iii) If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality;

(e) Records of the entity obtained in an action under RCW 18.71.300 through 18.71.340;

(f) Except for published statistical compilations and reports relating to the infant mortality review studies that do not identify individual cases and sources of information, any records or documents obtained, prepared, or maintained by the local health department for the purposes of an infant mortality review conducted by the department of health under RCW 70.05.170; and

(g) Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095(1).

(2) Chapter 70.02 RCW applies to public inspection and copying of health care information of patients.

Coordinated Quality Improvement Programs

Sec. 113. RCW 43.70.510 and 2004 c 145 s 2 are each amended to read as follows:

(1)(a) Health care institutions and medical facilities, other than hospitals, that are licensed by the department, professional societies or organizations, health care service contractors, health maintenance organizations, health carriers approved pursuant to chapter 48.43 RCW, and any other person or entity providing health care coverage under chapter 48.42 RCW that is subject to the jurisdiction and regulation of any state agency or any subdivision thereof may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200.

(b) All such programs shall comply with the requirements of RCW 70.41.200(1) (a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the institution, facility, professional societies or organizations, health care service contractors, health maintenance organizations, health carriers, or any other person or entity providing health care coverage under chapter 48.42 RCW that is subject to the jurisdiction and regulation of any state agency or any subdivision thereof, unless an alternative quality improvement program substantially equivalent to RCW 70.41.200(1)(a) is developed. All such programs, whether complying with the requirement set forth in RCW 70.41.200(1)(a) or in the form of an alternative program, must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section and the exemption under RCW 42.17.310(1)(hh) and subsection (5) of this section shall apply. In reviewing plans submitted by licensed entities that are associated with physicians' offices, the department shall ensure that the exemption under RCW 42.17.310(1)(hh) and the discovery limitations of this section are applied only to information and documents related specifically to quality improvement activities undertaken by the licensed entity.

(2) Health care provider groups of five or more providers may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical

FORTY-FIFTH DAY, FEBRUARY 22, 2006

2006 REGULAR SESSION

malpractice as set forth in RCW 70.41.200. For purposes of this section, a health care provider group may be a consortium of providers consisting of five or more providers in total. All such programs shall comply with the requirements of RCW 70.41.200(1) (a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the health care provider group. All such programs must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section and the exemption under RCW 42.17.310(1)(hh) and subsection (5) of this section shall apply.

(3) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity. Any person or entity participating in a coordinated quality improvement program that, in substantial good faith, shares information or documents with one or more other programs, committees, or boards under subsection (6) of this section is not subject to an action for civil damages or other relief as a result of the activity or its consequences. For the purposes of this section, sharing information is presumed to be in substantial good faith. However, the presumption may be rebutted upon a showing of clear, cogent, and convincing evidence that the information shared was knowingly false or deliberately misleading.

(4) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained by a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts that form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action challenging the termination of a contract by a state agency with any entity maintaining a coordinated quality improvement program under this section if the termination was on the basis of quality of care concerns, introduction into evidence of information created, collected, or maintained by the quality improvement committees of the subject entity, which may be under terms of a protective order as specified by the court; (e) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (f) in any civil action, discovery and introduction into evidence of the patient's medical records required by rule of the department of health to be made regarding the care and treatment received.

(5) Information and documents created specifically for, and collected and maintained by a quality improvement committee are exempt from disclosure under chapter 42.17 RCW.

(6) A coordinated quality improvement program may share information and documents, including complaints and incident

reports, created specifically for, and collected and maintained by a quality improvement committee or a peer review committee under RCW 4.24.250 with one or more other coordinated quality improvement programs maintained in accordance with this section or with RCW 70.41.200 or a peer review committee under RCW 4.24.250, for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The privacy protections of chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and its implementing regulations apply to the sharing of individually identifiable patient information held by a coordinated quality improvement program. Any rules necessary to implement this section shall meet the requirements of applicable federal and state privacy laws. Information and documents disclosed by one coordinated quality improvement program to another coordinated quality improvement program or a peer review committee under RCW 4.24.250 and any information and documents created or maintained as a result of the sharing of information and documents shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (4) of this section and RCW 4.24.250.

(7) The department of health shall adopt rules as are necessary to implement this section.

Prescription Legibility

NEW SECTION. **Sec. 114.** The legislature finds that prescription drug errors occur because the pharmacist or nurse cannot read the prescription from the physician or other provider with prescriptive authority. The legislature further finds that legible prescriptions can prevent these errors.

Sec. 115. RCW 69.41.010 and 2003 c 257 s 2 and 2003 c 140 s 11 are each reenacted and amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "Administer" means the direct application of a legend drug whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(a) A practitioner; or

(b) The patient or research subject at the direction of the practitioner.

(2) "Community-based care settings" include: Community residential programs for the developmentally disabled, certified by the department of social and health services under chapter 71A.12 RCW; adult family homes licensed under chapter 70.128 RCW; and boarding homes licensed under chapter 18.20 RCW. Community-based care settings do not include acute care or skilled nursing facilities.

(3) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a legend drug, whether or not there is an agency relationship.

(4) "Department" means the department of health.

(5) "Dispense" means the interpretation of a prescription or order for a legend drug and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(6) "Dispenser" means a practitioner who dispenses.

(7) "Distribute" means to deliver other than by administering or dispensing a legend drug.

(8) "Distributor" means a person who distributes.

(9) "Drug" means:

(a) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of

FORTY-FIFTH DAY, FEBRUARY 22, 2006

the United States, or official national formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals;

(c) Substances (other than food, minerals or vitamins) intended to affect the structure or any function of the body of man or animals; and

(d) Substances intended for use as a component of any article specified in (a), (b), or (c) of this subsection. It does not include devices or their components, parts, or accessories.

(10) "Electronic communication of prescription information" means the communication of prescription information by computer, or the transmission of an exact visual image of a prescription by facsimile, or other electronic means for original prescription information or prescription refill information for a legend drug between an authorized practitioner and a pharmacy or the transfer of prescription information for a legend drug from one pharmacy to another pharmacy.

(11) "In-home care settings" include an individual's place of temporary and permanent residence, but does not include acute care or skilled nursing facilities, and does not include community-based care settings.

(12) "Legend drugs" means any drugs which are required by state law or regulation of the state board of pharmacy to be dispensed on prescription only or are restricted to use by practitioners only.

(13) "Legible prescription" means a prescription or medication order issued by a practitioner that is capable of being read and understood by the pharmacist filling the prescription or the nurse or other practitioner implementing the medication order. A prescription must be hand printed, typewritten, or electronically generated.

(14) "Medication assistance" means assistance rendered by a nonpractitioner to an individual residing in a community-based care setting or in-home care setting to facilitate the individual's self-administration of a legend drug or controlled substance. It includes reminding or coaching the individual, handing the medication container to the individual, opening the individual's medication container, using an enabler, or placing the medication in the individual's hand, and such other means of medication assistance as defined by rule adopted by the department. A nonpractitioner may help in the preparation of legend drugs or controlled substances for self-administration where a practitioner has determined and communicated orally or by written direction that such medication preparation assistance is necessary and appropriate. Medication assistance shall not include assistance with intravenous medications or injectable medications, except prefilled insulin syringes.

(15) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(16) "Practitioner" means:

(a) A physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW, an optometrist under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, an osteopathic physician assistant under chapter 18.57A RCW, a physician assistant under chapter 18.71A RCW, a naturopath licensed under chapter 18.36A RCW, a pharmacist under chapter 18.64 RCW, or, when acting under the required

2006 REGULAR SESSION

supervision of a dentist licensed under chapter 18.32 RCW, a dental hygienist licensed under chapter 18.29 RCW;

(b) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a legend drug in the course of professional practice or research in this state; and

(c) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery in any state, or province of Canada, which shares a common border with the state of Washington.

(17) "Secretary" means the secretary of health or the secretary's designee.

PART II - INSURANCE INDUSTRY REFORM

Medical Malpractice Closed Claim Reporting

NEW SECTION. Sec. 201. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Claim" means a demand for monetary damages for injury or death caused by medical malpractice, and a voluntary indemnity payment for injury or death caused by medical malpractice made in the absence of a demand for monetary damages.

(2) "Claimant" means a person, including a decedent's estate, who is seeking or has sought monetary damages for injury or death caused by medical malpractice.

(3) "Closed claim" means a claim that has been settled or otherwise disposed of by the insuring entity, self-insurer, facility, or provider. A claim may be closed with or without an indemnity payment to a claimant.

(4) "Commissioner" means the insurance commissioner.

(5) "Economic damages" has the same meaning as in RCW 4.56.250(1)(a).

(6) "Health care facility" or "facility" means a clinic, diagnostic center, hospital, laboratory, mental health center, nursing home, office, surgical facility, treatment facility, or similar place where a health care provider provides health care to patients, and includes entities described in RCW 7.70.020(3).

(7) "Health care provider" or "provider" has the same meaning as in RCW 7.70.020 (1) and (2).

(8) "Insuring entity" means:

(a) An insurer;

(b) A joint underwriting association;

(c) A risk retention group; or

(d) An unauthorized insurer that provides surplus lines coverage.

(9) "Medical malpractice" means an actual or alleged negligent act, error, or omission in providing or failing to provide health care services that is actionable under chapter 7.70 RCW.

(10) "Noneconomic damages" has the same meaning as in RCW 4.56.250(1)(b).

(11) "Self-insurer" means any health care provider, facility, or other individual or entity that assumes operational or financial risk for claims of medical malpractice.

NEW SECTION. Sec. 202. (1) For claims closed on or after January 1, 2008:

(a) Every insuring entity or self-insurer that provides medical malpractice insurance to any facility or provider in Washington state must report each medical malpractice closed claim to the commissioner.

(b) If a claim is not covered by an insuring entity or self-insurer, the facility or provider named in the claim must report it to the commissioner after a final claim disposition has occurred

FORTY-FIFTH DAY, FEBRUARY 22, 2006

2006 REGULAR SESSION

due to a court proceeding or a settlement by the parties. Instances in which a claim may not be covered by an insuring entity or self-insurer include, but are not limited to, situations in which the:

(i) Facility or provider did not buy insurance or maintained a self-insured retention that was larger than the final judgment or settlement;

(ii) Claim was denied by an insuring entity or self-insurer because it did not fall within the scope of the insurance coverage agreement; or

(iii) Annual aggregate coverage limits had been exhausted by other claim payments.

(2) Beginning in 2009, reports required under subsection (1) of this section must be filed by March 1st, and include data for all claims closed in the preceding calendar year and any adjustments to data reported in prior years. The commissioner may adopt rules that require insuring entities, self-insurers, facilities, or providers to file closed claim data electronically.

(3) The commissioner may impose a fine of up to two hundred fifty dollars per day against any insuring entity that violates the requirements of this section.

(4) The department of health, department of licensing or department of social and health services may require a provider or facility to take corrective action to assure compliance with the requirements of this section.

NEW SECTION. Sec. 203. Reports required under section 202 of this act must contain the following information in a form and coding protocol prescribed by the commissioner that, to the extent possible and still fulfill the purposes of this chapter, are consistent with the format for data reported to the national practitioner data bank:

(1) Claim and incident identifiers, including:

(a) A claim identifier assigned to the claim by the insuring entity, self-insurer, facility, or provider; and

(b) An incident identifier if companion claims have been made by a claimant. For the purposes of this section, "companion claims" are separate claims involving the same incident of medical malpractice made against other providers or facilities;

(2) The medical specialty of the provider who was primarily responsible for the incident of medical malpractice that led to the claim;

(3) The type of health care facility where the medical malpractice incident occurred;

(4) The primary location within a facility where the medical malpractice incident occurred;

(5) The geographic location, by city and county, where the medical malpractice incident occurred;

(6) The injured person's sex and age on the incident date;

(7) The severity of malpractice injury using the national practitioner data bank severity scale;

(8) The dates of:

(a) The incident that was the proximate cause of the claim;

(b) Notice to the insuring entity, self-insurer, facility, or provider;

(c) Suit, if filed;

(d) Final indemnity payment, if any; and

(e) Final action by the insuring entity, self-insurer, facility, or provider to close the claim;

(9) Settlement information that identifies the timing and final method of claim disposition, including:

(a) Claims settled by the parties;

(b) Claims disposed of by a court, including the date disposed; or

(c) Claims disposed of by alternative dispute resolution, such as arbitration, mediation, private trial, and other common dispute resolution methods; and

(d) Whether the settlement occurred before or after trial, if a trial occurred;

(10) Specific information about the indemnity payments and defense expenses, as follows:

(a) For claims disposed of by a court that result in a verdict or judgment that itemizes damages:

(i) The total verdict or judgment;

(ii) If there is more than one defendant, the total indemnity paid by or on behalf of this facility or provider;

(iii) Economic damages;

(iv) Noneconomic damages; and

(v) Allocated loss adjustment expense, including but not limited to court costs, attorneys' fees, and costs of expert witnesses; and

(b) For claims that do not result in a verdict or judgment that itemizes damages:

(i) The total amount of the settlement;

(ii) If there is more than one defendant, the total indemnity paid by or on behalf of this facility or provider;

(iii) Paid and estimated economic damages; and

(iv) Allocated loss adjustment expense, including but not limited to court costs, attorneys' fees, and costs of expert witnesses;

(11) The reason for the medical malpractice claim. The reporting entity must use the same allegation group and act or omission codes used for mandatory reporting to the national practitioner data bank; and

(12) Any other claim-related data the commissioner determines to be necessary to monitor the medical malpractice marketplace, if such data are reported:

(a) To the national practitioner data bank; or

(b) Voluntarily by members of the physician insurers association of America as part of the association's data-sharing project.

NEW SECTION. Sec. 204. The commissioner must prepare aggregate statistical summaries of closed claims based on data submitted under section 202 of this act.

(1) At a minimum, the commissioner must summarize data by calendar year and calendar/incident year. The commissioner may also decide to display data in other ways if the commissioner:

(a) Protects information as required under section 206(2) of this act; and

(b) Exempts from disclosure data described in RCW 42.56.400(11).

(2) The summaries must be available by April 30th of each year, unless the commissioner notifies legislative committees by March 15th that data are not available and informs the committees when the summaries will be completed.

(3) Information included in an individual closed claim report submitted by an insuring entity, self-insurer, provider, or facility under this chapter is confidential and exempt from public disclosure, and the commissioner must not make these data available to the public.

NEW SECTION. Sec. 205. Beginning in 2010, the commissioner must prepare an annual report that summarizes and analyzes the closed claim reports for medical malpractice filed under sections 202 and 209 of this act and the annual financial reports filed by authorized insurers writing medical malpractice insurance in this state. The commissioner must complete the report by June 30th, unless the commissioner notifies legislative committees by June 1st that data are not available and informs the committees when the summaries will be completed.

(1) The report must include:

(a) An analysis of reported closed claims from prior years for which data are collected. The analysis must show:

(i) Trends in the frequency and severity of claim payments;
 (ii) A comparison of economic and noneconomic damages;
 (iii) A distribution of allocated loss adjustment expenses and other legal expenses;

(iv) The types of medical malpractice for which claims have been paid; and

(v) Any other information the commissioner finds relevant to trends in medical malpractice closed claims if the commissioner:

(A) Protects information as required under section 206(2) of this act; and

(B) Exempts from disclosure data described in RCW 42.56.400(11);

(b) An analysis of the medical malpractice insurance market in Washington state, including:

(i) An analysis of the financial reports of the authorized insurers with a combined market share of at least ninety percent of direct written medical malpractice premium in Washington state for the prior calendar year;

(ii) A loss ratio analysis of medical malpractice insurance written in Washington state; and

(iii) A profitability analysis of the authorized insurers with a combined market share of at least ninety percent of direct written medical malpractice premium in Washington state for the prior calendar year;

(c) A comparison of loss ratios and the profitability of medical malpractice insurance in Washington state to other states based on financial reports filed with the national association of insurance commissioners and any other source of information the commissioner deems relevant; and

(d) A summary of the rate filings for medical malpractice that have been approved by the commissioner for the prior calendar year, including an analysis of the trend of direct incurred losses as compared to prior years.

(2) The commissioner must post reports required by this section on the internet no later than thirty days after they are due.

(3) The commissioner may adopt rules that require insuring entities and self-insurers required to report under section 202 of this act and subsection (1)(a) of this section to report data related to:

(a) The frequency and severity of closed claims for the reporting period; and

(b) Any other closed claim information that helps the commissioner monitor losses and claim development patterns in the Washington state medical malpractice insurance market.

NEW SECTION. Sec. 206. The commissioner must adopt all rules needed to implement this chapter. The rules must:

(1) Identify which insuring entity or self-insurer has the primary obligation to report a closed claim when more than one insuring entity or self-insurer is providing medical malpractice liability coverage to a single health care provider or a single health care facility that has been named in a claim;

(2) Protect information that, alone or in combination with other data, could result in the ability to identify a claimant, health care provider, health care facility, or self-insurer involved in a particular claim or collection of claims; and

(3) Specify standards and methods for the reporting by claimants, insuring entities, self-insurers, facilities, and providers.

NEW SECTION. Sec. 207. (1) If the national association of insurance commissioners adopts revised model statistical reporting standards for medical malpractice insurance, the commissioner must analyze the new reporting standards and report this information to the legislature, as follows:

(a) An analysis of any differences between the model reporting standards and:

(i) Sections 201 through 206 of this act; and

(ii) Any statistical plans that the commissioner has adopted under RCW 48.19.370; and

(b) Recommendations, if any, about legislative changes necessary to implement the model reporting standards.

(2) The commissioner must submit the report required under subsection (1) of this section to the following legislative committees by the first day of December in the year after the national association of insurance commissioners adopts new model medical malpractice reporting standards:

(a) The house of representatives committees on health care; financial institutions and insurance; and judiciary; and

(b) The senate committees on health and long-term care; financial institutions, housing and consumer protection; and judiciary.

NEW SECTION. Sec. 208. This chapter does not amend or modify the statistical reporting requirements that apply to insurers under RCW 48.19.370.

NEW SECTION. Sec. 209. A new section is added to chapter 7.70 RCW to read as follows:

(1) As used in this section:

(a) "Claim" has the same meaning as in section 201(1) of this act.

(b) "Claimant" has the same meaning as in section 201(2) of this act.

(c) "Commissioner" has the same meaning as in section 201(4) of this act.

(d) "Medical malpractice" has the same meaning as in section 201(9) of this act.

(2)(a) For claims settled or otherwise disposed of on or after January 1, 2008, the claimant or his or her attorney must report data to the commissioner if any action filed under this chapter results in a final:

(i) Judgment in any amount;

(ii) Settlement or payment in any amount; or

(iii) Disposition resulting in no indemnity payment.

(b) As used in this subsection, "data" means:

(i) The date of the incident of medical malpractice that was the principal cause of the action;

(ii) The principal county in which the incident of medical malpractice occurred;

(iii) The date of suit, if filed;

(iv) The injured person's sex and age on the incident date; and

(v) Specific information about the disposition, judgment, or settlement, including:

(A) The date and amount of any judgment or settlement;

(B) Court costs;

(C) Attorneys' fees; and

(D) Costs of expert witnesses.

Sec. 210. RCW 42.56.400 and 2005 c 274 s 420 are each amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

FORTY-FIFTH DAY, FEBRUARY 22, 2006

2006 REGULAR SESSION

(3) The names and individual identification data of all viators regulated by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(7) Examination reports and information obtained by the department of financial institutions from banks under RCW 30.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(8) Information provided to the insurance commissioner under RCW 48.110.040(3);

(9) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged; ~~(and)~~

(10) Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070; and

(11) Data filed under sections 202, 203, 205, and 209 of this act that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in section 201(2) of this act.

(b) "Health care facility" has the same meaning as in section 201(6) of this act.

(c) "Health care provider" has the same meaning as in section 201(7) of this act.

(d) "Insuring entity" has the same meaning as in section 201(8) of this act.

(e) "Self-insurer" has the same meaning as in section 201(11) of this act.

Underwriting Standards

NEW SECTION. Sec. 211. A new section is added to chapter 48.18 RCW to read as follows:

(1) For the purposes of this section:

(a) "Affiliate" has the same meaning as in RCW 48.31B.005(1).

(b) "Claim" means a demand for monetary damages by a claimant.

(c) "Claimant" means a person, including a decedent's estate, who is seeking or has sought monetary damages for injury or death caused by medical malpractice.

(d) "Tier" has the same meaning as in RCW 48.18.545(1)(h).

(e) "Underwrite" or "underwriting" means the process of selecting, rejecting, or pricing a risk, and includes each of these activities:

(i) Evaluation, selection, and classification of risk, including placing a risk with an affiliate insurer that has higher rates and/or rating plan components that will result in higher premiums;

(ii) Application of classification plans, rates, rating rules, and rating tiers to an insured risk; and

(iii) Determining eligibility for:

(A) Insurance coverage provisions;

(B) Higher policy limits; or

(C) Premium payment plans.

(2) During each underwriting process, an insurer may consider the following factors only in combination with other substantive underwriting factors:

(a) An insured has inquired about the nature or scope of coverage under a medical malpractice insurance policy;

(b) An insured has notified their insurer about an incident that may be covered under the terms of their medical malpractice insurance policy, and that incident does not result in a claim; or

(c) A claim made against an insured was closed by the insurer without payment. An insurer may consider the effect of multiple claims if they have a significant effect on the insured's risk profile.

(3) If any underwriting activity related to the insured's risk profile results in higher premiums as described under subsection (1)(e) (i) and (ii) of this section or reduced coverage as described under subsection (1)(e)(iii) of this section, the insurer must provide written notice to the insured, in clear and simple language, that describes the significant risk factors which led to the underwriting action. The commissioner must adopt rules that define the components of a risk profile that require notice under this subsection.

Sec. 212. RCW 48.18.290 and 1997 c 85 s 1 are each amended to read as follows:

(1) Cancellation by the insurer of any policy which by its terms is cancellable at the option of the insurer, or of any binder based on such policy which does not contain a clearly stated expiration date, may be effected as to any interest only upon compliance with the following:

~~(a) ((Written notice of such cancellation, accompanied by the actual reason therefor, must be actually delivered or mailed to the named insured not less than forty-five days prior to the effective date of the cancellation except for cancellation of insurance policies for nonpayment of premiums, which notice shall be not less than ten days prior to such date and except for cancellation of fire insurance policies under chapter 48.53 RCW, which notice shall not be less than five days prior to such date;))~~ For all insurance policies other than medical malpractice insurance policies or fire insurance policies canceled under RCW 48.53.040:

(i) The insurer must deliver or mail written notice of cancellation to the named insured at least forty-five days before the effective date of the cancellation; and

(ii) The cancellation notice must include the insurer's actual reason for canceling the policy.

(b) For medical malpractice insurance policies:

(i) The insurer must deliver or mail written notice of the cancellation to the named insured at least ninety days before the effective date of the cancellation; and

(ii) The cancellation notice must include the insurer's actual reason for canceling the policy and describe the significant risk factors that led to the insurer's underwriting action, as defined under section 211(1)(e) of this act.

(c) If an insurer cancels a policy described under (a) or (b) of this subsection for nonpayment of premium, the insurer must deliver or mail the cancellation notice to the named insured at least ten days before the effective date of the cancellation.

(d) If an insurer cancels a fire insurance policy under RCW 48.53.040, the insurer must deliver or mail the cancellation notice to the named insured at least five days before the effective date of the cancellation.

(e) Like notice must also be so delivered or mailed to each mortgagee, pledgee, or other person shown by the policy to have an interest in any loss which may occur thereunder. For

FORTY-FIFTH DAY, FEBRUARY 22, 2006

2006 REGULAR SESSION

purposes of this subsection (1)(~~(b)~~) (e), "delivered" includes electronic transmittal, facsimile, or personal delivery.

(2) The mailing of any such notice shall be effected by depositing it in a sealed envelope, directed to the addressee at his or her last address as known to the insurer or as shown by the insurer's records, with proper prepaid postage affixed, in a letter depository of the United States post office. The insurer shall retain in its records any such item so mailed, together with its envelope, which was returned by the post office upon failure to find, or deliver the mailing to, the addressee.

(3) The affidavit of the individual making or supervising such a mailing, shall constitute prima facie evidence of such facts of the mailing as are therein affirmed.

(4) The portion of any premium paid to the insurer on account of the policy, unearned because of the cancellation and in amount as computed on the pro rata basis, must be actually paid to the insured or other person entitled thereto as shown by the policy or by any endorsement thereon, or be mailed to the insured or such person as soon as possible, and no later than forty-five days after the date of notice of cancellation to the insured for homeowners', dwelling fire, and private passenger auto. Any such payment may be made by cash, or by check, bank draft, or money order.

(5) This section shall not apply to contracts of life or disability insurance without provision for cancellation prior to the date to which premiums have been paid, or to contracts of insurance procured under the provisions of chapter 48.15 RCW.

Sec. 213. RCW 48.18.2901 and 2002 c 347 s 1 are each amended to read as follows:

(1) Each insurer (~~(shall be required to)~~) must renew any (~~contract of~~) insurance policy subject to RCW 48.18.290 unless one of the following situations exists:

(a) (~~The insurer gives the named insured at least forty-five days' notice in writing as provided for in RCW 48.18.290, that it proposes to refuse to renew the insurance contract upon its expiration date; and sets forth in that writing the actual reason for refusing to renew~~) (i) For all insurance policies subject to RCW 48.18.290(1)(a):

(A) The insurer must deliver or mail written notice of nonrenewal to the named insured at least forty-five days before the expiration date of the policy; and

(B) The notice must include the insurer's actual reason for refusing to renew the policy.

(ii) For medical malpractice insurance policies subject to RCW 48.18.290(1)(b):

(A) The insurer must deliver or mail written notice of the nonrenewal to the named insured at least ninety days before the expiration date of the policy; and

(B) The notice must include the insurer's actual reason for refusing to renew the policy and describe the significant risk factors that led to the insurer's underwriting action, as defined under section 211(1)(e) of this act;

(b) At least twenty days prior to its expiration date, the insurer has communicated, either directly or through its agent, its willingness to renew in writing to the named insured and has included in that writing a statement of the amount of the premium or portion thereof required to be paid by the insured to renew the policy, and the insured fails to discharge when due his or her obligation in connection with the payment of such premium or portion thereof;

(c) The insured has procured equivalent coverage prior to the expiration of the policy period;

(d) The contract is evidenced by a written binder containing a clearly stated expiration date which has expired according to its terms; or

(e) The contract clearly states that it is not renewable, and is for a specific line, subclassification, or type of coverage that is

not offered on a renewable basis. This subsection (1)(e) does not restrict the authority of the insurance commissioner under this code.

(2) Any insurer failing to include in the notice required by subsection (1)(b) of this section the amount of any increased premium resulting from a change of rates and an explanation of any change in the contract provisions shall renew the policy if so required by that subsection according to the rates and contract provisions applicable to the expiring policy. However, renewal based on the rates and contract provisions applicable to the expiring policy shall not prevent the insurer from making changes in the rates and/or contract provisions of the policy once during the term of its renewal after at least twenty days' advance notice of such change has been given to the named insured.

(3) Renewal of a policy shall not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal, or with respect to cancellation of fire policies under chapter 48.53 RCW.

(4) "Renewal" or "to renew" means the issuance and delivery by an insurer of a contract of insurance replacing at the end of the contract period a contract of insurance previously issued and delivered by the same insurer, or the issuance and delivery of a certificate or notice extending the term of a contract beyond its policy period or term. However, (a) any contract of insurance with a policy period or term of six months or less whether or not made continuous for successive terms upon the payment of additional premiums shall for the purpose of RCW 48.18.290 and 48.18.293 through 48.18.295 be considered as if written for a policy period or term of six months; and (b) any policy written for a term longer than one year or any policy with no fixed expiration date, shall, for the purpose of RCW 48.18.290 and 48.18.293 through 48.18.295, be considered as if written for successive policy periods or terms of one year.

(5) A midterm blanket reduction in rate, approved by the commissioner, for medical malpractice insurance shall not be considered a renewal for purposes of this section.

Prior Approval of Medical Malpractice Insurance Rates

Sec. 214. RCW 48.18.100 and 2005 c 223 s 8 are each amended to read as follows:

(1) No insurance policy form or application form where written application is required and is to be attached to the policy, or printed life or disability rider or endorsement form may be issued, delivered, or used unless it has been filed with and approved by the commissioner. This section does not apply to:

(a) Surety bond forms;

(b) Forms filed under RCW 48.18.103;

(c) Forms exempted from filing requirements by the commissioner under RCW 48.18.103;

(d) Manuscript policies, riders, or endorsements of unique character designed for and used with relation to insurance upon a particular subject; or

(e) Contracts of insurance procured under the provisions of chapter 48.15 RCW.

(2) Every such filing containing a certification, in a form approved by the commissioner, by either the chief executive officer of the insurer or by an actuary who is a member of the American academy of actuaries, attesting that the filing complies with Title 48 RCW and Title 284 of the Washington Administrative Code, may be used by the insurer immediately after filing with the commissioner. The commissioner may order an insurer to cease using a certified form upon the grounds set forth in RCW 48.18.110. This subsection does not apply to

FORTY-FIFTH DAY, FEBRUARY 22, 2006

2006 REGULAR SESSION

certain types of policy forms designated by the commissioner by rule.

(3) Except as provided in RCW 48.18.103, every filing that does not contain a certification pursuant to subsection (2) of this section must be made not less than thirty days in advance of issuance, delivery, or use. At the expiration of the thirty days, the filed form shall be deemed approved unless prior thereto it has been affirmatively approved or disapproved by order of the commissioner. The commissioner may extend by not more than an additional fifteen days the period within which he or she may affirmatively approve or disapprove any form, by giving notice of the extension before expiration of the initial thirty-day period. At the expiration of the period that has been extended, and in the absence of prior affirmative approval or disapproval, the form shall be deemed approved. The commissioner may withdraw any approval at any time for cause. By approval of any form for immediate use, the commissioner may waive any unexpired portion of the initial thirty-day waiting period.

(4) The commissioner's order disapproving any form or withdrawing a previous approval must state the grounds for disapproval.

(5) No form may knowingly be issued or delivered as to which the commissioner's approval does not then exist.

(6) The commissioner may, by rule, exempt from the requirements of this section any class or type of insurance policy forms if filing and approval is not desirable or necessary for the protection of the public.

(7) Every member or subscriber to a rating organization must adhere to the form filings made on its behalf by the organization. Deviations from the organization are permitted only when filed with the commissioner in accordance with this chapter.

(8) Medical malpractice insurance form filings are subject to the provisions of this section.

Sec. 215. RCW 48.18.103 and 2005 c 223 s 9 are each amended to read as follows:

(1) It is the intent of the legislature to assist the purchasers of commercial property casualty insurance by allowing policies to be issued more expeditiously and provide a more competitive market for forms.

(2) Commercial property casualty policies may be issued prior to filing the forms.

(3) All commercial property casualty forms must be filed with the commissioner within thirty days after an insurer issues any policy using them. This subsection does not apply to:

(a) Types or classes of forms that the commissioner exempts from filing by rule; and

(b) Manuscript policies, riders, or endorsements of unique character designed for and used with relation to insurance upon a particular subject.

(4) If, within thirty days after a commercial property casualty form has been filed, the commissioner finds that the form does not meet the requirements of this chapter, the commissioner shall disapprove the form and give notice to the insurer or rating organization that made the filing, specifying how the form fails to meet the requirements and stating when, within a reasonable period thereafter, the form shall be deemed no longer effective. The commissioner may extend the time for review an additional fifteen days by giving notice to the insurer prior to the expiration of the original thirty-day period.

(5) Upon a final determination of a disapproval of a policy form under subsection (4) of this section, the insurer must amend any previously issued disapproved form by endorsement to comply with the commissioner's disapproval.

(6) For purposes of this section, "commercial property casualty" means insurance pertaining to a business, profession, occupation, nonprofit organization, or public entity for the lines

of property and casualty insurance defined in RCW 48.11.040, 48.11.050, 48.11.060, or 48.11.070, but does not mean medical malpractice insurance.

(7) Except as provided in subsection (5) of this section, the disapproval shall not affect any contract made or issued prior to the expiration of the period set forth in the notice of disapproval.

(8) Every member or subscriber to a rating organization must adhere to the form filings made on its behalf by the organization. An insurer may deviate from forms filed on its behalf by an organization only if the insurer files the forms with the commissioner in accordance with this chapter.

(9) In the event a hearing is held on the actions of the commissioner under subsection (4) of this section, the burden of proof shall be on the commissioner.

Sec. 216. RCW 48.19.043 and 2003 c 248 s 7 are each amended to read as follows:

(1) It is the intent of the legislature to assist the purchasers of commercial property casualty insurance by allowing policies to be issued more expeditiously and provide a more competitive market for rates.

(2) Notwithstanding the provisions of RCW 48.19.040(1), commercial property casualty policies may be issued prior to filing the rates. All commercial property casualty rates shall be filed with the commissioner within thirty days after an insurer issues any policy using them.

(3) If, within thirty days after a commercial property casualty rate has been filed, the commissioner finds that the rate does not meet the requirements of this chapter, the commissioner shall disapprove the filing and give notice to the insurer or rating organization that made the filing, specifying how the filing fails to meet the requirements and stating when, within a reasonable period thereafter, the filing shall be deemed no longer effective. The commissioner may extend the time for review another fifteen days by giving notice to the insurer prior to the expiration of the original thirty-day period.

(4) Upon a final determination of a disapproval of a rate filing under subsection (3) of this section, the insurer shall issue an endorsement changing the rate to comply with the commissioner's disapproval from the date the rate is no longer effective.

(5) For purposes of this section, "commercial property casualty" means insurance pertaining to a business, profession, occupation, nonprofit organization, or public entity for the lines of property and casualty insurance defined in RCW 48.11.040, 48.11.050, 48.11.060, or 48.11.070, but does not mean medical malpractice insurance.

(6) Except as provided in subsection (4) of this section, the disapproval shall not affect any contract made or issued prior to the expiration of the period set forth in the notice of disapproval.

(7) In the event a hearing is held on the actions of the commissioner under subsection (3) of this section, the burden of proof is on the commissioner.

Sec. 217. RCW 48.19.060 and 1997 c 428 s 4 are each amended to read as follows:

(1) The commissioner shall review a filing as soon as reasonably possible after made, to determine whether it meets the requirements of this chapter.

(2) Except as provided in RCW 48.19.070 and 48.19.043:

(a) No such filing shall become effective within thirty days after the date of filing with the commissioner, which period may be extended by the commissioner for an additional period not to exceed fifteen days if he or she gives notice within such waiting period to the insurer or rating organization which made the filing that he or she needs such additional time for the consideration of the filing. The commissioner may, upon application and for cause shown, waive such waiting period or part thereof as to a filing that he or she has not disapproved.

FORTY-FIFTH DAY, FEBRUARY 22, 2006

2006 REGULAR SESSION

(b) A filing shall be deemed to meet the requirements of this chapter unless disapproved by the commissioner within the waiting period or any extension thereof.

(3) Medical malpractice insurance rate filings are subject to the provisions of this section.

PART III - HEALTH CARE LIABILITY REFORM

Statutes of Limitations and Repose

NEW SECTION. Sec. 301. The purpose of this section and section 302 of this act is to respond to the court's decision in *DeYoung v. Providence Medical Center*, 136 Wn.2d 136 (1998), by expressly stating the legislature's rationale for the eight-year statute of repose in RCW 4.16.350.

The legislature recognizes that the eight-year statute of repose alone may not solve the crisis in the medical insurance industry. However, to the extent that the eight-year statute of repose has an effect on medical malpractice insurance, that effect will tend to reduce rather than increase the cost of malpractice insurance.

Whether or not the statute of repose has the actual effect of reducing insurance costs, the legislature finds it will provide protection against claims, however few, that are stale, based on untrustworthy evidence, or that place undue burdens on defendants.

In accordance with the court's opinion in *DeYoung*, the legislature further finds that compelling even one defendant to answer a stale claim is a substantial wrong, and setting an outer limit to the operation of the discovery rule is an appropriate aim.

The legislature further finds that an eight-year statute of repose is a reasonable time period in light of the need to balance the interests of injured plaintiffs and the health care industry.

The legislature intends to reenact RCW 4.16.350 with respect to the eight-year statute of repose and specifically set forth for the court the legislature's legitimate rationale for adopting the eight-year statute of repose. The legislature further intends that the eight-year statute of repose reenacted by section 302 of this act be applied to actions commenced on or after the effective date of this section.

Sec. 302. RCW 4.16.350 and 1998 c 147 s 1 are each amended to read as follows:

Any civil action for damages for injury occurring as a result of health care which is provided after June 25, 1976 against:

(1) A person licensed by this state to provide health care or related services, including, but not limited to, a physician, osteopathic physician, dentist, nurse, optometrist, podiatric physician and surgeon, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, osteopathic physician's assistant, nurse practitioner, or physician's trained mobile intensive care paramedic, including, in the event such person is deceased, his estate or personal representative;

(2) An employee or agent of a person described in subsection (1) of this section, acting in the course and scope of his employment, including, in the event such employee or agent is deceased, his estate or personal representative; or

(3) An entity, whether or not incorporated, facility, or institution employing one or more persons described in subsection (1) of this section, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, employee, or agent thereof acting in the course and scope of his employment, including, in the event such officer, director, employee, or agent is deceased, his estate or personal representative;

based upon alleged professional negligence shall be commenced within three years of the act or omission alleged to have caused

the injury or condition, or one year of the time the patient or his representative discovered or reasonably should have discovered that the injury or condition was caused by said act or omission, whichever period expires later, except that in no event shall an action be commenced more than eight years after said act or omission: PROVIDED, That the time for commencement of an action is tolled upon proof of fraud, intentional concealment, or the presence of a foreign body not intended to have a therapeutic or diagnostic purpose or effect, until the date the patient or the patient's representative has actual knowledge of the act of fraud or concealment, or of the presence of the foreign body; the patient or the patient's representative has one year from the date of the actual knowledge in which to commence a civil action for damages.

For purposes of this section, notwithstanding RCW 4.16.190, the knowledge of a custodial parent or guardian shall be imputed to a person under the age of eighteen years, and such imputed knowledge shall operate to bar the claim of such minor to the same extent that the claim of an adult would be barred under this section. Any action not commenced in accordance with this section shall be barred.

For purposes of this section, with respect to care provided after June 25, 1976, and before August 1, 1986, the knowledge of a custodial parent or guardian shall be imputed as of April 29, 1987, to persons under the age of eighteen years.

This section does not apply to a civil action based on intentional conduct brought against those individuals or entities specified in this section by a person for recovery of damages for injury occurring as a result of childhood sexual abuse as defined in RCW 4.16.340(5).

Sec. 303. RCW 4.16.190 and 1993 c 232 s 1 are each amended to read as follows:

(1) Unless otherwise provided in this section, if a person entitled to bring an action mentioned in this chapter, except for a penalty or forfeiture, or against a sheriff or other officer, for an escape, be at the time the cause of action accrued either under the age of eighteen years, or incompetent or disabled to such a degree that he or she cannot understand the nature of the proceedings, such incompetency or disability as determined according to chapter 11.88 RCW, or imprisoned on a criminal charge prior to sentencing, the time of such disability shall not be a part of the time limited for the commencement of action.

(2) Subsection (1) of this section with respect to a person under the age of eighteen years does not apply to the time limited for the commencement of an action under RCW 4.16.350.

Certificate of Merit

NEW SECTION. Sec. 304. A new section is added to chapter 7.70 RCW to read as follows:

(1) In an action against an individual health care provider under this chapter for personal injury or wrongful death in which the injury is alleged to have been caused by an act or omission that violates the accepted standard of care, the plaintiff must file a certificate of merit at the time of commencing the action. If the action is commenced within forty-five days prior to the expiration of the applicable statute of limitations, the plaintiff must file the certificate of merit no later than forty-five days after commencing the action.

(2) If there is more than one defendant in the action, the person commencing the action must file a certificate of merit for each defendant.

(3) The certificate of merit must contain a statement that the person executing the certificate of merit believes, based on the information known at the time of executing the certificate of merit, that there is a reasonable probability that the defendant's

FORTY-FIFTH DAY, FEBRUARY 22, 2006

2006 REGULAR SESSION

conduct did not follow the accepted standard of care required to be exercised by the defendant.

(4) Upon motion of the plaintiff, the court may grant an additional period of time to file the certificate of merit, not to exceed ninety days, if the court finds there is good cause for the extension.

(5)(a) Failure to file a certificate of merit that complies with the requirements of this section is grounds for dismissal of the case.

(b) If a case is dismissed for failure to file a certificate of merit that complies with the requirements of this section, the filing of the claim against the health care provider shall not be used against the health care provider in professional liability insurance rate setting, personal credit history, or professional licensing and credentialing.

Voluntary Arbitration

NEW SECTION. Sec. 305. This chapter applies to any cause of action for damages for personal injury or wrongful death based on alleged professional negligence in the provision of health care where all parties to the action have agreed to submit the dispute to arbitration under this chapter in accordance with the requirements of section 306 of this act.

NEW SECTION. Sec. 306. (1) Parties in an action covered under section 305 of this act may elect to submit the dispute to arbitration under this chapter in accordance with the requirements in this section.

(a) A claimant may elect to submit the dispute to arbitration under this chapter by including such election in the complaint filed at the commencement of the action. A defendant may elect to submit the dispute to arbitration under this chapter by including such election in the defendant's answer to the complaint. The dispute will be submitted to arbitration under this chapter only if all parties to the action elect to submit the dispute to arbitration.

(b) If the parties do not initially elect to submit the dispute to arbitration in accordance with (a) of this subsection, the parties may make such an election at any time during the pendency of the action by filing a stipulation with the court in which all parties to the action agree to submit the dispute to arbitration under this chapter.

(2) A party that does not initially elect to submit a dispute to arbitration under this chapter must file a declaration with the court that meets the following requirements:

(a) In the case of a claimant, the declaration must be filed at the time of commencing the action and must state that the attorney representing the claimant presented the claimant with a copy of the provisions of this chapter before commencing the action and that the claimant elected not to submit the dispute to arbitration under this chapter; and

(b) In the case of a defendant, the declaration must be filed at the time of filing the answer and must state that the attorney representing the defendant presented the defendant with a copy of the provisions of this chapter before filing the defendant's answer and that the defendant elected not to submit the dispute to arbitration under this chapter.

NEW SECTION. Sec. 307. (1) An arbitrator shall be selected by agreement of the parties no later than forty-five days after: (a) The date all defendants elected arbitration in the answer where the parties elected arbitration in the initial complaint and answer; or (b) the date of the stipulation where the parties agreed to enter into arbitration after the commencement of the action through a stipulation filed with the court. The parties may agree to select more than one arbitrator to conduct the arbitration.

(2) If the parties are unable to agree to an arbitrator by the time specified in subsection (1) of this section, each side may submit the names of three arbitrators to the court, and the court shall select an arbitrator from among the submitted names within fifteen days of being notified that the parties are unable to agree to an arbitrator. If none of the parties submit any names of potential arbitrators, the court shall select an arbitrator.

NEW SECTION. Sec. 308. The arbitrator may conduct the arbitration in such manner as the arbitrator considers appropriate so as to aid in the fair and expeditious disposition of the proceeding subject to the requirements of this section and section 309 of this act.

(1)(a) Except as provided in (b) of this subsection, each party is entitled to two experts on the issue of liability, two experts on the issue of damages, and one rebuttal expert.

(b) Where there are multiple parties on one side, the arbitrator shall determine the number of experts that are allowed based on the minimum number of experts necessary to ensure a fair and economic resolution of the action.

(2)(a) Unless the arbitrator determines that exceptional circumstances require additional discovery, each party is entitled to the following discovery from any other party:

(i) Twenty-five interrogatories, including subparts;

(ii) Ten requests for admission; and

(iii) In accordance with applicable court rules:

(A) Requests for production of documents and things, and for entry upon land for inspection and other purposes; and

(B) Requests for physical and mental examinations of persons.

(b) The parties shall be entitled to the following depositions:

(i) Depositions of parties and any expert that a party expects to call as a witness. Except by order of the arbitrator for good cause shown, the length of the deposition of a party or an expert witness shall be limited to four hours.

(ii) Depositions of other witnesses. Unless the arbitrator determines that exceptional circumstances require additional depositions, the total number of depositions of persons who are not parties or expert witnesses is limited to five depositions per side, each of which may last no longer than two hours in length. In the deposition of a fact witness, each side is entitled to examine for one hour of the deposition.

(3) An arbitrator may issue a subpoena for the attendance of a witness and for the production of records and other evidence at any hearing and may administer oaths. A subpoena must be served in the manner for service of subpoenas in a civil action and, upon motion to the court by a party to the arbitration proceeding or the arbitrator, enforced in the manner for enforcement of subpoenas in a civil action.

NEW SECTION. Sec. 309. (1) An arbitration under this chapter shall be conducted according to the time frames specified in this section. The time frames provided in this section run from the date all defendants have agreed to arbitration in their answers where the parties elected arbitration in the initial complaint and answer, and from the date of the execution of the stipulation where the parties agreed to enter into arbitration after the commencement of the action through a stipulation filed with the court. The arbitrator shall issue a case scheduling order in every case specifying the dates by which the requirements of (b) through (f) of this subsection must be completed.

(a) Within forty-five days, the claimant shall provide stipulations for all relevant medical records to the defendants.

(b) Within one hundred twenty days, the claimant shall disclose to the defendants the names and curriculum vitae or other documentation of qualifications of any expert the claimant expects to call as a witness.

FORTY-FIFTH DAY, FEBRUARY 22, 2006

2006 REGULAR SESSION

(c) Within one hundred forty days, each defendant shall disclose to the claimants the names and curriculum vitae or other documentation of qualifications of any expert the defendant expects to call as a witness.

(d) Within one hundred sixty days, each party shall disclose to the other parties the name and curriculum vitae or other documentation of qualifications of any rebuttal expert the party expects to call as a witness.

(e) Within two hundred forty days, all discovery shall be completed.

(f) Within two hundred seventy days, the arbitration hearing shall commence subject to the limited authority of the arbitrator to extend this deadline under subsection (2) of this section.

(2) It is the express public policy of the legislature that arbitration hearings under this chapter be commenced no later than twelve months after the parties elect to submit the dispute to arbitration. The arbitrator may grant a continuance of the commencement of the arbitration hearing to a date more than twelve months after the parties elect to submit the dispute to arbitration only where a party shows that exceptional circumstances create an undue and unavoidable hardship on the party.

NEW SECTION. Sec. 310. (1) The arbitrator shall issue a decision in writing and signed by the arbitrator within fourteen days after the completion of the arbitration hearing and shall promptly deliver a copy of the decision to each of the parties or their attorneys.

(2) The arbitrator may not make an award of damages under this chapter that exceeds one million dollars for both economic and noneconomic damages.

(3) The arbitrator may not make an award of damages under this chapter under a theory of ostensible agency liability.

(4) With or without the request of a party, the arbitrator shall review the reasonableness of each party's attorneys' fees taking into account the factors enumerated in RCW 4.24.005.

(5) The fees and expenses of the arbitrator shall be paid by the nonprevailing parties.

NEW SECTION. Sec. 311. After a party to the arbitration proceeding receives notice of a decision, the party may file a motion with the court for a judgment in accordance with the decision, at which time the court shall issue such a judgment unless the decision is modified, corrected, or vacated as provided in section 312 of this act.

NEW SECTION. Sec. 312. There is no right to a trial de novo on an appeal of the arbitrator's decision. An appeal of the arbitrator's decision is limited to the bases for appeal provided in RCW 7.04A.230(1) (a) through (d) and 7.04A.240, or equivalent provisions in a successor statute.

NEW SECTION. Sec. 313. The provisions of chapter 7.04A RCW do not apply to arbitrations conducted under this chapter except to the extent specifically provided in this chapter.

Mandatory Mediation

Sec. 314. RCW 7.70.100 and 1993 c 492 s 419 are each amended to read as follows:

(1) No action based upon a health care provider's professional negligence may be commenced unless the defendant has been given at least ninety days' notice of the intention to commence the action. If the notice is served within ninety days of the expiration of the applicable statute of limitations, the time for the commencement of the action must be extended ninety days from the service of the notice.

(2) The provisions of subsection (1) of this section are not applicable with respect to any defendant whose name is unknown to the plaintiff at the time of filing the complaint and who is identified therein by a fictitious name.

(3) After the filing of the ninety-day presuit notice, and before a superior court trial, all causes of action, whether based in tort, contract, or otherwise, for damages arising from injury occurring as a result of health care provided after July 1, 1993, shall be subject to mandatory mediation prior to trial except as provided in subsection (6) of this section.

~~((2))~~ (4) The supreme court shall by rule adopt procedures to implement mandatory mediation of actions under this chapter. The ~~(rules shall)~~ implementation contemplates the adoption of rules by the supreme court which will require mandatory mediation without exception unless subsection (6) of this section applies. The rules on mandatory mediation shall address, at a minimum:

(a) Procedures for the appointment of, and qualifications of, mediators. A mediator shall have experience or expertise related to actions arising from injury occurring as a result of health care, and be a member of the state bar association who has been admitted to the bar for a minimum of five years or who is a retired judge. The parties may stipulate to a nonlawyer mediator. The court may prescribe additional qualifications of mediators;

(b) Appropriate limits on the amount or manner of compensation of mediators;

(c) The number of days following the filing of a claim under this chapter within which a mediator must be selected;

(d) The method by which a mediator is selected. The rule shall provide for designation of a mediator by the superior court if the parties are unable to agree upon a mediator;

(e) The number of days following the selection of a mediator within which a mediation conference must be held;

(f) A means by which mediation of an action under this chapter may be waived by a mediator who has determined that the claim is not appropriate for mediation; and

(g) Any other matters deemed necessary by the court.

~~((3))~~ (5) Mediators shall not impose discovery schedules upon the parties.

(6) The mandatory mediation requirement of subsection (4) of this section does not apply to an action subject to mandatory arbitration under chapter 7.06 RCW or to an action in which the parties have agreed, subsequent to the arising of the claim, to submit the claim to arbitration under chapter 7.04A or 7.--(sections 305 through 313 of this act) RCW.

(7) The implementation also contemplates the adoption of a rule by the supreme court for procedures for the parties to certify to the court the manner of mediation used by the parties to comply with this section.

Collateral Sources

Sec. 315. RCW 7.70.080 and 1975-'76 2nd ex.s. c 56 s 13 are each amended to read as follows:

Any party may present evidence to the trier of fact that the ~~((patient))~~ plaintiff has already been compensated for the injury complained of from any source except the assets of the ~~((patient, his))~~ plaintiff, the plaintiff's representative, or ~~((his))~~ the plaintiff's immediate family ~~((or insurance purchased with such assets))~~. In the event such evidence is admitted, the plaintiff may present evidence of an obligation to repay such compensation and evidence of any amount paid by the plaintiff, or his or her representative or immediate family, to secure the right to the compensation. ~~((Insurance bargained for or provided on behalf of an employee shall be considered insurance purchased with the assets of the employee.))~~ Compensation as used in this section shall mean payment of money or other property to or on behalf of the ~~((patient))~~ plaintiff, rendering of services to the ~~((patient))~~ plaintiff free of charge to the ~~((patient))~~ plaintiff, or indemnification of expenses

FORTY-FIFTH DAY, FEBRUARY 22, 2006

2006 REGULAR SESSION

incurred by or on behalf of the ((patient)) plaintiff. Notwithstanding this section, evidence of compensation by a defendant health care provider may be offered only by that provider.

Preventing Frivolous Lawsuits

NEW SECTION. Sec. 316. A new section is added to chapter 7.70 RCW to read as follows:

In any action under this section, an attorney that has drafted, or assisted in drafting and filing an action, counterclaim, cross-claim, third-party claim, or a defense to a claim, upon signature and filing, certifies that to the best of the party's or attorney's knowledge, information, and belief, formed after reasonable inquiry it is not frivolous, and is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause frivolous litigation. If an action is signed and filed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the action, counterclaim, cross-claim, third-party claim, or a defense to a claim, including a reasonable attorney fee. The procedures governing the enforcement of RCW 4.84.185 shall apply to this section.

PART IV - MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 401. Part headings and subheadings used in this act are not any part of the law.

NEW SECTION. Sec. 402. (1) Sections 105 through 108 and 110 of this act constitute a new chapter in Title 70 RCW.

(2) Sections 201 through 208 of this act constitute a new chapter in Title 48 RCW.

(3) Sections 305 through 313 of this act constitute a new chapter in Title 7 RCW.

NEW SECTION. Sec. 403. Sections 211, 212, and 213 of this act apply to insurance policies issued or renewed on or after January 1, 2007.

NEW SECTION. Sec. 404. Section 111 of this act expires July 1, 2006.

NEW SECTION. Sec. 405. Sections 112 and 210 of this act take effect July 1, 2006.

NEW SECTION. Sec. 406. If specific funding for the purposes of sections 105 through 112 of this act, referencing sections 105 through 112 of this act by bill or chapter number and section numbers, is not provided by June 30, 2006, in the omnibus appropriations act, sections 105 through 112 of this act are null and void.

NEW SECTION. Sec. 407. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Keiser spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Deccio to the committee striking amendment be adopted.

On page 52, line 34, after "(2)" insert "The certificate of merit must be executed by a health care provider who meets the qualifications of an expert in the action."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Keiser and Deccio spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Deccio on page 52, line 34 to the committee striking amendment to Second Substitute House Bill No. 2292.

The motion by Senator Keiser carried and the amendment to the committee striking amendment was adopted by voice vote.

MOTION

Senator Carrell moved that the following amendment by Senators Carrell and Stevens to the committee striking amendment be adopted.

On page 60, after line 19, insert the following:

"**Sec. 317.** RCW 4.56.250 and 1986 c 305 s 301 are each amended to read as follows:

(1) As used in this section, the following terms have the meanings indicated unless the context clearly requires otherwise.

(a) "Economic damages" means objectively verifiable monetary losses, including medical expenses, loss of earnings, burial costs, loss of use of property, cost of replacement or repair, cost of obtaining substitute domestic services, loss of employment, and loss of business or employment opportunities.

(b) "Noneconomic damages" means subjective, nonmonetary losses, including, but not limited to pain, suffering, inconvenience, mental anguish, disability or disfigurement incurred by the injured party, loss of ability to enjoy life, emotional distress, loss of society and companionship, loss of consortium, injury to reputation and humiliation, (~~and~~) destruction of the parent-child relationship, and other nonpecuniary damages of any type.

(c) "Bodily injury" means physical injury, sickness, or disease, including death.

(d) "Average annual wage" means the average annual wage in the state of Washington as determined under RCW 50.04.355.

(2) In no action seeking damages for personal injury or death may a claimant recover a judgment for noneconomic damages exceeding an amount determined by multiplying 0.43 by the average annual wage and by the life expectancy of the person incurring noneconomic damages, as the life expectancy is determined by the life expectancy tables adopted by the insurance commissioner. For purposes of determining the maximum amount allowable for noneconomic damages, a claimant's life expectancy shall not be less than fifteen years. The limitation contained in this subsection applies to all claims for noneconomic damages made by a claimant who incurred bodily injury. Claims for loss of consortium, loss of society and companionship, destruction of the parent-child relationship, and all other derivative claims asserted by persons who did not sustain bodily injury are to be included within the limitation on claims for noneconomic damages arising from the same bodily injury.

(3) If a case is tried to a jury, the jury shall not be informed of the limitation contained in subsection (2) of this section.

NEW SECTION. Sec. 318. A new section is added to chapter 4.56 RCW to read as follows:

(1) In an action or arbitration for damages for injury or death occurring as a result of health care, or arranging for the provision of health care, whether brought under chapter 7.70 RCW, or under RCW 4.20.010, 4.20.020, 4.20.046, 4.20.060, 4.24.010, or 48.43.545(1), or any combination thereof, the total amount of noneconomic damages may not exceed one million

dollars.

(2) The limitation on noneconomic damages contained in subsection (1) of this section includes all noneconomic damages claimed by or on behalf of the person whose injury or death occurred as a result of health care or arranging for the provision of health care, as well as all claims for loss of consortium, loss of society and companionship, destruction of the parent-child relationship, and other derivative claims asserted by or on behalf of others arising from the same injury or death. If the jury's assessment of noneconomic damages exceeds the limitation contained in subsection (1) of this section, nothing in RCW 4.44.450 precludes the court from entering a judgment that limits the total amount of noneconomic damages to those limits provided in subsection (1) of this section.

NEW SECTION. Sec. 219. A new section is added to chapter 4.56 RCW to read as follows:

In the event that the Washington state supreme court or other court of competent jurisdiction rules or affirms that section 318 of this act is unconstitutional, then the prescribed cap on noneconomic damages takes effect upon the ratification of a state constitutional amendment that empowers the legislature to place limits on the amount of noneconomic damages recoverable in any or all civil causes of action."

Renumber the sections consecutively and correct any internal references accordingly.

On page 61, line 15 of the title amendment, after "7.70.100", strike "and 7.70.080" and insert "7.70.080, and 4.56.250"

On page 61, line 17 of the title amendment, after "chapter" insert "4.56 RCW, and"

Senator Carrell spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Keiser spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Carrell and Stevens on page 60, line 19 to the committee striking amendment to Second Substitute House Bill No. 2292.

The motion by Senator Carrell failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford and others to the committee striking amendment be adopted.

On page 60, after line 19, insert the following:

"**Sec. 317.** RCW 7.70.070 and 1975-'76 2nd ex.s. c 56 s 12 are each amended to read as follows:

(1) Except as set forth in subsection (2) of this section, the court shall, in any action under this chapter, determine the reasonableness of each party's attorneys fees. The court shall take into consideration the following:

((+)) (a) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;

((2)) (b) The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;

((3)) (c) The fee customarily charged in the locality for similar legal services;

((4)) (d) The amount involved and the results obtained;

((5)) (e) The time limitations imposed by the client or by the circumstances;

((6)) (f) The nature and length of the professional relationship with the client;

((7)) (g) The experience, reputation, and ability of the lawyer or lawyers performing the services;

((8)) (h) Whether the fee is fixed or contingent.

(2)(a) An attorney may not contract for or collect a contingency fee for representing a person in connection with an action for damages against a health care provider based upon professional negligence in excess of the following limits:

(i) Forty percent of the first fifty thousand dollars recovered;

(ii) Thirty-three and one-third percent of the next fifty thousand dollars recovered;

(iii) Twenty-five percent of the next five hundred thousand dollars recovered;

(iv) Fifteen percent of any amount in which the recovery exceeds six hundred thousand dollars.

(b) The limitations in this section apply regardless of whether the recovery is by judgment, settlement, arbitration, mediation, or other form of alternative dispute resolution.

(c) If periodic payments are awarded to the plaintiff, the court shall place a total value on these payments and include this amount in computing the total award from which attorneys' fees are calculated under this subsection.

(d) For purposes of this subsection, "recovered" means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and the attorneys' office overhead costs or charges are not deductible disbursements or costs for such purposes.

(3) This section applies to all agreements for attorneys' fees entered into or modified after the effective date of this section."

Renumber the sections consecutively and correct any internal references accordingly.

On page 61, line 15 of the title amendment, after "7.70.100," strike "and 7.70.080" and insert "7.70.080, and 7.70.070"

Senator Honeyford spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Keiser spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford and others on page 60, line 19 to the committee striking amendment to Second Substitute House Bill No. 2292.

The motion by Senator Honeyford failed and the amendment to the committee striking amendment was not adopted by voice vote.

PARLIAMENTARY INQUIRY

Senator Brown: "I'm not sure. This amendment isn't on my desk. I'm wondering if it's on everybody else's desk?"

MOTION

Senator Benson moved that the following amendment by Senator Benson and others to the committee striking amendment be adopted.

On page 60, after line 19, insert the following:

"**Sec. 317.** RCW 4.22.070 and 1993 c 496 s 1 are each amended to read as follows:

(1) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages except entities immune from liability to the claimant under Title 51 RCW. The sum of the percentages of the total fault attributed to at-fault entities shall equal one hundred

FORTY-FIFTH DAY, FEBRUARY 22, 2006

2006 REGULAR SESSION

percent. The entities whose fault shall be determined include the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities with any other individual defense against the claimant, and entities immune from liability to the claimant, but shall not include those entities immune from liability to the claimant under Title 51 RCW. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except(~~(~~

~~(a))~~ a party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

~~((b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the claimant's [claimant's] total damages.))~~

(2) If a defendant is jointly and severally liable under ~~((one of~~ the exception~~((s))~~ listed in subsection~~((s))~~ (1)~~((a) or (b))~~ of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking.

Sec. 318. RCW 4.22.015 and 1981 c 27 s 9 are each amended to read as follows:

"Fault" includes acts or omissions, including misuse of a product, that are in any measure negligent or reckless toward the person or property of the actor or others, or that subject a person to strict tort liability or liability on a product liability claim. The term also includes breach of warranty, unreasonable assumption of risk, and unreasonable failure to avoid an injury or to mitigate damages. Legal requirements of causal relation apply both to fault as the basis for liability and to contributory fault.

A comparison of fault for any purpose under RCW 4.22.005 through ~~((4.22.060))~~4.22.070 shall involve consideration of both the nature of the conduct of the parties to the action and the extent of the causal relation between such conduct and the damages."

Re-number the sections consecutively and correct any internal references accordingly.

On page 61, line 15 of the title amendment, after "7.70.100," strike "and 7.70.080" and insert "7.70.080, 4.22.070, and 4.22.015"

Senator Benson spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Keiser spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benson and others on

page 60, line 19 to the committee striking amendment to Second Substitute House Bill No. 2292.

The motion by Senator Benson failed and the amendment to the committee striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care as amended to Second Substitute House Bill No. 2292.

The motion by Senator Keiser carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 4 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 5.64.010, 4.24.260, 18.71.015, 18.130.160, 43.70.075, 43.70.510, 42.56.400, 48.18.290, 48.18.2901, 48.18.100, 48.18.103, 48.19.043, 48.19.060, 4.16.190, 7.70.100, and 7.70.080; reenacting and amending RCW 42.17.310 and 69.41.010; reenacting RCW 4.16.350; adding new sections to chapter 7.70 RCW; adding a new section to chapter 48.18 RCW; adding a new chapter to Title 70 RCW; adding a new chapter to Title 48 RCW; adding a new chapter to Title 7 RCW; creating new sections; prescribing penalties; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Keiser, the rules were suspended, Second Substitute House Bill No. 2292 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Deccio, Weinstein, Pflug, Franklin, Parlette, Rasmussen, Brandland and Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2292 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2292 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Benton - 1

SECOND SUBSTITUTE HOUSE BILL NO. 2292, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:52 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, February 23, 2006.

FORTY-FIFTH DAY, FEBRUARY 22, 2006

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FORTY-SIXTH DAY, FEBRUARY 23, 2006

2006 REGULAR SESSION

FORTY-SIXTH DAY

NOON SESSION

Senate Chamber, Olympia, February 23, 2006

The Senate was called to order at 12:00 noon by President Pro Tempore. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 21, 2006

SB 6793 Prime Sponsor, Hargrove: Specifying roles and responsibilities with respect to the treatment of persons with mental disorders. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6793 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Carrell, McAuliffe and Stevens

Passed to Committee on Ways & Means.

February 21, 2006

SCR 8418 Prime Sponsor, Shin: Creating an aerospace task force. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Rules for second reading.

February 22, 2006

SHB 1107 Prime Sponsor, Committee on Appropriations: Providing for early intervention services for children with disabilities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 21, 2006

ESHB 1151 Prime Sponsor, Committee on Judiciary: Regulating the keeping of dangerous wild animals. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin and Rasmussen

MINORITY recommendation: Without recommendation. Signed by Senator Thibaudeau

Passed to Committee on Rules for second reading.

February 21, 2006

SHB 1257 Prime Sponsor, Committee on Financial Institutions & Insurance: Providing an opportunity to reject motorcycle or motor-driven cycle insurance coverage. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Finkbeiner, Franklin, Keiser and Spanel

Passed to Committee on Rules for second reading.

February 22, 2006

2E2SHB 1291 Prime Sponsor, Committee on Appropriations: Improving patient safety practices. Revised for 2nd Substitute: Improving health care professional and health care facility patient safety practices. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Deccio, Franklin, Kastama, Kline and Poulsen

Passed to Committee on Rules for second reading.

February 22, 2006

3SHB 1458 Prime Sponsor, Committee on Natural Resources, Ecology & Parks: Concerning the management of on-site sewage systems in marine areas. Revised for 3rd Substitute: Concerning the management of on-site sewage disposal systems in marine areas. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Delvin, Honeyford, Morton and Mulliken

Passed to Committee on Ways & Means.

February 21, 2006

HB 1717 Prime Sponsor, McDermott: Conforming legal notice broadcast requirements to current practice. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin and Rasmussen

Passed to Committee on Rules for second reading.

February 21, 2006

3SHB 1815 Prime Sponsor, Committee on Economic Development, Agriculture & Trade: Modifying the small business incubator program. Revised for 3rd Substitute: Creating a competitive grant program for organizations that assist small businesses. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

FORTY-SIXTH DAY, FEBRUARY 23, 2006

2006 REGULAR SESSION

Passed to Committee on Ways & Means.

February 22, 2006

SHB 2155 Prime Sponsor, Committee on State Government Operations & Accountability: Regarding preservation of state publications by the state library services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Government Operations & Elections. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 21, 2006

HB 2328 Prime Sponsor, Lantz: Changing provisions relating to the insanity defense. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin and Rasmussen

Passed to Committee on Rules for second reading.

February 22, 2006

SHB 2333 Prime Sponsor, Committee on Appropriations: Providing parity for home care agency workers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 22, 2006

SHB 2335 Prime Sponsor, Committee on Health Care: Regulating body piercing. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Ways & Means.

February 22, 2006

SHB 2337 Prime Sponsor, Committee on Capital Budget: Authorizing projects recommended by the public works board. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 21, 2006

HB 2338 Prime Sponsor, Kirby: Extending the mortgage lending fraud prosecution account. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Finkbeiner, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 21, 2006

EHB 2340 Prime Sponsor, Kirby: Regulating mortgage brokers and loan originators. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Finkbeiner, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 21, 2006

HB 2348 Prime Sponsor, Morris: Extending tax relief for aluminum smelters. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Ways & Means.

February 21, 2006

HB 2367 Prime Sponsor, O'Brien: Regarding the certification of tribal police officers. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson and Rasmussen

Passed to Committee on Rules for second reading.

February 21, 2006

HB 2375 Prime Sponsor, Williams: Simplifying session law publication. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin and Rasmussen

Passed to Committee on Rules for second reading.

February 22, 2006

SHB 2376 Prime Sponsor, Committee on Health Care: Repealing cost-sharing in medical programs. Revised for 1st Substitute: Prohibiting the department of social and health services from imposing premiums on children in households with income at or below two hundred percent of the federal poverty level. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Do not pass. Signed by Senators Benson, Deccio and Parlette

FORTY-SIXTH DAY, FEBRUARY 23, 2006

2006 REGULAR SESSION

Passed to Committee on Ways & Means.

Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin and Rasmussen

February 21, 2006

HB 2380 Prime Sponsor, Serben: Changing the threshold age of minors under the uniform transfers to minors act. Reported by Committee on Judiciary

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin and Rasmussen

Passed to Committee on Rules for second reading.

February 21, 2006

HB 2466 Prime Sponsor, Lovick: Providing excise tax relief for aerospace businesses. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Ways & Means.

February 22, 2006

HB 2386 Prime Sponsor, Sullivan, B.: Modifying provisions related to the commercial harvest of geoduck clams. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 21, 2006

SHB 2471 Prime Sponsor, Committee on Housing: Creating a veteran homeownership program. Revised for 1st Substitute: Creating a veteran homeownership downpayment assistance program. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Finkbeiner, Franklin, Keiser and Spanel

Passed to Committee on Rules for second reading.

February 21, 2006

SHB 2405 Prime Sponsor, Committee on Financial Institutions & Insurance: Regulating the compensation paid by an insurer to an insurance broker. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Finkbeiner, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 21, 2006

ESHB 2479 Prime Sponsor, Committee on State Government Operations & Accountability: Ensuring equipment accessibility for voters with visual impairments. Revised for 1st Substitute: Ensuring equipment accessibility for voters with visual impairments. (REVISED FOR ENGROSSED: Modifying provisions on voting equipment.) Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 22, 2006

SHB 2415 Prime Sponsor, Committee on Financial Institutions & Insurance: Compensating the victims of uninsured and underinsured motorists. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Finkbeiner, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 21, 2006

SHB 2481 Prime Sponsor, Committee on Financial Institutions & Insurance: Insuring victims of crimes. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Finkbeiner, Franklin, Keiser and Spanel

MINORITY recommendation: Without recommendation. Signed by Senator Benton

Passed to Committee on Rules for second reading.

February 22, 2006

SHB 2446 Prime Sponsor, Committee on Local Government: Permitting certain school district substitute employee contracts. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 21, 2006

2SHB 2498 Prime Sponsor, Committee on Appropriations: Establishing an industry cluster-based approach to economic development. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide and Roach

February 21, 2006

HB 2454 Prime Sponsor, Williams: Revising the privilege for sexual assault advocates. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by

FORTY-SIXTH DAY, FEBRUARY 23, 2006

2006 REGULAR SESSION

MINORITY recommendation: Without recommendation.
Signed by Senators Pflug and Zarelli

MINORITY recommendation: Do not pass. Signed by
Senator Mulliken

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

February 22, 2006

SHB 2500 Prime Sponsor, Committee on Health Care:
Requiring health carriers to report certain information.
Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended.
Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair;
Benson, Brandland, Deccio, Franklin, Johnson, Kastama,
Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 22, 2006

HB 2544 Prime Sponsor, Sullivan, P.: Authorizing
project loans recommended by the public works board.
Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by
Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget
Chair; Doumit, Vice Chair, Operating Budget; Brandland,
Fairley, Kohl-Welles, Parlette, Pflug, Pridemore,
Rasmussen, Regala, Rockefeller, Schoesler, Thibaudeau and
Zarelli

Passed to Committee on Rules for second reading.

February 21, 2006

SHB 2546 Prime Sponsor, Committee on State
Government Operations & Accountability: Concerning the
definition of veteran. Revised for 1st Substitute: Updating
veterans' provisions. Reported by Committee on Government
Operations & Elections

MAJORITY recommendation: Do pass. Signed by
Senators Kastama, Chair; Berkey, Vice Chair; Benton,
Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and
Roach

Passed to Committee on Rules for second reading.

February 22, 2006

SHB 2553 Prime Sponsor, Committee on Financial
Institutions & Insurance: Regulating service contracts and
guarantee protection products. Revised for 1st Substitute:
Regulating service contracts and protection product guarantees.
Reported by Committee on Financial Institutions, Housing &
Consumer Protection

MAJORITY recommendation: Do pass as amended.
Signed by Senators Fairley, Chair; Berkey, Vice Chair;
Benson, Brandland, Finkbeiner, Franklin, Keiser, Schmidt
and Spanel

Passed to Committee on Rules for second reading.

February 21, 2006

HB 2564 Prime Sponsor, Kilmer: Including persons
with veteran or military status within antidiscrimination
provisions. Reported by Committee on Government Operations
& Elections

MAJORITY recommendation: Do pass. Signed by
Senators Kastama, Chair; Berkey, Vice Chair; Benton,
Fairley, Haugen, Kline, McCaslin, Pridemore and Roach

February 21, 2006

HB 2567 Prime Sponsor, Wallace: Providing provisions
for methamphetamine precursors. Reported by Committee on
Judiciary

MAJORITY recommendation: Do pass as amended.
Signed by Senators Kline, Chair; Weinstein, Vice Chair;
Carrell, Esser, Hargrove, Johnson and Rasmussen

Passed to Committee on Rules for second reading.

February 22, 2006

SHB 2569 Prime Sponsor, Committee on Finance:
Lowering the interest rate for the property tax deferral program.
Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by
Senators Prentice, Chair; Doumit, Vice Chair, Operating
Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug,
Pridemore, Rasmussen, Regala, Rockefeller, Schoesler,
Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 22, 2006

SHB 2573 Prime Sponsor, Committee on Health Care:
Adopting health information technology to improve quality of
care. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended.
Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair;
Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Without recommendation.
Signed by Senators Benson, Brandland, Deccio, Johnson
and Parlette

Passed to Committee on Rules for second reading.

February 21, 2006

SHB 2576 Prime Sponsor, Committee on Judiciary:
Creating sexual assault protection orders. Reported by
Committee on Judiciary

MAJORITY recommendation: Do pass as amended.
Signed by Senators Kline, Chair; Weinstein, Vice Chair;
Carrell, Esser, Hargrove, Johnson, McCaslin and Rasmussen

Passed to Committee on Rules for second reading.

February 21, 2006

2SHB 2583 Prime Sponsor, Committee on Appropriations:
Regarding community and technical college part-time academic
employee health benefits. Reported by Committee on Labor,
Commerce, Research & Development

MAJORITY recommendation: Do pass as amended.
Signed by Senators Kohl-Welles, Chair; Franklin, Vice
Chair; Brown, Keiser and Prentice

MINORITY recommendation: Without recommendation.
Signed by Senators Honeyford and Parlette

Passed to Committee on Ways & Means.

February 21, 2006

FORTY-SIXTH DAY, FEBRUARY 23, 2006

2006 REGULAR SESSION

2SHB 2595 Prime Sponsor, Committee on Appropriations: Providing for academic employee salary increments for community and technical colleges. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendations: Do not pass. Signed by Senator Honeyford. Without recommendation. Signed by Senator Parlette

Passed to Committee on Ways & Means.

February 22, 2006

SHB 2608 Prime Sponsor, Committee on Appropriations: Defining performance of duty for the volunteer fire fighters' and reserve officers' relief and pension act. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Rockefeller and Zarelli

Passed to Committee on Rules for second reading.

February 21, 2006

SHB 2640 Prime Sponsor, Committee on Finance: Providing biotechnology product and medical device manufacturing tax incentives. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Ways & Means.

February 21, 2006

HB 2655 Prime Sponsor, Takko: Modifying disbursement of the metropolitan park district fund. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 21, 2006

SHB 2656 Prime Sponsor, Committee on Local Government: Modifying county lien authority. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 21, 2006

E2SHB 2673 Prime Sponsor, Committee on Finance: Providing tools for local infrastructure financing. Revised for 2nd Substitute: Authorizing additional alternatives for local infrastructure financing. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Ways & Means.

February 21, 2006

HB 2676 Prime Sponsor, Linville: Posting interlocal agreements in an electronic format in lieu of filing with the county auditor. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 22, 2006

SHB 2684 Prime Sponsor, Committee on Appropriations: Allowing vesting after five years of service in the defined benefit portion of the public employees' retirement system, the school employees' retirement system, and the teachers' retirement system plan 3. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 21, 2006

ESHB 2685 Prime Sponsor, Committee on Appropriations: Making changes to general provisions in the public safety employees' retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 22, 2006

SHB 2689 Prime Sponsor, Committee on Appropriations: Addressing the public employment of retirees from the teachers' retirement system plan 1 and the public employees' retirement system plan 1. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 22, 2006

SHB 2723 Prime Sponsor, Committee on Economic Development, Agriculture & Trade: Eliminating the requirement for a seller's real estate disclosure of proximity to

FORTY-SIXTH DAY, FEBRUARY 23, 2006

farming. Revised for 1st Substitute: Changing the seller's real estate disclosure of proximity to farming. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Finkbeiner, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 21, 2006

SHB 2726 Prime Sponsor, Committee on Appropriations: Creating Washington manufacturing services in statute. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Roach and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Pflug

Passed to Committee on Rules for second reading.

February 22, 2006

ESHB 2738 Prime Sponsor, Committee on Technology, Energy & Communications: Developing minimum renewable fuel content requirements and fuel quality standards in an alternative fuels market. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Delvin, Honeyford, Morton and Mulliken

Passed to Committee on Rules for second reading.

February 21, 2006

SHB 2759 Prime Sponsor, Committee on Capital Budget: Authorizing the transfer of certain real property and facilities. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 22, 2006

SHB 2776 Prime Sponsor, Committee on Financial Institutions & Insurance: Regulating home heating fuel service contracts. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Finkbeiner, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 21, 2006

SHB 2778 Prime Sponsor, Committee on Finance: Allowing tax deductions for nonprofit convention and tourism promotion corporations. Revised for 1st Substitute: Exempting certain amounts received by nonprofit convention and tourism

2006 REGULAR SESSION

promotion corporations from business and occupation tax. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Ways & Means.

February 22, 2006

2SHB 2789 Prime Sponsor, Committee on Appropriations: Expanding apprenticeship opportunities for high school graduates. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Ways & Means.

February 21, 2006

2SHB 2805 Prime Sponsor, Committee on Appropriations: Expanding provisions relating to missing persons. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin and Rasmussen

Passed to Committee on Rules for second reading.

February 22, 2006

SHB 2812 Prime Sponsor, Committee on Appropriations: Modifying school district levy provisions. Revised for 1st Substitute: Increasing the levy base for school districts. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt and Shin

MINORITY recommendation: Without recommendation. Signed by Senators Delvin and Schoesler

Passed to Committee on Ways & Means.

February 22, 2006

SHB 2836 Prime Sponsor, Committee on Appropriations: Creating the reading achievement account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 22, 2006

ESHB 2842 Prime Sponsor, Committee on Education: Requiring that organ donation awareness be taught in public

FORTY-SIXTH DAY, FEBRUARY 23, 2006

schools. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt and Shin

MINORITY recommendations: Do not pass. Signed by Senator Carrell. Without recommendation. Signed by Senators Pflug and Schoesler

Passed to Committee on Rules for second reading.

February 22, 2006

HB 2857 Prime Sponsor, Kenney: Revising terms of appointment of student regents and trustees. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 22, 2006

SHB 2867 Prime Sponsor, Committee on Appropriations: Regarding expansion of WSU Tri-Cities into a four-year institution. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Ways & Means.

February 21, 2006

SHB 2876 Prime Sponsor, Committee on Judiciary: Clarifying procedures for sound and video recordings by law enforcement officers. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin and Rasmussen

Passed to Committee on Rules for second reading.

February 22, 2006

EHB 2910 Prime Sponsor, Quall: Requiring a study of environmental education. (REVISED FOR ENGROSSED: Requiring a study of environmental, natural science, wildlife, forestry, and agriculture education.) Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt and Shin

MINORITY recommendation: Without recommendation. Signed by Senators Delvin and Schoesler

Passed to Committee on Rules for second reading.

2006 REGULAR SESSION

February 22, 2006

ESHB 2925 Prime Sponsor, Committee on Appropriations: Concerning assisted living facility medicaid minimum occupancy of fifty percent or greater. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Ways & Means.

February 22, 2006

2SHB 2964 Prime Sponsor, Committee on Appropriations: Creating the department of early learning. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

MINORITY recommendation: Without recommendation. Signed by Senator Carrell

Passed to Committee on Ways & Means.

February 22, 2006

HB 2975 Prime Sponsor, Newhouse: Granting an exemption under the state securities act. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Finkbeiner, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 22, 2006

SHB 2976 Prime Sponsor, Committee on Appropriations: Implementing a collective bargaining agreement with Western Washington University. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 21, 2006

HB 2983 Prime Sponsor, O'Brien: Clarifying procedures for forwarding sex offender information. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

February 22, 2006

HB 3028 Prime Sponsor, Sullivan, P.: Requiring that a review of classified school employee funding be considered in

FORTY-SIXTH DAY, FEBRUARY 23, 2006

2006 REGULAR SESSION

the Washington Learns study. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 21, 2006

HB 3048 Prime Sponsor, Moeller: Changing the effective date of the uniform interstate family support act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Esser, Hargrove, Johnson, McCaslin and Rasmussen

Passed to Committee on Rules for second reading.

February 21, 2006

HB 3056 Prime Sponsor, Takko: Allowing second class cities and towns to pay claims by check or warrant. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 22, 2006

2SHB 3070 Prime Sponsor, Committee on Capital Budget: Increasing nonprofit housing development capacity. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Finkbeiner, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 21, 2006

HB 3078 Prime Sponsor, Conway: Transferring responsibility for the World War II oral history project to the department of veterans affairs. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 22, 2006

SHB 3085 Prime Sponsor, Committee on Natural Resources, Ecology & Parks: Making technical corrections to certain public lands statutes. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 22, 2006

E2SHB 3098 Prime Sponsor, Committee on Capital Budget: Transferring duties of the reconstituted state board of education. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Ways & Means.

February 21, 2006

SHB 3120 Prime Sponsor, Committee on Judiciary: Concerning notice requirements for tort claims against state and local governments and their officers, employees, or volunteers. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin and Rasmussen

Passed to Committee on Rules for second reading.

February 22, 2006

SHB 3137 Prime Sponsor, Committee on Transportation: Determining benefits for surviving spouses of disabled Washington state patrol officers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Thibaudeau and Zarelli

Passed to Committee on Transportation.

February 21, 2006

HB 3139 Prime Sponsor, Pettigrew: Clarifying kinship caregivers' consent for mental health care of minors. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

February 22, 2006

HB 3215 Prime Sponsor, Cox: Continuing the teacher retention study. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 22, 2006

2SHB 3287 Prime Sponsor, Committee on Appropriations: Studying nitrogen contributions from on-site sewage systems in Hood Canal. Reported by Committee on Water, Energy & Environment

FORTY-SIXTH DAY, FEBRUARY 23, 2006

2006 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Ways & Means.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 22, 2006

SGA 9262 KAREN MILLER, reappointed January 10, 2005, for the term ending at the governor's pleasure, as a Chair of the Housing Finance Commission. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Finkbeiner, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 20, 2006

SGA 9294 BILL GRINSTEIN, appointed July 1, 2005, for the term ending June 30, 2009, as Member of the Higher Education Coordinating Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Berkey, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 20, 2006

SGA 9316 RITA CREIGHTON, appointed March 10, 2005, for the term ending September 30, 2008, as Member, Board of Trustees, Highline Community College District No. 9. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 20, 2006

SGA 9327 REUVEN CARLYLE, appointed April 5, 2005, for the term ending April 3, 2009, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 20, 2006

SGA 9330 CHRIS HEDRICK, appointed March 16, 2005, for the term ending September 30, 2007, as Member, Board of Trustees, The Evergreen State College. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 20, 2006

SGA 9336 ETHELDA BURKE, appointed August 3, 2005, for the term ending June 30, 2008, as Member of the Higher Education Coordinating Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Berkey, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 20, 2006

SGA 9348 JACK FROST, appointed June 6, 2005, for the term ending May 31, 2006, as Member, Board of Trustees, Central Washington University. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 20, 2006

SGA 9359 LANCE KISSLER, appointed July 1, 2005, for the term ending June 30, 2006, as Member of the Higher Education Coordinating Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Berkey, Delvin, Eide, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 21, 2006

SGA 9361 DENNIS KLOIDA, reappointed July 1, 2005, for the term ending June 30, 2009, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Finkbeiner, Franklin, Keiser and Spanel

Passed to Committee on Rules for second reading.

February 20, 2006

FORTY-SIXTH DAY, FEBRUARY 23, 2006

SGA 9363 JUSTIN LEIGHTON, appointed June 1, 2005, for the term ending May 31, 2006, as Member, Board of Regents, Washington State University. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 21, 2006

SGA 9371 TIM OTANI, reappointed July 1, 2005, for the term ending June 30, 2009, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Finkbeiner, Franklin, Keiser and Spanel

Passed to Committee on Rules for second reading.

February 20, 2006

SGA 9374 WILL RASMUSSEN, appointed June 1, 2005, for the term ending May 31, 2006, as Member, Board of Regents, University of Washington. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 22, 2006

SGA 9377 FAOUZI SEFRIQUI, appointed August 1, 2005, for the term ending June 30, 2009, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Finkbeiner, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 20, 2006

SGA 9379 JAMES SHIPMAN, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Everett Community College District No. 5. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

2006 REGULAR SESSION

February 20, 2006

SGA 9380 HERB SIMON, appointed October 20, 2005, for the term ending September 30, 2011, as Member, Board of Regents, University of Washington. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 20, 2006

SGA 9385 JAMES TIFFANY, appointed July 6, 2005, for the term ending September 30, 2009, as Member, Board of Trustees, Wenatchee Valley Community College District No. 15. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Berkey, Delvin, Eide, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 20, 2006

SGA 9390 JANE KASZYNSKI, appointed June 1, 2005, for the term ending May 31, 2006, as Member, Board of Trustees, The Evergreen State College. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 20, 2006

SGA 9407 ROBERT LENIGAN, appointed October 20, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Clover Park Technical College District No. 29. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 20, 2006

SGA 9408 JANIS MACHALA, appointed October 1, 2005, for the term ending September 30, 2006, as Member, Board of Trustees, Technical College District #26 (Lake Washington). Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Berkey, Carrell,

FORTY-SIXTH DAY, FEBRUARY 23, 2006

2006 REGULAR SESSION

Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 20, 2006

SGA 9411 BRUCE REID, appointed January 25, 2005, for the term ending September 30, 2008, as Member, Board of Trustees, Technical College District #26 (Lake Washington). Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 20, 2006

SGA 9417 RICHARD VAN HOLLEBEKE, appointed August 15, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Edmonds Community College District No. 23. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

MOTION

On motion of Rockefeller, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6793 which was referred to the Committee on Ways & Means and Substitute House Bill No. 3137 which was referred to the Committee on Transportation.

MOTION

On motion of Senator Rockefeller, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

February 23, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHARLES ROBINSON, appointed November 10, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Community College District No. 21 (Whatcom Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 23, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF

WASHINGTON

Ladies and Gentlemen:

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

JEFF VINCENT, appointed January 30, 2006, for the term ending January 30, 2010, as Member of the State Board of Education.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

MOTION

On motion of Senator Rockefeller, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

MOTION

On motion of Senator Rockefeller the following measures listed were referred to the Committee on Rules .

BILL	TITLE
ENGROSSED SUBSTITUTE SENATE BILL NO. 5084	Foster youth education
SUBSTITUTE SENATE BILL NO. 5259	Drug overdoses
ENGROSSED SUBSTITUTE SENATE BILL NO. 5349	Dyslexia pilot program
SENATE BILL NO. 5364	Business & professions
ENGROSSED SUBSTITUTE SENATE BILL NO. 5426	Truancy and dropouts
SUBSTITUTE SENATE BILL NO. 5627	Citations and infractions
SUBSTITUTE SENATE BILL NO. 5632	Small agricultural employers
SECOND SUBSTITUTE SENATE BILL NO. 5638	Student assessments
SUBSTITUTE SENATE BILL NO. 5657	Liquefied petroleum gas
SUBSTITUTE SENATE BILL NO. 5724	Individual providers
SENATE BILL NO. 6026	Executive ethics board
SUBSTITUTE SENATE BILL NO. 6056	Animal massage practitioners
SUBSTITUTE SENATE BILL NO. 6130	Health savings account
SUBSTITUTE SENATE BILL NO. 6134	Canvassing boards/infractns
SUBSTITUTE SENATE BILL NO. 6149	School district contracting
SENATE BILL NO. 6179	Commercial geoduck harvest
SUBSTITUTE SENATE BILL NO. 6181	Insurance brokers
SUBSTITUTE SENATE BILL NO. 6182	Victim of uninsured motorist
SUBSTITUTE SENATE BILL NO. 6190	COPES pilot project
SUBSTITUTE SENATE BILL NO. 6216	News media
SUBSTITUTE SENATE BILL NO. 6252	Rabbits
SUBSTITUTE SENATE BILL NO. 6263	Warrants/chapter 49.17 RCW
SUBSTITUTE SENATE BILL NO. 6301	Indian gaming act
SUBSTITUTE SENATE BILL NO. 6327	Local economic dev projects
SUBSTITUTE SENATE BILL NO. 6375	Animal identification
SENATE BILL NO. 6404	Tribal police officers
SENATE BILL NO. 6422	Election recounts
SUBSTITUTE SENATE BILL NO. 6423	Ballot notice requirements
SUBSTITUTE SENATE BILL NO. 6437	Career & tech coursework
SENATE BILL NO. 6440	Distrain of personal prprty
SENATE BILL NO. 6467	Armed forces license plates
SUBSTITUTE SENATE BILL NO. 6470	Small manufacturers
SUBSTITUTE SENATE BILL NO. 6483	Apprenticeship opportunities
SENATE BILL NO. 6486	Commercial driver's licenses
SUBSTITUTE SENATE BILL NO. 6487	False academic credentials
SENATE BILL NO. 6496	Exceptional sentences
SUBSTITUTE SENATE BILL NO. 6507	Watershed management
SUBSTITUTE SENATE BILL NO. 6514	Biodiesel mandates
SENATE BILL NO. 6525	Design-build/trans projects
SUBSTITUTE SENATE BILL NO. 6532	Academic assessment system
SUBSTITUTE SENATE BILL NO. 6548	Vehicle certificate of title
SENATE BILL NO. 6563	Failing to wear safety belt
SUBSTITUTE SENATE BILL NO. 6575	Agricultural lands
SECOND SUBSTITUTE SENATE BILL NO. 6581	Columbia river basin
SUBSTITUTE SENATE BILL NO. 6605	Edu interpreters for hearing
SENATE BILL NO. 6643	Payroll deductions
SUBSTITUTE SENATE BILL NO. 6654	Traffic infractions
SENATE BILL NO. 6657	Indian affairs-funded school
SUBSTITUTE SENATE BILL NO. 6684	Abstracts of driving records
SUBSTITUTE SENATE BILL NO. 6687	Off-road vehicle noise
SUBSTITUTE SENATE BILL NO. 6695	Tuition waivers
SUBSTITUTE SENATE BILL NO. 6701	Condemned property sale
SUBSTITUTE SENATE BILL NO. 6703	Spas to serve wine
SECOND SUBSTITUTE SENATE BILL NO. 6711	Online business training
SUBSTITUTE SENATE BILL NO. 6713	Self-employment assistance
SENATE BILL NO. 6715	Entrepreneurial training
SENATE BILL NO. 6735	Environmental education

FORTY-SIXTH DAY, FEBRUARY 23, 2006
 ENGROSSED SUBSTITUTE BILL NO. 6740
 SENATE BILL NO. 6745
 SENATE BILL NO. 6790
 SENATE BILL NO. 6798
 SUBSTITUTE SENATE BILL NO. 6838
 SENATE BILL NO. 6854
 SUBSTITUTE SENATE BILL NO. 6855
 SENATE BILL NO. 6860
 SENATE BILL NO. 6878
 SENATE JOINT MEMORIAL NO. 8037
 SENATE JOINT RESOLUTION NO. 8220

Protecting homeowners
 Bail bond recovery agent
 First aid classes
 Contributions/state office
 Sale of beer
 Animal information
 Barley straw/water
 Capitol grounds/buildings
 Concealed pistol license
 REAL ID act of 2005
 Presidential elections

MOTION

8724

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

MOTION

Senator Spanel moved adoption of the following resolution:

SENATE RESOLUTION
 8716

By Senators Kohl-Welles and Spanel

WHEREAS, The Washington State commercial fishing fleet begins leaving in March for the Pacific and Alaskan waters, and the Blessing of the Fleet will occur March 12, 2006, at Fisherman's Terminal in Ballard; and

WHEREAS, This is the seventy-seventh year that the Ballard First Lutheran Church has held the blessing; and

WHEREAS, The Washington State commercial fishing fleet begins leaving Blaine waters in May, and the Blessing of the Fleet will occur at Saw Tooth Dock in Blaine Harbor, May 7, 2006; and

WHEREAS, The Washington State commercial fishing fleet is one of the world's largest distant water fleets; and

WHEREAS, The commercial fishing industry directly and indirectly employs thousands of people and is one of the largest industries in Washington State; and

WHEREAS, The harvest annually contributes significantly to the Washington State economy; and

WHEREAS, The life of a fisher is fraught with danger and hardship that most people will never face; and

WHEREAS, Strength and courage are requirements for anyone who chooses to work on the sea, braving the elements in order to harvest the ocean's resources; and

WHEREAS, The men and women who work on fishing boats, at times in dangerous circumstances, deserve our admiration, thanks, and when tragedy strikes, our remembrance; and

WHEREAS, Too often fishers lose their lives, and their deaths devastate not only the close-knit community of fishing families in our region, but also our entire state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate extend its condolences to the families and friends of all our fishers who have lost their lives at sea, wish the entire commercial fishing fleet a safe and prosperous season, and express its hope that all of our fishers will return home safely to their families, friends, and communities.

Senator Spanel spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8716.

The motion by Senator Spanel carried and the resolution was adopted by voice vote.

MOTION

Senator Parlette moved adoption of the following resolution:

SENATE RESOLUTION

By Senator Parlette

WHEREAS, On October 5, 1931, Clyde Edward Pangborn and Hugh Herndon, Jr. solidified their place in history with the completion of a 5,550 mile, 41 hour, 15 minute nonstop flight from Misawa, Japan, to East Wenatchee, Washington, aboard *Miss Veedol*, their single engine, bright red Bellanca "Skyrocket" monoplane; and

WHEREAS, This historic flight was the first nonstop crossing of the Pacific Ocean in the history of the world, and was due in large part to Pangborn's revolutionary idea of releasing the landing gear upon take-off, increasing the range of the plane by fifteen percent; and

WHEREAS, Without landing gear, Pangborn and Herndon were forced to land the plane on its belly in the sagebrush flat above the Columbia River, which they accomplished safely; and

WHEREAS, While their momentous accomplishment equaled or exceeded that of Charles Lindbergh's transatlantic crossing, Pangborn and Herndon were nationally celebrated for only a short period of time as the country lapsed back into the depths of the Great Depression; and

WHEREAS, This historic flight would have nearly been lost to the history books, but a dedicated group of airmen in the Wenatchee branch of the Experimental Aircraft Association, appropriately named "The Spirit of Wenatchee," have been hard at work raising awareness of the magnificent achievements of Pangborn and Herndon; and

WHEREAS, Through the construction of a replica plane and regular travel to airshows across the country, the Spirit of Wenatchee Project has been telling the story of Pangborn and Herndon to an entirely new generation of Americans; and

WHEREAS, In concert with the 75th anniversary of this historic flight, the Spirit of Wenatchee Project is hard at work preparing for a transpacific re-creation of the flight, complete with the sagebrush belly landing in East Wenatchee; and

WHEREAS, The Spirit of Wenatchee Project has increased the unity between sister cities East Wenatchee, Washington, Wenatchee, Washington, and Misawa, Japan;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Clyde E. Pangborn and Hugh Herndon, Jr. for their tremendous accomplishment, and honor the Spirit of Wenatchee Project for its dedicated community service to the State of Washington and its commitment to preserving the memory of Clyde Pangborn and Hugh Herndon, Jr.

Senator Parlette spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8724.

The motion by Senator Parlette carried and the resolution was adopted by voice vote.

MOTION

Senator McAuliffe moved adoption of the following resolution:

SENATE RESOLUTION
 8725

FORTY-SIXTH DAY, FEBRUARY 23, 2006

2006 REGULAR SESSION

By Senator McAuliffe

WHEREAS, John Jenft faithfully served students and school administrators in the state of Washington for fifty-four years; and

WHEREAS, John Jenft spent these years as a teacher and as a district business manager in the Arlington school district from 1951 to 1995; and

WHEREAS, John Jenft applied his business skills and talents par excellence to the work of documenting, explaining, and contributing to the statewide work in K-12 finance throughout his career and after his retirement in 1995; and

WHEREAS, John Jenft was an active member of the Washington Association of School Business Officials since 1962, served as the president of the association in 1976, and received the association's Outstanding Service Award in 1980; and

WHEREAS, John Jenft was an active member of the Washington Association of School Administrators for thirty-five years and served on the association's Legislative and Finance Committee for fifteen years during which time he contributed to state budget analysis by producing every year his famous "Nuts and Bolts" document of budget drivers for all school districts across the state; and

WHEREAS, John Jenft will be remembered as the ultimate number cruncher and as a delightfully multidimensional human being who will be dearly missed by his family, friends, and colleagues;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate offer its gratitude and commendation to John Jenft for his tireless efforts on behalf of the students and public schools in Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the family of John Jenft, the Washington Association of School Business Officials, and the Washington Association of School Administrators.

Senator McAuliffe spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8725.

The motion by Senator McAuliffe carried and the resolution was adopted by voice vote.

MOTION

Senator Esser moved adoption of the following resolution:

SENATE RESOLUTION 8717

By Senator Roach

WHEREAS, The Boy Scouts of America is one of the leading volunteer youth movements in the United States, serving more than 4,700,000 young people, with the support of over 1,200,000 volunteer adult leaders; and

WHEREAS, The Boy Scouts of America totals over 80,000 young people in Washington State, comprising 6 districts and 3,686 troops; and

WHEREAS, The Boy Scouts of America was incorporated on February 8, 1910, and recognized by federal charter on June 15, 1916, to provide an educational program for youth to build character, train in the responsibilities of participatory citizenship, and develop personal fitness; and

WHEREAS, The Boy Scouts of America has provided millions of young men and women with a special opportunity to learn important lifelong skills; and

WHEREAS, Through their membership in the Boy Scouts of America, these young men receive important preparation for future citizenship and leadership positions; and

WHEREAS, Boy Scouts of America is one of our most honored, traditional organizations that teaches, practices, and preaches the core values of duty to God and country, personal honor, respect for the beliefs of others, volunteerism, service, and doing a "good turn" daily, principles which are conducive to good character, citizenship, and health; and

WHEREAS, During the 96-year history of the Boy Scouts of America, the organization has partnered with the Salvation Army, Habitat for Humanity International, the American Red Cross, and thousands of other community and civic organizations to address critical issues facing communities in the United States, including the problems of hunger, inadequate housing, poor health, and youth obesity;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate: (1) Recognize the Boy Scouts of America for the public service the organization performs for neighborhoods and communities across Washington and the United States; and (2) commend the Boy Scouts of America for the "Good Turn for America" program and the work the organization has accomplished while partnering with the Salvation Army, Habitat for Humanity International, the American Red Cross, and the thousands of other community and civic organizations across the United States to address critical issues facing communities in Washington and the United States; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to House Representative Dan Roach, Eagle Scout, 31st District.

Senator Esser spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8717.

The motion by Senator Esser carried and the resolution was adopted by voice vote.

MOTION

At 12:10 p.m., on motion of Senator Rockefeller, the Senate adjourned until 10:00 a.m. Friday, February 24, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FORTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 24, 2006

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Carrell, Johnson and Schmidt.

The Sergeant at Arms Color Guard consisting of Pages Kali Rasmussen and Harry Doumit, presented the Colors. Reverend Anna Grace of the Unity Church offered the prayer.

MOTION

Senator Brown moved that Senate Rule 46 be suspended in order to allow the Committee on Early Learning, K-12 & Higher Education to continue meeting while the senate is in session.

Senator Pflug spoke against the motion.

POINT OF ORDER

Senator Benton: "Mr. President, I wanted to say that, when the roll call started here, I was forced to leave a committee meeting to come for roll here because I've always been under the impression that Senate Rules require that senate floor action takes precedence over committee hearings and that no committee hearing can be conducted in conflict with scheduled senate action. This was a committee hearing that was not scheduled. Was not on the schedule. No one knew the meeting was going to be held and I believe the senate rules require proper notice for committee hearings, if I'm not mistaken."

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, Senator Brown's motion is just because of that rule that you are quoting. There was no roll taken, I mean there was no roll call on a vote, there was roll taken for the floor, you are right from that stand point."

The President declared the question before the Senate to be the motion by Senator Brown to suspend Senate Rule 46.

Senator Brown demanded a roll call.

The President declared that one-sixth of the Senate support the demand and the demand was sustained.

PARLIAMENTARY INQUIRY

Senator Benton: "Do Senate Rules forbid the conflict of committee hearings at the time that floor action is scheduled and, if so, can those rules be suspended by a simple majority or a two-thirds vote? The second part of the question, Mr. President, is this: Once, do Senate Rules and or joint rules require proper notice be given to the public and to the members for the conduct of committee hearings and, if so, what is that notice requirement?"

POINT OF ORDER

Senator Benton: "Mr. President, I submit Senator Brown's motion to suspend Rule 46 is out of order. The motion would apply to action that has already occurred. Therefore, it would be an ex post facto of action which I don't believe is allowed Mr. President. The suspension of the rules should have occurred prior to action in which she is trying to suspend the rule to accommodate. So I find it hard to understand how parliamentary rules can be manipulated to suspend a rule to allow an action that has already occurred prior to that motion."

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, while he's typing up our decision on this, we're going to continue on the procedural stuff before we actually get to that vote."

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 22, 2006

ESHB 1080 Prime Sponsor, Committee on Criminal Justice & Corrections: Protecting dependent persons. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 22, 2006

HB 1145 Prime Sponsor, Clibborn: Authorizing donation of unclaimed personal property to nonprofit charitable organizations. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 23, 2006

SHB 1279 Prime Sponsor, Committee on Juvenile Justice & Family Law: Revising provisions relating to public access to child in need of services and at-risk youth hearings. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

February 22, 2006

SHB 1341 Prime Sponsor, Committee on Local Government: Authorizing additional investment authority for specified hospital districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 22, 2006

SHB 1348 Prime Sponsor, Committee on Judiciary: Providing a uniform method of transferring a municipal court

FORTY-SEVENTH DAY, FEBRUARY 24, 2006

2006 REGULAR SESSION

judgment into district court. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 21, 2006

2SHB 1359 Prime Sponsor, Committee on Appropriations: Revising the interest rate on legal financial obligations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson and Rasmussen

Passed to Committee on Ways & Means.

February 23, 2006

E2SHB 1395 Prime Sponsor, Committee on Commerce & Labor: Modifying provisions concerning the uniform regulation of business and professions. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

February 23, 2006

HB 1439 Prime Sponsor, Green: Allowing the state purchasing and material control director to receive electronic and web-based bids. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 23, 2006

4SHB 1483 Prime Sponsor, Committee on Appropriations: Creating an "investing in youth program." Revised for 4th Substitute: Establishing a reinvesting in youth program. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Ways & Means.

February 23, 2006

SHB 1650 Prime Sponsor, Committee on Criminal Justice & Corrections: Addressing the failure to respond to citations and notices of infractions. Revised for 1st Substitute: Decriminalizing refusal to sign citations and notices of infractions issued electronically or by mail. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 23, 2006

ESHB 1765 Prime Sponsor, Committee on Commerce & Labor: Allowing auctioneers to auction vessels without registering as a vessel dealer. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

February 22, 2006

ESHB 1883 Prime Sponsor, Committee on Select Committee on Hood Canal: Providing for collection of oral histories about Hood Canal. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 23, 2006

HB 1966 Prime Sponsor, Ericks: Classifying identity theft as a crime against persons. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 23, 2006

ESHB 2056 Prime Sponsor, Committee on Commerce & Labor: Regulating recreational vehicle shows. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

February 23, 2006

EHB 2322 Prime Sponsor, Ormsby: Limiting the phosphorus content in dishwashing detergent. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Delvin, Honeyford, Morton and Mulliken

Passed to Committee on Rules for second reading.

February 23, 2006

SHB 2344 Prime Sponsor, Committee on Judiciary: Authorizing one superior court judge in Clallam county. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

FORTY-SEVENTH DAY, FEBRUARY 24, 2006

2006 REGULAR SESSION

Passed to Committee on Rules for second reading.

February 23, 2006

E2SHB 2349 Prime Sponsor, Committee on Appropriations: Providing new renewable energy standards. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Honeyford, Morton, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Delvin and Mulliken

Passed to Committee on Ways & Means.

February 23, 2006

ESHB 2352 Prime Sponsor, Committee on Technology, Energy & Communications: Modifying net metering provisions. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Honeyford, Morton, Mulliken, Pridemore and Regala

MINORITY recommendation: Without recommendation. Signed by Senator Delvin

Passed to Committee on Rules for second reading.

February 23, 2006

E2SHB 2353 Prime Sponsor, Committee on Appropriations: Providing collective bargaining for family child care providers. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Without recommendation. Signed by Senators Honeyford and Parlette

Passed to Committee on Ways & Means.

February 23, 2006

HB 2366 Prime Sponsor, Sullivan, B.: Making certain communications between fire fighters and peer support group counselors privileged. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Esser, Hargrove, Johnson, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 21, 2006

HB 2379 Prime Sponsor, Lantz: Disposing of nonprobate assets under will. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin and Rasmussen

Passed to Committee on Rules for second reading.

February 23, 2006

SHB 2382 Prime Sponsor, Committee on Judiciary: Providing limited liability immunity for injuries at bovine handling facilities. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Carrell, Esser, Hargrove, Johnson and Rasmussen

MINORITY recommendation: Do not pass. Signed by Senator Weinstein, Vice Chair

Passed to Committee on Rules for second reading.

February 23, 2006

SHB 2394 Prime Sponsor, Committee on Children & Family Services: Including financial literacy in work activity provisions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

February 23, 2006

SHB 2426 Prime Sponsor, Committee on Technology, Energy & Communications: Modifying utilities and transportation commission provisions. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Delvin, Honeyford, Morton and Mulliken

Passed to Committee on Rules for second reading.

February 23, 2006

SHB 2437 Prime Sponsor, Committee on State Government Operations & Accountability: Providing guidelines for state-owned refueling stations. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 23, 2006

ESHB 2475 Prime Sponsor, Committee on Commerce & Labor: Requiring collective bargaining regarding hours of work for individual providers. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendations: Do not pass. Signed by Senator Honeyford. Without recommendation. Signed by Senator Parlette

Passed to Committee on Ways & Means.

February 23, 2006

FORTY-SEVENTH DAY, FEBRUARY 24, 2006

2006 REGULAR SESSION

HB 2477 Prime Sponsor, Green: Making technical changes to election laws. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 23, 2006

SHB 2537 Prime Sponsor, Committee on Commerce & Labor: Establishing a pilot program to allow employers to assist employees in completing applications for industrial insurance benefits. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendations: Do not pass. Signed by Senator Honeyford. Without recommendation. Signed by Senator Parlette

Passed to Committee on Rules for second reading.

February 23, 2006

SHB 2538 Prime Sponsor, Committee on Commerce & Labor: Authorizing the department to request and superior court to grant warrants pursuant to chapter 49.17 RCW. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Without recommendation. Signed by Senators Honeyford and Parlette

Passed to Committee on Rules for second reading.

February 22, 2006

SHB 2543 Prime Sponsor, Committee on Technology, Energy & Communications: Making permanent the enhanced 911 advisory committee. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 22, 2006

2SHB 2593 Prime Sponsor, Committee on Appropriations: Changing provisions relating to oil spill prevention, preparedness, and response. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendations: Do not pass. Signed by Senators Delvin and Morton. Without recommendation. Signed by Senator Mulliken

Passed to Committee on Rules for second reading.

February 22, 2006

ESHB 2594 Prime Sponsor, Committee on State Government Operations & Accountability: Providing assistance to non-English speaking voters. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Pridemore and Roach

MINORITY recommendation: Without recommendation. Signed by Senator Benton

Passed to Committee on Rules for second reading.

February 23, 2006

SHB 2596 Prime Sponsor, Committee on Commerce & Labor: Modifying provisions for the cosmetology apprenticeship program. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 23, 2006

HB 2606 Prime Sponsor, Curtis: Allowing volunteer fire fighter personnel to hold elective or appointed office. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 23, 2006

ESHB 2668 Prime Sponsor, Committee on Commerce & Labor: Modifying provisions regulating certain professional athletic events. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

February 22, 2006

SHB 2695 Prime Sponsor, Committee on State Government Operations & Accountability: Modifying absentee or provisional ballot notice requirements. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 20, 2006

SHB 2713 Prime Sponsor, Committee on State Government Operations & Accountability: Clarifying that state and local governing bodies may support or oppose ballot propositions. Reported by Committee on Government Operations & Elections

FORTY-SEVENTH DAY, FEBRUARY 24, 2006

2006 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

MINORITY recommendation: Without recommendation. Signed by Senator Benton

Passed to Committee on Rules for second reading.

February 23, 2006

HB 2717 Prime Sponsor, Schindler: Restricting mobile home park sewer-related charges. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Haugen, Kline, McCaslin, Mulliken and Roach

Passed to Committee on Rules for second reading.

February 21, 2006

2SHB 2754 Prime Sponsor, Committee on Appropriations: Creating the veterans innovations program. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 22, 2006

SHB 2780 Prime Sponsor, Committee on Appropriations: Authorizing additional payroll deductions for state employees. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

Passed to Committee on Rules for second reading.

February 23, 2006

2SHB 2799 Prime Sponsor, Committee on Finance: Providing tax exemptions for solar hot water equipment. Revised for 2nd Substitute: Providing tax exemptions for solar water heating equipment. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 22, 2006

HB 2829 Prime Sponsor, Wallace: Modifying provisions concerning the regulation of driver training schools. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Berkey, Esser, Finkbeiner, Mulliken, Oke, Sheldon, Spanel and Weinstein

Passed to Committee on Rules for second reading.

February 23, 2006

ESHB 2848 Prime Sponsor, Committee on Judiciary: Protecting confidentiality of domestic violence information. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 23, 2006

ESHB 2951 Prime Sponsor, Committee on Judiciary: Creating a firearms training certificate program for retired law enforcement officers. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 22, 2006

HB 2960 Prime Sponsor, Kessler: Determining rates for the rental of county equipment. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 22, 2006

ESHB 2984 Prime Sponsor, Committee on Local Government: Authorizing cities, towns, and counties to implement affordable housing incentive programs. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Finkbeiner, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 22, 2006

SHB 2987 Prime Sponsor, Committee on Transportation: Increasing penalties for vehicle gross weight violations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Berkey, Esser, Finkbeiner, Mulliken, Oke, Sheldon, Spanel and Weinstein

Passed to Committee on Rules for second reading.

February 22, 2006

HB 3001 Prime Sponsor, Hudgins: Modifying the definition of limousine. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Berkey, Esser, Finkbeiner, Mulliken, Oke, Sheldon, Spanel and Weinstein

Passed to Committee on Rules for second reading.

February 23, 2006

FORTY-SEVENTH DAY, FEBRUARY 24, 2006

2006 REGULAR SESSION

SHB 3003 Prime Sponsor, Committee on Commerce & Labor: Eliminating the department of transportation's exemption from the public works apprenticeship utilization requirements. Revised for 1st Substitute: Modifying public works apprenticeship utilization requirements. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendations: Do not pass. Signed by Senator Honeyford. Without recommendation. Signed by Senator Parlette

Passed to Committee on Rules for second reading.

February 23, 2006

EHB 3074 Prime Sponsor, Serben: Concerning default judgments against service members. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin and Rasmussen

Passed to Committee on Rules for second reading.

February 22, 2006

ESHB 3089 Prime Sponsor, Committee on Transportation: Revising commute trip reduction provisions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Berkey, Esser, Finkbeiner, Mulliken, Oke, Sheldon, Spanel and Weinstein

Passed to Committee on Rules for second reading.

February 23, 2006

SHB 3128 Prime Sponsor, Committee on Commerce & Labor: Regulating the sale of wine by a society or organization. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 23, 2006

HB 3134 Prime Sponsor, Conway: Determining the amount of compensation for temporary or permanent total disability. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

February 23, 2006

SHB 3150 Prime Sponsor, Committee on Commerce & Labor: Concerning efforts to promote the wine industry. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 23, 2006

HB 3154 Prime Sponsor, Condotta: Concerning the retail sale of beer. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 23, 2006

HB 3157 Prime Sponsor, Darneille: Requiring that TANF recipients be given information on available programs for financial literacy. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

February 22, 2006

SHB 3178 Prime Sponsor, Committee on Commerce & Labor: Concerning collective bargaining by state ferry employees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Berkey, Esser, Finkbeiner, Mulliken, Oke, Sheldon, Spanel and Weinstein

Passed to Committee on Rules for second reading.

February 23, 2006

SHB 3185 Prime Sponsor, Committee on Commerce & Labor: Concerning violations of wage payment requirements. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 23, 2006

EHB 3192 Prime Sponsor, Sullivan, B.: Authorizing a contract extension for reimbursement by property owners for street, road, and water or sewer projects. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 22, 2006

SHB 3238 Prime Sponsor, Committee on Criminal Justice & Corrections: Prohibiting the distribution of false sex offender notifications. Reported by Committee on Judiciary

FORTY-SEVENTH DAY, FEBRUARY 24, 2006

2006 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Hargrove, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators Carrell, Esser, Johnson and McCaslin

Passed to Committee on Rules for second reading.

February 23, 2006

HB 3252 Prime Sponsor, O'Brien: Prohibiting offenders who enter Alford pleas from receiving a special sex offender sentencing alternative. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson and McCaslin

Passed to Committee on Rules for second reading.

February 22, 2006

HB 3258 Prime Sponsor, Morris: Concerning mileage fees for diesel. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Berkey, Esser, Finkbeiner, Mulliken, Oke, Sheldon, Spanel and Weinstein

Passed to Committee on Rules for second reading.

February 23, 2006

EHB 3261 Prime Sponsor, O'Brien: Strengthening the review process by the indeterminate sentence review board. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Ways & Means.

February 23, 2006

HB 3275 Prime Sponsor, Hinkle: Regarding expedited processing for small water impoundments. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Delvin, Honeyford, Morton and Mulliken

Passed to Committee on Rules for second reading.

February 23, 2006

EHB 3278 Prime Sponsor, Conway: Making adjustments to the unemployment insurance system. (REVISED FOR ENGROSSED: Extending the deadline for the report by the joint legislative task force on unemployment insurance benefit equity.) Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Keiser, Parlette and Prentice

MINORITY recommendation: Without recommendation. Signed by Senator Honeyford

February 23, 2006

HB 3285 Prime Sponsor, Conway: Raising the exemption for charitable or nonprofit bingo organizations from the gambling tax on bingo and amusement games. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

February 22, 2006

HJR 4202 Prime Sponsor, Simpson: Authorizing investment of hospital district funds. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 23, 2006

SGA 9335 PEGGY BIERBAUM, reappointed August 25, 2005, for the term ending June 30, 2011, as Member of the Gambling Commission. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

February 23, 2006

SGA 9345 CALHOUN DICKINSON, reappointed June 6, 2005, for the term ending June 17, 2011, as Member of the Industrial Insurance Appeals Board. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 23, 2006

SGA 9351 WILLIAM HANSON, appointed June 6, 2005, for the term ending July 2, 2010, as Member of the Lottery Commission. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 23, 2006

SGA 9370 BUSSE NUTLEY, reappointed July 26, 2005, for the term ending July 31, 2006, as Member of the Personnel Appeals Board. Reported by Committee on Labor, Commerce, Research & Development

FORTY-SEVENTH DAY, FEBRUARY 24, 2006

2006 REGULAR SESSION

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 23, 2006

SGA 9375 MARILYN SAYAN, reappointed September 14, 2005, for the term ending September 8, 2011, as a Chair of the Public Employment Relations Commission. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 23, 2006

SGA 9376 ROBERT SCARBROUGH, reappointed August 3, 2005, for the term ending August 2, 2011, as Member of the Lottery Commission. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 23, 2006

SGA 9381 CAROL SMITH-MERKULOV, appointed July 17, 2005, for the term ending January 17, 2009, as Member of the Horse Racing Commission. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 23, 2006

SGA 9406 PAUL P. GEORGE, appointed January 9, 2006, for the term ending January 17, 2007, as Member of the Horse Racing Commission. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Second Substitute House Bill No. 1359, Fourth Substitute House Bill No. 1483 and Engrossed House Bill No. 3261 which were referred to the Committee on Ways & Means.

MOTION

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

MOTION

Senator Rasmussen moved adoption of the following resolution:

SENATE RESOLUTION 8722

By Senator Rasmussen

WHEREAS, The Washington State Legislature values and encourages excellence in all fields of endeavor; and

WHEREAS, Participation in athletics inspires students to develop attitudes and skills necessary for scholastic and life success, such as perseverance, teamwork, loyalty, and sportsmanship; and

WHEREAS, The Eatonville High School Girls Soccer Team is the 2005-2006 Class 2A Girls Soccer Champion; and

WHEREAS, The Cruisers have distinguished themselves and brought honor to their school by winning their first-ever state title; and

WHEREAS, The entire team of the 2005 Eatonville Girls Soccer Team had an accumulated GPA of 3.58, and would finish their high school careers with 107 wins, 27 losses, and 6 ties; and

WHEREAS, The 2005 Eatonville Girls Soccer Team was selected by the Pierce County Soccer Referees Association as the Sportsmanship Team of the Year, with individual players winning such distinguished awards as Player of the Area, MVP of the Nisqually League, MVP of the 2A State Girls League, and NSCAA/Adidas All-American; and

WHEREAS, Under the coaching and supervision of Rollie Arthur, the team finished the season undefeated; and

WHEREAS, The Cruisers achieved their preseason goal of winning the state championship through a team effort where every player contributed; and

WHEREAS, This team has deservedly, and through dedication, commitment, and sacrifice, achieved the title of Washington State Class 2A Girls Soccer Champion;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington recognize and honor the Eatonville Girls Soccer Team and Coach Rollie Arthur for their accomplishments and hard work; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Coach Rollie Arthur, the members of Eatonville High School Girls Soccer Team, and the principal and faculty of Eatonville High School.

Senators Rasmussen, Regala, Jacobsen and Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8722.

The motion by Senator Rasmussen carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Eatonville High School Girls Soccer team and their friends and family who were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the points of order and inquiry raised by Senator Benton, the President finds and rules as follows:

All of the inquiries arise from a situation where a standing committee of the Senate began a meeting prior to a full floor Session of this body, and continued into the start of Session.

First, a question was raised as to whether or not Senator Brown's motion to invoke Rule 46 to allow a committee to meet

FORTY-SEVENTH DAY, FEBRUARY 24, 2006

2006 REGULAR SESSION

during Session was timely. The President finds that it was, because the first and only opportunity for any member to seek this leave is during Session itself. So long as leave is sought and granted during the Session at which same time a committee is meeting, the meeting is appropriate.

Second, a question was raised as to how many votes are necessary to grant such leave under Rule 46. Although Senator Brown initially stated her motion as a suspension of the rules—which would take a 2/3 vote—this is truly a motion to ask for leave as Rule 46 provides, not a suspension of the rules. As such, it takes a simple majority of those present.

Third, Senator Benton has raised an issue as to whether or not the committee has properly complied with notice requirements set forth in Rule 45. The President has long ruled that the committees are the keepers of their own parliamentary matters, and the President will defer to parliamentary decisions made in committee unless and until an appeal from such a committee decision is proper on the Floor. For this reason, the President believes that Senator Benton may raise such a point depending on the ultimate action of the committee reported to the full Floor for action, but that it is not timely now.”

PARLIAMENTARY INQUIRY

Senator Brown: “Is it necessary to go forward with the motion to ask for leave?”

REPLY BY THE PRESIDENT

President Owen: “The President believes that since the motion was made while a committee was meeting that it is appropriate that we go through and grant that leave.”

The President declared the question before the Senate to be the motion by Senator Brown to suspend Senate Rules 46 to allow the committee to meet while the senate is in session..

PARLIAMENTARY INQUIRY

Senator Benton: “It is my understanding that a roll call has been demanded and sustained, is that correct?”

REPLY BY THE PRESIDENT

President Owen: “That is correct.”

PARLIAMENTARY INQUIRY

Senator Benton: “Is debate allowed on the motion?”

REPLY BY THE PRESIDENT

President Owen: “Yes.”

Senator Benton spoke against the motion.

POINT OF ORDER

Senator Brown: “I believe the Senator should be speaking to the motion.”

REPLY BY THE PRESIDENT

President Owen: “That is correct. Senator Benton.”

Senator Benton spoke against the motion.
Senator Brown spoke for the motion.

Senator Pflug spoke against the motion.

POINT OF ORDER

Senator Brown: “Mr. President, I would ask that the senator speak to the motion. The motion is not about whether or not a committee was properly meeting. The motion is about the senate giving leave to the committee to finish its duties.”

REPLY BY THE PRESIDENT

President Owen: “Senator Pflug, Senator Brown's point is well taken. Please speak to the motion at hand which is to suspend the rule to allow that committee to meet. Senator Pflug.”

MOTION

Senator Eide demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Eide, “Shall the main question be now put?”

The motion by Senator Eide that the previous question be put was sustained by voice vote.

MOTION

On motion of Senator Mulliken, Senators Johnson, Schmidt and Carrell were excused.

The President declared the question before the Senate to be the motion by Senator Brown to suspend Senate Rule 46 to allow the committee to meet while the senate is in session.

The Secretary called the roll on the motion by Senator Brown and the motion carried by the following vote: Yeas, 27; Nays, 19; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 27.

Voting nay: Senators Benson, Benton, Brandland, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli - 19.

Excused: Senators Carrell, Johnson and Schmidt - 3.

REMARKS BY SENATOR EIDE

Senator Eide: “We will have an Education meeting immediately following this session. When we get off the floor today we will immediately go to Education to address the very bill that we did this morning. We believe we will properly before you but while everyone’s on the floor right after session today because we believe the simple majority is that important for our children of Washington State, we will conduct a second meeting immediately leaving this floor.”

PERSONAL PRIVILEGE

Senator Pflug: “I would just like to make a comment. I’m a little confused as to why we just went through that whole motion and I would just like to encourage by the body.”

POINT OF ORDER

FORTY-SEVENTH DAY, FEBRUARY 24, 2006

2006 REGULAR SESSION

Senator Weinstein: "I believe that's not a point of personal privilege that Senator Pflug is now saying."

REPLY BY THE PRESIDENT

President Owen: "Senator Weinstein, the President has given some discretion in that area. I believe that the matter about points of personal privileges is a matter that affects you personally and that you wish to share with the body but we're going to put some arms around this. Senator Pflug."

PERSONAL PRIVILEGE

Senator Pflug: "Thank you Mr. President. I just want to encourage the body to remember that we are entering the last ten days of the session and this is a time when things get a little tense and it's a time when making a special effort to respect each other and to work collaboratively is really important I think. We have been, on this side of the aisle, more than happy to address the issue that the committee had inadvertently missed and are willing to go to whatever length the chair chooses to have a proper meeting. So, I'm just, would like to see us not do things that you know have a tendency to create hard feelings and perhaps set precedence that will come back to hurt us later on. Thank you, Mr. President, for that moment of personal privilege."

POINT OF ORDER

Senator McAuliffe: "Thank you Mr. President. I rise to give notice to the Senate that the Senate Education committee will convene in the Rules Room immediately following this session. The public will be notified so we will be doing all the proper, take all the proper steps, to make sure that your concerns are addressed."

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kohl-Welles moved that Gubernatorial Appointment No. 9387, Gary Weeks, as Director of the Department of Labor and Industries, be confirmed.

Senators Kohl-Welles, Parlette and Rockefeller spoke in favor of passage of the motion.

APPOINTMENT OF GARY WEEKS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9387, Gary Weeks as Director of the Department of Labor and Industries.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9387, Gary Weeks as Director of the Department of Labor and Industries and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Fairley - 1

Excused: Senators Johnson and Schmidt - 2

Gubernatorial Appointment No. 9387, Gary Weeks, having received the constitutional majority was declared confirmed as Director of the Department of Labor and Industries.

MOTION

At 10:55 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:38 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 24, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARY JEAN RYAN, appointed January 30, 2006, for the term ending January 30, 2010, as Member of the State Board of Education.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2333, by House Committee on Appropriations (originally sponsored by Representatives Green, Haler, Conway, Curtis, Fromhold, McDonald, Walsh, Strow, Sells, Campbell, Miloscia, Roach, P. Sullivan, Morrell, McDermott, Serben, Darneille, Appleton, Williams, Chase, Moeller, Hasegawa, Rodne, Linville, Santos, Springer, Wallace, Kenney, Cody, Ericksen, O'Brien, Wood, B. Sullivan, Simpson, Ericks, Ormsby and McCune)

Providing parity for home care agency workers.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2333 was advanced to third reading,

FORTY-SEVENTH DAY, FEBRUARY 24, 2006

2006 REGULAR SESSION

the second reading considered the third and the bill was placed on final passage.

Senators Prentice, Zarelli, Esser and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2333.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2333 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator McCaslin - 1

Excused: Senators Johnson and Schmidt - 2

SUBSTITUTE HOUSE BILL NO. 2333, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2364, by Representatives Santos, Orcutt, McIntire, Hunter, Armstrong, Morrell, Roach, Kenney, Fromhold, Ericks and McDermott

Creating a use tax exemption when converting or merging a federal, foreign, or out-of-state credit union into a state charter.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2364 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice, Benton and Benson spoke in favor of passage of the bill.

MOTION

On motion of Senator Mulliken, Senator McCaslin was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2364.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2364 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens,

Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Johnson and Schmidt - 2

HOUSE BILL NO. 2364, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2976, by House Committee on Appropriations (originally sponsored by Representatives Sommers, Hasegawa, Linville, P. Sullivan, Quall, Kenney and Conway)

Implementing a collective bargaining agreement with Western Washington University.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2976 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Spanel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2976.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2976 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Johnson and Schmidt - 2

SUBSTITUTE HOUSE BILL NO. 2976, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6175, by Senator Jacobsen

Concerning the regulation of surface mining.

MOTION

On motion of Senator Hargrove, Second Substitute Senate Bill No. 6175 was substituted for Senate Bill No. 6175 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove, Doumit and Morton be adopted:

FORTY-SEVENTH DAY, FEBRUARY 24, 2006

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 78.44.085 and 2001 1st sp.s. c 5 s 1 are each amended to read as follows:

(1) An applicant for an expansion of the originally permitted area or a new reclamation permit, or for combining a public or private reclamation permit, shall pay a nonrefundable application fee to the department before being granted ((a surface mining)) the requested permit. The amount of the application fee shall be ((one)) two thousand five hundred dollars.

(2) Permit holders submitting a revision to an application for an existing reclamation plan that is not an expansion shall pay a nonrefundable reclamation plan revision fee of one thousand dollars.

(3) After June 30, ((2001)) 2006, each public or private permit holder shall pay an annual permit fee ((of one thousand dollars)). The annual permit fee shall be payable to the department prior to the reclamation permit being issued and on the ((first)) anniversary of the permit date ((and)) each year thereafter. Annual fees paid by a county for mines used exclusively for public works projects and having less than seven acres of disturbed area per mine shall not exceed one thousand dollars. Annual fees are waived for all mines used primarily for public works projects if the mines are owned and primarily operated by counties with 1993 populations of less than twenty thousand persons, and if each mine has less than seven acres of disturbed area.

((3)) (4) Each public or private permit holder must pay an annual fee based on the categories of aggregate or mineral mined or extracted during the previous twelve months, as follows:

(a) Zero to fifty thousand tons: A fee of one thousand two hundred fifty dollars;

(b) Fifty-one thousand tons to three hundred fifty thousand tons: A fee of two thousand five hundred dollars;

(c) More than three hundred fifty-one thousand tons: A fee of three thousand five hundred dollars.

(5) At the end of each fiscal biennium, any residual moneys from the fees charged under this section for the administration and enforcement of the regulation of surface mining under this chapter must be used by the department for the surveying and mapping of sand and gravel sites in the state.

(6) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department are confidential.

(7) Appeals from any determination of the department shall not stay the requirement to pay any annual permit fee. Failure to pay the annual fees may constitute grounds for an order to suspend surface mining, fines, or cancellation of the reclamation permit as provided in this chapter.

((4)) (8) All fees collected by the department shall be deposited into the surface mining reclamation account.

((5)) (9) If the department delegates enforcement responsibilities to a county, city, or town, the department may allocate funds collected under this section to the county, city, or town.

((6)) (10) Within sixty days after receipt of a new or expanded permit application, the department shall advise applicants of any information necessary to successfully complete the application.

(11) In addition to other enforcement authority, the department may refer matters to a collection agency when permit fees or fines are past due. The collection agency may impose its own fees for collecting delinquent permit fees or fines.

(12) Annual permit fees for surface mines that are regulated by the department under chapter 78.56 RCW, the metals mining and milling operations, are subject to chapter 78.56 RCW and the estimates of the annual fee by the department. The department of ecology shall transfer the appropriate annual fees

2006 REGULAR SESSION

collected under RCW 78.56.080 to the department for deposit directly to the surface mining reclamation account.

"**Sec. 2.** RCW 78.44.087 and 1997 c 186 s 1 are each amended to read as follows:

(1) The department should ensure that sufficient funds are available to reclaim the surface mine. The department shall not issue a reclamation permit until the applicant has deposited with the department an acceptable performance security on forms prescribed ((and furnished)) by the department, and that is adequate to cover reclamation costs. A public or governmental agency shall not be required to post performance security. No person may create a disturbed area that meets or exceeds the minimum threshold for a reclamation permit without first submitting an adequate and acceptable performance security to the department and complying with all requirements of this chapter.

(2) ((This performance security may be)) The department may refuse to accept any performance security that the department for any reason deems to be inadequate to cover reclamation costs or not in an acceptable form.

(3) Acceptable forms of performance security are:

(a) Bank letters of credit acceptable to the department or irrevocable bank letters of credit from a bank or financial institution or organization authorized to transact business in the United States;

(b) A cash deposit;

(c) ((Negotiable)) Other forms of performance securities acceptable to the department as determined by rule;

(d) An assignment of a savings account;

(e) A savings certificate in a Washington bank on an assignment form prescribed by the department;

(f) ((Assignments of interests in real property within the state of Washington)) Approved participants in a state security pool if one is established; or

(g) A corporate surety bond executed in favor of the department by a corporation authorized to do business in the state of Washington under Title 48 RCW and authorized by the department.

((3)) (4) The performance security shall be conditioned upon the faithful performance of the requirements set forth in this chapter ((and of)), the rules adopted under it, and the reclamation permit.

((4)) (5)(a) The department ((shall have the authority to determine the amount of the performance security using a standardized performance security formula developed by the department. The amount of the security shall be determined by the department and based on the estimated costs of completing reclamation according to the approved reclamation plan or minimum standards and related administrative overhead for the area to be surface mined during (a) the next twelve-month period, (b) the following twenty-four months, and (c) any previously disturbed areas on which the reclamation has not been satisfactorily completed and approved)) must determine the amount of the performance security as prescribed by this subsection.

(b) The department may determine the amount of the performance security based on the estimated cost of: (i) Completing reclamation according to the requirements of this chapter; or (ii) the reclamation permit for the area to be surface mined during the upcoming thirty-six months and any previously disturbed areas that have not been reclaimed.

(c) The department may determine the amount of the performance security based on an engineering cost estimate for reclamation that is provided by the permit holder. The engineering cost estimate must be prepared using engineering principles and methods that are acceptable to the department. If the department does not approve the engineering cost estimate, the department shall determine the amount of the performance security using a standardized performance security formula developed by the department by rule.

FORTY-SEVENTH DAY, FEBRUARY 24, 2006

2006 REGULAR SESSION

~~((5))~~ (6) The department may ~~((increase or decrease the amount of the performance security at any time to compensate for a change in the disturbed area, the depth of excavation, a modification of the reclamation plan, or any other alteration in the conditions of the mine that affects the cost of reclamation. The department may, for any reason, refuse any performance security not deemed adequate))~~ recalculate a surface mine's performance security based on subsection (5) of this section. When the department recalculates a performance security, the new calculation will not be prejudiced by the existence of any previous calculation. A new performance security must be submitted to the department within thirty days of the department's written request.

~~((6))~~ (7) Liability under the performance security ~~and the permit holder's obligation to maintain the calculated performance security amount shall be maintained until ((reclamation is completed according to the approved reclamation plan to the satisfaction of the department))~~ the surface mine is reclaimed, unless released as hereinafter provided. Partial drawings will proportionately reduce the value of a performance security but will not extinguish the remaining value. Liability under the performance security may be released only ((upon written notification by the department. Notification shall be given upon completion of compliance or acceptance by the department of a substitute performance security)) when the surface mine is reclaimed as evidenced by the department in writing or after the department receives and approves a substitute performance security. The department will notify the permit holder, and surety if applicable, when reclamation is accepted by the department as complete or upon the department's acceptance of an alternate security. The liability of the surety shall not exceed the amount of security required by this section and the department's reasonable legal fees to recover the security.

~~((7))~~ (8) Any interest or appreciation on the performance security shall be held by the department until ~~((reclamation is completed to its satisfaction. At such time, the interest shall be remitted to the permit holder, except that such interest or appreciation may be used by the department to effect reclamation in the event that the permit holder fails to comply with the provisions of this chapter and the costs of reclamation exceed the face value of the performance security))~~ the surface mine is reclaimed. The department may collect and use appreciation or interest accrued on a performance security to the same extent as for the underlying performance security. If the permit holder meets its obligations under this chapter, rules adopted under this chapter, and its approved reclamation permit and plan by completing reclamation, the department will return any unused performance security and accrued interest or appreciation.

~~((8))~~ (9) No other state agency or local government other than the department shall require performance security for the purposes of surface mine reclamation. The department may enter into written agreements with federal agencies in order to avoid redundant bonding of any surface ((mines straddling boundaries between federally controlled and other lands within)) mine that is located on both federal and nonfederal lands in Washington state. Nothing in this section prohibits a state agency or local government from requiring a performance security when the state agency or local government is acting in its capacity as a landowner and contracting for extraction-related activities on state or local government property.

~~((9))~~ When acting in its capacity as a regulator, no other state agency or local government may require a surface mining operation regulated under this chapter to post performance security unless that state agency or local government has express statutory authority to do so. A state agency's or local government's general authority to protect the public health, safety, and welfare does not constitute express statutory authority to require a performance security. However, nothing in

~~this section prohibits a state agency or local government from requiring a performance security when the state agency or local government is acting in its capacity as a landowner and contracting for extraction-related activities on state or local government property.)~~

NEW SECTION. Sec. 3. A new section is added to chapter 78.44 RCW to read as follows:

(1) A permit holder, in lieu of an individual performance security for each mining site, may file a blanket performance security with the department for their group of permits.

(2) The department may reduce the required performance security calculated from its standard method, to an amount not to exceed the sum of reclamation security calculated by the department for the two surface mines with the largest performance security obligations, for nonmetal and nonfuel surface mines that meet the following conditions:

(a) The permit holder has had a valid reclamation permit for more than ten years and can demonstrate exemplary mining and reclamation practices that have been accepted by the department;

(b) The land owner agrees to allow the permit holder to hold a blanket security. The department must include, on forms to be signed by the landowner, notice of the risk of a lien on the landowner's lands; and

(c) The permit holder can demonstrate substantial financial ability to perform the reclamation in the approved reclamation plan and permit.

(3) Permit holders are not eligible for blanket securities if they are in violation of a final order of the department.

(4) The department must consider the compliance history and the state of the existing surface mines of the permit holder before approving any blanket performance security.

(5) Lands covered by a blanket performance security are subject to a lien placed by the department in the event of abandonment.

(6) In lieu of the performance security required of the permit holder, the department may accept a similar security from the landowner, equal to the estimated cost of reclamation as determined by the department.

NEW SECTION. Sec. 4. A new section is added to chapter 78.44 RCW to read as follows:

(1) To the extent a performance security is insufficient to cover the cost of reclamation performed by the department, a lien shall be established in favor of the department upon all of the permit holder's real and personal property.

(2) The lien attaches upon the filing of a notice of claim of lien with the county clerk of the county in which the property is located. The notice of lien claim must contain a true statement of the demand, the insufficiency of the performance security to compensate the department, and the failure of the permit holder to perform the reclamation required.

(3) The lien becomes effective when filed.

(4) The lien created by this section may be foreclosed by a suit in the superior court in the manner provided by law for the foreclosure of other liens on real or personal property.

Sec. 5. RCW 42.56.270 and 2005 c 274 s 407 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services

FORTY-SEVENTH DAY, FEBRUARY 24, 2006

provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011; ~~(and)~~

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter; and

(13) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085.

2006 REGULAR SESSION

NEW SECTION. **Sec. 6.** Section 5 of this act takes effect July 1, 2006.

NEW SECTION. **Sec. 7.** The department of natural resources shall establish a surface mining advisory committee that will recommend effective methods of accomplishing reclamation and address other issues deemed appropriate by the committee for the effective administration of chapter 78.44 RCW. The committee is comprised of but not limited to representatives of mining interests, state and local government, environmental groups, and private landowners. The state geologist will select the members of the committee. The department of natural resources must submit a report to the legislature containing the committee's findings by September 1, 2006."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Doumit and Morton to Second Substitute Senate Bill No. 6175.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "program;" strike the remainder of the title and insert "amending RCW 78.44.085, 78.44.087, and 42.56.270; adding new sections to chapter 78.44 RCW; creating a new section; and providing an effective date."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6175 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6175.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6175 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47.

Excused: Senators Johnson and Schmidt - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6175, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

SECOND READING

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1291, by House Committee on Appropriations (originally sponsored by Representatives Cody, Bailey, Morrell,

FORTY-SEVENTH DAY, FEBRUARY 24, 2006

2006 REGULAR SESSION

Hinkle, Green, Moeller, Kessler, Haigh, Linville, Kagi, Santos and Ormsby)

Improving patient safety practices. Revised for 2nd Substitute: Improving health care professional and health care facility patient safety practices.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee amendment by the Committee on Health & Long-Term Care be adopted.

On page 6, after line 10, insert the following:

"NEW SECTION. Sec. 10 The secretary of health shall convene a task force to prepare a report for the legislature with proposed guidelines and recommendations for staffing plans that ensure qualified and competent nursing staff are available to provide quality patient care and address how staffing issues can be incorporated in the quality improvement process.

(1) In preparing its report and recommendations, the task force shall:

(a) Address what research-based factors should be included in unit specific staffing plans in addition to: Patient acuity, census, department geography, and sufficient nursing staff and staff skill mix; (b) Evaluate how facility size, location, patient acuity, and work force availability may influence staffing plans in a unit or facility;

(c) Evaluate how staffing plans relate to improved quality of care as identified by authoritative sources and research, and the relationship between staffing and quality improvement initiatives;

(d) Address the level of input from direct care providers throughout the development and ongoing evaluation of the staffing plan; (e) Analyze and suggest a method and frequency by which the department shall be notified of each facility's staffing plan;

(f) Recommend an approach for how the public can access information about a facility staffing plan, and how the facility will notify direct care providers of the staffing plan;

(g) Address how the department will monitor the appropriateness of the facility's staffing plans, recommend a mechanism for staff or other concerned parties to notify the department, and evaluate the department's response to the concerns about a facility's terms or implementation of its staffing plan where patient care appears to have been compromised; and

(h) Address how staffing issues could best be incorporated into the peer review or quality improvement process, with consideration of:

(i) The methods for addressing staffing issues on a quality improvement form; and

(ii) Staffing information in root cause analysis of adverse events and incidents.

(2) The task force shall consist of sixteen members, who, aside from the consumer, shall have health care experience or substantive knowledge of the health care field, appointed by the secretary of health;

(a) Seven representatives from nursing unions, to include at least five registered nurses, four of whom are involved in direct patient care;

(b) Two representatives from the two organizations representing hospitals;

(c) Two registered nurses in managerial or executive roles, who are representatives of an organization representing nurse executives;

(d) One consumer representative;

(e) The secretary of health or the secretary's designee;

(f) One chief executive officer or chief operating officer of a hospital;

(g) One human resources director or executive of a health care

facility who is a representative of an organization representing health care human resources executives; and

(h) One representative of organizations representing long-term care facilities.

(3) The task force shall issue its report to the legislature by December 31, 2006. If the task force is not able to complete its work by December 31, 2006, an interim report to the legislature is due on that date, with the full report due no later than September 1, 2007.

(4) Any administrative costs of the department of health shall be funded from nursing license fee revenues from existing fees deposited into the health professions account."

Senator Keiser spoke in favor of adoption of the committee amendment.

MOTION

On motion of Senator Weinstein, Senator Haugen was excused.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Health & Long-Term Care to Second Engrossed Second Substitute House Bill No. 1291.

The motion by Senator Keiser failed and the committee amendment was not adopted by voice vote.

MOTION

Senator Brandland moved that the following amendment by Senator Brandland be adopted.

On page 4, line 5, after "(1)", strike everything through "aside." on line 8, and insert "One percent of any attorney contingency fee as contracted with a prevailing plaintiff in any action for damages based upon injuries resulting from health care shall be deducted from the contingency fee as a patient safety set aside."

WITHDRAWAL OF AMENDMENT

On motion of Senator Brandland, the amendment by Senator Brandland on page 4, line 5 to Second Engrossed Second Substitute House Bill No. 1291 was withdrawn.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Keiser gave notice to move to immediately reconsider the vote by which the committee amendment by the Committee on Health & Long-Term Care to Second Engrossed Second Substitute House Bill No. 1291 failed to pass the Senate.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Health & Long-Term Care to Second Engrossed Second Substitute House Bill No. 1291 on reconsideration.

The motion by Senator Keiser carried and the committee amendment was adopted by voice vote on reconsideration.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 4 of the title, after "creating" strike "a new section" and insert "new sections"

MOTION

FORTY-SEVENTH DAY, FEBRUARY 24, 2006

On motion of Senator Keiser, the rules were suspended, Second Engrossed Second Substitute House Bill No. 1291 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Second Engrossed Second Substitute House Bill No. 1291 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Second Substitute House Bill No. 1291, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 30; Nays, 16; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brown, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 30

Voting nay: Senators Benson, Brandland, Carrell, Deccio, Delvin, Esser, Hewitt, Honeyford, Morton, Mulliken, Parlette, Pflug, Schoesler, Stevens, Swecker and Zarelli - 16

Excused: Senators Haugen, Johnson and Schmidt - 3

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1291, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:14 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:41 p.m. by Senator Spanel.

MOTION

On motion of Senator Fraser, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 23, 2006

ESHB 1010 Prime Sponsor, Committee on Technology, Energy & Communications: Concerning energy efficiency and renewable energy standards. Revised for 1st Substitute: Concerning energy efficiency and renewable energy standards. (REVISED FOR PASSED LEGISLATURE: Concerning electric utility planning.) Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 23, 2006

E2SHB 1071 Prime Sponsor, Committee on Appropriations:

2006 REGULAR SESSION

Concerning the uniform disciplinary act for health professions. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline, Parlette and Poulsen

MINORITY recommendation: Without recommendation. Signed by Senator Benson

Passed to Committee on Ways & Means.

February 23, 2006

3SHB 1226 Prime Sponsor, Committee on Appropriations: Adjusting application of campaign contribution limits. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton, McCaslin, Mulliken and Roach

Passed to Committee on Rules for second reading.

February 23, 2006

EHB 1383 Prime Sponsor, Condotta: Requiring the public employees' benefits board to develop a health savings account option for employees. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Benson, Brandland, Deccio, Franklin, Kastama, Kline and Parlette

Passed to Committee on Ways & Means.

February 22, 2006

2SHB 1384 Prime Sponsor, Committee on Technology, Energy & Communications: Authorizing the construction and operation of renewable energy projects by joint operating agencies. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, McCaslin, Mulliken, Pridemore and Roach

MINORITY recommendation: Without recommendation. Signed by Senators Benton and Kline

Passed to Committee on Rules for second reading.

February 23, 2006

SHB 1504 Prime Sponsor, Committee on Transportation: Adjusting notice of abandoned vehicle auctions. Revised for 1st Substitute: Changing abandoned vehicle auction notice requirements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Finkbeiner, Kastama, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

FORTY-SEVENTH DAY, FEBRUARY 24, 2006

2006 REGULAR SESSION

February 23, 2006

SHB 1944 Prime Sponsor, Committee on Commerce & Labor: Allowing raffles conducted by state employees. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Keiser, Hewitt, Parlette and Prentice

MINORITY recommendation: Do not pass. Signed by Senator Honeyford

Passed to Committee on Rules for second reading.

February 20, 2006

HB 1964 Prime Sponsor, Walsh: Designating the Walla Walla sweet onion as the official Washington state vegetable. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Kline, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 23, 2006

2SHB 2002 Prime Sponsor, Committee on Appropriations: Authorizing limited continuing foster care and support services up to age twenty-one. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Ways & Means.

February 24, 2006

SHB 2233 Prime Sponsor, Committee on Higher Education & Workforce Education: Mandating that a percentage of tuition waivers be granted to veterans. Revised for 1st Substitute: Mandating that a percentage of tuition waivers go to veterans. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

MINORITY recommendation: Do not pass. Signed by Senator Pridemore, Vice Chair, Higher Education

Passed to Committee on Rules for second reading.

February 23, 2006

HB 2331 Prime Sponsor, Blake: Concerning public disclosure requirements for sensitive fish and wildlife data. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair;

Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 23, 2006

SHB 2345 Prime Sponsor, Committee on Local Government: Addressing regional fire protection service authorities. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 23, 2006

HB 2381 Prime Sponsor, Kretz: Authorizing a beaver relocation permit. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 23, 2006

SHB 2384 Prime Sponsor, Committee on Natural Resources, Ecology & Parks: Concerning the state geological survey. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Ways & Means.

February 23, 2006

HB 2398 Prime Sponsor, Cody: Expanding participation in state purchased health care programs. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

Passed to Committee on Rules for second reading.

February 23, 2006

SHB 2404 Prime Sponsor, Committee on Health Care: Regulating retainer health care practices. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

Passed to Committee on Rules for second reading.

February 23, 2006

FORTY-SEVENTH DAY, FEBRUARY 24, 2006

SHB 2407 Prime Sponsor, Committee on Criminal Justice & Corrections: Revising provisions relating to electronic monitoring of sex offenders. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Ways & Means.

February 23, 2006

HB 2409 Prime Sponsor, O'Brien: Changing the provisions relating to sex and kidnapping offender registration. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

February 24, 2006

SHB 2414 Prime Sponsor, Committee on Education: Regarding Washington's academic assessment system. Revised for 1st Substitute: Regarding local control and flexibility in the state assessment system. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 24, 2006

SHB 2416 Prime Sponsor, Committee on Natural Resources, Ecology & Parks: Establishing an optional state parks vehicle registration fee. Revised for 1st Substitute: Concerning state park fees. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Doumit, Vice Chair; Fraser, Hargrove, Morton and Spanel

MINORITY recommendation: Do not pass. Signed by Senators Jacobsen, Chair and Swecker

Passed to Committee on Ways & Means.

February 23, 2006

SHB 2431 Prime Sponsor, Committee on Appropriations: Requiring background checks on persons licensed as health care professionals. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 22, 2006

2006 REGULAR SESSION

SHB 2452 Prime Sponsor, Committee on Judiciary: Protecting the news media from being compelled to testify in legal proceedings. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Esser, Hargrove, Johnson, Rasmussen and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senators Weinstein, Vice Chair; Carrell and McCaslin

Passed to Committee on Rules for second reading.

February 24, 2006

E2SHB 2489 Prime Sponsor, Committee on Appropriations: Assisting students to graduate from high school on time. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

MINORITY recommendation: Without recommendation. Signed by Senators Benton and Berkey

Passed to Committee on Ways & Means.

February 23, 2006

HB 2501 Prime Sponsor, Schual-Berke: Regulating group health benefit plan coverage of mental health services. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 24, 2006

ESHB 2507 Prime Sponsor, Committee on Higher Education & Workforce Education: Prohibiting false or misleading college degrees. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 23, 2006

ESHB 2540 Prime Sponsor, Committee on Health Care: Revising provisions addressing access to individual health insurance coverage. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Benson, Brandland, Deccio, Franklin, Kastama, Kline, Parlette and Poulsen

FORTY-SEVENTH DAY, FEBRUARY 24, 2006

2006 REGULAR SESSION

Passed to Committee on Rules for second reading.

February 23, 2006

ESHB 2565 Prime Sponsor, Committee on Commerce & Labor: Modifying the worker training business and occupation tax credit. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Parlette

Passed to Committee on Ways & Means.

February 23, 2006

SHB 2571 Prime Sponsor, Committee on Judiciary: Collecting health care services debt under the homestead exemption. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 23, 2006

E2SHB 2572 Prime Sponsor, Committee on Appropriations: Establishing the small employer health insurance partnership program. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

Passed to Committee on Ways & Means.

February 23, 2006

E2SHB 2574 Prime Sponsor, Committee on Appropriations: Regarding hospital charity care and debt collection. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

MINORITY recommendations: Do not pass. Signed by Senators Brandland and Deccio. Without recommendation. Signed by Senator Parlette

Passed to Committee on Ways & Means.

February 23, 2006

E2SHB 2575 Prime Sponsor, Committee on Appropriations: Establishing a health technology assessment program. Revised for 2nd Substitute: Establishing a health technology assessment program. (REVISED FOR PASSED LEGISLATURE: (Establishing a health technology clinical committee.) Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Deccio, Franklin, Kastama and Kline

MINORITY recommendation: Without recommendation. Signed by Senator Parlette

Passed to Committee on Ways & Means.

February 24, 2006

EHB 2579 Prime Sponsor, Upthegrove: Requiring classroom-based civics assessments. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 24, 2006

E2SHB 2582 Prime Sponsor, Committee on Appropriations: Expanding high school completion programs. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Ways & Means.

February 23, 2006

SHB 2591 Prime Sponsor, Committee on Transportation: Providing an exemption from special fuel taxes for regional transit authorities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Finkbeiner, Kastama, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 24, 2006

HB 2597 Prime Sponsor, Kenney: Establishing additional requirements for private vocational schools. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rockefeller, Schmidt, Schoesler and Shin

MINORITY recommendation: Do not pass. Signed by Senator Benton

Passed to Committee on Rules for second reading.

February 23, 2006

SHB 2601 Prime Sponsor, Committee on Technology, Energy & Communications: Regarding state purchasing of information technology projects. Reported by Committee on Government Operations & Elections

FORTY-SEVENTH DAY, FEBRUARY 24, 2006

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 23, 2006

HB 2612 Prime Sponsor, Kagi: Including failure to secure a load in the first degree as a compensable crime under the crime victims' compensation program. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Ways & Means.

February 24, 2006

E2SHB 2630 Prime Sponsor, Committee on Appropriations: Creating the opportunity grant program. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Ways & Means.

February 23, 2006

HB 2632 Prime Sponsor, Darneille: Modifying human immunodeficiency virus insurance program provisions. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Deccio and Parlette

Passed to Committee on Rules for second reading.

February 23, 2006

SHB 2654 Prime Sponsor, Committee on Criminal Justice & Corrections: Prohibiting sex offender treatment by treatment providers who are sex offenders. Revised for 1st Substitute: Prohibiting certification of sex offenders as sex offender treatment providers. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Carrell, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

February 23, 2006

SHB 2658 Prime Sponsor, Committee on Natural Resources, Ecology & Parks: Establishing a statewide ORV data base. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair;

2006 REGULAR SESSION

Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Ways & Means.

February 23, 2006

SHB 2669 Prime Sponsor, Committee on Health Care: Licensing specialty hospitals. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Deccio, Franklin, Kastama and Kline

MINORITY recommendation: Without recommendation. Signed by Senators Brandland and Parlette

Passed to Committee on Rules for second reading.

February 23, 2006

SHB 2678 Prime Sponsor, Committee on Financial Institutions & Insurance: Reauthorizing the pollution liability insurance agency. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Ways & Means.

February 23, 2006

HB 2704 Prime Sponsor, O'Brien: Including organized retail theft in crime guidelines. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Hargrove, Rasmussen and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Esser and Johnson

Passed to Committee on Rules for second reading.

February 23, 2006

HB 2710 Prime Sponsor, Buck: Clarifying the process for hydraulic permit appeals. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 23, 2006

HB 2720 Prime Sponsor, Simpson: Revising provisions relating to water-sewer districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

FORTY-SEVENTH DAY, FEBRUARY 24, 2006

2006 REGULAR SESSION

Passed to Committee on Rules for second reading.

February 23, 2006

SHB 2733 Prime Sponsor, Committee on Education: Changing the requirements for information on high school transcripts. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Rockefeller, Schmidt, Schoesler and Shin

MINORITY recommendation: Do not pass. Signed by Senator Pridemore, Vice Chair, Higher Education

Passed to Committee on Rules for second reading.

February 23, 2006

SHB 2749 Prime Sponsor, Committee on Natural Resources, Ecology & Parks: Concerning specialized forest products. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 23, 2006

E2SHB 2785 Prime Sponsor, Committee on Appropriations: Authorizing alternative methods of assessment and appeal processes for the certificate of academic achievement. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Ways & Means.

February 23, 2006

SHB 2815 Prime Sponsor, Committee on Local Government: Clarifying the best available science requirements to protect critical areas. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton, Mulliken and Roach

Passed to Committee on Ways & Means.

February 24, 2006

SHB 2817 Prime Sponsor, Committee on Higher Education & Workforce Education: Establishing technology priorities for institutions of higher education. Revised for 1st Substitute: Establishing a technology emphasis for institutions of higher education. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

MINORITY recommendation: Do not pass. Signed by Senator Pridemore, Vice Chair, Higher Education

Passed to Committee on Rules for second reading.

February 23, 2006

ESHB 2884 Prime Sponsor, Committee on Economic Development, Agriculture & Trade: Concerning the use of reclaimed water. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendations: Do not pass. Signed by Senators Honeyford, Morton and Mulliken. Without recommendation. Signed by Senator Delvin

Passed to Committee on Ways & Means.

February 23, 2006

ESHB 2895 Prime Sponsor, Committee on Children & Family Services: Protecting vulnerable adults from exposure to methamphetamine manufacturing. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

February 23, 2006

SHB 2898 Prime Sponsor, Committee on State Government Operations & Accountability: Regulating distribution of communications by state employees. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Kline, Pridemore and Roach

MINORITY recommendation: Without recommendation. Signed by Senator Mulliken

Passed to Committee on Rules for second reading.

February 22, 2006

SHB 2908 Prime Sponsor, Committee on Local Government: Modifying the boundary provision for Island county. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, Pridemore and Roach

Passed to Committee on Rules for second reading.

FORTY-SEVENTH DAY, FEBRUARY 24, 2006

2006 REGULAR SESSION

February 23, 2006

2SHB 2912 Prime Sponsor, Committee on Appropriations: Requiring that mental health professionals do private home visits in pairs and providing for other safety and violence prevention measures. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Ways & Means.

February 23, 2006

E3SHB 2939 Prime Sponsor, Committee on Capital Budget: Establishing the energy freedom program. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken and Regala

Passed to Committee on Rules for second reading.

February 23, 2006

ESHB 2943 Prime Sponsor, Committee on Health Care: Modifying health care provider contract requirements. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

Passed to Committee on Ways & Means.

February 23, 2006

SHB 2946 Prime Sponsor, Committee on Education: Regarding checks for employees of bureau of Indian affairs-funded schools. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 23, 2006

HB 2957 Prime Sponsor, Blake: Extending the expiration date for reporting requirements on timber purchases. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 23, 2006

SHB 2958 Prime Sponsor, Committee on Natural Resources, Ecology & Parks: Penalizing persons who violate rules concerning the use of nontoxic shot. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Oke, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Morton and Stevens

Passed to Committee on Rules for second reading.

February 23, 2006

HB 2972 Prime Sponsor, Clibborn: Determining community rates for health benefit plans. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Brandland, Deccio, Franklin, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 24, 2006

SHB 2973 Prime Sponsor, Committee on Education: Creating a career and technical high school graduation option for students meeting state standards in fundamental academic content areas. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt and Shin

MINORITY recommendations: Do not pass. Signed by Senators Benton, Delvin and Pflug. Without recommendation. Signed by Senator Schoesler

Passed to Committee on Rules for second reading.

February 23, 2006

SHB 2974 Prime Sponsor, Committee on Health Care: Modifying provisions with respect to disciplining health professions. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Ways & Means.

February 23, 2006

SHB 2979 Prime Sponsor, Committee on Juvenile Justice & Family Law: Addressing cultural upbringing in parenting plans. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; McAuliffe and Stevens

MINORITY recommendations: Do not pass. Signed by Senator Carrell. Without recommendation. Signed by Senator Brandland

FORTY-SEVENTH DAY, FEBRUARY 24, 2006

2006 REGULAR SESSION

Passed to Committee on Rules for second reading.

February 23, 2006

HB 2981 Prime Sponsor, Fromhold: Modifying commercial vehicle provisions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Finkbeiner, Kastama, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 23, 2006

SHB 2985 Prime Sponsor, Committee on Children & Family Services: Creating a foster care health unit in the department of social and health services. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Ways & Means.

February 23, 2006

HB 2991 Prime Sponsor, Darneille: Concerning background checks of metropolitan park district employees. (REVISED FOR PASSED LEGISLATURE: Concerning background checks of certain metropolitan park district employees, volunteers, and independent contractors.) Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken and Roach

Passed to Committee on Rules for second reading.

February 23, 2006

ESHB 3079 Prime Sponsor, Committee on Appropriations: Reporting on the employment status of recipients of medicaid and the basic health plan. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Brandland, Deccio, Franklin, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Ways & Means.

February 23, 2006

SHB 3082 Prime Sponsor, Committee on Judiciary: Changing provisions that govern municipal courts. Revised for 1st Substitute: Changing provisions that govern courts of limited jurisdiction. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 24, 2006
SHB 3087 Prime Sponsor, Committee on Higher Education & Workforce Education: Concerning cost savings on course materials for students at state universities, regional universities, and The Evergreen State College. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Berkey, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Schmidt, Schoesler and Shin

MINORITY recommendation: Without recommendation. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

February 23, 2006

HB 3106 Prime Sponsor, Kenney: Changing public works provisions for institutions of higher education. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Eide, Kohl-Welles, Rasmussen, Schoesler and Shin

MINORITY recommendation: Do not pass. Signed by Senators Rockefeller and Schmidt

Passed to Committee on Rules for second reading.

February 22, 2006

SHB 3109 Prime Sponsor, Committee on State Government Operations & Accountability: Addressing government performance and accountability. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Haugen, Kline, Mulliken and Roach

MINORITY recommendation: Do not pass. Signed by Senator Fairley

Passed to Committee on Ways & Means.

February 24, 2006

SHB 3113 Prime Sponsor, Committee on Higher Education & Workforce Education: Expanding access to higher education using the university center model. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Ways & Means.

February 23, 2006

2SHB 3115 Prime Sponsor, Committee on Appropriations: Establishing a foster parent critical support and retention program. Reported by Committee on Human Services & Corrections

FORTY-SEVENTH DAY, FEBRUARY 24, 2006

2006 REGULAR SESSION

MAJORITY recommendation: Do pass as amended.
Signed by Senators Hargrove, Chair; Regala, Vice Chair;
Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Ways & Means.

February 23, 2006

HB 3122 Prime Sponsor, Kagi: Recognizing the safety of child protective, child welfare, and adult protective services workers. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended.
Signed by Senators Hargrove, Chair; Regala, Vice Chair;
Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

February 24, 2006

ESHB 3127 Prime Sponsor, Committee on Appropriations: Regarding the center for the improvement of student learning. Revised for 1st Substitute: Regarding the center for the improvement of student learning. (REVISED FOR PASSED LEGISLATURE: Regarding the center for the improvement of student learning and the education ombudsman.) Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended.
Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt and Shin

MINORITY recommendation: Without recommendation.
Signed by Senators Pflug and Schoesler

Passed to Committee on Ways & Means.

February 23, 2006

HB 3156 Prime Sponsor, Darneille: Creating a pilot program to assist low-income families. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended.
Signed by Senators Hargrove, Chair; Regala, Vice Chair;
Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

February 23, 2006

SHB 3182 Prime Sponsor, Committee on Children & Family Services: Concerning tribal foster care licensing. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended.
Signed by Senators Hargrove, Chair; Regala, Vice Chair;
Brandland, Carrell, McAuliffe and Thibaudeau

MINORITY recommendation: Without recommendation.
Signed by Senator Stevens

Passed to Committee on Rules for second reading.

February 23, 2006

ESHB 3186 Prime Sponsor, Committee on Juvenile Justice

& Family Law: Modifying disposition orders. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended.
Signed by Senators Hargrove, Chair; Brandland, Carrell,
McAuliffe, Stevens and Thibaudeau

MINORITY recommendation: Without recommendation.
Signed by Senator Regala, Vice Chair

Passed to Committee on Rules for second reading.

February 23, 2006

HB 3205 Prime Sponsor, O'Brien: Clarifying the authority to apprehend conditionally released persons. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by
Senators Hargrove, Chair; Regala, Vice Chair; Brandland,
Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

February 23, 2006

HB 3237 Prime Sponsor, Hunter: Reviewing the funding and management of state aquatic lands. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended.
Signed by Senators Jacobsen, Chair; Doumit, Vice Chair;
Fraser, Hargrove, Morton and Oke

MINORITY recommendation: Do not pass. Signed by
Senators Stevens and Swecker

Passed to Committee on Ways & Means.

February 23, 2006

HB 3277 Prime Sponsor, O'Brien: Authorizing special verdicts for specified sex offenses against children and vulnerable adults. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended.
Signed by Senators Hargrove, Chair; Regala, Vice Chair;
Brandland, Carrell, McAuliffe and Stevens

Passed to Committee on Ways & Means.

February 23, 2006

HEB 3310 Prime Sponsor, Bailey: Reviewing existing health care coverage statutory requirements. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended.
Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair;
Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Without recommendation.
Signed by Senators Benson, Brandland, Deccio and Parlette

Passed to Committee on Rules for second reading.

February 23, 2006

HJM 4031 Prime Sponsor, Appleton: Preserving section 5 of the Marine Mammal Protection Act to protect Puget Sound.

FORTY-SEVENTH DAY, FEBRUARY 24, 2006

2006 REGULAR SESSION

Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 24, 2006

SHJR 4205 Prime Sponsor, Committee on Education: Amending the Constitution to provide for a simple majority of voters voting to authorize a school levy. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller and Shin

Passed to Committee on Rules for second reading.

MOTION

On motion of Fraser, all measures listed on the Supplemental Standing Committee report were referred to the committees as designated with the exception of House Bill No. 2597 which was referred to the Committee on Rules, Substitute House Bill No. 2384, Substitute House Bill No. 2407, Engrossed Second Substitute House Bill No. 2489, House Bill No. 2612 and Substitute House Bill No. 2815 which were referred to the Committee on Ways & Means.

MOTION

At 5:43 p.m., on motion of Senator Fraser, the Senate adjourned until 10:00 a.m. Monday, February 27, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 27, 2006

The Senate was called to order at 10:00 a.m. by President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Benson, Benton, Brown, Doumit, Finkbeiner, Honeyford, Mulliken and Pflug.

The United States Marine Corps Color Guard consisting Major Poole, Gunnery Sergeant Tice, Staff Sergeant Atonio, Staff Sergeant Icazckowski, Staff Sergeant Hopkins, Sergeant Lundy and Corporal Michael presented the Colors. Chaplain Reggie Buddle, United States Marine Corps offered the prayer.

REMARKS BY CHAPLAIN REGGIE BUDDLE

Reverend Reggie Buddle: "We know what a good job is, being United States Marines and so we appreciate it when we see another person or group of people demonstrating that same excellence. Not enough times I feel that you Senators get enough praise or thank you from the outside of this building and we want to let you know that we came down here as a two-fold mission, one is to pray with you and then the other one is to honor you. So we're going to salute you and we want to thank you for a job well done. Senators, give yourselves a hand and our United States Marines. Go ahead."

MOTION

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

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Delvin moved that Gubernatorial Appointment No. 9392, Wayne J. Martin, as a member of the Board of Trustees, Columbia Basin Community College District No. 19, be confirmed.

Senator Delvin spoke in favor of the motion.

APPOINTMENT OF WAYNE J. MARTIN

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9392, Wayne J. Martin as a member of the Board of Trustees, Columbia Basin Community College District No. 19.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9392, Wayne J. Martin as a member of the Board of Trustees, Columbia Basin Community College District No. 19 and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 8; Excused, 0.

Voting yea: Senators Berkey, Brandland, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 41

Absent: Senators Benson, Benton, Brown, Doumit,

Finkbeiner, Honeyford, Mulliken and Pflug - 8

Gubernatorial Appointment No. 9392, Wayne J. Martin, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Columbia Basin Community College District No. 19.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kline moved that Gubernatorial Appointment No. 9347, Katherine B. Friedt, as Chair of the Human Rights Commission, be confirmed.

Senator Kline spoke in favor of the motion.

MOTION

On motion of Senator Schoesler, Senators Benson, Benton Finkbeiner, Honeyford, Mulliken and Pflug were excused.

MOTION

On motion of Senator Regala, Senators Brown and Doumit were excused.

APPOINTMENT OF KATHERINE B. FRIEDT

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9347, Katherine B. Friedt as Chair of the Human Rights Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9347, Katherine B. Friedt as Chair of the Human Rights Commission and the appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 3; Excused, 6.

Voting yea: Senators Berkey, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Absent: Senators Brandland, Deccio and Schmidt - 3

Excused: Senators Benson, Benton, Brown, Finkbeiner, Mulliken and Pflug - 6

Gubernatorial Appointment No. 9347, Katherine B. Friedt, having received the constitutional majority was declared confirmed as Chair of the Human Rights Commission.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kline moved that Gubernatorial Appointment No. 9384, Dennis Thaut, as a member of the Indeterminate Sentence Review Board, be confirmed.

Senator Kline spoke in favor of the motion.

APPOINTMENT OF DENNIS THAUT

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9384, Dennis Thaut as a member of the Indeterminate Sentence Review Board.

FIFTIETH DAY, FEBRUARY 27, 2006

2006 REGULAR SESSION

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9384, Dennis Thaut as a member of the Indeterminate Sentence Review Board and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 3; Excused, 5.

Voting yea: Senators Berkey, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 41

Absent: Senators Brandland, Hewitt and Schmidt - 3

Excused: Senators Benson, Benton, Brown, Finkbeiner and Pflug - 5

Gubernatorial Appointment No. 9384, Dennis Thaut, having received the constitutional majority was declared confirmed as a member of the Indeterminate Sentence Review Board.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Delvin moved that Gubernatorial Appointment No. 9322, Sandy Matheson, as Director of the Department of Retirement Systems, be confirmed.

Senator Delvin spoke in favor of the motion.

APPOINTMENT OF SANDY MATHESON

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9322, Sandy Matheson as Director of the Department of Retirement Systems.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9322, Sandy Matheson as Director of the Department of Retirement Systems and the appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 4; Excused, 5.

Voting yea: Senators Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Absent: Senators Hargrove, Hewitt, Morton and Mulliken - 4

Excused: Senators Benson, Benton, Brown, Finkbeiner and Pflug - 5

Gubernatorial Appointment No. 9322, Sandy Matheson, having received the constitutional majority was declared confirmed as Director of the Department of Retirement Systems.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Haugen moved that Gubernatorial Appointment No. 9227, Edward L. Barnes, as a member of the Transportation Commission, be confirmed.

Senator Haugen spoke in favor of the motion.

MOTION

On motion of Senator Schoesler, Senators Morton, Mulliken and Hewitt were excused.

MOTION

On motion of Senator Regala, Senator Hargrove was excused.

APPOINTMENT OF EDWARD L. BARNES

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9227, Edward L. Barnes as a member of the Transportation Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9227, Edward L. Barnes as a member of the Transportation Commission and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Benson, Brown, Finkbeiner and Pflug - 4

Gubernatorial Appointment No. 9227, Edward L. Barnes, having received the constitutional majority was declared confirmed as a member of the Transportation Commission.

MOTION

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

MOTION

Senator Rasmussen moved adoption of the following resolution:

SENATE RESOLUTION
8687

By Senator Rasmussen

WHEREAS, The 4-H Youth Development Program of Washington State University has helped young people in Washington develop useful "life skills" since it was established in 1902; and

WHEREAS, The program centers on teaching young people to become productive members of society by fostering self-esteem, communication, and decision-making skills; and

WHEREAS, Over 75,000 young people and 8,300 adult volunteers throughout Washington participated in 4-H Youth Development Programs in 2005; and

WHEREAS, These programs helped participants learn about a wide variety of subjects including science, family living, applied arts, and government activism; and

WHEREAS, These programs work with traditional community clubs and reach youth through urban groups, special interest groups, nutrition programs, after school programs, camping, and interagency learning experiences; and

WHEREAS, More than 300 4-H members from around the state are currently visiting the State Capitol as part of an annual statewide education program titled "4-H Know Your Government"; and

WHEREAS, The 4-H Know Your Government Program focused this year on the judicial system and better understanding the issues related to preserving one's personal rights and how courts may pivot on political happenings; and

WHEREAS, 4-H will continue its dedication to empower young people to become active global citizens and realize the

FIFTIETH DAY, FEBRUARY 27, 2006

2006 REGULAR SESSION

value, significance, and responsibility of taking part in local, regional, state, national, and international community issues;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the 4-H Youth Development Program for its many contributions to the youth of Washington and the betterment of our communities; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Pat BoyEs, the State 4-H Director for the Washington State University 4-H Youth Development Program.

Senator Rasmussen spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8687.

The motion by Senator Rasmussen carried and the resolution was adopted by voice vote.

MOTION

At 10:40 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:30 a.m. by President Pro Tempore.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2497, by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kilmer, Buri, Hudgins, Skinner, Green, Morrell, Linville, Ormsby, Lantz, Williams, McCoy, Appleton, Moeller, Chase, Conway, P. Sullivan, Haler, Wallace, Sells, Morris, Ericks, Uphthegrove and Woods)

Authorizing a suspension of business loan payments and interest accrual for active duty national guard members. Revised for 1st Substitute: Providing assistance for business owners who are active duty national guard members.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 2497 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Schmidt spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2497.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2497 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Benson and Finkbeiner - 2

SUBSTITUTE HOUSE BILL NO. 2497, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2608, by House Committee on Appropriations (originally sponsored by Representatives Curtis, Takko, Bailey, Grant, Orcutt, Hinkle, McDonald, Clements, Moeller, Chandler, Wallace, O'Brien, Haler, Haigh, Alexander and Morrell)

Defining performance of duty for the volunteer fire fighters' and reserve officers' relief and pension act.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2608 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2608.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2608 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Benson and Finkbeiner - 2

SUBSTITUTE HOUSE BILL NO. 2608, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6500, by Senators Haugen, McCaslin, Doumit, Benson, Shin, Esser and Jacobsen

Extending the moorage period for sales tax exemptions for nonresident vessel purchasers. Revised for 1st Substitute: Modifying the sales and use taxation of vessels.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6500 was substituted for Senate Bill No. 6500 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6500 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Esser spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6500.

FIFTIETH DAY, FEBRUARY 27, 2006

2006 REGULAR SESSION

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6500 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Pflug - 1

Excused: Senators Benson and Finkbeiner - 2

SUBSTITUTE SENATE BILL NO. 6500, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3190, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Wallace, Fromhold, Curtis, Orcutt, Moeller and Dunn)

Providing tax incentives to support the semiconductor cluster in the state. Revised for 1st Substitute: Providing tax incentives to support the semiconductor cluster in Washington state.

The measure was read the second time.

MOTION

On motion of Senator Pridemore, the rules were suspended, Substitute House Bill No. 3190 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Benton spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 3190.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3190 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senator Fraser - 1

Excused: Senators Benson and Finkbeiner - 2

SUBSTITUTE HOUSE BILL NO. 3190, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3024, by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Haigh, Cox, Ericks, Miloscia, Armstrong, McCoy, McDermott, Green, Morrell, Wallace, Nixon, Clements, Chase and Linville)

Increasing the number of demonstration projects that may be authorized by the school district project review board.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 3024 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 3024.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3024 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Benson and Finkbeiner - 2

SUBSTITUTE HOUSE BILL NO. 3024, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1850, by House Committee on Health Care (originally sponsored by Representatives Schual-Berke and Cody)

Creating a retired volunteer medical worker license.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee amendment by the Committee on Health & Long-Term Care be adopted.

On page 2, line 21, after "chapter" strike "4.24" and insert "38.52"

Senator Keiser spoke in favor of adoption of the committee amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee amendment by the Committee on Health & Long-Term Care to Engrossed Substitute House Bill No. 1850.

The motion by Senator Keiser carried and the committee amendment was adopted by voice vote.

FIFTIETH DAY, FEBRUARY 27, 2006

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "chapter" strike "4.24" and insert "38.52"

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 1850 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1850 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1850, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Benson and Finkbeiner - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1850, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:06 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 8:39 p.m. by President Pro Tempore.

MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

February 24, 2006

SB 6237 Prime Sponsor, Schoesler: Simplifying tax application and administration. Revised for 1st Substitute: Making technical modifications to tax statutes. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6237 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug,

2006 REGULAR SESSION

Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 27, 2006

SB 6892 Prime Sponsor, Prentice: Creating the 2006 Seahawks championship account. Revised for 1st Substitute: Creating the 2006 Seattle professional football championship account. Reported by Committee on Ways & Means

MAJORITY recommendations: That Substitute Senate Bill No. 6892 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Pflug, Pridemore, Rasmussen, Rockefeller and Schoesler

Passed to Committee on Rules for second reading.

February 24, 2006

EHB 1069 Prime Sponsor, McIntire: Requiring performance audits for tax preferences. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senators Roach, Schoesler and Zarelli. Without recommendation. Signed by Senators Brandland and Parlette

Passed to Committee on Rules for second reading.

February 27, 2006

HB 1305 Prime Sponsor, Haigh: Authorizing background checks before an authorized emergency vehicle permit is issued. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Finkbeiner, Kastama, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 27, 2006

2SHB 1359 Prime Sponsor, Committee on Appropriations: Revising the interest rate on legal financial obligations. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller, Thibaudeau and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senators Parlette, Pflug, Roach and Schoesler

Passed to Committee on Rules for second reading.

FIFTIETH DAY, FEBRUARY 27, 2006

2006 REGULAR SESSION

February 27, 2006

EHB 1383 Prime Sponsor, Condotta: Requiring the public employees' benefits board to develop a health savings account option for employees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Parlette, Pflug, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senators Fairley, Kohl-Welles, Regala and Thibaudeau

Passed to Committee on Rules for second reading.

February 27, 2006

EHB 1429 Prime Sponsor, Dickerson: Authorizing personal rapid transit and magnetic levitation transit systems. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Vice Chair; Benson, Berkey, Eide, Esser, Finkbeiner, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 27, 2006

3SHB 1458 Prime Sponsor, Committee on Natural Resources, Ecology & Parks: Concerning the management of on-site sewage systems in marine areas. Revised for 3rd Substitute: Concerning the management of on-site sewage disposal systems in marine areas. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Thibaudeau and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Schoesler

Passed to Committee on Rules for second reading.

February 24, 2006

EHB 1466 Prime Sponsor, Flannigan: Allowing motorcycles to stop and proceed through traffic signals. (REVISED FOR ENGROSSED: Allowing street legal motorcycles to stop and proceed through traffic signals that fail to operate because of the motorcycle's size.) Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Benson, Berkey, Eide, Esser, Finkbeiner, Kastama, Sheldon, Spanel and Swecker

Passed to Committee on Rules for second reading.

February 27, 2006

4SHB 1483 Prime Sponsor, Committee on Appropriations: Creating an "investing in youth program." Revised for 4th

Substitute: Establishing a reinvesting in youth program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 27, 2006

SHB 1510 Prime Sponsor, Committee on Finance: Modifying the property taxation of nonprofit entities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Parlette, Pflug, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Regala

Passed to Committee on Rules for second reading.

February 27, 2006

SHB 1523 Prime Sponsor, Committee on Finance: Extending a sales and use tax exemption to the construction of new facilities to be used for the conditioning of vegetable seeds. Revised for 1st Substitute: Extending a sales and use tax exemption to the construction of new facilities to be used for the conditioning of vegetable seed. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Agriculture & Rural Economic Development. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Parlette, Pflug, Rasmussen, Roach, Schoesler and Zarelli

MINORITY recommendations: Do not pass. Signed by Senators Fraser, Vice Chair, Capital Budget Chair; Fairley and Kohl-Welles. Without recommendation. Signed by Senators Regala and Rockefeller

Passed to Committee on Rules for second reading.

February 27, 2006

2SHB 2002 Prime Sponsor, Committee on Appropriations: Authorizing limited continuing foster care and support services up to age twenty-one. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Human Services & Corrections. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 27, 2006

FIFTIETH DAY, FEBRUARY 27, 2006

2SHB 2342 Prime Sponsor, Committee on Appropriations: Establishing a health care declarations registry. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 27, 2006

HB 2348 Prime Sponsor, Morris: Extending tax relief for aluminum smelters. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on International Trade & Economic Development. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 24, 2006

E2SHB 2353 Prime Sponsor, Committee on Appropriations: Providing collective bargaining for family child care providers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Labor, Commerce, Research & Development. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller, Thibaudeau and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Parlette, Pflug and Schoesler

Passed to Committee on Rules for second reading.

February 27, 2006

SHB 2376 Prime Sponsor, Committee on Health Care: Repealing cost-sharing in medical programs. Revised for 1st Substitute: Prohibiting the department of social and health services from imposing premiums on children in households with income at or below two hundred percent of the federal poverty level. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Pridemore, Rasmussen, Regala, Roach, Rockefeller and Thibaudeau

MINORITY recommendations: Do not pass. Signed by Senators Pflug and Zarelli. Without recommendation. Signed by Senators Parlette and Schoesler

Passed to Committee on Rules for second reading.

February 27, 2006

2006 REGULAR SESSION

SHB 2384 Prime Sponsor, Committee on Natural Resources, Ecology & Parks: Concerning the state geological survey. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Natural Resources, Ocean & Recreation. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 27, 2006

SHB 2389 Prime Sponsor, Committee on Transportation: Adding porphyria to the list of disabilities for special parking privileges. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Berkey, Eide, Esser, Finkbeiner, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senator Benton

Passed to Committee on Rules for second reading.

February 27, 2006

SHB 2407 Prime Sponsor, Committee on Criminal Justice & Corrections: Revising provisions relating to electronic monitoring of sex offenders. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 27, 2006

SHB 2416 Prime Sponsor, Committee on Natural Resources, Ecology & Parks: Establishing an optional state parks vehicle registration fee. Revised for 1st Substitute: Concerning state park fees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Pridemore, Rasmussen, Roach, Rockefeller and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senator Regala

Passed to Committee on Rules for second reading.

February 27, 2006

E2SHB 2418 Prime Sponsor, Committee on Capital Budget: Increasing the availability of affordable housing. Reported by Committee on Ways & Means

FIFTIETH DAY, FEBRUARY 27, 2006

2006 REGULAR SESSION

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Thibaudeau and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Schoesler

Passed to Committee on Rules for second reading.

February 27, 2006

SHB 2457 Prime Sponsor, Committee on Finance: Providing excise tax relief for farm machinery and equipment. Revised for 1st Substitute: Authorizing sales and use tax exemptions for replacement parts for farm machinery and equipment. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Parlette, Pflug, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senators Fairley, Kohl-Welles and Regala

Passed to Committee on Rules for second reading.

February 24, 2006

HB 2465 Prime Sponsor, Lovick: Modifying vehicle equipment standards related to original equipment installed. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Benson, Berkey, Eide, Esser, Finkbeiner, Kastama, Sheldon, Spanel and Swecker

Passed to Committee on Rules for second reading.

February 24, 2006

HB 2466 Prime Sponsor, Lovick: Providing excise tax relief for aerospace businesses. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Pflug, Pridemore, Rasmussen, Regala, Roach, Schoesler and Zarelli

MINORITY recommendation: Do not pass. Signed by Senators Fraser, Vice Chair, Capital Budget Chair; Fairley and Rockefeller

Passed to Committee on Rules for second reading.

February 27, 2006

ESHB 2475 Prime Sponsor, Committee on Commerce & Labor: Requiring collective bargaining regarding hours of work for individual providers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating

Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 24, 2006

SHB 2493 Prime Sponsor, Committee on Transportation: Limiting access to law enforcement and emergency equipment and vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Berkey, Eide, Esser, Finkbeiner, Kastama, Sheldon, Spanel and Swecker

Passed to Committee on Rules for second reading.

February 27, 2006

2SHB 2498 Prime Sponsor, Committee on Appropriations: Establishing an industry cluster-based approach to economic development. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on International Trade & Economic Development. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 27, 2006

ESHB 2565 Prime Sponsor, Committee on Commerce & Labor: Modifying the worker training business and occupation tax credit. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Labor, Commerce, Research & Development. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Pflug, Pridemore, Rasmussen, Roach and Rockefeller

MINORITY recommendation: Without recommendation. Signed by Senators Parlette, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 27, 2006

E2SHB 2572 Prime Sponsor, Committee on Appropriations: Establishing the small employer health insurance partnership program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Health & Long-Term Care. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendations: Do not pass. Signed by Senators Brandland, Parlette, Pflug and Zarelli. Without recommendation. Signed by Senators Roach and Schoesler

FIFTIETH DAY, FEBRUARY 27, 2006

2006 REGULAR SESSION

Passed to Committee on Rules for second reading.

February 27, 2006

E2SHB 2574 Prime Sponsor, Committee on Appropriations: Regarding hospital charity care and debt collection. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Health & Long-Term Care. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Rockefeller and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Schoesler and Zarelli. Without recommendation. Signed by Senators Parlette, Pflug and Regala

Passed to Committee on Rules for second reading.

February 22, 2006

HB 2580 Prime Sponsor, Upthegrove: Providing excise tax relief for persons that process canned salmon. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Parlette, Pflug, Regala, Schoesler and Zarelli

MINORITY recommendation: Do not pass. Signed by Senators Fraser, Vice Chair, Capital Budget Chair; Pridemore and Rockefeller

Passed to Committee on Rules for second reading.

February 27, 2006

E2SHB 2582 Prime Sponsor, Committee on Appropriations: Expanding high school completion programs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Parlette and Zarelli

Passed to Committee on Rules for second reading.

February 27, 2006

HB 2612 Prime Sponsor, Kagi: Including failure to secure a load in the first degree as a compensable crime under the crime victims' compensation program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 27, 2006

HB 2617 Prime Sponsor, Kretz: Allowing local jurisdictions to allow off-road vehicles to operate on designated city or county roads. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Benson, Berkey, Eide, Esser, Finkbeiner, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 27, 2006

E2SHB 2630 Prime Sponsor, Committee on Appropriations: Creating the opportunity grant program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senator Zarelli

Passed to Committee on Rules for second reading.

February 27, 2006

SHB 2640 Prime Sponsor, Committee on Finance: Providing biotechnology product and medical device manufacturing tax incentives. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Parlette, Pflug, Rasmussen, Roach, Schoesler and Zarelli

MINORITY recommendations: Do not pass. Signed by Senators Fraser, Vice Chair, Capital Budget Chair and Fairley. Without recommendation. Signed by Senator Rockefeller

Passed to Committee on Rules for second reading.

February 27, 2006

HB 2643 Prime Sponsor, Clements: Allowing vehicles with aftermarket hydraulic systems to operate on public roadways. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Berkey, Eide, Esser, Finkbeiner, Kastama, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

MINORITY recommendation: Do not pass. Signed by Senator Benton

Passed to Committee on Rules for second reading.

February 24, 2006

FIFTIETH DAY, FEBRUARY 27, 2006

2006 REGULAR SESSION

HB 2644 Prime Sponsor, Sullivan, P.: Increasing temporarily the statewide cap for the customer assistance public utility tax credit. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 24, 2006

2SHB 2645 Prime Sponsor, Committee on Finance: Providing a limited public utility tax credit for gas distribution businesses. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 27, 2006

SHB 2670 Prime Sponsor, Committee on Finance: Authorizing hospital benefit zone financing. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Brandland, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Thibaudeau and Zarelli

MINORITY recommendation: Do not pass. Signed by Senator Fraser, Vice Chair, Capital Budget Chair

Passed to Committee on Rules for second reading.

February 27, 2006

E2SHB 2673 Prime Sponsor, Committee on Finance: Providing tools for local infrastructure financing. Revised for 2nd Substitute: Authorizing additional alternatives for local infrastructure financing. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Pflug, Pridemore, Rasmussen, Regala, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 27, 2006

SHB 2678 Prime Sponsor, Committee on Financial Institutions & Insurance: Reauthorizing the pollution liability insurance agency. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 27, 2006
ESHB 2680 Prime Sponsor, Committee on Appropriations: Purchasing service credit in plan 2 and plan 3 of the teachers' retirement system for public education experience performed as a teacher in a public school in another state or with the federal government. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 27, 2006

HB 2681 Prime Sponsor, Conway: Establishing minimum contribution rates for the public employees' retirement system, the public safety employees' retirement system, the school employees' retirement system, and the teachers' retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Pflug

Passed to Committee on Rules for second reading.

February 24, 2006

SHB 2688 Prime Sponsor, Committee on Appropriations: Addressing the law enforcement officers' and fire fighters' retirement system plan 1. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 27, 2006

SHB 2778 Prime Sponsor, Committee on Finance: Allowing tax deductions for nonprofit convention and tourism promotion corporations. Revised for 1st Substitute: Exempting certain amounts received by nonprofit convention and tourism promotion corporations from business and occupation tax. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on International Trade & Economic Development. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

FIFTIETH DAY, FEBRUARY 27, 2006

2006 REGULAR SESSION

February 27, 2006

E2SHB 2785 Prime Sponsor, Committee on Appropriations: Authorizing alternative methods of assessment and appeal processes for the certificate of academic achievement. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Early Learning, K-12 & Higher Education. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Brandland and Zarelli

Passed to Committee on Rules for second reading.

February 27, 2006

2SHB 2789 Prime Sponsor, Committee on Appropriations: Expanding apprenticeship opportunities for high school graduates. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Early Learning, K-12 & Higher Education. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 27, 2006

SHB 2804 Prime Sponsor, Committee on Finance: Modifying the property tax exemption for nonprofit schools and colleges. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 24, 2006

SHB 2812 Prime Sponsor, Committee on Appropriations: Modifying school district levy provisions. Revised for 1st Substitute: Increasing the levy base for school districts. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pflug, Pridemore, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Parlette, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 24, 2006

SHB 2867 Prime Sponsor, Committee on Appropriations: Regarding expansion of WSU Tri-Cities into a four-year institution. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 27, 2006

ESHB 2871 Prime Sponsor, Committee on Transportation: Creating a regional transportation commission. Revised for 1st Substitute: Creating a regional transportation commission. (REVISED FOR ENGROSSED: Modifying regional transportation governance provisions.) Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Berkey, Eide, Kastama, Oke, Sheldon, Spanel and Weinstein

MINORITY recommendations: Do not pass. Signed by Senators Benton and Esser. Without recommendation. Signed by Senators Finkbeiner and Mulliken

Passed to Committee on Rules for second reading.

February 27, 2006

HB 2874 Prime Sponsor, Murray: Modifying transportation project design-build provisions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Berkey, Eide, Esser, Finkbeiner, Kastama, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

MINORITY recommendation: Do not pass. Signed by Senator Benton

Passed to Committee on Rules for second reading.

February 27, 2006

ESHB 2884 Prime Sponsor, Committee on Economic Development, Agriculture & Trade: Concerning the use of reclaimed water. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 24, 2006

FIFTIETH DAY, FEBRUARY 27, 2006

2006 REGULAR SESSION

SHB 2934 Prime Sponsor, Committee on Appropriations: Determining the retirement allowance of a member who is killed in the course of employment. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 27, 2006

E3SHB 2939 Prime Sponsor, Committee on Capital Budget: Establishing the energy freedom program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Parlette, Pflug, Roach and Zarelli

Passed to Committee on Rules for second reading.

February 24, 2006

2SHB 2964 Prime Sponsor, Committee on Appropriations: Creating the department of early learning. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Early Learning, K-12 & Higher Education. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 27, 2006

SHB 2974 Prime Sponsor, Committee on Health Care: Modifying provisions with respect to disciplining health professions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Health & Long-Term Care. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 27, 2006

SHB 2985 Prime Sponsor, Committee on Children & Family Services: Creating a foster care health unit in the

department of social and health services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Human Services & Corrections. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 27, 2006

ESHB 3079 Prime Sponsor, Committee on Appropriations: Reporting on the employment status of recipients of medicaid and the basic health plan. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Health & Long-Term Care. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 27, 2006

SHB 3093 Prime Sponsor, Committee on Transportation: Allowing physician assistants to determine disability for special parking privileges. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Berkey, Eide, Esser, Finkbeiner, Mulliken, Sheldon, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 24, 2006

E2SHB 3098 Prime Sponsor, Committee on Capital Budget: Transferring duties of the reconstituted state board of education. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Early Learning, K-12 & Higher Education. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pflug, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler and Thibaudeau

MINORITY recommendations: Do not pass. Signed by Senator Zarelli. Without recommendation. Signed by Senators Brandland and Parlette

Passed to Committee on Rules for second reading.

February 27, 2006

HB 3111 Prime Sponsor, Appleton: Addressing traffic infractions involving rental vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Berkey, Eide, Esser,

FIFTIETH DAY, FEBRUARY 27, 2006

Finkbeiner, Kastama, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

MINORITY recommendation: Do not pass. Signed by Senator Benton

Passed to Committee on Rules for second reading.

February 27, 2006

SHB 3113 Prime Sponsor, Committee on Higher Education & Workforce Education: Expanding access to higher education using the university center model. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 27, 2006

HB 3114 Prime Sponsor, Murray: Providing a sales and use tax exemption for recovered wood waste boiler equipment. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Parlette, Rasmussen, Roach, Rockefeller and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senators Pflug and Schoesler

Passed to Committee on Rules for second reading.

February 27, 2006

2SHB 3115 Prime Sponsor, Committee on Appropriations: Establishing a foster parent critical support and retention program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 27, 2006

ESHB 3127 Prime Sponsor, Committee on Appropriations: Regarding the center for the improvement of student learning. Revised for 1st Substitute: Regarding the center for the improvement of student learning. (REVISED FOR PASSED LEGISLATURE: Regarding the center for the improvement of student learning and the education ombudsman.) Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Early Learning, K-12 & Higher Education. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

2006 REGULAR SESSION

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 27, 2006

SHB 3137 Prime Sponsor, Committee on Transportation: Determining benefits for surviving spouses of disabled Washington state patrol officers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Finkbeiner, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 27, 2006

SHB 3164 Prime Sponsor, Committee on Finance: Increasing the personal property exemption for the head of a family. Revised for 1st Substitute: Increasing the head of a family personal property tax exemption amount. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 27, 2006

ESHB 3222 Prime Sponsor, Committee on Finance: Modifying excise tax exemptions for the handling and processing of livestock manure. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Parlette, Pflug, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 27, 2006

HB 3237 Prime Sponsor, Hunter: Reviewing the funding and management of state aquatic lands. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Schoesler and Zarelli

Passed to Committee on Rules for second reading.

FIFTIETH DAY, FEBRUARY 27, 2006

2006 REGULAR SESSION

February 27, 2006
EHB 3261 Prime Sponsor, O'Brien: Strengthening the review process by the indeterminate sentence review board. Reported by Committee on Ways & Means

Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

Passed to Committee on Rules for second reading.

MOTION

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

February 27, 2006
HB 3266 Prime Sponsor, Rodne: Designating state route number 169 as a highway of statewide significance. Reported by Committee on Transportation

MOTION

Senator Esser moved adoption of the following resolution:

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Benson, Berkey, Eide, Esser, Finkbeiner, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein

SENATE RESOLUTION
 8728

Passed to Committee on Rules for second reading.

By Senator Esser

February 27, 2006
HB 3277 Prime Sponsor, O'Brien: Authorizing special verdicts for specified sex offenses against children and vulnerable adults. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Human Services & Corrections. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Parlette, Pflug, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

WHEREAS, 1934 University of Washington graduate and United States Marine Corps Colonel Gregory "Pappy" Boyington served our country valiantly during World War II; and

WHEREAS, Colonel "Pappy" Boyington shot down twenty-eight enemy planes with the Corps' Black Sheep Squadron, making him one of the war's highest-ranking aces; and

WHEREAS, Colonel "Pappy" Boyington was himself shot down on January 3, 1944, and presumed dead; and

WHEREAS, Colonel "Pappy" Boyington was in fact alive and taken as a POW for twenty months until the war's end in 1945; and

WHEREAS, Colonel "Pappy" Boyington was awarded the American Defense Service Medal, Asiatic-Pacific Campaign Medal, American Campaign Medal, the World War II Victory Medal, the Navy Cross, and the Medal of Honor, the highest award bestowed by the United States Armed Forces; and

WHEREAS, Colonel "Pappy" Boyington authored a bestselling book about his experiences as a World War II fighter pilot; and

WHEREAS, Universal Studios created a television series for NBC in 1976 that lasted two years based on Colonel "Pappy" Boyington and his Black Sheep Squadron called "Baa, Baa, Black Sheep" and starring TV veteran Robert Conrad in the role of squadron leader and named Boyington its "technical adviser"; and

WHEREAS, Colonel "Pappy" Boyington died in 1988 in Fresno, California, and was buried with full honors in Arlington National Cemetery;

NOW, THEREFORE, BE IT RESOLVED, That Gregory "Pappy" Boyington, a Pacific Northwest native and graduate of Lincoln High School in Tacoma, engineering graduate of the University of Washington, Marine Corps Colonel and ace fighter pilot, be honored by the Washington State Senate for his courage and valor as a member of the United States Marine Corps and as a member of what has been dubbed "The Greatest Generation."

Senator Esser spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8728.

The motion by Senator Esser carried and the resolution was adopted by voice vote.

MOTION

Senator Esser moved adoption of the following resolution:

February 24, 2006
SHB 3282 Prime Sponsor, Committee on Select Committee on Hood Canal: Establishing the Hood Canal aquatic rehabilitation account. Revised for 1st Substitute: Creating the Hood Canal aquatic rehabilitation account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Pflug

Passed to Committee on Rules for second reading.

February 27, 2006
HJR 4223 Prime Sponsor, Kilmer: Amending the state Constitution to increase the personal property tax exemption for the head of a family. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore,

By Senators Prentice, Pflug, Rasmussen, Franklin, Esser and Brandland

WHEREAS, In 1884 an angry mob calling themselves the "Nooksack Vigilance Committee" crossed the United States-Canada border from Washington territory to British Columbia in search of Louie Sam, a 14-year-old boy from the Sto:lo Nation community of Kilgard, Canada, whom they accused of the murder of a Nooksack shopkeeper; and

WHEREAS, Having found the boy in the custody of a special deputy and awaiting being transported back to Canadian officials, the mob forcibly removed Louie Sam and lynched him; and

WHEREAS, The Washington Territory government was requested by federal officials in Washington, D.C., at the request of the Canadian government, to conduct an investigation to determine the identity of the members of the lynch mob, but failed to adequately do so; and

WHEREAS, Despite the fact that members of the 1884 cross-border lynch mob openly bragged about their participation in the crime, the Washington Territory government of the day reported that they were unable to determine the identity of those involved in the lynching; and

WHEREAS, Canadian undercover detectives sent into Washington State determined that Louie Sam was not responsible for the murder yet failed to follow up with the evidence that they had gathered thus compounding the injustice; and

WHEREAS, The family and neighbors of Louie Sam were so afraid of further cross-border violence that they permanently abandoned their village adjacent to the Canadian-American border to live with relatives; and

WHEREAS, By acknowledging this unfortunate historical injustice, the Senate of the State of Washington join our peers in the Government of British Columbia and seek to promote healing among the Sto:lo people and reconciliation between Natives and nonnatives on the Pacific Coast;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington recognize that the territorial government of Washington State and the Government of British Columbia both failed to take adequate action to identify the true culprit of the murder and bring the organizers and members of the lynch mob to justice; express the deepest sympathy to the descendants of Louie Sam, who was deprived of his life, and whose relatives were denied the opportunity to see his murderers brought to justice; and remember this tragic moment in the relations of Natives and nonnatives, to ensure that such a tragedy will neither be forgotten nor repeated; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the leaders of the Sto:lo Nation; John van Dongen, Minister of State for Intergovernmental Relations for the Province of British Columbia; Ms. Leona Campagnolo, Lieutenant Governor of British Columbia; Washington State Governor's Office of Indian Affairs; members of our state's congressional delegation; and the Secretary of the Bureau of Indian Affairs.

Senator Esser spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8729.

The motion by Senator Esser carried and the resolution was adopted by voice vote.

MOTION

At 8:46 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Tuesday, February 28, 2006.

BRAD OWEN, President of the Senate

FIFTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 28, 2006

February 24, 2006

The Senate was called to order at 9:00 a.m. by President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Benton, Doumit, Finkbeiner, Honeyford, Keiser, Mulliken, Pflug and Swecker.

The Sergeant at Arms Color Guard consisting of Pages Daniel Hageman and David Hageman, presented the Colors. Rabbi Seth Goldstein of Temple Beth Hatfiloh of Olympia offered the prayer.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

February 24, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is DSHS - Quality Assurance Report. This report is mandated under RCW 43.20A870 and RCW 74.13.031(5).

If you have any questions about the report, please call 360-902-7926.

Sincerely,

Robin Arnold-Williams, Secretary

The DSHS - Quality Assurance Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 24, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Columbia River Gorge Commission Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Columbia River Gorge Commission Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Big Bend Community College Audit Report.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Big Bend Community College Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 28, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BERNAL BACA, appointed January 30, 2006, for the term ending January 30, 2009, as Member of the State Board of Education.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SJR 8224 by Senators McCaslin and Mulliken

Amending the Constitution to clarify the types of marital relationships that will be recognized as valid in Washington state.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

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

FIFTY-FIRST DAY, FEBRUARY 28, 2006
MOTION

2006 REGULAR SESSION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION
8709

By Senators Kohl-Welles, Jacobsen, Thibaudeau, Esser, Finkbeiner, Schmidt, Eide, McAuliffe, Spanel and Brown

WHEREAS, RCW 28B.10.703 authorizes programs for intercollegiate athletics at our State's colleges and universities; and

WHEREAS, The University of Washington, as a member of the Pacific-10 Conference, offers intercollegiate athletic competition for student-athletes in twenty-three sports for men and women; and

WHEREAS, Each sport strives to compete at the highest level, with the goal of winning a national championship; and

WHEREAS, The University of Washington's women's volleyball team defeated the number one ranked University of Nebraska on December 17, 2005, to win its first-ever NCAA national championship; and

WHEREAS, In winning the national championship, the Huskies became the first team in the tournament's history to sweep all six matches three games to none; and

WHEREAS, Four women on the volleyball team were recognized with All-America honors, including first-team selections Sanja Tomasevic and Courtney Thompson of Kent, Washington; and

WHEREAS, Puyallup, Washington native Christal Morrison was named most outstanding player in the NCAA championship tournament; and

WHEREAS, Courtney Thompson and Candace Lee earned second team Academic All-America honors; and

WHEREAS, The aggregate grade point average for the team for the fall quarter was 3.24; and

WHEREAS, In route to its first-ever NCAA championship, the volleyball team won a school record twenty-three consecutive matches in the 2005 season; and

WHEREAS, Head Coach Jim McLaughlin was named Coach of the Year by the Pac-10 Conference;

NOW, THEREFORE, BE IT RESOLVED, That the Senate, on behalf of the citizens of the State of Washington, express to President Mark A. Emmert, Athletic Director Todd Turner, Coach Jim McLaughlin, the assistant coaches, and especially to all the members of the 2005 NCAA National Championship Volleyball team, congratulations on their momentous achievement and for bringing acclaim and recognition to our state and the university; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to University of Washington President Mark Emmert, Athletic Director Todd Turner, Coach Jim McLaughlin, and the coaching staff and members of the University of Washington's Women's Volleyball team.

Senators Kohl-Welles and Esser spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8709.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Lucas Brown, the son of Senator Brown who was paging for the week.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

On motion of Senator Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointment 9156, Sherry Parker and Gubernatorial Appointment No. 9354, Addison Jacobs as members of the Board of Trustees, Clark Community College District No. 14 and the vote of the Senate was recorded as a separate vote for each appointment.

Senator Pridemore moved that Gubernatorial Appointment No. 9156, Sherry Parker and Gubernatorial Appointment No. 9354, Addison Jacobs as members of the Board of Trustees, Clark Community College District No. 14 be confirmed.

Senator Pridemore spoke in favor of the confirmations.

The President Pro Tempore declared the question before the Senate to be the confirmations of Gubernatorial Appointment No. 9156, Sherry Parker and Gubernatorial Appointment No. 9354, Addison Jacobs to the Board of Trustees, Clark Community College District No. 14.

MOTION

On motion of Senator Schoesler, Senators Mulliken, Finkbeiner, Swecker, Pflug, Honeyford, Hewitt, Benton and Roach were excused.

MOTION

On motion of Senator Regala, Senator Keiser was excused.

APPOINTMENT OF SHERRY W. PARKER

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9156, Sherry W. Parker as a member of the Board of Trustees, Clark Community College District No. 14 and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 41

Absent: Senator Doumit - 1

Excused: Senators Benton, Finkbeiner, Honeyford, Keiser, Mulliken, Pflug and Swecker - 7

APPOINTMENT OF ADDISON JACOBS

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9354, Addison Jacobs as a member of the Board of Trustees, Clark Community College District No. 14 and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 41

Absent: Senator Doumit - 1

Excused: Senators Benton, Finkbeiner, Honeyford, Keiser, Mulliken, Pflug and Swecker - 7

Gubernatorial Appointment No. 9354, Addison Jacobs, and Gubernatorial Appointment No. 9156, Sherry W. Parker having received the constitutional majority were declared confirmed as members of the Board of Trustees, Clark Community College District No. 14.

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

MOTION

On motion of Senator Schoesler, Senator Parlette was excused.

MOTION

On motion of Senator Regala, Senator Doumit was excused.

MOTION

On motion of Senator Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointment 9182, Ira Sengupta and Gubernatorial Appointment No. 9389, Richard D. Zwicker as members of the Board of Trustees, Renton Technical College District No. 27 and the vote of the Senate was recorded as a separate vote for each appointment.

Senator Prentice moved that Gubernatorial Appointment No. 9182, Ira Sengupta and Gubernatorial Appointment No. 9389, Richard D. Zwicker as members of the Board of Trustees, Renton Technical College District No. 27 be confirmed.

Senator Prentice spoke in favor of the confirmations.

The President Pro Tempore declared the question before the Senate to be the confirmations of Gubernatorial Appointment No. 9182, Ira Sengupta and Gubernatorial Appointment No. 9389, Richard D. Zwicker to the Board of Trustees, Renton Technical College District No. 27.

APPOINTMENT OF IRA SENGUPTA

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9182, Ira SenGupta as a member of the Board of Trustees, Renton Technical College District No. 27 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Finkbeiner, Mulliken, Parlette, Pflug and Swecker - 5

APPOINTMENT OF RICHARD D. ZWICKER

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9389, Richard D. Zwicker as a member of the Board of Trustees, Renton Technical College District No. 27 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Finkbeiner, Mulliken, Parlette, Pflug and Swecker - 5

Gubernatorial Appointment No. 9389, Richard D. Zwicker and Gubernatorial Appointment No. 9182, Ira SenGupta having received the constitutional majority were declared confirmed as members of the Board of Trustees, Renton Technical College District No. 27.

MOTION

On motion of Senator Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointment 9190, Richard Stucky, Gubernatorial Appointment No. 99195, Gidget Terpstra and Gubernatorial Appointment No. 9391, Shoubee Liaw as members of the Board of Trustees, Shoreline Community College District No. 7 and the vote of the Senate was recorded as a separate vote for each appointment.

Senator Fairley moved that Gubernatorial Appointment No. 9190, Richard Stucky, Gubernatorial Appointment No. 9195, Gidget Terpstra and Gubernatorial Appointment No. 9391, Shoubee Liaw as members of the Board of Trustees, Shoreline Community College District No. 7 be confirmed.

Senator Fairley spoke in favor of the confirmations.

The President Pro Tempore declared the question before the Senate to be the confirmations of Gubernatorial Appointment 9190, Richard Stucky, Gubernatorial Appointment No. 9195, Gidget Terpstra and Gubernatorial Appointment No. 9391, Shoubee Liaw as members of the Board of Trustees, Shoreline Community College District No. 7.

APPOINTMENT OF RICHARD STUCKY

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9190, Richard Stucky as a member of the Board of Trustees, Shoreline Community College District No. 7 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Finkbeiner, Mulliken, Pflug and Swecker - 4

APPOINTMENT OF GIDGET TERPSTRA

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9195, Gidget Terpstra as a member of the Board of Trustees, Shoreline Community College District No. 7 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Finkbeiner, Mulliken, Pflug and Swecker - 4

APPOINTMENT OF SHOUBEE LIAW

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9391, Shoubee Liaw as a member of the Board of Trustees, Shoreline Community College District No. 7 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Finkbeiner, Mulliken, Pflug and Swecker - 4

Gubernatorial Appointment No. 9391, Shoubee Liaw; Gubernatorial Appointment No. 9190, Richard Stucky; Gubernatorial Appointment No. 9195, Gidget Terpstra; and Gubernatorial Appointment No. 9391, Shoubee Liaw having received the constitutional majority were declared confirmed as members of the Board of Trustees, Shoreline Community College District No. 7.

MOTION

At 9:39 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:41 a.m. by President Pro Tempore.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Keiser moved that Gubernatorial Appointment No. 9051, Mickey Fearn, as a member of the Parks and Recreation Commission, be confirmed.

Senator Keiser spoke in favor of the motion.

APPOINTMENT OF MICKEY FEARN

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9051, Mickey Fearn as a member of the Parks and Recreation Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9051, Mickey Fearn as a member of the Parks and Recreation Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9051, Mickey Fearn, having received the constitutional majority was declared confirmed as a member of the Parks and Recreation Commission.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8418, by
Senators Shin and Rasmussen

Creating an aerospace task force.

The measure was read the second time.

MOTION

On motion of Senator Shin, the rules were suspended, Senate Concurrent Resolution No. 8418 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senators Shin and Pflug spoke in favor of passage of the resolution.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8418.

ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8418 and the resolution passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SENATE CONCURRENT RESOLUTION NO. 8418, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1020, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris and B. Sullivan)

Regarding electrical transmission.

The measure was read the second time.

MOTION

Senator Poulsen moved that the following committee striking amendment by the Committee on Water, Energy & Environment be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 80.50.020 and 2001 c 214 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means any person who makes application for a site certification pursuant to the provisions of this chapter.

(2) "Application" means any request for approval of a particular site or sites filed in accordance with the procedures established pursuant to this chapter, unless the context otherwise requires.

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation,

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

government agency, public utility district, or any other entity, public or private, however organized.

(4) "Site" means any proposed or approved location of an energy facility.

(5) "Certification" means a binding agreement between an applicant and the state which shall embody compliance to the siting guidelines, in effect as of the date of certification, which have been adopted pursuant to RCW 80.50.040 as now or hereafter amended as conditions to be met prior to or concurrent with the construction or operation of any energy facility.

(6) "Associated facilities" means storage, transmission, handling, or other related and supporting facilities connecting an energy plant with the existing energy supply, processing, or distribution system, including, but not limited to, communications, controls, mobilizing or maintenance equipment, instrumentation, and other types of ancillary transmission equipment, off-line storage or venting required for efficient operation or safety of the transmission system and overhead, and surface or subsurface lines of physical access for the inspection, maintenance, and safe operations of the transmission facility and new transmission lines constructed to operate at nominal voltages in excess of ~~((200,000))~~ 115,000 volts to connect a thermal power plant or alternative energy facilities to the northwest power grid (~~(-PROVIDED, That)~~); However, common carrier railroads or motor vehicles shall not be included.

(7) "Transmission facility" means any of the following together with their associated facilities:

(a) Crude or refined petroleum or liquid petroleum product transmission pipeline of the following dimensions: A pipeline larger than six inches minimum inside diameter between valves for the transmission of these products with a total length of at least fifteen miles;

(b) Natural gas, synthetic fuel gas, or ~~((liquefied))~~ liquefied petroleum gas transmission pipeline of the following dimensions: A pipeline larger than fourteen inches minimum inside diameter between valves, for the transmission of these products, with a total length of at least fifteen miles for the purpose of delivering gas to a distribution facility, except an interstate natural gas pipeline regulated by the United States federal power commission;

(c) Electrical transmission facilities in excess of 115,000 volts in national interest electric transmission corridors as designated by the United States secretary of the department of energy or the federal energy regulatory commission pursuant to section 1221 of the national energy policy act, and such rules and regulations as the secretary or the federal energy regulatory commission adopts to implement the act.

(8) "Independent consultants" means those persons who have no financial interest in the applicant's proposals and who are retained by the council to evaluate the applicant's proposals, supporting studies, or to conduct additional studies.

(9) "Thermal power plant" means, for the purpose of certification, any electrical generating facility using any fuel, including nuclear materials, for distribution of electricity by electric utilities.

(10) "Energy facility" means an energy plant or transmission facilities: PROVIDED, That the following are excluded from the provisions of this chapter:

(a) Facilities for the extraction, conversion, transmission or storage of water, other than water specifically consumed or discharged by energy production or conversion for energy purposes; and

(b) Facilities operated by and for the armed services for military purposes or by other federal authority for the national defense.

(11) "Council" means the energy facility site evaluation council created by RCW 80.50.030.

(12) "Counsel for the environment" means an assistant attorney general or a special assistant attorney general who shall represent the public in accordance with RCW 80.50.080.

(13) "Construction" means on-site improvements, excluding exploratory work, which cost in excess of two hundred fifty thousand dollars.

(14) "Energy plant" means the following facilities together with their associated facilities:

(a) Any stationary thermal power plant with generating capacity of three hundred fifty thousand kilowatts or more, measured using maximum continuous electric generating capacity, less minimum auxiliary load, at average ambient temperature and pressure, and floating thermal power plants of one hundred thousand kilowatts or more, including associated facilities. For the purposes of this subsection, "floating thermal power plants" means a thermal power plant that is suspended on the surface of water by means of a barge, vessel, or other floating platform;

(b) Facilities which will have the capacity to receive ~~((liquefied))~~ liquefied natural gas in the equivalent of more than one hundred million standard cubic feet of natural gas per day, which has been transported over marine waters;

(c) Facilities which will have the capacity to receive more than an average of fifty thousand barrels per day of crude or refined petroleum or ~~((liquefied))~~ liquefied petroleum gas which has been or will be transported over marine waters, except that the provisions of this chapter shall not apply to storage facilities unless occasioned by such new facility construction;

(d) Any underground reservoir for receipt and storage of natural gas as defined in RCW 80.40.010 capable of delivering an average of more than one hundred million standard cubic feet of natural gas per day; and

(e) Facilities capable of processing more than twenty-five thousand barrels per day of petroleum into refined products.

(15) "Land use plan" means a comprehensive plan or land use element thereof adopted by a unit of local government pursuant to chapter ~~((s))~~ 35.63, 35A.63, ~~((or))~~ 36.70, or 36.70A RCW.

(16) "Zoning ordinance" means an ordinance of a unit of local government regulating the use of land and adopted pursuant to chapter ~~((s))~~ 35.63, 35A.63, ~~((or))~~ 36.70, or 36.70A RCW or Article XI of the state Constitution.

(17) "Alternative energy resource" means: (a) Wind; (b) solar energy; (c) geothermal energy; (d) landfill gas; (e) wave or tidal action; or (f) biomass energy based on solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic.

(18) "Secretary" means the secretary of the United States department of energy.

NEW SECTION. Sec. 2. (1) Section 1221 of the national energy policy act also authorizes a state siting authority, in those instances where applicants seek a federal construction permit otherwise authorized pursuant to section 1221 of the act, to assert jurisdiction on the basis of existing state regulatory authority.

(2) Section 1221 of the national energy policy act further authorizes a state siting authority to approve the siting of facilities or consider the interstate benefits to be achieved by proposed construction or modification as provided for in section 1221(b)(1)(A)(i)-(ii) of the act or other provisions of the act, or rules and regulations implementing the act, and to convey the views and recommendations regarding the need for and impact

FIFTY-FIRST DAY, FEBRUARY 28, 2006

of a transmission facility where the federal energy regulatory commission is determined to have jurisdiction.

(3) Because the types of transmission facilities subject to section 1221 of the national energy policy act are not defined, and because the legislature recognizes that the siting of electric transmission lines at or below 115,000 volts has historically been regulated by local governments in the state, the legislature finds that the 115,000 volt threshold established in this act is appropriate to satisfy the requirements of section 1221.

NEW SECTION. Sec. 3. A new section is added to chapter 80.50 RCW to read as follows:

(1) The council shall consult with other state agencies, utilities, local municipal governments, public interest groups, tribes, and other interested persons to convey their views to the secretary and the federal energy regulatory commission regarding appropriate limits on federal regulatory authority in the siting of electrical transmission corridors in the state of Washington.

(2) The council is designated as the state authority for purposes of siting transmission facilities under the national energy policy act of 2005 and for purposes of other such rules or regulations adopted by the secretary. The council's authority regarding transmission facilities is limited to those transmission facilities that are the subject of section 1221 of the national energy policy act and this chapter.

(3) For the construction and modification of transmission facilities that are the subject of section 1221 of the national energy policy act, the council may: (a) Approve the siting of the facilities; and (b) consider the interstate benefits expected to be achieved by the proposed construction or modification of the facilities in the state.

(4) When developing recommendations as to the disposition of an application for the construction or modification of transmission facilities under this chapter, the fuel source of the electricity carried by the transmission facilities shall not be considered.

Sec. 4. RCW 80.50.060 and 2001 c 214 s 2 are each amended to read as follows:

(1) The provisions of this chapter shall apply to the construction of energy facilities which includes the new construction of energy facilities and the reconstruction or enlargement of existing energy facilities where the net increase in physical capacity or dimensions resulting from such reconstruction or enlargement meets or exceeds those capacities or dimensions set forth in RCW 80.50.020 (7) and (14). No construction of such energy facilities may be undertaken, except as otherwise provided in this chapter, after July 15, 1977, without first obtaining certification in the manner provided in this chapter.

(2) The provisions of this chapter apply to the construction, reconstruction, or enlargement of a new or existing energy facility that exclusively uses alternative energy resources and chooses to receive certification under this chapter, regardless of the generating capacity of the project.

(3) The provisions of this chapter apply to the construction of new electrical transmission facilities or the modification of existing electrical transmission facilities in a national interest electric transmission corridor designated by the secretary.

(4) The provisions of this chapter shall not apply to normal maintenance and repairs which do not increase the capacity or dimensions beyond those set forth in RCW 80.50.020 (7) and (14).

~~((5))~~ (5) Applications for certification of energy facilities made prior to July 15, 1977 shall continue to be governed by the applicable provisions of law in effect on the day immediately preceding July 15, 1977 with the exceptions of RCW 80.50.190

and 80.50.071 which shall apply to such prior applications and to site certifications prospectively from July 15, 1977.

~~((5))~~ (6) Applications for certification shall be upon forms prescribed by the council and shall be supported by such information and technical studies as the council may require.

Sec. 5. RCW 80.50.071 and 1977 ex.s. c 371 s 16 are each amended to read as follows:

(1) The council shall receive all applications for energy facility site certification. The following fees or charges for application processing or certification monitoring shall be paid by the applicant or certificate holder:

(a) A fee of twenty-five thousand dollars for each proposed site, to be applied toward the cost of the independent consultant study authorized in this subsection, shall accompany the application and shall be a condition precedent to any further consideration or action on the application by the council. The council shall commission its own independent consultant study to measure the consequences of the proposed energy facility on the environment for each site application. The council shall direct the consultant to study any matter which it deems essential to an adequate appraisal of the site. The full cost of the study shall be paid by the applicant: PROVIDED, That said costs exceeding a total of the twenty-five thousand dollars paid pursuant to subsection (1)(a) of this section shall be payable subject to the applicant giving prior approval to such excess amount.

(b) Each applicant shall, in addition to the costs of the independent consultant provided by subsection (1)(a) of this section, pay such reasonable costs as are actually and necessarily incurred by the council and its members as designated in RCW 80.50.030 in processing the application. Such costs shall include, but are not limited to, council member's wages, employee benefits, costs of a hearing examiner, a court reporter, additional staff salaries, wages and employee benefits, goods and services, travel expenses within the state and miscellaneous expenses, as arise directly from processing such application.

Each applicant shall, at the time of application submission, deposit twenty thousand dollars, or such lesser amount as may be specified by council rule, to cover costs provided for by subsection (1)(b) of this section. Reasonable and necessary costs of the council directly attributable to application processing shall be charged against such deposit.

The council shall submit to each applicant a statement of such expenditures actually made during the preceding calendar quarter which shall be in sufficient detail to explain such expenditures. The applicant shall pay the state treasurer the amount of such statement to restore the total amount on deposit to the originally established level: PROVIDED, That such applicant may, at the request of the council, increase the amount of funds on deposit to cover anticipated expenses during peak periods of application processing. Any funds remaining unexpended at the conclusion of application processing shall be refunded to the applicant, or at the applicant's option, credited against required deposits of certificate holders.

(c) Each certificate holder shall pay such reasonable costs as are actually and necessarily incurred by the council for inspection and determination of compliance by the certificate holder with the terms of the certification relative to monitoring the effects of construction and operation of the facility.

Each certificate holder, within thirty days of execution of the site certification agreement, shall deposit twenty thousand dollars, or such other amount as may be specified by council rule, to cover costs provided for by subsection (1)(c) of this section. Reasonable and necessary costs of the council directly attributable to inspection and determination of compliance by the certificate holder with the terms of the certification relative

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

to monitoring the effects of construction and operation of the facility shall be charged against such deposit.

The council shall submit to each certificate holder a statement of such expenditures actually made during the preceding calendar quarter which shall be in sufficient detail to explain such expenditures. The certificate holder shall pay the state treasurer the amount of such statement to restore the total amount on deposit to the originally established level: PROVIDED, That if the actual, reasonable, and necessary expenditures for inspection and determination of compliance in the preceding calendar quarter have exceeded the amount of funds on deposit, such excess costs shall be paid by the certificate holder.

(2) If an applicant or certificate holder fails to provide the initial deposit, or if subsequently required payments are not received within thirty days following receipt of the statement from the council, the council may (a) in the case of the applicant, suspend processing of the application until payment is received; or (b) in the case of a certificate holder, suspend the certification.

(3) All payments required of the applicant or certificate holder under this section are to be made to the state treasurer who shall make payments as instructed by the council from the funds submitted. All such funds shall be subject to state auditing procedures. Any unexpended portions thereof shall be returned to the applicant or certificate holder.

Sec. 6. RCW 80.50.090 and 2001 c 214 s 7 are each amended to read as follows:

(1) The council shall conduct an informational public hearing in the county of the proposed site as soon as practicable but not later than sixty days after receipt of an application for site certification(~~(-PROVIDED, That)~~). However, the place of such public hearing shall be as close as practical to the proposed site.

(2) Subsequent to the informational public hearing, the council shall conduct a public hearing to determine whether or not the proposed site is consistent and in compliance with city, county, or regional land use plans or zoning ordinances. If it is determined that the proposed site does conform with existing land use plans or zoning ordinances in effect as of the date of the application, the city, county, or regional planning authority shall not thereafter change such land use plans or zoning ordinances so as to affect the proposed site.

(3) Prior to the issuance of a council recommendation to the governor under RCW 80.50.100 a public hearing, conducted as an adjudicative proceeding under chapter 34.05 RCW, the administrative procedure act, shall be held. At such public hearing any person shall be entitled to be heard in support of or in opposition to the application for certification.

(4) Additional public hearings shall be held as deemed appropriate by the council in the exercise of its functions under this chapter."

Senators Poulsen and Morton spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Water, Energy & Environment to Engrossed Substitute House Bill No. 1020.

The motion by Senator Poulsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the

remainder of the title and insert "the energy facility site evaluation council; amending RCW 80.50.020, 80.50.060, 80.50.071, and 80.50.090; adding a new section to chapter 80.50 RCW; and creating a new section."

MOTION

On motion of Senator Schoesler, Senator Deccio was excused.

MOTION

On motion of Senator Poulsen, the rules were suspended, Engrossed Substitute House Bill No. 1020 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1020 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1020 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1020 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2415, by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Ericks, Roach, Kirby, Morrell, Green, Nixon, McDonald, Hasegawa, Conway, Simpson, Ormsby and Schual-Berke)

Compensating the victims of uninsured and underinsured motorists.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.22.030 and 2004 c 90 s 1 are each amended to read as follows:

(1) "Underinsured motor vehicle" means a motor vehicle with respect to the ownership, maintenance, or use of which either no bodily injury or property damage liability bond or insurance policy applies at the time of an accident, or with respect to which the sum of the limits of liability under all bodily injury or property damage liability bonds and insurance

FIFTY-FIRST DAY, FEBRUARY 28, 2006

policies applicable to a covered person after an accident is less than the applicable damages which the covered person is legally entitled to recover.

(2) No new policy or renewal of an existing policy insuring against loss resulting from liability imposed by law for bodily injury, death, or property damage, suffered by any person arising out of the ownership, maintenance, or use of a motor vehicle shall be issued with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of underinsured motor vehicles, hit-and-run motor vehicles, and phantom vehicles because of bodily injury, death, or property damage, resulting therefrom, except while operating or occupying a motorcycle or motor-driven cycle, and except while operating or occupying a motor vehicle owned or available for the regular use by the named insured or any family member, and which is not insured under the liability coverage of the policy. The coverage required to be offered under this chapter is not applicable to general liability policies, commonly known as umbrella policies, or other policies which apply only as excess to the insurance directly applicable to the vehicle insured.

(3) Except as to property damage, coverage required under subsection (2) of this section shall be in the same amount as the insured's third party liability coverage unless the insured rejects all or part of the coverage as provided in subsection (4) of this section. Coverage for property damage need only be issued in conjunction with coverage for bodily injury or death. Property damage coverage required under subsection (2) of this section shall mean physical damage to the insured motor vehicle unless the policy specifically provides coverage for the contents thereof or other forms of property damage.

(4) A named insured or spouse may reject, in writing, underinsured coverage for bodily injury or death, or property damage, and the requirements of subsections (2) and (3) of this section shall not apply. If a named insured or spouse has rejected underinsured coverage, such coverage shall not be included in any supplemental or renewal policy unless a named insured or spouse subsequently requests such coverage in writing. The requirement of a written rejection under this subsection shall apply only to the original issuance of policies issued after July 24, 1983, and not to any renewal or replacement policy.

(5) The limit of liability under the policy coverage may be defined as the maximum limits of liability for all damages resulting from any one accident regardless of the number of covered persons, claims made, or vehicles or premiums shown on the policy, or premiums paid, or vehicles involved in an accident.

(6) The policy may provide that if an injured person has other similar insurance available to him under other policies, the total limits of liability of all coverages shall not exceed the higher of the applicable limits of the respective coverages.

(7)(a) The policy may provide for a deductible of not more than three hundred dollars for payment for property damage when the damage is caused by a hit-and-run driver or a phantom vehicle.

(b) In all other cases of underinsured property damage coverage, the policy may provide for a deductible of not more than one hundred dollars.

(8) For the purposes of this chapter, a "phantom vehicle" shall mean a motor vehicle which causes bodily injury, death, or property damage to an insured and has no physical contact with the insured or the vehicle which the insured is occupying at the time of the accident if:

2006 REGULAR SESSION

(a) The facts of the accident can be corroborated by competent evidence other than the testimony of the insured or any person having an underinsured motorist claim resulting from the accident; and

(b) The accident has been reported to the appropriate law enforcement agency within seventy-two hours of the accident.

(9) An insurer who elects to write motorcycle or motor-driven cycle insurance in this state must provide information to prospective insureds about the coverage.

(10) If the covered person seeking underinsured motorist coverage under this section was the intended victim of the tortfeasor, the incident must be reported to the appropriate law enforcement agency and the covered person must cooperate with any related law enforcement investigation.

(11) The purpose of this section is to protect innocent victims of motorists of underinsured motor vehicles. Covered persons are entitled to coverage without regard to whether an incident was intentionally caused. A person is not entitled to coverage if the insurer can demonstrate that the covered person intended to cause the damage for which underinsured motorists' coverage is sought. As used in this section, and in the section of policies providing the underinsured motorist coverage described in this section, "accident" means an occurrence that is unexpected and unintended from the standpoint of the covered person.

(12) "Underinsured coverage," for the purposes of this section, means coverage for "underinsured motor vehicles," as defined in subsection (1) of this section."

Senator Fairley spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection to Substitute House Bill No. 2415.

The motion by Senator Fairley carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "motorists;" strike the remainder of the title and insert "and amending RCW 48.22.030."

MOTION

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 2415 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2415 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2415 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette,

FIFTY-FIRST DAY, FEBRUARY 28, 2006

Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SUBSTITUTE HOUSE BILL NO. 2415 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2340, by Representatives Kirby, Roach, Chase, Kenney and Simpson

Regulating mortgage brokers and loan originators.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed House Bill No. 2340 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Benson spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed House Bill No. 2340.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2340 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Brown - 1

ENGROSSED HOUSE BILL NO. 2340, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT PRO TEMPORE

Senator Franklin: "We seem to have a special occasion in our chambers today, that special occasion has a bouquet of roses on her desk. It's the wedding anniversary of Senator Eide."

PERSONAL PRIVILEGE

Senator Eide: "Well, I promised my husband I wouldn't talk about him today because the last time I did on the Senate floor we had an earthquake. It was our twenty-fifth wedding anniversary so hang on. I just have to say that it is our thirtieth wedding anniversary and I'm married to best man in the world."

SECOND READING

2006 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 2344, by House Committee on Judiciary (originally sponsored by Representatives Kessler, Buck, Kagi, Curtis, Takko, Blake and Kenney)

Authorizing three superior court judges in Clallam county. Revised for 1st Substitute: Increasing the number of superior court judicial positions in Clallam and Cowlitz counties.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 2344 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Brown was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2344.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2344 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Brown - 1

SUBSTITUTE HOUSE BILL NO. 2344, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2676, by Representatives Linville, Jarrett, Simpson, Ericksen, Ahern, Dunn and Upthegrove

Posting interlocal agreements in an electronic format in lieu of filing with the county auditor.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, House Bill No. 2676 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2676.

ROLL CALL

The Secretary called the roll on the final passage of House

FIFTY-FIRST DAY, FEBRUARY 28, 2006

Bill No. 2676 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

HOUSE BILL NO. 2676, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2829, by Representatives Wallace, Curtis, Haigh, Springer, Morrell, Hunt, Takko, Schual-Berke, Murray and Moeller

Modifying provisions concerning the regulation of driver training schools.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 2829 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Benson and Pflug spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2829.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2829 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Hewitt - 1

HOUSE BILL NO. 2829, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 3156, by Representatives Darnelle, Haler, Dickerson, Morrell, Pettigrew and Simpson

Creating a pilot program to assist low-income families.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that one in four families lack the financial resources to sustain their family for a period of three months at the federal poverty level. Low-income wage earners need tools to allow them to better control, manage, and increase their financial resources. The legislature is committed to supporting the collaboration of community-based, faith-based, governmental, job training, health care, and social service agencies to help low-income families achieve greater prosperity.

NEW SECTION. Sec. 2. A new section is added to chapter 43.63A RCW to read as follows:

(1) The department of community, trade, and economic development must establish a process to offer consulting services to community action agencies, established under RCW 43.63A.115, who are interested in developing pilot programs to assist low-income families accumulate assets. In implementing a pilot program, the community action agency applicant is encouraged to facilitate bringing together community partners to determine the asset building programs to initiate within the community.

(2) The department must select the pilot sites through an application process developed by the department and beginning by July 31, 2006. The department must offer consulting services to no less than four sites with at least one of the pilot sites located in eastern Washington.

(3) A community action agency as established in RCW 43.63A.115 may submit an application to be selected as a pilot site. To be considered for a pilot site, the application must demonstrate how the site will meet the following criteria. The application must:

(a) Identify the local agency that will be the lead agency for the pilot program;

(b) Describe how the lead agency will work with community partners, including local government, to implement the pilot program activities described in this section. The application must specifically identify the community partners with whom the community action agency will be collaborating and the role of the partners;

(c) Identify the areas of potential need based upon input from the community partners. Areas of potential need may include financial literacy, assistance with federal income tax preparation and the use of tax credits, the use of individual development accounts, and other asset-building strategies; and

(d) Identify the resources within the community that might support training for the implementation of the selected best practices chosen to address the needs identified by the community.

(4) The department must report to the legislature by December 1, 2007, on the progress of the implementation of the pilot programs including the application process, the status of the programs, and any implementation issues that arose in initiating the pilot programs.

(5) As used in this section, "asset" or "asset building" means investment or savings for an investment in a family home, higher education, small business, or other long-term asset that will assist low-income families to attain greater self-sufficiency.

NEW SECTION. Sec. 3. A new section is added to chapter 43.63A RCW to read as follows:

To the extent funding is appropriated, the department of community, trade, and economic development must establish a program to create an outreach campaign to increase the number of eligible families who claim the federal earned income tax credit. The department may work collaboratively with other state agencies, private and nonprofit agencies, local

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

communities, and others with expertise that might assist the department in implementing the program.

NEW SECTION. Sec. 4. This act expires January 1, 2008." Senator Hargrove spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to House Bill No. 3156.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "persons;" strike the remainder of the title and insert "adding new sections to chapter 43.63A RCW; creating a new section; and providing an expiration date."

MOTION

On motion of Senator Hargrove, the rules were suspended, House Bill No. 3156 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

MOTION

On motion of Senator Mulliken, Senator Carrell was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 3156 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3156 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Carrell - 1

HOUSE BILL NO. 3156 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2338, by Representatives Kirby, Roach, Chase, Dickerson, Ericks, Simpson, Upthegrove and Schual-Berke

Extending the mortgage lending fraud prosecution account.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 2338 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Benson spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2338.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2338 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senators Deccio and Parlette - 2

Excused: Senator Carrell - 1

HOUSE BILL NO. 2338, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Because I was meeting with a constituent from my district, I missed the vote on final passage for House Bill No. 2338, which extends the mortgage lending fraud prosecution account. I would like the journal to reflect that I support this measure and would have voted for the measure on final passage.

LINDA PARLETTE, 13th Legislative District

PERSONAL PRIVILEGE

Senator Benton: "I'd like to call your attention to a very special guest that we have with us today. Many of you served with this fine gentleman from Southwest Washington for many years. From 1967 to 1981 he served in the House of Representatives, representing the Seventeenth District which was a much larger district than it is today, I can assure you, took in at least two counties at the time. Now, of course, it's just a small piece of one county. Then came to the Senate in 1981 and served until 1988 here representing southwest Washington in his fine gentlemanly fashion and then left to do a stint on the Pollution Control Board. Ladies and gentlemen, Senator Hal Zimmerman is with us in the back of the chamber today. I'd like to welcome Hal. Thank you very much Madam President. I'm sure many of you know Hal and may have a story or two to tell about him. He's accompanied today by his son, Steve, and his grandson Brian are with him today."

PERSONAL PRIVILEGE

Senator Brown: "Well, some of you heard earlier today when we convened that this a special day for me. It's February 28 and it's my son's birthday and I remember very well his first birthday because I was in the House then. I mean, the other

FIFTY-FIRST DAY, FEBRUARY 28, 2006

chamber, since we don't refer to it but it's also, you may not recall, that this is also the anniversary of the earthquake. Five years ago today we were in caucus. I don't remember exactly what time it was but it was in the morning and that was a very frightening experience for many of us. How thankful we are that five years later we're here once again to celebrate birthdays and anniversaries and other special events in people's lives. I also just want to say that my son is in the front of the chamber with two of his best friends and these three young men are really special to me and their families are as well because during throughout my legislative service, as you all know, our families and our friends are there for us. In essence, they almost serve with us. When we can't make it for a special event. When we travel back and forth. It's really our family and friends that also have to bear some of those sacrifices but also give that critical personal support that allows us to be here. So just wanted to say a special thank you to these boys and their families and to me they represent what makes all of our public service possible and that is our very close friends and families who are there for us. Thank you very much."

PERSONAL PRIVILEGE

Senator McCaslin: "It's so good to see Senator Zimmerman here. When we came in 1981, of course, I wasn't House-broken and he and Deccio, they were House-broken and they kept bragging about the House, and I said, 'If you like the House go on back. We don't need you in the Senate.' but Senator Zimmerman came over with a fellow named Fuller. Fuller used to wear a bow tie and my advise to you is never wear a bow tie. Hemstad and Fuller wore a bow tie and they were both defeated at the next election. There has to be an association. All of us without hair, of course, we get re-elected. Hal was one of the nicest people, absolutely one of the nicest people, I've ever met. We served on the Government Operations, it was either state or local then, and he was the ranking minority and he did something one meeting that I didn't like and I let him know it. The next day there was a two page letter of apology on my desk. Actually, it would of just taken one, Hal. You didn't have to apologize for two but one of the truly, truly great people. A gentleman. Really represented his district well. A Christian, great, great man. A wonderful wife and family. Thank you Senator Zimmerman for coming today."

PERSONAL PRIVILEGE

Senator Deccio: "Hal, so glad to see you today, hope you and Judy are getting along fine. Hal was always one who could always make up his mind but you never knew which side he was on. I remember one time when he said, 'This is a great bill. He didn't know what was in it but he didn't know whether he was going to vote for it or not. Hal, Senator McCaslin is correct, Hal was one of the nicest people that I have ever associated with in this legislature including Senator McCaslin. Anyway, Hal best luck to you and Judy and it's good to see you."

SECOND READING

HOUSE BILL NO. 2367, by Representatives O'Brien, Kirby, Strow, McCoy and B. Sullivan

Regarding the certification of tribal police officers.

The measure was read the second time.

MOTION

2006 REGULAR SESSION

On motion of Senator Kline, the rules were suspended, House Bill No. 2367 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Johnson: "Would Senator Kline yield to a question? Senator Kline, does receiving a certification from the criminal justice training center give tribal police officers any authority or jurisdiction over and above existing state and federal law whether on a reservation or not?"

Senator Kline: "Senator Johnson, no, it does not. The criminal justice training center only certifies a law enforcement officers, tribal or non-tribal, have gone through a certain regime of training. The CJTC does not have any power over the grant of authority of any law enforcement officer including tribal officers. That authority is with the agency that hires the law enforcement officers. Tribes have state and federal authority to grant authority to their officers. Non tribal jurisdictions have their own authority to grant authority to non-tribal law enforcement officers."

Senator Johnson: "Senator, so this legislation will not give the training center or the legislation itself, will not give any authority to tribal officers beyond their own tribal grant of authority where that authority which may come from deputized by non-tribal law enforcement agencies under present state law?"

Senator Kline: "Correct Senator. The training center only certifies the specific standardized training or it's equivalent has occurred. Any cross commissioning, cross-deputizing is done by the jurisdiction that already has the authority to grant power to law enforcements. Thank you."

Senator Johnson spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2367.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2367 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senators Honeyford, Mulliken, Schoesler and Stevens - 4

Excused: Senator Carrell - 1

HOUSE BILL NO. 2367, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2454, by Representatives Williams, Lantz, Darnelle, Morrell, O'Brien and Green

Revising the privilege for sexual assault advocates.

The measure was read the second time.

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

MOTION

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 2454 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Johnson spoke in favor of passage of the bill.

MOTION

On motion of Senator Weinstein, Senator Pridemore was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2454.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2454 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Pridemore - 1

HOUSE BILL NO. 2454, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Rasmussen: "Well, thank you. At noon today in the Rotunda a group of fourth graders from our school of choice in Bethel. It's the Elk Plain School of the Dance, the school of choice and there going to be singing and playing chimes and the guitar in the Rotunda. They will be here for one hour and I want you to know that I'm very, very proud of them and you should all listen if you get a chance to go outside because they are just absolutely magnificent. When we talk about charter schools and all the other issues you should really see what our school districts are doing. These children come in at kindergarten and they literally dance their way through the eighth grade and they're absolutely marvelous and it's a wonderful program. These are the finest kids anywhere. They do just a wonderful job so take a peak out in the rotunda and listen to the Elk Plain School of Choice as they sing and dance and play the guitar and the chimes. They are just magnificent. Thank you."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2471, by House Committee on Housing (originally sponsored by Representatives McCune, Miloscia, Dunn, Campbell, Linville, Morrell, Strow, O'Brien, Green, Sells, Chase and Holmquist)

Creating a veteran homeownership program. Revised for 1st Substitute: Creating a veteran homeownership downpayment assistance program.

The measure was read the second time.

Senator Fairley moved that the following committee amendment by the Committee on Financial Institutions, Housing & Consumer Protection be adopted.

On page 2, after line 2, insert the following:

"Sec. 2. RCW 41.04.007 and 2005 c 251 s 1 and 2005 c 216 s 7 are each reenacted and amended to read as follows:

"Veteran" includes every person, who at the time he or she seeks the benefits of RCW 46.16.30920, 72.36.030, 41.04.010, 73.04.090, 73.04.110, 73.08.010, 73.08.060, 73.08.070, ((or)) 73.08.080, or section 1 of this act has received an honorable discharge or received a discharge for medical reasons with an honorable record, where applicable, and who has served in at least one of the following capacities:

(1) As a member in any branch of the armed forces of the United States, including the national guard and armed forces reserves, and has fulfilled his or her initial military service obligation;

(2) As a member of the women's air forces service pilots;

(3) As a member of the armed forces reserves, national guard, or coast guard, and has been called into federal service by a presidential select reserve call up for at least one hundred eighty cumulative days;

(4) As a civil service crewmember with service aboard a U.S. army transport service or U.S. naval transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946;

(5) As a member of the Philippine armed forces/scouts during the period of armed conflict from December 7, 1941, through August 15, 1945; or

(6) A United States documented merchant mariner with service aboard an oceangoing vessel operated by the department of defense, or its agents, from both June 25, 1950, through July 27, 1953, in Korean territorial waters and from August 5, 1964, through May 7, 1975, in Vietnam territorial waters, and who received a military commendation."

Senators Fairley and Benton spoke in favor of adoption of the committee amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee amendment by the Committee on Financial Institutions, Housing & Consumer Protection to Substitute House Bill No. 2471.

The motion by Senator Fairley carried and the committee amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "program;" insert "reenacting and amending RCW 41.04.007;"

MOTION

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 2471 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Benton spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2471 as amended by the Senate.

ROLL CALL

FIFTY-FIRST DAY, FEBRUARY 28, 2006

The Secretary called the roll on the final passage of Substitute House Bill No. 2471 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 2471 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2759, by House Committee on Capital Budget (originally sponsored by Representatives Ericks, Pearson, Dunshee, Sells, Roberts and Rodne)

Authorizing the transfer of certain real property and facilities.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 2759 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2759.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2759 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 2759, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2897, by Representatives Condotta and Dunn

Modifying the liquor licensee's caterer's endorsement to include passenger vessels.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 2897 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2897.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2897 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

HOUSE BILL NO. 2897, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2481, by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Williams, Blake, Appleton, Moeller, Hasegawa, Chase, Rodne, Eickmeyer, Conway, Roberts, Hunt and Simpson)

Insuring victims of crimes.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that access to insurance can be imperiled by the response of insurers to criminal acts. Rather than allow criminals to achieve their objectives, it is the intent of the legislature that criminals, through criminal acts, should not dictate insurance underwriting decisions. It is the intent of the legislature that courts should use restitution from perpetrators of intentional property crimes to make property owners and insurers whole.

NEW SECTION. Sec. 2. A new section is added to chapter 48.18 RCW to read as follows:

(1) For the purposes of this section:

(a) "Arson" has the same meaning as in chapter 9A.48 RCW.

(b) "Health care facility" has the same meaning as defined in RCW 48.43.005.

(c) "Health care provider" has the same meaning as defined in RCW 48.43.005.

(d) "Insured" means a current policyholder or a person or entity that is covered under the insurance policy.

(e) A perpetrator does not have to be identified for an act of arson or malicious mischief to have occurred.

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

(f) "Malicious mischief" has the same meaning as in chapter 9A.48 RCW.

- (g) "Underwriting action" means an insurer:
 - (i) Cancels or refuses to renew an insurance policy; or
 - (ii) Changes the terms or benefits in an insurance policy.

(2) This section applies to property insurance policies if the insured is:

- (a) A health care facility;
- (b) An independent health care clinic;
- (c) A health care provider; or
- (d) A religious organization.

(3) An insurer may not take an underwriting action on a policy described in subsection (2) of this section because an insured has made one or more insurance claims for any loss that occurred during the preceding sixty months that is the result of arson or malicious mischief. An insurer may take an underwriting action due to other factors that are not prohibited by this subsection.

(4) If an insured sustains a loss that is the result of arson or malicious mischief, the insured must file a report with the police or other law enforcement authority within thirty days of discovery of the incident, and a law enforcement authority must determine that a crime has occurred. The report must contain sufficient information to provide an insurer with reasonable notice that the loss was the result of arson or malicious mischief. The insured has a duty to cooperate with any law enforcement official or insurer investigation.

(5) Annually, each insurer must report underwriting actions to the commissioner if the insurer has taken an underwriting action against any insured who has filed a claim during the preceding sixty months that was the result of arson or malicious mischief. The report must include the policy number, name of the insured, location of the property, and the reason for the underwriting action."

MOTION

Senator Stevens moved that the following amendment by Senators Stevens and Kline to the committee striking amendment be adopted.

On page 2, line 3 of the amendment, after "provider," strike "or"

On page 2, line 4 of the amendment, after "organization" insert ";

(e) A commercial, research, or educational organization that uses animals or plants for food, fiber production, agriculture, breeding, processing, research, or testing; or

(f) A commercial, research, or educational organization that uses, purchases, or offers for sale a product that contains animal or plant material"

Senators Stevens, Fairley and Benson spoke in favor of adoption of the amendment to the committee striking amendment.

MOTION

On motion of Senator Regala, Senator Jacobsen was excused.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Stevens and Kline on page 2, line 3 to the committee striking amendment to Substitute House Bill No. 2481.

The motion by Senator Stevens carried and the amendment to the committee striking amendment was adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton to the committee striking amendment be adopted.

On page 2, after line 24 of the amendment, insert the following:

"Sec. 3. RCW 9A.56.200 and 2002 c 85 s 1 are each amended to read as follows:

(1) A person is guilty of robbery in the first degree if:

(a) In the commission of a robbery or of immediate flight therefrom, he or she:

(i) Is armed with a deadly weapon; or

(ii) Displays what appears to be a firearm or other deadly weapon; or

(iii) Inflicts bodily injury; or

(b) He or she commits a robbery within and against a financial institution as defined in RCW 7.88.010 or 35.38.060. Evidence showing that the establishment robbed was a financial institution is not required when "bank," "savings and loan," "trust," "payday," or "credit union" appears in the name of the establishment.

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

On page 2, beginning on line 25 of the amendment, strike all material through "section." on line 27, and insert the following:

On page 2, beginning on line 25 of the amendment, strike all material through "section." on line 27, and insert the following:

Senator Benton spoke in favor of adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 2, line 24 to the committee striking amendment to Substitute House Bill No. 2481.

The motion by Senator Benton carried and the amendment to the committee striking amendment was adopted by voice vote.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection as amended to Substitute House Bill No. 2481.

The motion by Senator Fairley carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 1 of the title, after "crimes;" strike the remainder of the title and insert "adding a new section to chapter 48.18 RCW; and creating a new section."

On page 2, beginning on line 25 of the amendment, strike all material through "section." on line 27, and insert the following:

"On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "insuring victims of crimes and robbery in the first degree; amending RCW 9A.56.200; adding a new section to chapter 48.18 RCW; creating a new section; and prescribing penalties.""

MOTION

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 2481 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

Senators Fairley and Benson spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2481 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2481 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senators Honeyford, Mulliken and Schoesler - 3

Excused: Senator Jacobsen - 1

SUBSTITUTE HOUSE BILL NO. 2481 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:34 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:26 p.m. by President Owen.

SECOND READING

ENGROSSED HOUSE BILL NO. 2910, by Representatives Quall, Talcott, P. Sullivan, Shabro, Santos, Hunt, Anderson and Kenney

Requiring a study of environmental education. (REVISED FOR ENGROSSED: Requiring a study of environmental, natural science, wildlife, forestry, and agriculture education.)

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed House Bill No. 2910 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Schmidt spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senators Zarelli, Brandland, Swecker and Parlette were excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2910.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2910 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Thibaudeau, Weinstein and Zarelli - 41

Voting nay: Senators Hewitt, Honeyford, Schoesler and Stevens - 4

Absent: Senator Brown - 1

Excused: Senators Brandland, Jacobsen and Swecker - 3

ENGROSSED HOUSE BILL NO. 2910, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2538, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Hudgins and McCoy)

Authorizing the department to request and superior court to grant warrants pursuant to chapter 49.17 RCW.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 2538 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Parlette: "Would Senator Kohl-Welles yield to a question? The bill before us does not appear to provide guidance to the courts that will be considering whether to issue a search warrant for the purpose of a WISHA inspection under section three. What standards will such courts apply in these instances?"

Senator Kohl-Welles: "Thank you Senator. You're right, the bill does not include a statutory statement of standard that court supply these instances because of the fact the standard was established by the United States Supreme Court in 1978 in the case of *Marshall v Barlows*. In that case the Supreme Court specifically held that probable cause in the criminal sense would not be required to justify an OSHA search warrant. Instead the court ruled that it is sufficient that a particular business was chosen for an OSHA inspection on the basis of a general administrative plan for the enforcement of the act derived from neutral sources such as, for examples; dispersion of employers in various types of industries across a given area. Because the enforcement of WISHA must be at least as effective as the OSHA standard, courts deliberating on WISHA search warrant request under this bill will apply that same standard."

Senator Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2538.

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2538 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 2538, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2776, by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Dickerson, Kirby, Roach and McDonald)

Regulating home heating fuel service contracts.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 2776 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Benton spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senator Hewitt was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2776.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2776 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Hewitt - 1

SUBSTITUTE HOUSE BILL NO. 2776, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 3019, by Representatives Haigh, Alexander, Dunshee and B. Sullivan

Clarifying the role of a chief financial officer in a charter county.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, House Bill No. 3019 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 3019.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3019 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

HOUSE BILL NO. 3019, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 3139, by Representatives Pettigrew, Haler, Dickerson, Kagi, Dunn, Walsh, Darneille, Roberts, Hinkle, Morrell and Kenney

Clarifying kinship caregivers' consent for mental health care of minors.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 7.70.065 and 2005 c 440 s 2 are each amended to read as follows:

(1) Informed consent for health care for a patient who is not competent, as defined in RCW 11.88.010(1)(e), to consent may be obtained from a person authorized to consent on behalf of such patient.

(a) Persons authorized to provide informed consent to health care on behalf of a patient who is not competent to consent, based upon a reason other than incapacity as defined in RCW 11.88.010(1)(d), shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian of the patient, if any;

(ii) The individual, if any, to whom the patient has given a durable power of attorney that encompasses the authority to make health care decisions;

(iii) The patient's spouse;
 (iv) Children of the patient who are at least eighteen years of age;

(v) Parents of the patient; and
 (vi) Adult brothers and sisters of the patient.

(b) If the health care provider seeking informed consent for proposed health care of the patient who is not competent to consent under RCW 11.88.010(1)(e), other than a person determined to be incapacitated because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, makes reasonable efforts to locate and secure authorization from a competent person in the first or succeeding class and finds no such person available, authorization may be given by any person in the next class in the order of descending priority. However, no person under this section may provide informed consent to health care:

(i) If a person of higher priority under this section has refused to give such authorization; or

(ii) If there are two or more individuals in the same class and the decision is not unanimous among all available members of that class.

(c) Before any person authorized to provide informed consent on behalf of a patient not competent to consent under RCW 11.88.010(1)(e), other than a person determined to be incapacitated because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, exercises that authority, the person must first determine in good faith that that patient, if competent, would consent to the proposed health care. If such a determination cannot be made, the decision to consent to the proposed health care may be made only after determining that the proposed health care is in the patient's best interests.

(2) Informed consent for health care, including mental health care, for a patient who is not competent, as defined in RCW 11.88.010(1)(e), because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, may be obtained from a person authorized to consent on behalf of such a patient.

(a) Persons authorized to provide informed consent to health care, including mental health care, on behalf of a patient who is incapacitated, as defined in RCW 11.88.010(1)(e), because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian, or legal custodian authorized pursuant to Title 26 RCW, of the minor patient, if any;

(ii) A person authorized by the court to consent to medical care for a child in out-of-home placement pursuant to chapter 13.32A or 13.34 RCW, if any;

(iii) Parents of the minor patient;

(iv) The individual, if any, to whom the minor's parent has given a signed authorization to make health care decisions for the minor patient; and

(v) A competent adult representing himself or herself to be a relative responsible for the health care of such minor patient or a competent adult who has signed and dated a declaration under penalty of perjury pursuant to RCW 9A.72.085 stating that the adult person is a relative responsible for the health care of the minor patient. Such declaration shall be effective for up to six months from the date of the declaration.

(b) A health care provider may, but is not required to, rely on the representations or declaration of a person claiming to be a relative responsible for the care of the minor patient, under (a)(v) of this subsection, if the health care provider does not have actual notice of the falsity of any of the statements made

by the person claiming to be a relative responsible for the health care of the minor patient.

(c) A health care facility or a health care provider may, in its discretion, require documentation of a person's claimed status as being a relative responsible for the health care of the minor patient. However, there is no obligation to require such documentation.

(d) The health care provider or health care facility where services are rendered shall be immune from suit in any action, civil or criminal, or from professional or other disciplinary action when such reliance is based on a declaration signed under penalty of perjury pursuant to RCW 9A.72.085 stating that the adult person is a relative responsible for the health care of the minor patient under (a)(v) of this subsection.

(3) For the purposes of this section, "health care," "health care provider," and "health care facility" shall be defined as established in RCW 70.02.010.

Sec. 2. RCW 71.34.020 and 1998 c 296 s 8 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(2) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(3) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(4) "~~((County))~~ Designated mental health professional" means a mental health professional designated by one or more counties to perform the functions of a ~~((county))~~ designated mental health professional described in this chapter.

(5) "Department" means the department of social and health services.

(6) "Evaluation and treatment facility" means a public or private facility or unit that is certified by the department to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately-operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the department or federal agency does not require certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(7) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(8) "Gravely disabled minor" means a minor who, as a result of a mental disorder, is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(9) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, or residential treatment facility certified by the department as an evaluation and treatment facility for minors.

(10) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor who is not residing in a facility providing inpatient treatment as defined in this chapter.

(11) "Likelihood of serious harm" means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (c) a substantial risk that physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others.

(12) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder; or (b) prevent the worsening of mental conditions that endanger life or cause suffering and pain, or result in illness or infirmity or threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(13) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or mental retardation alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(14) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under this chapter.

(15) "Minor" means any person under the age of eighteen years.

(16) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed services providers as identified by RCW 71.24.025((~~3~~)).

(17) "Parent" means:

(a) A biological or adoptive parent who has legal custody of the child, including either parent if custody is shared under a joint custody agreement; or

(b) A person or agency judicially appointed as legal guardian or custodian of the child.

(18) "Professional person in charge" or "professional person" means a physician or other mental health professional empowered by an evaluation and treatment facility with authority to make admission and discharge decisions on behalf of that facility.

(19) "Psychiatric nurse" means a registered nurse who has a bachelor's degree from an accredited college or university, and who has had, in addition, at least two years' experience in the direct treatment of mentally ill or emotionally disturbed persons, such experience gained under the supervision of a mental health professional. "Psychiatric nurse" shall also mean any other registered nurse who has three years of such experience.

(20) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical

Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(21) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(22) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

(23) "Secretary" means the secretary of the department or secretary's designee.

(24) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

Sec. 3. RCW 71.34.500 and 2005 c 371 s 2 are each amended to read as follows:

(1) A minor thirteen years or older may admit himself or herself to an evaluation and treatment facility for inpatient mental treatment, without parental consent. The admission shall occur only if the professional person in charge of the facility concurs with the need for inpatient treatment. Parental authorization, or authorization from a person who may consent on behalf of the minor pursuant to RCW 7.70.065, is required for inpatient treatment of a minor under the age of thirteen.

(2) When, in the judgment of the professional person in charge of an evaluation and treatment facility, there is reason to believe that a minor is in need of inpatient treatment because of a mental disorder, and the facility provides the type of evaluation and treatment needed by the minor, and it is not feasible to treat the minor in any less restrictive setting or the minor's home, the minor may be admitted to an evaluation and treatment facility.

(3) Written renewal of voluntary consent must be obtained from the applicant no less than once every twelve months. The minor's need for continued inpatient treatments shall be reviewed and documented no less than every one hundred eighty days.

Sec. 4. RCW 71.34.530 and 1998 c 296 s 12 are each amended to read as follows:

Any minor thirteen years or older may request and receive outpatient treatment without the consent of the minor's parent. Parental authorization, or authorization from a person who may consent on behalf of the minor pursuant to RCW 7.70.065, is required for outpatient treatment of a minor under the age of thirteen."

Senator Hargrove spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to House Bill No. 3139.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "minors;" strike the remainder of the title and insert "and amending RCW 7.70.065, 71.34.020, 71.34.500, and 71.34.530."

MOTION

On motion of Senator Hargrove, the rules were suspended, House Bill No. 3139 as amended by the Senate was advanced to

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Brown and Doumit were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 3139 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3139 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Benton - 1

Excused: Senator Brown - 1

HOUSE BILL NO. 3139 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3182, by House Committee on Children & Family Services (originally sponsored by Representatives Pettigrew and Santos)

Concerning tribal foster care licensing.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.15.020 and 2001 c 230 s 1, 2001 c 144 s 1, and 2001 c 137 s 3 are each reenacted and amended to read as follows:

For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to

the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Child day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;

(b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(c) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(d) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;

(e) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(f) "Family day-care provider" means a child day-care provider who regularly provides child day care for not more than twelve children in the provider's home in the family living quarters;

(g) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(h) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(i) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(j) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(k) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(l) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated; or

(v) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where: (i) The person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care; or (ii) the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(f) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States immigration and naturalization service, or persons who have the care of such an international child in their home;

(g) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(h) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(i) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(j) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(k) Licensed physicians or lawyers;

(l) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(m) Facilities approved and certified under chapter 71A.22 RCW;

(n) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(o) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(p) An agency operated by any unit of local, state, or federal government or an agency (~~located within the boundaries of a federally recognized Indian reservation;~~) licensed by ~~((the))~~ an Indian tribe pursuant to RCW 74.15.190;

(q) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(r) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(3) "Department" means the state department of social and health services.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(6) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(7) "Secretary" means the secretary of social and health services.

(8) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(9) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the job training partnership act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

Sec. 2. RCW 74.15.190 and 1987 c 170 s 13 are each amended to read as follows:

(1)(a) The state of Washington recognizes the authority of Indian tribes within the state to license agencies, located within the boundaries of a federally recognized Indian reservation, to receive children for control, care, and maintenance outside their

FIFTY-FIRST DAY, FEBRUARY 28, 2006

own homes, or to place, receive, arrange the placement of, or assist in the placement of children for foster care or adoption.

(b) The state of Washington recognizes the ability of the Indian tribes within the state to enter into agreements with the state to license agencies located on or near the federally recognized Indian reservation or, for those federally recognized tribes that do not have a reservation, then on or near the federally designated service delivery area, to receive children for control, care, and maintenance outside their own homes, or to place, receive, arrange the placement of, or assist in the placement of children for foster care.

(c) The department and state licensed child-placing agencies may place children in tribally licensed facilities if the requirements of RCW 74.15.030 (2)(b) and (3) and supporting rules are satisfied before placing the children in such facilities by the department or any state licensed child-placing agency.

(2) The department may enter into written agreements with Indian tribes within the state to define the terms under which the tribe may license agencies pursuant to subsection (1) of this section. The agreements shall include a definition of what are the geographic boundaries of the tribe for the purposes of licensing and may include locations on or near the federally recognized Indian reservation or, for those federally recognized tribes that do not have a reservation, then on or near the federally designated service delivery area.

(3) The department and its employees are immune from civil liability for damages arising from the conduct of agencies licensed by a tribe."

Senator Hargrove spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 3182.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "licensing;" strike the remainder of the title and insert "amending RCW 74.15.190; and reenacting and amending RCW 74.15.020."

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 3182 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3182 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3182 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette,

2006 REGULAR SESSION

Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Brown - 1

SUBSTITUTE HOUSE BILL NO. 3182 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

February 27, 2006

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 2333,

HOUSE BILL NO. 2364,

SUBSTITUTE HOUSE BILL NO. 2976,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed.

SUBSTITUTE HOUSE BILL NO. 2333,

HOUSE BILL NO. 2364,

SUBSTITUTE HOUSE BILL NO. 2976,

MOTION

At 3:05 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:18 p.m. by President Owen.

MOTION

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

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2353, by House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Shabro, Kessler, Priest, Cox, Conway, Haler, P. Sullivan, Appleton, Walsh, Kenney, Green, Armstrong, Hasegawa, Kagi, Hunt, McCoy, Buri, Fromhold, Strow, Curtis, McDermott, Williams, Hudgins, Moeller, Sells, Lantz, Kilmer, Chase, McDonald, Morrell, Murray, Linville, Santos, Springer, Wallace, Dickerson, Roberts, Cody, B. Sullivan, Simpson, Ericks, Upthegrove, Campbell, Ormsby and O'Brien)

Providing collective bargaining for family child care providers.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following committee striking amendment by the Committee on Labor, Commerce,

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

Research & Development be adopted.

Strike everything after the enacting clause and insert the following:

"PART I - FAMILY CHILD CARE PROVIDERS

NEW SECTION. **Sec. 1.** A new section is added to chapter 41.56 RCW to read as follows:

(1) In addition to the entities listed in RCW 41.56.020, this chapter applies to the governor with respect to family child care providers. Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the governor is the public employer of family child care providers who, solely for the purposes of collective bargaining, are public employees. The public employer shall be represented for bargaining purposes by the governor or the governor's designee appointed under chapter 41.80 RCW.

(2) This chapter governs the collective bargaining relationship between the governor and family child care providers, except as follows:

(a) A statewide unit of all family child care providers is the only unit appropriate for purposes of collective bargaining under RCW 41.56.060.

(b) The exclusive bargaining representative of family child care providers in the unit specified in (a) of this subsection shall be the representative chosen in an election conducted pursuant to RCW 41.56.070, except that in the initial election conducted under this act, if more than one labor organization is on the ballot and none of the choices receives a majority of the votes cast, a run-off election shall be held.

(c) Notwithstanding the definition of "collective bargaining" in RCW 41.56.030(4), the scope of collective bargaining for child care providers under this section shall be limited solely to: (i) Economic compensation, such as manner and rate of subsidy and reimbursement, including tiered reimbursements; (ii) health and welfare benefits; (iii) professional development and training; (iv) labor-management committees; (v) grievance procedures; and (vi) other economic matters. Retirement benefits shall not be subject to collective bargaining. By such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(d) The mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

(i) With respect to commencement of negotiations between the governor and the exclusive bargaining representative of family child care providers, negotiations shall be commenced initially upon certification of an exclusive bargaining representative under (a) of this subsection and, thereafter, by February 1st of any even-numbered year;

(ii) In addition to the factors to be taken into consideration by an interest arbitration panel under RCW 41.56.465, the panel shall consider the financial ability of the state to pay for the compensation and benefit provisions of a collective bargaining agreement; and

(iii) The decision of the arbitration panel is not binding on the legislature and, if the legislature does not approve the request for funds necessary to implement the compensation and benefit provisions of the arbitrated collective bargaining agreement, is not binding on the state.

(e) Family child care providers do not have the right to strike.

(3) Family child care providers who are public employees solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state for any purpose. This section applies only to the governance of

the collective bargaining relationship between the employer and family child care providers as provided in subsections (1) and (2) of this section.

(4) This section does not create or modify:

(a) The parents' or legal guardians' right to choose and terminate the services of any family child care provider that provides care for their child or children;

(b) The secretary of the department of social and health services' right to adopt requirements under RCW 74.15.030, except for requirements related to grievance procedures and collective negotiations on personnel matters as specified in subsection (2)(c) of this section;

(c) Chapter 26.44 RCW, RCW 43.43.832, 43.20A.205, and 74.15.130; and

(d) The legislature's right to make programmatic modifications to the delivery of state services through child care subsidy programs, including standards of eligibility of parents, legal guardians, and family child care providers participating in child care subsidy programs, and the nature of services provided. The governor shall not enter into, extend, or renew any agreement under this section that does not expressly reserve the legislative rights described in this subsection (4)(d).

(5) Upon meeting the requirements of subsection (6) of this section, the governor must submit, as a part of the proposed biennial or supplemental operating budget submitted to the legislature under RCW 43.88.030, a request for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement entered into under this section or for legislation necessary to implement such agreement.

(6) A request for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement entered into under this section shall not be submitted by the governor to the legislature unless such request has been:

(a) Submitted to the director of financial management by October 1st before the legislative session at which the request is to be considered, except that, for initial negotiations under this section, the request must be submitted by November 15, 2006; and

(b) Certified by the director of financial management as being feasible financially for the state or reflects the binding decision of an arbitration panel reached under this section.

(7) The legislature must approve or reject the submission of the request for funds as a whole. If the legislature rejects or fails to act on the submission, any such agreement will be reopened solely for the purpose of renegotiating the funds necessary to implement the agreement.

(8) The governor shall periodically consult with the joint committee on employment relations established by RCW 41.80.010 regarding appropriations necessary to implement the compensation and benefit provisions of any collective bargaining agreement and, upon completion of negotiations, advise the committee on the elements of the agreement and on any legislation necessary to implement such agreement.

(9) After the expiration date of any collective bargaining agreement entered into under this section, all of the terms and conditions specified in any such agreement remain in effect until the effective date of a subsequent agreement, not to exceed one year from the expiration date stated in the agreement, except as provided in subsection (4)(d) of this section.

(10) If, after the compensation and benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(11) In enacting this section, the legislature intends to provide state action immunity under federal and state antitrust laws for the joint activities of family child care providers and their exclusive bargaining representative to the extent such activities are authorized by this chapter.

Sec. 2. RCW 41.56.030 and 2004 c 3 s 6 are each amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to (i) the executive head or body of the applicable bargaining unit, or (ii) any person elected by popular vote, or (iii) any person appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (d) who is a court commissioner or a court magistrate of superior court, district court, or a department of a district court organized under chapter 3.46 RCW, or (e) who is a personal assistant to a district court judge, superior court judge, or court commissioner (~~(, or (f) excluded from a bargaining unit under RCW 41.56.201(2)(a))~~). For the purpose of (e) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Uniformed personnel" means: (a) Law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of two thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of ten thousand or more; (b) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020(5), by a county with a population of seventy thousand or more, and who are trained for and charged

with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; (c) general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district in a county with a population of one million or more; (d) security forces established under RCW 43.52.520; (e) fire fighters as that term is defined in RCW 41.26.030; (f) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other fire fighting duties; (g) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; or (h) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer.

(8) "Institution of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

(9) "Home care quality authority" means the authority under chapter 74.39A RCW.

(10) "Individual provider" means an individual provider as defined in RCW 74.39A.240(4) who, solely for the purposes of collective bargaining, is a public employee as provided in RCW 74.39A.270.

(11) "Child care subsidy" means a payment from the state through a child care subsidy program established pursuant to RCW 74.12.340 or 74.08A.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor program.

(12) "Family child care provider" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider or in the home of the child or children for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) receives child care subsidies; and (c) is either licensed by the state under RCW 74.15.030 or is exempt from licensing under chapter 74.15 RCW.

Sec. 3. RCW 41.56.113 and 2004 c 3 s 7 are each amended to read as follows:

(1) Upon the written authorization of an individual provider or a family child care provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state as payor, but not as the employer, shall, subject to subsection (3) of this section, deduct from the payments to an individual provider or a family child care provider the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2) If the governor and the exclusive bargaining representative of a bargaining unit of individual providers or family child care providers enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized in RCW 41.56.122, the state as payor, but not as the employer, shall, subject to subsection (3) of this section, enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the state, as payor, but not as the employer, shall, subject to subsection (3) of this section, make such deductions upon written authorization of the individual provider or the family child care provider.

(3)(a) The initial additional costs to the state in making deductions from the payments to individual providers or family

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

child care providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

(b) The allocation of ongoing additional costs to the state in making deductions from the payments to individual providers or family child care providers under this section shall be an appropriate subject of collective bargaining between the exclusive bargaining representative and the governor unless prohibited by another statute. If no collective bargaining agreement containing a provision allocating the ongoing additional cost is entered into between the exclusive bargaining representative and the governor, or if the legislature does not approve funding for the collective bargaining agreement as provided in RCW 74.39A.300 or section 1 of this act, as applicable, the ongoing additional costs to the state in making deductions from the payments to individual providers or family child care providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

(4) The governor and the exclusive bargaining representative of a bargaining unit of family child care providers may not enter into a collective bargaining agreement that contains a union security provision unless the agreement contains a process, to be administered by the exclusive bargaining representative of a bargaining unit of family child care providers, for hardship dispensation for license-exempt family child care providers who are also temporary assistance for needy families recipients or WorkFirst participants.

Sec. 4. RCW 41.04.810 and 2004 c 3 s 3 are each amended to read as follows:

Individual providers, as defined in RCW 74.39A.240, and family child care providers, as defined in RCW 41.56.030, are not employees of the state or any of its political subdivisions and are specifically and entirely excluded from all provisions of this title, except as provided in RCW 74.39A.270 and section 1 of this act.

Sec. 5. RCW 43.01.047 and 2004 c 3 s 4 are each amended to read as follows:

RCW 43.01.040 through 43.01.044 do not apply to individual providers under RCW 74.39A.220 through 74.39A.300 or to family child care providers under section 1 of this act.

PART II - FAMILY CHILD CARE LICENSEES

NEW SECTION. Sec. 6. A new section is added to chapter 74.15 RCW to read as follows:

(1) Solely for the purposes of negotiated rule making pursuant to RCW 34.05.310(2)(a) and 74.15.030, a statewide unit of all family child care licensees is appropriate. As of the effective date of this act, the exclusive representative of family child care licensees in the statewide unit shall be the representative selected as the majority representative in the election held under the directive of the governor to the secretary of the department of social and health services, dated September 16, 2005. If family child care licensees seek to select a different representative thereafter, the family child care licensees may request that the American arbitration association conduct an election and certify the results of the election.

(2) In enacting this section, the legislature intends to provide state action immunity under federal and state antitrust laws for the joint activities of family child care licensees and their exclusive representative to the extent such activities are authorized by this chapter.

Sec. 7. RCW 74.15.020 and 2001 c 230 s 1, 2001 c 144 s 1, and 2001 c 137 s 3 are each reenacted and amended to read as follows:

For the purpose of this chapter ((74.15 RCW)) and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Child day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;

(b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(c) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(d) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;

(e) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(f) "Family day-care provider" means a child day-care provider who regularly provides child day care for not more than twelve children in the provider's home in the family living quarters;

(g) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(h) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(i) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return

FIFTY-FIRST DAY, FEBRUARY 28, 2006

of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(j) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(k) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(l) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated; or

(v) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where: (i) The person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care; or (ii) the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(f) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States immigration and naturalization service, or persons who have the care of such an international child in their home;

(g) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in

which no child is enrolled on a regular basis for more than four hours per day;

(h) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(i) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(j) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(k) Licensed physicians or lawyers;

(l) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(m) Facilities approved and certified under chapter 71A.22 RCW;

(n) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(o) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(p) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(q) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(r) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(3) "Department" means the state department of social and health services.

(4) "Family child care licensee" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) does not receive child care subsidies; and (c) is licensed by the state under RCW 74.15.030.

(5) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

~~((5))~~ (6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

~~((6))~~ (7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

~~((7))~~ (8) "Secretary" means the secretary of social and health services.

~~((8))~~ (9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

~~((9))~~ (10) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the job training partnership act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

Sec. 8. RCW 74.15.030 and 2005 c 490 s 11 are each amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons. In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure. No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under this chapter. In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children shall be fingerprinted. The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history records check. The fingerprint criminal history records checks will be at the expense of the licensee except that in the case of a foster family home, if this expense would work a hardship on the licensee, the department shall pay the expense. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record. The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children, expectant mothers, and

developmentally disabled persons. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;

(c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under RCW 13.34.065 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of alleged child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including child day-care centers and family day-care homes, to determine whether the alleged abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with affected groups for child day-care requirements and with the children's services advisory committee for requirements for other agencies; (~~and~~)

(9) To engage in negotiated rule making pursuant to RCW 34.05.310(2)(a) with the exclusive representative of the family child care licensees selected in accordance with section 6 of this act and with other affected interests before adopting requirements that affect family child care licensees; and

(10) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

PART III - GENERAL PROVISIONS

NEW SECTION. **Sec. 9.** Part headings used in this act are not any part of the law.

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 12. This act may be known and cited as the access to quality family child care act.

NEW SECTION. Sec. 13. Sections 1 through 5 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Senator Kohl-Welles spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor, Commerce, Research & Development to Engrossed Second Substitute House Bill No. 2353.

The motion by Senator Kohl-Welles carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "licensees;" strike the remainder of the title and insert "amending RCW 41.56.030, 41.56.113, 41.04.810, 43.01.047, and 74.15.030; reenacting and amending RCW 74.15.020; adding a new section to chapter 41.56 RCW; adding a new section to chapter 74.15 RCW; creating new sections; and declaring an emergency."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Second Substitute House Bill No. 2353 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Zarelli spoke in favor of passage of the bill.

Senator Jacobsen spoke against passage of the bill.

MOTION

On motion of Senator Schoesler, Senators Parlette and Finkbeiner were excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2353 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2353 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin,

Fraser, Hargrove, Haugen, Hewitt, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Voting nay: Senators Deccio, Honeyford, Jacobsen, McCaslin, Morton, Mulliken, Pflug and Schoesler - 8

Excused: Senator Finkbeiner - 1

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2353 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Franklin: "Thank you Mr. President, glad to see you back. We had a lot of wonderful recognitions here today with the one for anniversary. We've had birthdays. We have all the beautiful flowers. I was standing out in the alcove and saw a couple of really wonderful young, young people and I said to them, 'Oh, my goodness, how cute, you've really grown,' and found out they are the grandchildren of another birthday person here today. They refer to him as Papa and that is the birthday of Senator Swecker. Would like to recognize his birthday and wish him a happy birthday."

PERSONAL PRIVILEGE

Senator Swecker: "Thank you Mr. President. I just wanted to mention to folks that my two grandsons came to bring me the flower and if you want to see them you can look at my tie because they are on it. Thank you."

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2964, by House Committee on Appropriations (originally sponsored by Representatives Kagi, Talcott, Walsh, Quall, Haler, Shabro, Fromhold, Kessler, Hunt, Appleton, Lantz, Darneille, Kenney, Chase, Hasegawa, Sells, Roberts, Hunter, Moeller, McCoy, Santos, Green and Simpson)

Creating the department of early learning.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning, K-12 & Higher Education be adopted.

Strike everything after the enacting clause and insert the following:

"PART 1

DEPARTMENT OF EARLY LEARNING CREATED

NEW SECTION. Sec. 101. (1) The legislature recognizes that:

(a) Parents are their children's first and most important teachers and decision makers;

(b) Research across disciplines now demonstrates that what happens in the earliest years makes a critical difference in children's readiness to succeed in school and life;

(c) Washington's competitiveness in the global economy requires a world-class education system that starts early and supports life-long learning;

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

(d) Washington state currently makes substantial investments in voluntary child care and early learning services and supports, but because services are fragmented across multiple state agencies, and early learning providers lack the supports and incentives needed to improve the quality of services they provide, many parents have difficulty accessing high quality early learning services;

(e) A more cohesive and integrated voluntary early learning system would result in greater efficiencies for the state, increased partnership between the state and the private sector, improved access to high quality early learning services, and better employment and early learning outcomes for families and all children.

(2) The legislature finds that the early years of a child's life are critical to the child's healthy brain development and that the quality of caregiving during the early years can significantly impact the child's intellectual, social, and emotional development.

(3) The purpose of this chapter is:

(a) To establish the department of early learning;

(b) To coordinate and consolidate state activities relating to child care and early learning programs;

(c) To safeguard and promote the health, safety, and well-being of children receiving child care and early learning assistance;

(d) To promote linkages and alignment between early learning programs and elementary schools and support the transition of children and families from prekindergarten environments to kindergarten;

(e) To promote the development of a sufficient number and variety of adequate child care and early learning facilities, both public and private; and

(f) To license agencies and to assure the users of such agencies, their parents, the community at large and the agencies themselves that adequate minimum standards are maintained by all child care and early learning facilities.

(4) This chapter does not expand the state's authority to license or regulate activities or programs beyond those licensed or regulated under existing law.

NEW SECTION. Sec. 102. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility that provides child care and early learning services outside a child's own home and includes the following irrespective of whether there is compensation to the agency:

(a) "Child day care center" means an agency that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours;

(b) "Early learning" includes but is not limited to programs and services for child care; state, federal, private, and nonprofit preschool; child care subsidies; child care resource and referral; parental education and support; and training and professional development for early learning professionals;

(c) "Family day care provider" means a child day care provider who regularly provides child day care and early learning services for not more than twelve children in the provider's home in the family living quarters;

(d) "Service provider" means the entity that operates a community facility.

(2) "Agency" does not include the following:

(a) Persons related to the child in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; or

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated;

(b) Persons who are legal guardians of the child;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) Nursery schools or kindergartens that are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children, and do not accept custody of children;

(g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(h) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(i) Any agency having been in operation in this state ten years before June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(j) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(k) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(l) An agency that offers early learning and support services, such as parent education, and does not provide child care services on a regular basis.

(3) "Department" means the department of early learning.

(4) "Director" means the director of the department.

(5) "Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to section 311(1) of this act or assessment of civil monetary penalties pursuant to section 311(3) of this act.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

NEW SECTION. Sec. 103. (1) The department of early learning is created as an executive branch agency. The department is vested with all powers and duties transferred to it under this chapter and such other powers and duties as may be authorized by law.

(2) The primary duties of the department are to implement state early learning policy and to coordinate, consolidate, and integrate child care and early learning programs in order to administer programs and funding as efficiently as possible. The department's duties include, but are not limited to, the following:

FIFTY-FIRST DAY, FEBRUARY 28, 2006

(a) To support both public and private sectors toward a comprehensive and collaborative system of early learning that serves parents, children, and providers and to encourage best practices in child care and early learning programs;

(b) To improve parent education and support;

(c) To carry out activities to improve the quality of early learning opportunities for young children including activities in cooperation with the private-public partnership;

(d) To administer child care and early learning programs;

(e) To standardize internal financial audits, oversight visits, performance benchmarks, and licensing criteria, so that programs can function in an integrated fashion;

(f) To assist in the implementation of the private-public partnership and cooperate with that partnership in pursuing its goals including providing data and support necessary for the successful work of the partnership;

(g) To work cooperatively and in coordination with the early learning council; and

(h) To collaborate with the K-12 school system at the state and local levels to ensure appropriate connections and smooth transitions between early learning and K-12 programs.

(3) The department's programs shall be designed in a way that respects and preserves the ability of parents and legal guardians to direct the education, development, and upbringing of their children. The department shall include parents and legal guardians in the development of policies and program decisions affecting their children.

NEW SECTION. Sec. 104. (1) The executive head and appointing authority of the department is the director. The director shall be appointed by the governor with the consent of the senate, and shall serve at the pleasure of the governor. The governor shall solicit input from all parties involved in the private-public partnership concerning this appointment. The director shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040. If a vacancy occurs in the position of director while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate when the governor's nomination for the office of director shall be presented.

(2) The director may employ staff members, who shall be exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter. The director may delegate any power or duty vested in him or her by this chapter, including authority to make final decisions and enter final orders in hearings conducted under chapter 34.05 RCW.

NEW SECTION. Sec. 105. It is the intent of the legislature wherever possible to place the internal affairs of the department under the control of the director in order that the director may institute therein the flexible, alert, and intelligent management of its business that changing contemporary circumstances require. Therefore, whenever the director's authority is not specifically limited by law, the director has complete charge and supervisory powers over the department. The director may create such administrative structures as the director considers appropriate, except as otherwise specified by law. The director may employ such assistants and personnel as necessary for the general administration of the department. This employment shall be in accordance with the state civil service law, chapter 41.06 RCW, except as otherwise provided.

NEW SECTION. Sec. 106. The director may appoint such advisory committees or councils as may be required by any federal legislation as a condition to the receipt of federal funds by the department. The director may also appoint statewide committees or councils on such subject matters as are or come within the department's responsibilities. The committees or

councils shall be constituted as required by federal law or as the director may determine.

Members of such state advisory committees or councils may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 107. In furtherance of the policy of the state to cooperate with the federal government in all of the programs under the jurisdiction of the department, such rules as may become necessary to entitle the state to participate in federal funds may be adopted, unless expressly prohibited by law. Any internal reorganization carried out under the terms of this chapter shall meet federal requirements that are a necessary condition to state receipt of federal funds. Any section or provision of law dealing with the department that may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to comply with federal laws entitling this state to receive federal funds for the various programs of the department.

NEW SECTION. Sec. 108. (1) In addition to other duties under this chapter, the director shall actively participate in a nongovernmental private-public partnership focused on supporting government's investments in early learning and ensuring that every child in the state is prepared to succeed in school and in life. Except for licensing as required by Washington state law and to the extent permitted by federal law, the director of the department of early learning shall grant waivers from the rules of state agencies for the operation of early learning programs requested by the nongovernmental private-public partnership to allow for flexibility to pursue market-based approaches to achieving the best outcomes for children and families.

(2) In addition to other powers granted to the director, the director may:

(a) Enter into contracts on behalf of the department to carry out the purposes of this chapter;

(b) Accept gifts, grants, or other funds for the purposes of this chapter; and

(c) Adopt, in accordance with chapter 34.05 RCW, rules necessary to implement this chapter, including rules governing child day care and early learning programs under this chapter. This section does not expand the rule-making authority of the director beyond that necessary to implement and administer programs and services existing July 1, 2006, as transferred to the department of early learning under section 501 of this act. The rule-making authority does not include any authority to set mandatory curriculum or establish what must be taught in child day care centers or by family day care providers.

NEW SECTION. Sec. 109. Two years after the implementation of the department's early learning program, and every two years thereafter by July 1st, the department shall submit to the governor and the legislature a report measuring the effectiveness of its programs in improving early childhood education. The first report shall include program objectives and identified valid performance measures for evaluating progress toward achieving the objectives, as well as a plan for commissioning a longitudinal study comparing the kindergarten readiness of children participating in the department's programs with the readiness of other children, using nationally accepted testing and assessment methods. Such comparison shall include, but not be limited to, achievement as children of both groups progress through the K-12 system and identify year-to-year changes in achievement, if any, in later years of elementary, middle school, and high school education.

NEW SECTION. Sec. 110. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions under RCW 41.06.070, the provisions of this chapter shall not apply in the department of

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

early learning to the director, the director's personal secretary, and any other exempt staff members provided for in section 104(2) of this act.

Sec. 111. RCW 43.17.010 and 2005 c 333 s 10 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fish and wildlife, (6) the department of transportation, (7) the department of licensing, (8) the department of general administration, (9) the department of community, trade, and economic development, (10) the department of veterans affairs, (11) the department of revenue, (12) the department of retirement systems, (13) the department of corrections, (14) the department of health, (15) the department of financial institutions, ~~((and))~~ (16) the department of archaeology and historic preservation, and (17) the department of early learning, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 112. RCW 43.17.020 and 2005 c 333 s 11 and 2005 c 319 s 2 are each reenacted and amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of general administration, (9) the director of community, trade, and economic development, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of retirement systems, (13) the secretary of corrections, (14) the secretary of health, (15) the director of financial institutions, ~~((and))~~ (16) the director of the department of archaeology and historic preservation, and (17) the director of early learning.

Such officers, except the director of fish and wildlife, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director of fish and wildlife shall be appointed by the fish and wildlife commission as prescribed by RCW 77.04.055.

Sec. 113. RCW 42.17.2401 and 2005 c 424 s 17 are each amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community, trade, and economic development, the secretary of corrections, the director of early learning, the director of ecology, the commissioner of employment security, the chair of the energy facility site evaluation council, the secretary of the state finance committee, the director of financial management, the director of fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the

executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, executive ethics board, forest practices appeals board, forest practices board, gambling commission, life sciences discovery fund authority board of trustees, Washington health care facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, commission on judicial conduct, legislative ethics board, liquor control board, lottery commission, marine oversight board, Pacific Northwest electric power and conservation planning council, parks and recreation commission, personnel appeals board, board of pilotage commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, public employees' benefits board, salmon recovery funding board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington personnel resources board, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and fish and wildlife commission.

PART 2

POLICIES AND PROGRAMS TRANSFERRED

Sec. 201. RCW 41.04.385 and 2005 c 490 s 9 are each amended to read as follows:

The legislature finds that (1) demographic, economic, and social trends underlie a critical and increasing demand for child care in the state of Washington; (2) working parents and their children benefit when the employees' child care needs have been resolved; (3) the state of Washington should serve as a model employer by creating a supportive atmosphere, to the extent feasible, in which its employees may meet their child care needs; and (4) the state of Washington should encourage the development of partnerships between state agencies, state employees, state employee labor organizations, and private employers to expand the availability of affordable quality child care. The legislature finds further that resolving employee child

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

care concerns not only benefits the employees and their children, but may benefit the employer by reducing absenteeism, increasing employee productivity, improving morale, and enhancing the employer's position in recruiting and retaining employees. Therefore, the legislature declares that it is the policy of the state of Washington to assist state employees by creating a supportive atmosphere in which they may meet their child care needs. Policies and procedures for state agencies to address employee child care needs will be the responsibility of the director of personnel in consultation with the director of the department of early learning and state employee representatives.

Sec. 202. RCW 74.13.085 and 1989 c 381 s 2 are each amended to read as follows:

It shall be the policy of the state of Washington to:

(1) Recognize the family as the most important social and economic unit of society and support the central role parents play in child rearing. All parents are encouraged to care for and nurture their children through the traditional methods of parental care at home. ~~((However, there has been a dramatic increase in participation of women in the workforce which has made))~~ The availability of quality, affordable child care is a ((critical)) concern for ~~((the state and its citizens. There are not enough child care services and facilities to meet the needs of))~~ working parents, the costs of care are often beyond the resources of working parents, and child care facilities are not located conveniently to work places and neighborhoods. Parents are encouraged to participate fully in the effort to improve the quality of child care services.

(2) Promote a variety of culturally and developmentally appropriate child care settings and services of the highest possible quality in accordance with the basic principle of continuity of care. These settings shall include, but not be limited to, family day care homes, mini-centers, centers and schools.

(3) Promote the growth, development and safety of children by working with community groups including providers and parents to establish standards for quality service, training of child care providers, fair and equitable monitoring, and salary levels commensurate with provider responsibilities and support services.

(4) Promote equal access to quality, affordable, socio-economically integrated child care for all children and families.

(5) Facilitate broad community and private sector involvement in the provision of quality child care services to foster economic development and assist industry through the department of early learning.

Sec. 203. RCW 74.13.0902 and 1989 c 381 s 6 are each amended to read as follows:

An employer liaison position is established in the department of ~~((social and health services to be colocated at the business assistance center established under RCW 43.31.083))~~ early learning to be colocated with the department of community, trade, and economic development. The employer liaison shall, within appropriated funds:

(1) Staff and assist the child care partnership in the implementation of its duties ~~((under RCW 74.13.0901));~~

(2) Provide technical assistance to employers regarding child care services, working with and through local resource and referral organizations whenever possible. Such technical assistance shall include at a minimum:

(a) Assessing the child care needs of employees and prospective employees;

(b) Reviewing options available to employers interested in increasing access to child care for their employees;

(c) Developing techniques to permit small businesses to increase access to child care for their employees;

(d) Reviewing methods of evaluating the impact of child care activities on employers; and

(e) Preparing, collecting, and distributing current information for employers on options for increasing involvement in child care; and

(3) Provide assistance to local child care resource and referral organizations to increase their capacity to provide quality technical assistance to employers in their community.

Sec. 204. RCW 74.13.0903 and 2005 c 490 s 10 are each amended to read as follows:

The ~~((office of child care policy is established to operate under the authority of the department of social and health services. The duties and responsibilities of the office include, but are not limited to, the following, within appropriated funds))~~ department of early learning shall:

(1) Work in conjunction with the statewide child care resource and referral network as well as local governments, nonprofit organizations, businesses, and community child care advocates to create local child care resource and referral organizations. These organizations may carry out needs assessments, resource development, provider training, technical assistance, and parent information and training;

(2) Actively seek public and private money for distribution as grants to the statewide child care resource and referral network and to existing or potential local child care resource and referral organizations;

(3) Adopt rules regarding the application for and distribution of grants to local child care resource and referral organizations. The rules shall, at a minimum, require an applicant to submit a plan for achieving the following objectives:

(a) Provide parents with information about child care resources, including location of services and subsidies;

(b) Carry out child care provider recruitment and training programs, including training under RCW 74.25.040;

(c) Offer support services, such as parent and provider seminars, toy-lending libraries, and substitute banks;

(d) Provide information for businesses regarding child care supply and demand;

(e) Advocate for increased public and private sector resources devoted to child care;

(f) Provide technical assistance to employers regarding employee child care services; and

(g) Serve recipients of temporary assistance for needy families and working parents with incomes at or below household incomes of one hundred seventy-five percent of the federal poverty line;

(4) Provide staff support and technical assistance to the statewide child care resource and referral network and local child care resource and referral organizations;

(5) Maintain a statewide child care licensing data bank and work with department ~~((of social and health services))~~ licensors to provide information to local child care resource and referral organizations about licensed child care providers in the state;

(6) Through the statewide child care resource and referral network and local resource and referral organizations, compile data about local child care needs and availability for future planning and development;

(7) Coordinate with the statewide child care resource and referral network and local child care resource and referral organizations for the provision of training and technical assistance to child care providers; and

(8) Collect and assemble information regarding the availability of insurance and of federal and other child care funding to assist state and local agencies, businesses, and other child care providers in offering child care services.

Sec. 205. RCW 74.13.098 and 2005 c 507 s 2 are each amended to read as follows:

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

(1) Subject to the availability of funds appropriated for this specific purpose, the ~~((division of child care and early learning in the))~~ department ~~((of social and health services))~~ shall establish a child care career and wage ladder in licensed child care centers that meet the following criteria: (a) At least ten percent of child care slots are dedicated to children whose care is subsidized by the state or any political subdivision thereof or any local government; (b) the center agrees to adopt the child care career and wage ladder, which, at a minimum, shall be at the same pay schedule as existed in the previous child care career and wage ladder pilot project; and (c) the center meets further program standards as established by rule pursuant to section 4 ~~((of this act))~~, chapter 507, Laws of 2005.

The child care career and wage ladder shall include wage increments for levels of education, years of relevant experience, levels of work responsibility, relevant early childhood education credits, and relevant requirements in the state training and registry system.

(2) The ~~((division))~~ department shall establish procedures for the allocation of funds to implement the child care career and wage ladder among child care centers meeting the criteria identified in subsection (1) of this section. In developing these procedures, the ~~((division))~~ department shall:

(a) Review past efforts or administration of the child care career and wage ladder pilot project in order to take advantage of any findings, recommendations, or administrative practices that contributed to that pilot project's success;

(b) Consult with stakeholders, including organizations representing child care teachers and providers, in developing an allocation formula that incorporates consideration of geographic and demographic distribution of child care centers adopting the child care career and wage ladder; and

(c) Develop a system for prioritizing child care centers interested in adopting the child care career and wage ladder that is based on the criteria identified in subsection (1) of this section.

(3) Notwithstanding the requirements of subsection (2) of this section, child care centers meeting the criteria in subsection (1) of this section located in urban areas of the department of social and health services region one shall receive a minimum of fifteen percent of the funds allocated through the child care career and wage ladder, and of these centers, child care centers meeting the criteria in subsection (1) of this section participating in the ~~((department of social and health services))~~ Spokane tiered reimbursement pilot project shall have first priority for child care career and wage ladder funding.

Sec. 206. RCW 74.13.099 and 2005 c 507 s 3 are each amended to read as follows:

Child care centers adopting the child care career and wage ladder established pursuant to RCW 74.13.098 (as recodified by this act) shall increase wages for child care workers who have earned a high school diploma or GED certificate, gain additional years of experience, or accept increasing levels of responsibility in providing child care, in accordance with the child care career and wage ladder. The adoption of a child care career and wage ladder shall not prohibit the provision of wage increases based upon merit. The department ~~((of social and health services))~~ shall pay wage increments for child care workers employed by child care centers adopting the child care career and wage ladder established pursuant to RCW 74.13.098 (as recodified by this act) who earn early childhood education credits or meet relevant requirements in the state training and registry system, in accordance with the child care career and wage ladder.

Sec. 207. RCW 74.15.350 and 2005 c 490 s 7 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department ~~((of social and health~~

~~services))~~ shall implement the tiered-reimbursement system developed pursuant to section 6, chapter 490, Laws of 2005. Implementation of the tiered-reimbursement system shall initially consist of two pilot sites in different geographic regions of the state with demonstrated public-private partnerships, with statewide implementation to follow.

(2) In implementing the tiered-reimbursement system, consideration shall be given to child care providers who provide staff wage progression.

(3) The department shall begin implementation of the two pilot sites by March 30, 2006.

Sec. 208. RCW 74.12.340 and 1973 1st ex.s. c 154 s 111 are each amended to read as follows:

(1) The department is authorized to ~~((promulgate))~~ adopt rules ~~((and regulations))~~ governing the provision of day care as a part of child welfare services when the secretary determines that a need exists for such day care and that it is in the best interests of the child, the parents, or the custodial parent and in determining the need for such day care priority shall be given to geographical areas having the greatest need for such care and to members of low income groups in the population: PROVIDED, That where the family is financially able to pay part or all of the costs of such care, fees shall be imposed and paid according to the financial ability of the family.

(2) This section does not affect the authority of the department of early learning to adopt rules governing child day care and early learning programs.

Sec. 209. RCW 74.08A.340 and 1997 c 58 s 321 are each amended to read as follows:

The department of social and health services shall operate the Washington WorkFirst program authorized under RCW 74.08A.200 through 74.08A.330, 43.330.145, 74.13.0903 and 74.25.040, and chapter 74.12 RCW within the following constraints:

(1) The full amount of the temporary assistance for needy families block grant, plus qualifying state expenditures as appropriated in the biennial operating budget, shall be appropriated to the department each year in the biennial appropriations act to carry out the provisions of the program authorized in RCW 74.08A.200 through 74.08A.330, 43.330.145, 74.13.0903 and 74.25.040, and chapter 74.12 RCW.

(2)(a) The department may expend funds defined in subsection (1) of this section in any manner that will effectively accomplish the outcome measures defined in RCW 74.08A.410 with the following exception: Beginning with the 2007-2009 biennium, funds that constitute the working connections child care program, child care quality programs, and child care licensing functions.

(b) Beginning in the 2007-2009 fiscal biennium, the legislature shall appropriate and the department of early learning shall expend funds defined in subsection (1) of this section that constitute the working connections child care program, child care quality programs, and child care licensing functions in a manner that is consistent with the outcome measures defined in RCW 74.08A.410.

(c) No more than fifteen percent of the amount provided in subsection (1) of this section may be spent for administrative purposes. For the purpose of this subsection, "administrative purposes" does not include expenditures for information technology and computerization needed for tracking and monitoring required by P.L. 104-193. The department shall not increase grant levels to recipients of the program authorized in RCW 74.08A.200 through 74.08A.330 and 43.330.145 and chapter 74.12 RCW.

(3) The department shall implement strategies that accomplish the outcome measures identified in RCW 74.08A.410 that are within the funding constraints in this

FIFTY-FIRST DAY, FEBRUARY 28, 2006

section. Specifically, the department shall implement strategies that will cause the number of cases in the program authorized in RCW 74.08A.200 through 74.08A.330 and 43.330.145 and chapter 74.12 RCW to decrease by at least fifteen percent during the 1997-99 biennium and by at least five percent in the subsequent biennium. The department may transfer appropriation authority between funding categories within the economic services program in order to carry out the requirements of this subsection.

(4) The department shall monitor expenditures against the appropriation levels provided for in subsection (1) of this section. The department shall quarterly make a determination as to whether expenditure levels will exceed available funding and communicate its finding to the legislature. If the determination indicates that expenditures will exceed funding at the end of the fiscal year, the department shall take all necessary actions to ensure that all services provided under this chapter shall be made available only to the extent of the availability and level of appropriation made by the legislature.

Sec. 210. RCW 28A.215.110 and 1999 c 350 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908 (as recodified by this act).

(1) "Advisory committee" means the advisory committee under RCW 28A.215.140 (as recodified by this act).

(2) "Department" means the department of (~~community, trade, and economic development~~) early learning.

(3) "Eligible child" means a child not eligible for kindergarten whose family income is at or below one hundred ten percent of the federal poverty level, as published annually by the federal department of health and human services, and includes a child whose family is eligible for public assistance, and who is not a participant in a federal or state program providing comprehensive services and may include children who are eligible under rules adopted by the department if the number of such children equals not more than ten percent of the total enrollment in the early childhood program. Priority for enrollment shall be given to children from families with the lowest income, children in foster care, or to eligible children from families with multiple needs.

(4) "Approved programs" means those state-supported education and special assistance programs which are recognized by the department (~~of community, trade, and economic development~~) as meeting the minimum program rules adopted by the department to qualify under RCW 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908 (as recodified by this act) and are designated as eligible for funding by the department under RCW 28A.215.160 and 28A.215.180 (as recodified by this act).

(5) "Comprehensive" means an assistance program that focuses on the needs of the child and includes education, health, and family support services.

(6) "Family support services" means providing opportunities for parents to:

(a) Actively participate in their child's early childhood program;

(b) Increase their knowledge of child development and parenting skills;

(c) Further their education and training;

(d) Increase their ability to use needed services in the community;

(e) Increase their self-reliance.

Sec. 211. RCW 28A.215.120 and 1994 c 166 s 4 are each amended to read as follows:

The department (~~of community, trade, and economic development~~) shall administer a state-supported early childhood education and assistance program to assist eligible children with educational, social, health, nutritional, and cultural development to enhance their opportunity for success in the common school system. Eligible children shall be admitted to approved early childhood programs to the extent that the legislature provides funds, and additional eligible children may be admitted to the extent that grants and contributions from community sources provide sufficient funds for a program equivalent to that supported by state funds.

Sec. 212. RCW 43.63A.066 and 1993 c 280 s 58 are each amended to read as follows:

The department of (~~community, trade, and economic development~~) early learning shall have primary responsibility for providing child abuse and neglect prevention training to preschool age children participating in the federal head start program or the early childhood education and assistance program established under RCW 28A.215.010 through 28A.215.050, 28A.215.100 through 28A.215.200, and 28A.215.900 through 28A.215.908 (as recodified by this act).

PART 3 DEPARTMENT OF EARLY LEARNING LICENSING

NEW SECTION. Sec. 301. It shall be the director's duty with regard to licensing:

(1) In consultation and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of child care facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages and other characteristics of the children served, variations in the purposes and services offered or size or structure of the agencies to be licensed, or because of any other factor relevant thereto;

(2) In consultation and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed under this chapter.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability, and competence of an agency and other persons associated with an agency directly responsible for the care of children. In consultation with law enforcement personnel, the director shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure. No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a provider licensed under this chapter. In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children shall be fingerprinted. The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history records check. The fingerprint criminal history records checks will be at the expense of the licensee. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record. The director shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children. Criminal justice agencies shall provide the director such information as they may have and that the director may require for such purpose;

(c) The number of qualified persons required to render the type of care for which an agency seeks a license;

(d) The health, safety, cleanliness, and general adequacy of the premises to provide for the comfort, care, and well-being of children;

(e) The provision of necessary care and early learning, including food, supervision, and discipline; physical, mental, and social well-being; and educational and recreational opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established under this chapter; and

(g) The maintenance of records pertaining to the care of children;

(3) To issue, revoke, or deny licenses to agencies pursuant to this chapter. Licenses shall specify the category of care that an agency is authorized to render and the ages and number of children to be served;

(4) To prescribe the procedures and the form and contents of reports necessary for the administration of this chapter and to require regular reports from each licensee;

(5) To inspect agencies periodically to determine whether or not there is compliance with this chapter and the requirements adopted under this chapter;

(6) To review requirements adopted under this chapter at least every two years and to adopt appropriate changes after consultation with affected groups for child day care requirements; and

(7) To consult with public and private agencies in order to help them improve their methods and facilities for the care and early learning of children.

NEW SECTION. Sec. 302. The chief of the Washington state patrol, through the director of fire protection, shall have the power and it shall be his or her duty:

(1) In consultation with the director and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt recognized minimum standard requirements pertaining to each category of agency established pursuant to this chapter necessary to protect all persons residing therein from fire hazards;

(2) To make or cause to be made such inspections and investigations of agencies as he or she deems necessary;

(3) To make a periodic review of requirements under section 301(5) of this act and to adopt necessary changes after consultation as required in subsection (1) of this section;

(4) To issue to applicants for licenses under this chapter who comply with the requirements, a certificate of compliance, a copy of which shall be presented to the department before a license shall be issued, except that an initial license may be issued as provided in section 309 of this act.

NEW SECTION. Sec. 303. Licensed child day care centers shall provide notice of pesticide use to parents or guardians of students and employees pursuant to chapter 17.21 RCW.

NEW SECTION. Sec. 304. A copy of the articles of incorporation of any agency or amendments to the articles of existing corporation agencies shall be sent by the secretary of state to the department at the time such articles or amendments are filed.

NEW SECTION. Sec. 305. All agencies subject to this chapter shall accord the department, the chief of the Washington state patrol, and the director of fire protection, or their designees, the right of entrance and the privilege of access to and inspection of records for the purpose of determining

whether or not there is compliance with the provisions of this chapter and the requirements adopted under it.

NEW SECTION. Sec. 306. (1) It is unlawful for any agency to care for children unless the agency is licensed as provided in this chapter.

(2) A license issued under chapter 74.15 RCW before July 1, 2006, for an agency subject to this chapter after July 1, 2006, is valid until its next renewal, unless otherwise suspended or revoked by the department.

NEW SECTION. Sec. 307. Each agency shall make application for a license or renewal of license to the department on forms prescribed by the department. Upon receipt of such application, the department shall either grant or deny a license within ninety days. A license shall be granted if the agency meets the minimum requirements set forth in this chapter and the departmental requirements consistent with the chapter, except that an initial license may be issued as provided in section 309 of this act. Licenses provided for in this chapter shall be issued for a period of three years. The licensee, however, shall advise the director of any material change in circumstances which might constitute grounds for reclassification of license as to category. The license issued under this chapter is not transferable and applies only to the licensee and the location stated in the application. For licensed family day care homes having an acceptable history of child care, the license may remain in effect for two weeks after a move.

NEW SECTION. Sec. 308. If a licensee desires to apply for a renewal of its license, a request for a renewal shall be filed ninety days before the expiration date of the license. If the department has failed to act at the time of the expiration date of the license, the license shall continue in effect until such time as the department acts.

NEW SECTION. Sec. 309. The director may, at his or her discretion, issue an initial license instead of a full license, to an agency or facility for a period not to exceed six months, renewable for a period not to exceed two years, to allow such agency or facility reasonable time to become eligible for full license.

NEW SECTION. Sec. 310. (1) The department may issue a probationary license to a licensee who has had a license but is temporarily unable to comply with a rule or has been the subject of multiple complaints or concerns about noncompliance if:

(a) The noncompliance does not present an immediate threat to the health and well-being of the children but would be likely to do so if allowed to continue; and

(b) The licensee has a plan approved by the department to correct the area of noncompliance within the probationary period.

(2) A probationary license may be issued for up to six months, and at the discretion of the department it may be extended for an additional six months. The department shall immediately terminate the probationary license, if at any time the noncompliance for which the probationary license was issued presents an immediate threat to the health or well-being of the children.

(3) The department may, at any time, issue a probationary license for due cause that states the conditions of probation.

(4) An existing license is invalidated when a probationary license is issued.

(5) At the expiration of the probationary license, the department shall reinstate the original license for the remainder of its term, issue a new license, or revoke the original license.

(6) A right to an adjudicative proceeding shall not accrue to the licensee whose license has been placed on probationary status unless the licensee does not agree with the placement on

FIFTY-FIRST DAY, FEBRUARY 28, 2006

probationary status and the department then suspends, revokes, or modifies the license.

NEW SECTION. Sec. 311. (1) An agency may be denied a license, or any license issued pursuant to this chapter may be suspended, revoked, modified, or not renewed by the director upon proof (a) that the agency has failed or refused to comply with the provisions of this chapter or the requirements adopted pursuant to this chapter; or (b) that the conditions required for the issuance of a license under this chapter have ceased to exist with respect to such licenses. RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(2) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of any license under this chapter, the department's decision shall be upheld if it is supported by a preponderance of the evidence.

(3) The department may assess civil monetary penalties upon proof that an agency has failed or refused to comply with the rules adopted under this chapter or that an agency subject to licensing under this chapter is operating without a license except that civil monetary penalties shall not be levied against a licensed foster home. Monetary penalties levied against unlicensed agencies that submit an application for licensure within thirty days of notification and subsequently become licensed will be forgiven. These penalties may be assessed in addition to or in lieu of other disciplinary actions. Civil monetary penalties, if imposed, may be assessed and collected, with interest, for each day an agency is or was out of compliance. Civil monetary penalties shall not exceed seventy-five dollars per violation for a family day care home and two hundred fifty dollars per violation for child day care centers. Each day upon which the same or substantially similar action occurs is a separate violation subject to the assessment of a separate penalty. The department shall provide a notification period before a monetary penalty is effective and may forgive the penalty levied if the agency comes into compliance during this period. The department may suspend, revoke, or not renew a license for failure to pay a civil monetary penalty it has assessed pursuant to this chapter within ten days after such assessment becomes final. Chapter 43.20A RCW governs notice of a civil monetary penalty and provides the right of an adjudicative proceeding. The preponderance of evidence standard shall apply in adjudicative proceedings related to assessment of civil monetary penalties.

(4)(a) In addition to or in lieu of an enforcement action being taken, the department may place a child day care center or family day care provider on nonreferral status if the center or provider has failed or refused to comply with this chapter or rules adopted under this chapter or an enforcement action has been taken. The nonreferral status may continue until the department determines that: (i) No enforcement action is appropriate; or (ii) a corrective action plan has been successfully concluded.

(b) Whenever a child day care center or family day care provider is placed on nonreferral status, the department shall provide written notification to the child day care center or family day care provider.

(5) The department shall notify appropriate public and private child care resource and referral agencies of the department's decision to: (a) Take an enforcement action against a child day care center or family day care provider; or (b) place or remove a child day care center or family day care provider on nonreferral status.

NEW SECTION. Sec. 312. (1) The office of administrative hearings shall not assign nor allow an administrative law judge to preside over an adjudicative hearing regarding denial, modification, suspension, or revocation of any license to

provide child care under this chapter, unless such judge has received training related to state and federal laws and department policies and procedures regarding:

- (a) Child abuse, neglect, and maltreatment;
- (b) Child protective services investigations and standards;
- (c) Licensing activities and standards;
- (d) Child development; and
- (e) Parenting skills.

(2) The office of administrative hearings shall develop and implement a training program that carries out the requirements of this section. The office of administrative hearings shall consult and coordinate with the department in developing the training program. The department may assist the office of administrative hearings in developing and providing training to administrative law judges.

NEW SECTION. Sec. 313. The director shall immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

NEW SECTION. Sec. 314. Notwithstanding the existence or pursuit of any other remedy, the director may, in the manner provided by law, upon the advice of the attorney general, who shall represent the department in the proceeding, maintain an action in the name of the state for injunction or such other relief as he or she may deem advisable against any agency subject to licensing under the provisions of this chapter or against any such agency not having a license as heretofore provided in this chapter.

NEW SECTION. Sec. 315. Any agency operating without a license shall be guilty of a misdemeanor. This section shall not be enforceable against an agency until sixty days after the effective date of new rules, applicable to such agency, have been adopted under this chapter.

PART 4 DEPARTMENT OF SOCIAL AND HEALTH SERVICES LICENSING REVISIONS

Sec. 401. RCW 74.15.020 and 2001 c 230 s 1, 2001 c 144 s 1, and 2001 c 137 s 3 are each reenacted and amended to read as follows:

For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) (~~"Child day care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;~~

~~(b))~~ "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

~~((e))~~ (b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

~~((d))~~ (c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;

~~((e))~~ (d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

~~((f))~~ "Family day-care provider" means a child day-care provider who regularly provides child day care for not more than twelve children in the provider's home in the family living quarters;

~~((g))~~ (e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

~~((h))~~ (f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

~~((i))~~ (g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

~~((j))~~ (h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

~~((k))~~ (i) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

~~((l))~~ (j) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated; or

(v) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where ~~((: (i) The person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care; or (ii))~~ the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

~~((Parents on a mutually cooperative basis exchange care of one another's children;~~

~~((e))~~ A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

~~((f))~~ (e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States immigration and naturalization service, or persons who have the care of such an international child in their home;

~~((g) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;~~

~~((h))~~ (f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

~~((i) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;~~

~~((j))~~ (g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

~~((k))~~ (h) Licensed physicians or lawyers;

~~((l) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;~~

~~((m))~~ (i) Facilities approved and certified under chapter 71A.22 RCW;

~~((n))~~ (j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting

FIFTY-FIRST DAY, FEBRUARY 28, 2006

moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

~~((f))~~ (k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

~~((f))~~ (l) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

~~((f))~~ (m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

~~((f))~~ (n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(3) "Department" means the state department of social and health services.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(6) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(7) "Secretary" means the secretary of social and health services.

(8) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(9) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the job training partnership act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

Sec. 402. RCW 74.15.030 and 2005 c 490 s 11 are each amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered

or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons. In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure. No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under this chapter. In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children shall be fingerprinted. The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history records check. The fingerprint criminal history records checks will be at the expense of the licensee except that in the case of a foster family home, if this expense would work a hardship on the licensee, the department shall pay the expense. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record. The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children, expectant mothers, and developmentally disabled persons. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;

(c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under RCW 13.34.065 or 13.34.130, and

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of alleged child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including child day-care centers and family day-care homes, to determine whether the alleged abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation ~~((with affected groups for child day-care requirements and))~~ with the children's services advisory committee for requirements for other agencies; and

(9) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

Sec. 403. RCW 74.15.100 and 1995 c 302 s 8 are each amended to read as follows:

Each agency shall make application for a license or renewal of license to the department of social and health services on forms prescribed by the department. A licensed agency having foster-family homes under its supervision may make application for a license on behalf of any such foster-family home. Such a foster home license shall cease to be valid when the home is no longer under the supervision of that agency. Upon receipt of such application, the department shall either grant or deny a license within ninety days unless the application is for licensure as a foster-family home, in which case RCW 74.15.040 shall govern. A license shall be granted if the agency meets the minimum requirements set forth in chapter 74.15 RCW and RCW 74.13.031 and the departmental requirements consistent herewith, except that an initial license may be issued as provided in RCW 74.15.120. Licenses provided for in chapter 74.15 RCW and RCW 74.13.031 shall be issued for a period of three years. The licensee, however, shall advise the secretary of any material change in circumstances which might constitute grounds for reclassification of license as to category. The license issued under this chapter is not transferable and applies only to the licensee and the location stated in the application. For licensed foster-family ~~((and family day-care))~~ homes having an acceptable history of child care, the license may remain in effect for two weeks after a move, except that ~~((for the foster-family home))~~ this will apply only if the family remains intact.

Sec. 404. RCW 74.15.130 and 2005 c 473 s 6 are each amended to read as follows:

(1) An agency may be denied a license, or any license issued pursuant to chapter 74.15 RCW and RCW 74.13.031 may be suspended, revoked, modified, or not renewed by the secretary upon proof (a) that the agency has failed or refused to comply with the provisions of chapter 74.15 RCW and RCW 74.13.031 or the requirements promulgated pursuant to the provisions of chapter 74.15 RCW and RCW 74.13.031; or (b)

that the conditions required for the issuance of a license under chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such licenses. RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(2) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of a foster family home license, the department's decision shall be upheld if there is reasonable cause to believe that:

(a) The applicant or licensee lacks the character, suitability, or competence to care for children placed in out-of-home care, however, no unfounded report of child abuse or neglect may be used to deny employment or a license;

(b) The applicant or licensee has failed or refused to comply with any provision of chapter 74.15 RCW, RCW 74.13.031, or the requirements adopted pursuant to such provisions; or

(c) The conditions required for issuance of a license under chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such licenses.

(3) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of any license under this chapter, other than a foster family home license, the department's decision shall be upheld if it is supported by a preponderance of the evidence.

(4) The department may assess civil monetary penalties upon proof that an agency has failed or refused to comply with the rules adopted under the provisions of this chapter and RCW 74.13.031 or that an agency subject to licensing under this chapter and RCW 74.13.031 is operating without a license except that civil monetary penalties shall not be levied against a licensed foster home. Monetary penalties levied against unlicensed agencies that submit an application for licensure within thirty days of notification and subsequently become licensed will be forgiven. These penalties may be assessed in addition to or in lieu of other disciplinary actions. Civil monetary penalties, if imposed, may be assessed and collected, with interest, for each day an agency is or was out of compliance. Civil monetary penalties shall not exceed ~~((seventy-five dollars per violation for a family day-care home and))~~ two hundred fifty dollars per violation for group homes ~~((; child day-care centers;))~~ and child-placing agencies. Each day upon which the same or substantially similar action occurs is a separate violation subject to the assessment of a separate penalty. The department shall provide a notification period before a monetary penalty is effective and may forgive the penalty levied if the agency comes into compliance during this period. The department may suspend, revoke, or not renew a license for failure to pay a civil monetary penalty it has assessed pursuant to this chapter within ten days after such assessment becomes final. Chapter 43.20A RCW governs notice of a civil monetary penalty and provides the right of an adjudicative proceeding. The preponderance of evidence standard shall apply in adjudicative proceedings related to assessment of civil monetary penalties.

~~((5)(a) In addition to or in lieu of an enforcement action being taken, the department may place a child day-care center or family day-care provider on nonreferral status if the center or provider has failed or refused to comply with this chapter or rules adopted under this chapter or an enforcement action has been taken. The nonreferral status may continue until the department determines that: (i) No enforcement action is appropriate; or (ii) a corrective action plan has been successfully concluded.~~

~~—(b) Whenever a child day-care center or family day-care provider is placed on nonreferral status, the department shall provide written notification to the child day-care center or family day-care provider.~~

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

~~(6) The department shall notify appropriate public and private child care resource and referral agencies of the department's decision to: (a) Take an enforcement action against a child day-care center or family day-care provider; or (b) place or remove a child day-care center or family day-care provider on nonreferral status.)~~

PART 5

TRANSFER OF POWERS, DUTIES, AND FUNCTIONS

NEW SECTION. Sec. 501. (1) All powers, duties, and functions of the office of the superintendent of public instruction and the department of community, trade, and economic development pertaining to the early childhood education and assistance (ECEAP) program and the early reading initiative are transferred to the department of early learning. All references to the director or the department of community, trade, and economic development in the Revised Code of Washington shall be construed to mean the director or the department of early learning when referring to the functions transferred in this section.

(2) All powers, duties, and functions of the division of child care and early learning in the department of social and health services pertaining to the working connections child care program, child care licensing, child care quality activities, and the head start collaboration office are transferred to the department of early learning. However, eligibility staffing and eligibility payment functions for the working connections child care program shall not be transferred to the department of early learning. All references to the secretary or the department of social and health services in the Revised Code of Washington shall be construed to mean the director or the department of early learning when referring to the functions transferred in this section.

(3) Child day care services provided through the children's administration within the department of social and health services are not transferred to the department of early learning.

NEW SECTION. Sec. 502. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the office of the superintendent of public instruction, the department of social and health services, and the department of community, trade, and economic development pertaining to the powers, functions, and duties transferred in section 501 of this act shall be delivered to the custody of the department of early learning. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the office of the superintendent of public instruction, the department of social and health services, and the department of community, trade, and economic development in carrying out the powers, functions, and duties transferred shall be made available to the department of early learning. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of early learning.

NEW SECTION. Sec. 503. (1) Any appropriations made to the office of the superintendent of public instruction or the department of community, trade, and economic development for carrying out the powers, functions, and duties transferred in section 501 of this act shall, on the effective date of this section, be transferred and credited to the department of early learning;

(2) Any appropriations made to the department of social and health services for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred to the department of early learning through an interagency agreement.

NEW SECTION. Sec. 504. (1) All employees of the office of the superintendent of public instruction, the department of

social and health services, and the department of community, trade, and economic development engaged in performing the powers, functions, and duties transferred in section 501 of this act are transferred to the jurisdiction of the department of early learning. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of early learning to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(2) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the public employment relations commission as provided by law.

NEW SECTION. Sec. 505. (1) All rules and all pending business before the office of the superintendent of public instruction, the department of social and health services, and the department of community, trade, and economic development pertaining to the powers, functions, and duties transferred in section 501 of this act shall be continued and acted upon by the department of early learning. All existing contracts and obligations shall remain in full force and shall be performed by the department of early learning.

(2) The transfer of the powers, duties, functions, and personnel of the office of the superintendent of public instruction, the department of social and health services, and the department of community, trade, and economic development shall not affect the validity of any act performed before the effective date of this section.

(3) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(4) If apportionments of budgeted funds are required because of the transfers directed by this section and sections 501 through 504 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 506. By November 15, 2006, the department of early learning, in collaboration with the early learning council, shall prepare a report and make recommendations to the governor and appropriate committees of the legislature detailing:

(1) Coordination and collaboration between the department and the K-12 system at the state and local levels to ensure appropriate connections and smooth transitions between early learning and K-12;

(2) Ongoing coordination and collaboration between the department and other programs not included in the department;

(3) Ways the department will support local communities in encouraging public-private partnerships, innovative solutions to local issues, coordination of early learning services, and improved transitions from early learning to kindergarten;

(4) The relationship between the department and the private-public partnership;

(5) Internal governance of the department, to be implemented July 1, 2007, upon termination of the early learning council; and

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

(6) Transition of any additional early learning programs and responsibilities, including administration of federal child care funds and subsidy eligibility and payment functions.

NEW SECTION. Sec. 507. By July 1, 2008, the joint legislative audit and review committee shall conduct an evaluation of the implementation and operation of the department of early learning to assess the extent to which:

- (1) Services and programs that previously were administered separately have been effectively integrated;
- (2) Reporting and monitoring activities have been consolidated and made more efficient;
- (3) Consolidation has resulted in administrative efficiencies within the department;
- (4) The department has improved child care and early learning services;
- (5) The department has been an effective partner in the private-public partnership;
- (6) The costs of purchasing subsidized and unsubsidized child care services are potentially impacted;
- (7) Procedures have been put in place to respect parents and legal guardians and provide them the opportunity to participate in the development of policies and program decisions affecting their children; and
- (8) The degree and methods by which the agency conducts parent outreach and education.

**PART 6
MISCELLANEOUS PROVISIONS**

NEW SECTION. Sec. 601. The following sections are each recodified as new sections in the new chapter created in section 603 of this act:

- RCW 74.13.097
- RCW 74.13.098
- RCW 74.13.099
- RCW 74.15.063
- RCW 74.15.310
- RCW 74.15.320
- RCW 74.15.330
- RCW 74.15.340
- RCW 74.15.350
- RCW 28A.215.100
- RCW 28A.215.110
- RCW 28A.215.120
- RCW 28A.215.130
- RCW 28A.215.140
- RCW 28A.215.150
- RCW 28A.215.160
- RCW 28A.215.170
- RCW 28A.215.180
- RCW 28A.215.190
- RCW 28A.215.200
- RCW 28A.215.900
- RCW 28A.215.904
- RCW 28A.215.906
- RCW 28A.215.908

NEW SECTION. Sec. 602. PART HEADINGS NOT LAW. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 603. Sections 101 through 109, 301 through 315, and 501 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 604. This act takes effect July 1, 2006.

NEW SECTION. Sec. 605. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator McAuliffe spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Pflug moved that the following amendment by Senators Pflug and Kohl-Welles to the committee striking amendment be adopted.

On page 41, line 11 of the amendment, after "July 1," strike "2008" and insert "2010"

On page 41, beginning on line 21 of the amendment, strike all material through "(7)" on line 27, and insert the following:

- "(4) Child care and early learning services are improved;
- (5) Subsidized child care is available;
- (6) Subsidized child care is affordable;
- (7) The department has been an effective partner in the private-public partnership;
- (8)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

Senators Pflug and Kohl-Welles spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Pflug and Kohl-Welles on page 41, line 11 to the committee striking amendment to Second Substitute House Bill No. 2964.

The motion by Senator Pflug carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning, K-12 & Higher Education as amended to Second Substitute House Bill No. 2964.

The motion by Senator McAuliffe carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "learning;" strike the remainder of the title and insert "amending RCW 43.17.010, 42.17.2401, 41.04.385, 74.13.085, 74.13.0902, 74.13.0903, 74.13.098, 74.13.099, 74.15.350, 74.12.340, 74.08A.340, 28A.215.110, 28A.215.120, 43.63A.066, 74.15.030, 74.15.100, and 74.15.130; reenacting and amending RCW 43.17.020 and 74.15.020; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 74.13.097, 74.13.098, 74.13.099, 74.15.063, 74.15.310, 74.15.320, 74.15.330, 74.15.340, 74.15.350, 28A.215.100, 28A.215.110, 28A.215.120, 28A.215.130, 28A.215.140, 28A.215.150, 28A.215.160, 28A.215.170, 28A.215.180, 28A.215.190, 28A.215.200, 28A.215.900, 28A.215.904, 28A.215.906, and 28A.215.908; prescribing penalties; and providing an effective date."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Second Substitute House Bill No. 2964 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Pflug, Kohl-Welles and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2964 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2964 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senators Benson and Morton - 2

SECOND SUBSTITUTE HOUSE BILL NO. 2964 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2407, by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Lovick, Strow, O'Brien, Ericks, Dunshee, Linville, Grant, Lantz, Kessler, Williams, Blake, Morrell, Rodne, Hunt, Conway, P. Sullivan, Springer, Takko, Kilmer, Fromhold, B. Sullivan, Hunter, Simpson, Green, Miloscia, Sells, Upthegrove, Campbell and Ormsby)

Revising provisions relating to electronic monitoring of sex offenders.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.713 and 2001 2nd sp.s. c 12 s 304 are each amended to read as follows:

(1) When an offender is sentenced under RCW 9.94A.712, the department shall assess the offender's risk of recidivism and shall recommend to the board any additional or modified conditions of the offender's community custody based upon the risk to community safety. In addition, the department shall make a recommendation with regard to, and the board may require the offender to participate in, rehabilitative programs, or otherwise perform affirmative conduct, and obey all laws. The department may recommend and, if recommended, the board may impose electronic monitoring as a condition of community custody for the offender. Within the resources made available by the department for this purpose, the department shall carry out any monitoring imposed under this section using the most appropriate technology given the individual circumstances of the offender. As used in this section, "electronic monitoring" means the monitoring of an offender using an electronic offender tracking system including, but not limited to, a system using radio frequency or active or passive global positioning technology. The board must consider and may impose department-recommended conditions.

(2) The department may not recommend and the board may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court-imposed conditions. The board shall notify the offender in writing of any such conditions or modifications.

(3) In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

(4) If an offender violates conditions imposed by the court, the department, or the board during community custody, the board or the department may transfer the offender to a more restrictive confinement status and impose other available sanctions as provided in RCW 9.95.435.

(5) By the close of the next business day, after receiving notice of a condition imposed by the board or the department, an offender may request an administrative hearing under rules adopted by the board. The condition shall remain in effect unless the hearing examiner finds that it is not reasonably related to any of the following:

- (a) The crime of conviction;
- (b) The offender's risk of reoffending; or
- (c) The safety of the community.

(6) An offender released by the board under RCW 9.95.420 shall be subject to the supervision of the department until the expiration of the maximum term of the sentence. The department shall monitor the offender's compliance with conditions of community custody imposed by the court, department, or board, and promptly report any violations to the board. Any violation of conditions of community custody established or modified by the board shall be subject to the provisions of RCW 9.95.425 through 9.95.440.

(7) If the department finds that an emergency exists requiring the immediate imposition of conditions of release in addition to those set by the board under RCW 9.95.420 and subsection (1) of this section in order to prevent the offender from committing a crime, the department may impose additional conditions. The department may not impose conditions that are contrary to those set by the board or the court and may not contravene or decrease court-imposed or board-imposed conditions. Conditions imposed under this subsection shall take effect immediately after notice to the offender by personal service, but shall not remain in effect longer than seven working days unless approved by the board under subsection (1) of this section within seven working days.

Sec. 2. RCW 9.94A.715 and 2003 c 379 s 6 are each amended to read as follows:

(1) When a court sentences a person to the custody of the department for a sex offense not sentenced under RCW 9.94A.712, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, the court shall in addition to the other terms of the sentence, sentence the offender to community custody for the community custody range established under RCW 9.94A.850 or up to the period of earned release awarded pursuant to RCW 9.94A.728 (1) and (2), whichever is longer. The community custody shall begin: (a) Upon completion of the term of confinement; (b) at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.728 (1) and (2); or (c) with regard to offenders sentenced under RCW 9.94A.660, upon failure to complete or administrative termination from the special drug offender sentencing alternative program. Except as provided in RCW 9.94A.501, the department shall supervise any sentence of community custody imposed under this section.

(2)(a) Unless a condition is waived by the court, the conditions of community custody shall include those provided

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

for in RCW 9.94A.700(4). The conditions may also include those provided for in RCW 9.94A.700(5). The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department shall enforce such conditions pursuant to subsection (6) of this section.

(b) As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department under RCW 9.94A.720. The department shall assess the offender's risk of reoffense and may establish and modify additional conditions of the offender's community custody based upon the risk to community safety. In addition, the department may require the offender to participate in rehabilitative programs, or otherwise perform affirmative conduct, and to obey all laws. The department may impose electronic monitoring as a condition of community custody for an offender sentenced to a term of community custody under this section pursuant to a conviction for a sex offense. Within the resources made available by the department for this purpose, the department shall carry out any electronic monitoring imposed under this section using the most appropriate technology given the individual circumstances of the offender. As used in this section, "electronic monitoring" means the monitoring of an offender using an electronic offender tracking system including, but not limited to, a system using radio frequency or active or passive global positioning system technology.

(c) The department may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court imposed conditions. The department shall notify the offender in writing of any such conditions or modifications. In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

(3) If an offender violates conditions imposed by the court or the department pursuant to this section during community custody, the department may transfer the offender to a more restrictive confinement status and impose other available sanctions as provided in RCW 9.94A.737 and 9.94A.740.

(4) Except for terms of community custody under RCW 9.94A.670, the department shall discharge the offender from community custody on a date determined by the department, which the department may modify, based on risk and performance of the offender, within the range or at the end of the period of earned release, whichever is later.

(5) At any time prior to the completion or termination of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.631 and may be punishable as contempt of court as provided for in RCW 7.21.040. If the court extends a condition beyond the expiration of the term of community custody, the department is not responsible for supervision of the offender's compliance with the condition.

(6) Within the funds available for community custody, the department shall determine conditions and duration of community custody on the basis of risk to community safety, and shall supervise offenders during community custody on the

basis of risk to community safety and conditions imposed by the court. The secretary shall adopt rules to implement the provisions of this subsection.

(7) By the close of the next business day after receiving notice of a condition imposed or modified by the department, an offender may request an administrative review under rules adopted by the department. The condition shall remain in effect unless the reviewing officer finds that it is not reasonably related to any of the following: (a) The crime of conviction; (b) the offender's risk of reoffending; or (c) the safety of the community.

NEW SECTION. Sec. 3. A new section is added to chapter 4.24 RCW to read as follows:

Local governments, their subdivisions and employees, the department of corrections and its employees, and the Washington association of sheriffs and police chiefs and its employees are immune from civil liability for damages arising from incidents involving offenders who are placed on electronic monitoring, unless it is shown that an employee acted with gross negligence or bad faith."

Senator Hargrove spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 2407.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 9.94A.713 and 9.94A.715; and adding a new section to chapter 4.24 RCW."

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 2407 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2407 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2407 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 2407 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

FIFTY-FIRST DAY, FEBRUARY 28, 2006
POINT OF ORDER

Senator Hargrove: "Subject to Rule 9, I would suggest the Senate chamber and facilities be used for legislative business and not for a floral arrangement. My ears are itching, my eyes are closing. My nose, I can't breath."

PERSONAL PRIVILEGE

Senator Eide: "I think we're going to accommodate him. I believe it's the lilies. When we came from caucus several of us had bouquets on our desk and we're going to remove the bouquets that have the lilies in them. Thank you."

PARLIAMENTARY INQUIRY

Senator Esser: "Thank you Mr. President. Do you have a phone number for Capital Florist?"

MOTION

On motion of Senator Eide, the Senate reverted to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 28, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ERIC LIU, appointed January 20, 2006, for the term ending January 30, 2007, as Member of the State Board of Education.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

At 4:58 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 7:07 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

February 28, 2006

MR. PRESIDENT:

2006 REGULAR SESSION

The House has passed the following bill {s}:

SENATE BILL NO. 6531,
SENATE BILL NO. 6545,
SUBSTITUTE SENATE BILL NO. 6572,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 28, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:

SUBSTITUTE SENATE BILL NO. 5042,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5204,
SUBSTITUTE SENATE BILL NO. 6161,
SENATE BILL NO. 6371,
SENATE BILL NO. 6416,
SENATE BILL NO. 6463,
SENATE BILL NO. 6504,
SENATE BILL NO. 6539,
SUBSTITUTE SENATE BILL NO. 6570,
SUBSTITUTE SENATE BILL NO. 6670,
SENATE BILL NO. 6816,
ENGROSSED SENATE JOINT MEMORIAL NO. 8019,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 28, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:

SECOND SUBSTITUTE SENATE BILL NO. 5717,
SUBSTITUTE SENATE BILL NO. 5838,
SUBSTITUTE SENATE BILL NO. 6168,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6189,
SENATE BILL NO. 6231,
ENGROSSED SENATE BILL NO. 6376,
SUBSTITUTE SENATE BILL NO. 6382,
SUBSTITUTE SENATE BILL NO. 6401,
SUBSTITUTE SENATE BILL NO. 6441,
SUBSTITUTE SENATE BILL NO. 6473,
SUBSTITUTE SENATE BILL NO. 6571,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6580,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2715, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Ericks, Anderson, Morris, Haler, Crouse, Hankins, Nixon, Sump, P. Sullivan, Hudgins, Kilmer, Takko, Green, Sells, Clibborn, Simpson, Springer, Roberts, Ormsby, Morrell and McIntire)

Regarding the state interoperability executive committee.

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 2715 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, Roach and Brandland spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senators Benton, McCaslin, Oke, Deccio and Pflug were excused.

MOTION

On motion of Senator Regala, Senator Hargrove was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2715.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2715 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 3; Excused, 4.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 42

Absent: Senators Delvin, Doumit and Zarelli - 3

Excused: Senators Benton, Hargrove, McCaslin and Pflug - 4

SUBSTITUTE HOUSE BILL NO. 2715, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2789, by House Committee on Appropriations (originally sponsored by Representatives Quall, Conway, Wood, Hasegawa, Haigh, Ormsby, Murray, Chase, Kessler, Morrell, Green, Roberts, McCoy, Moeller, Simpson, Sells, Lantz, McDermott, Ericks, Hankins, Kagi and Hudgins)

Expanding apprenticeship opportunities for high school graduates.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning, K-12 & Higher Education be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 A new section is added to chapter 49.04 RCW to read as follows:

(1) The legislature finds that it is in the public interest of the state to encourage and facilitate the formation of cooperative relationships between business and labor and educational institutions that provide for the development and expansion of programs of educational skills training consistent with employment needs.

(2) Further, the legislature finds that it is in the state's interest to make students aware of the educational training programs and career employment opportunities.

(3) Therefore, the following shall be implemented to expand opportunities for secondary school students to prepare for technical careers and related apprenticeships:

(a) Centers of excellence and other colleges with a high density of apprenticeship programs shall act as brokers of relevant information and resources as provided for in section 2 of this act;

(b) An educational outreach program coordinated by the Washington state apprenticeship and training council as provided for in section 3 of this act; and

(c) The development of direct-entry programs for graduating secondary students, approved and overseen by the Washington state apprenticeship and training council as provided for in section 4 of this act.

NEW SECTION. Sec. 2 A new section is added to chapter 49.04 RCW to read as follows:

(1) Centers of excellence, as designated by the state board for community and technical colleges, and other colleges identified by the state board for community and technical colleges in consultation with the Washington state apprenticeship and training council as having a high density of apprenticeship programs, shall act as a broker of relevant information and resources on available grants, scholarship opportunities, job openings, and industries of growth.

(2) The Washington state apprenticeship and training council, in conjunction with the office of the superintendent of public instruction, shall aid all local school districts in meeting the goals of this act.

NEW SECTION. Sec. 3 A new section is added to chapter 49.04 RCW to read as follows:

(1) Within existing resources, the Washington state apprenticeship and training council, in conjunction with individual state-approved apprenticeship training programs and the office of the superintendent of public instruction, shall lead and coordinate an educational outreach program for middle and secondary school students, parents, and educators about apprenticeship and career opportunities and communicate work force projections to the office of the superintendent of public instruction for distribution to all local school districts.

(2) Appropriate activities of the Washington state apprenticeship and training council under this section include assistance with curriculum development, the establishment of practical learning opportunities for students, and seeking the advice and participation of industry and labor interests.

NEW SECTION. Sec. 4 A new section is added to chapter 49.04 RCW to read as follows:

(1) Within existing resources, the Washington state apprenticeship and training council shall approve and oversee direct-entry programs for graduating secondary students into building and construction-related apprenticeships by:

(a) Assisting individual school districts in using and leveraging existing resources; and

(b) Developing guidelines, including guidelines that ensure that graduating secondary school students will receive appropriate education and training and will have the opportunity to transition to local apprenticeship programs. The guidelines

FIFTY-FIRST DAY, FEBRUARY 28, 2006

must be developed with input from apprenticeship coordinators, the office of the superintendent of public instruction, the state board for community and technical colleges, the work force training and education coordinating board, and other interested stakeholders for direct-entry programs.

(2) The Washington state apprenticeship and training council shall award up to ten incentive grants for the 2006-07 school year, based on guidelines established under subsection (1)(b) of this section, to school districts statewide solely for personnel to negotiate and implement agreements with local apprenticeship programs based upon state apprenticeship use requirements, as described in RCW 39.04.320, to accept graduating secondary school students with appropriate training into apprenticeship programs. The council shall make every effort to award the grants evenly across the state.

(3) Beginning December 1, 2006, the Washington state apprenticeship and training council shall provide an annual report to the governor and the education and commerce and labor committees of the legislature. The report shall include:

(a) The guidelines established under subsection (1)(b) of this section;

(b) The names of the school districts receiving incentive grants under subsection (2) of this section;

(c) The results of negotiations between school districts receiving incentive grants and local apprenticeship programs;

(d) A list of apprenticeship programs that have agreed, pursuant to negotiated agreements, to accept qualified graduating secondary students; and

(e) The number of qualified graduating secondary students entering into apprenticeship programs each year through direct-entry programs.

NEW SECTION. Sec. 5 A new section is added to chapter 28C.04 RCW to read as follows:

(1) Subject to funding provided for the purposes of this section, the superintendent of public instruction and the state board for community and technical colleges, in consultation with the Washington state apprenticeship and training council, shall allocate grants on a competitive basis to up to four pilot projects to expand enrollment of secondary school students in career and technical programs that enable them to enter apprenticeships, particularly building and construction apprenticeships, upon graduation. The purpose of the pilot projects is to develop new collaborations among K-12 education and work force education providers and try new approaches to delivering instruction and career and technical education to secondary school students.

(a) Two of the pilot projects shall involve skill centers or high schools working collaboratively with local or regional apprenticeship programs and the Washington state apprenticeship and training council to design and offer the programs.

(b) Two of the pilot projects shall involve community or technical colleges working collaboratively with local high schools, local or regional apprenticeship programs, and the Washington state apprenticeship and training council to design and offer the programs.

(c) At least one of the pilot projects is encouraged to involve small or rural high schools.

(d) In reviewing the grant applications, the superintendent of public instruction and the Washington state apprenticeship and training council shall convene a review committee representing the state board for community and technical colleges, the work force training and education coordinating board, business and labor interests with ties to apprenticeship fields, apprenticeship program coordinators, and career and technical educators in the public schools. Grant award recipients must be notified by June 1, 2006.

(e) Pilot projects must be ready to enroll students for the 2006-07 school year.

(f) The pilot projects shall operate for a three-year period.

(2) In addition to enrolling students in career and technical programs that enable them to enter apprenticeships upon graduation, the pilot projects under this section may engage in but are not limited to the following activities:

(a) Developing or modifying curriculum to align with apprenticeship entry requirements and skill expectations or to adjust curriculum to the secondary level;

(b) Negotiating agreements for nonmonetary consideration or for no consideration to use local or regional apprenticeship program training facilities to offer programs;

(c) Negotiating agreements with local or regional apprenticeship programs, community or technical colleges, or other contractors to provide specialized instruction within the program;

(d) Based on guidelines and assistance from the Washington state apprenticeship and training council, negotiating direct-entry agreements with local or regional apprenticeship programs to accept pilot project graduates into the programs;

(e) In conjunction with educational outreach efforts by the Washington state apprenticeship and training council and local or regional apprenticeship programs, conducting marketing, advertising, and communication about the pilot project to area teachers, counselors, students, and parents;

(f) Providing tutoring and other academic support services to ensure students have the necessary academic skills for the program and for high school graduation; and

(g) Offering other support services such as counseling, community service referral, and assistance for low-income students such as tools, supplies, books, or transportation to nonschool facilities.

(3) To the maximum extent possible, students enrolled in a pilot project shall receive both high school and college credit for their courses through tech-prep agreements or the high school program created in RCW 28A.600.300 through 28A.600.400 (running start).

(4) Beginning December 1, 2007, recipients of grants under this section shall report annually to the Washington state apprenticeship and training council: The number of students participating in programs developed under this section, the number of qualified graduating secondary students entering into apprenticeship programs each year, the apprenticeship programs into which the students entered, and lessons learned by the grant recipients that might lead to improvements in the development and implementation of additional preapprenticeship programs. The Washington state apprenticeship and training council shall provide an annual summary of the reports to the governor and the education and commerce and labor committees of the legislature.

(5) Funding for a student enrolled in a community or technical college pilot project under this section shall be provided under RCW 28A.320.015 and 28A.320.035 and rules adopted for the provision of instruction under contract.

(6) Using existing resources the superintendent of public instruction shall convene a work group to identify barriers and opportunities for further expansion of secondary career and technical programs that enable graduates to enter apprenticeships, including building and construction-related apprenticeships, beyond the pilot project stage. The work group shall include representatives from the Washington state apprenticeship and training council, local or regional apprenticeship programs, the work force training and education coordinating board, community and technical colleges, high schools, and skill centers. The superintendent shall submit a report with recommendations to the governor and the education

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

and commerce and labor committees of the legislature by December 1, 2006. Issues to be considered by the work group may include:

(a) Expanding participation and opportunities in running start for career and technical students, particularly in apprenticeship preparation programs, including the role of using parent involvement in guidance and counseling for students to expand participation;

(b) Addressing highly qualified teacher requirements under the ederal no child left behind act;

(c) Cross-crediting of career and technical and core academic courses;

(d) The funding model for skill centers;

(e) Creating benchmarks to measure outcomes from the pilot projects and from possible expansion of the projects; and

(f) The impact of current student assessment and achievement requirements on student participation in apprenticeship preparation programs and opportunities for developing alternative assessment and achievement requirements.

(7) This section expires August 31, 2009.

Sec. 6 RCW 28B.15.067 and 2003 c 232 s 4 are each amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

(2) Beginning with the 2003-04 academic year and ending with the 2008-09 academic year, reductions or increases in full-time tuition fees for resident undergraduates shall be as provided in the omnibus appropriations act.

(3) Beginning with the 2003-04 academic year and ending with the 2008-09 academic year, the governing boards of the state universities, the regional universities, The Evergreen State College, and the state board for community and technical colleges may reduce or increase full-time tuition fees for all students other than resident undergraduates, including summer school students and students in other self-supporting degree programs. Percentage increases in full-time tuition fees may exceed the fiscal growth factor. Reductions or increases may be made for all or portions of an institution's programs, campuses, courses, or students.

(4) Academic year tuition for full-time students at the state's institutions of higher education beginning with 2009-10, other than summer term, shall be as charged during the 2008-09 academic year unless different rates are adopted by the legislature.

(5) The tuition fees established under this chapter shall not apply to high school students enrolling in participating institutions of higher education under RCW 28A.600.300 through 28A.600.400.

(6) The tuition fees established under this chapter shall not apply to eligible students enrolling in a community or technical college under section 5 of this act.

(7) For the academic years 2003-04 through 2008-09, the University of Washington shall use an amount equivalent to ten percent of all revenues received as a result of law school tuition increases beginning in academic year 2000-01 through academic year 2008-09 to assist needy low and middle income resident law students.

~~((7))~~ (8) For the academic years 2003-04 through 2008-09, institutions of higher education shall use an amount equivalent to ten percent of all revenues received as a result of graduate academic school tuition increases beginning in academic year 2003-04 through academic year 2008-09 to assist needy low and middle-income resident graduate academic students.

NEW SECTION. Sec. 7 This act is necessary for the immediate preservation of the public peace, health, or safety, or

support of the state government and its existing public institutions, and takes effect April 1, 2006."

Senators McAuliffe and Schmidt spoke in favor of adoption of the committee striking amendment.

MOTION

On motion of Senator Schoesler, Senators Delvin and Zarelli were excused.

MOTION

On motion of Senator Regala, Senator Doumit was excused.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning, K-12 & Higher Education to Second Substitute House Bill No. 2789.

The motion by Senator McAuliffe carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "apprenticeships," strike the remainder of the title and insert "amending RCW 28B.15.067; adding new sections to chapter 49.04 RCW; adding a new section to chapter 28C.04 RCW; providing an effective date; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Second Substitute House Bill No. 2789 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2789 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2789 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Voting nay: Senators Honeyford and Morton - 2

Excused: Senators Benton, Delvin, Hargrove, McCaslin and Pflug - 5

SECOND SUBSTITUTE HOUSE BILL NO. 2789 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3098, by House Committee on Capital Budget (originally sponsored by Representatives McDermott, Talcott and Quall)

Transferring duties of the reconstituted state board of education.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning, K-12 & Higher Education be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. In 2005, the legislature reconstituted the state board of education to refocus its purpose; abolished the academic achievement and accountability commission; and assigned policy and rule-making authority for educator preparation and certification to the professional educator standards board. The purpose of this act is to address the remaining statutory responsibilities of the state board of education held before 2005. The legislature finds that some duties should be retained with the reconstituted board; many duties should be transferred to other agencies or organizations, primarily but not exclusively to the superintendent of public instruction; and some duties should be repealed. This act also corrects statutes to implement fully the transfer of responsibilities authorized in 2005.

PART 1
NEW STATE BOARD OF EDUCATION

NEW SECTION. Sec. 101. The legislature encourages the members of the new state board of education to review the transfer of duties from the state board to other entities made in this act and if any of the duties that were transferred away from the state board are necessary for the board to accomplish the purpose set out in this act then the state board shall come back to the legislature to request those necessary duties to be returned to the state board of education. The state board of education is encouraged to make such a request by January 15, 2007.

Sec. 102. RCW 28A.305.130 and 2005 c 497 s 104 are each amended to read as follows:

The purpose of the state board of education is to ((adopt statewide policies that promote achievement of the goals of RCW 28A.150.210; implement a standards-based accountability system; and provide leadership in the creation of an education system that respects the diverse cultures, abilities, and learning styles of all students)) provide advocacy and strategic oversight of public education; implement a standards-based accountability system to improve student academic achievement; provide leadership in the creation of a system that personalizes education for each student and respects diverse cultures, abilities, and learning styles; and promote achievement of the goals of RCW 28A.150.210. In addition to any other powers and duties as provided by law, the state board of education shall:

(1) ((Until January 1, 2006, approve or disapprove the program of courses leading to teacher, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive such certification.

—(2) Until January 1, 2006, conduct every five years a review of the program approval standards, including the minimum

standards for teachers, administrators, and educational staff associates, to reflect research findings and assure continued improvement of preparation programs for teachers, administrators, and educational staff associates.

—(3) Until January 1, 2006, investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to such certification as provided for in subsection (1) of this section, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates.

—(4) Until January 1, 2006:

—(a) Adopt rules to allow a teacher certification candidate to fulfill, in part, teacher preparation program requirements through work experience as a classified teacher's aide in a public school or private school meeting the requirements of RCW 28A.195.010. The rules shall include, but are not limited to, limitations based upon the recency of the teacher preparation candidate's teacher aide work experience, and limitations based on the amount of work experience that may apply toward teacher preparation program requirements under this chapter; and

—(b) Require that at the time of the individual's enrollment in a teacher preparation program, the supervising teacher and the building principal shall jointly provide to the teacher preparation program of the higher education institution at which the teacher candidate is enrolled, a written assessment of the performance of the teacher candidate. The assessment shall contain such information as determined by the state board of education and shall include: Evidence that at least fifty percent of the candidate's work as a classified teacher's aide was involved in instructional activities with children under the supervision of a certificated teacher and that the candidate worked a minimum of six hundred thirty hours for one school year; the type of work performed by the candidate; and a recommendation of whether the candidate's work experience as a classified teacher's aide should be substituted for teacher preparation program requirements. In compliance with such rules as may be established by the state board of education under this section, the teacher preparation programs of the higher education institution where the candidate is enrolled shall make the final determination as to what teacher preparation program requirements may be fulfilled by teacher aide work experience.

—(5) Until January 1, 2006, supervise the issuance of such certificates as provided for in subsection (1) of this section and specify the types and kinds of certificates necessary for the several departments of the common schools by rule or regulation in accordance with RCW 28A.410.010.

—(6)) Hold regularly scheduled meetings at such time and place within the state as the board shall determine and may hold such special meetings as may be deemed necessary for the transaction of public business((-);

((7)) (2) Form committees as necessary to effectively and efficiently conduct the work of the board((-);

((8)) (3) Seek advice from the public and interested parties regarding the work of the board((-);

((9)) (4) For purposes of statewide accountability((- the board shall));

(a) Adopt and revise performance improvement goals in reading, writing, science, and mathematics, by subject and grade level, once assessments in these subjects are required statewide; academic and technical skills, as appropriate, in secondary career and technical education programs; and student attendance, as the board deems appropriate to improve student learning. The goals shall be consistent with student privacy protection provisions of RCW 28A.655.090(7) and shall not conflict with requirements contained in Title I of the federal

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

elementary and secondary education act of 1965, or the requirements of the Carl D. Perkins vocational education act of 1998, each as amended. The goals may be established for all students, economically disadvantaged students, limited English proficient students, students with disabilities, and students from disproportionately academically underachieving racial and ethnic backgrounds. The board may establish school and school district goals addressing high school graduation rates and dropout reduction goals for students in grades seven through twelve. The board shall adopt the goals by rule. However, before each goal is implemented, the board shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;

(b) Identify the scores students must achieve in order to meet the standard on the Washington assessment of student learning and, for high school students, to obtain a certificate of academic achievement. The board shall also determine student scores that identify levels of student performance below and beyond the standard. The board shall consider the incorporation of the standard error of measurement into the decision regarding the award of the certificates. The board shall set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose. The initial performance standards and any changes recommended by the board in the performance standards for the tenth grade assessment shall be presented to the education committees of the house of representatives and the senate by November 30th of the school year in which the changes will take place to permit the legislature to take statutory action before the changes are implemented if such action is deemed warranted by the legislature. The legislature shall be advised of the initial performance standards and any changes made to the elementary level performance standards and the middle school level performance standards;

(c) Adopt objective, systematic criteria to identify successful schools and school districts and recommend to the superintendent of public instruction schools and districts to be recognized for two types of accomplishments, student achievement and improvements in student achievement. Recognition for improvements in student achievement shall include consideration of one or more of the following accomplishments:

(i) An increase in the percent of students meeting standards. The level of achievement required for recognition may be based on the achievement goals established by the legislature and by the board under (a) of this subsection;

(ii) Positive progress on an improvement index that measures improvement in all levels of the assessment; and

(iii) Improvements despite challenges such as high levels of mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting the standard, or the improvement index. When determining the baseline year or years for recognizing individual schools, the board may use the assessment results from the initial years the assessments were administered, if doing so with individual schools would be appropriate;

(d) Adopt objective, systematic criteria to identify schools and school districts in need of assistance and those in which significant numbers of students persistently fail to meet state standards. In its deliberations, the board shall consider the use

of all statewide mandated criterion-referenced and norm-referenced standardized tests;

(e) Identify schools and school districts in which state intervention measures will be needed and a range of appropriate intervention strategies after the legislature has authorized a set of intervention strategies. After the legislature has authorized a set of intervention strategies, at the request of the board, the superintendent shall intervene in the school or school district and take corrective actions. This chapter does not provide additional authority for the board or the superintendent of public instruction to intervene in a school or school district;

(f) Identify performance incentive systems that have improved or have the potential to improve student achievement;

(g) Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the superintendent of public instruction of any improvements needed to the system; and

(h) Include in the biennial report required under RCW 28A.305.035, information on the progress that has been made in achieving goals adopted by the board(-);

~~((10))~~ (5) Accredit, subject to such accreditation standards and procedures as may be established by the state board of education, all private schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.195.010, private schools carrying out a program for any or all of the grades kindergarten through twelve: PROVIDED, That no private school may be approved that operates a kindergarten program only: PROVIDED FURTHER, That no ~~((public or))~~ private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials~~((: PROVIDED FURTHER, That the state board may elect to require all or certain classifications of the public schools to conduct and participate in such preaccreditation examination and evaluation processes as may now or hereafter be established by the board.~~

~~((11))~~ Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

~~((12))~~ Prepare such outline of study for the common schools as the board shall deem necessary, and in conformance with legislative requirements, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

~~((13))~~ Continuously reevaluate courses and other requirements and adopt and enforce regulations within the common schools so as to meet the educational needs of students.

~~((14))~~ Evaluate course of study requirements and);

(6) Articulate with the institutions of higher education, work force representatives, and early learning policymakers and providers to coordinate and unify the work of the public school system(-);

~~((15))~~ Carry out board powers and duties relating to the organization and reorganization of school districts.

~~((16))~~ Hear and decide appeals as otherwise provided by law.

~~((17))~~ Promulgate information and rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools.

~~((18))~~ (7) Hire an executive director and an administrative assistant to reside in the office of the superintendent of public instruction for administrative purposes. Any other personnel of the board shall be appointed as provided by RCW 28A.300.020. The executive director, administrative assistant, and all but one

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

of the other personnel of the board are exempt from civil service, together with other staff as now or hereafter designated as exempt in accordance with chapter 41.06 RCW~~(-)~~; and

~~((+9))~~ (8) Adopt a seal that shall be kept in the office of the superintendent of public instruction.

Sec. 103. RCW 28A.305.035 and 2005 c 497 s 103 are each amended to read as follows:

(1) By October 15th of each even-numbered year, the state board of education and the professional educator standards board shall submit a joint report to the legislative education committees, the governor, and the superintendent of public instruction. The report shall address the progress the boards have made and the obstacles they have encountered, individually and collectively, in the work of achieving the goals in RCW 28A.150.210.

(2) The state board of education shall include the chairs and ranking minority members of the legislative education committees in board communications so that the legislature can be kept apprised of the discussions and proposed actions of the board.

Sec. 104. RCW 28A.300.040 and 2005 c 360 s 6 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state;

(2) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools;

(3) To prepare and have printed such forms, registers, courses of study, rules for the government of the common schools, and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents;

(4) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, and of consulting educational service district superintendents or other school officials;

(5) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be provided in such numbers as determined by the superintendent of public instruction at no cost to those public agencies within the common school system and which shall be sold at approximate actual cost of publication and distribution per volume to all other public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules related to the common schools, and such other matter as the state superintendent or the state board of education shall determine. Proceeds of the sale of such code shall be transmitted to the public printer who shall credit the state superintendent's account within the state printing plant revolving fund by a like amount;

(6) ~~(To act as ex officio member and the chief executive officer of the state board of education;~~

~~—(7))~~ To file all papers, reports and public documents transmitted to the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in the superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to;

~~((+8))~~ (7) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager, or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct;

~~((+9))~~ (8) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state;

~~((+10))~~ (9) To issue certificates as provided by law;

~~((+11))~~ (10) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education;

~~((+12))~~ (11) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district superintendent; and the superintendent shall publish his or her rulings and decisions from time to time for the information of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction;

~~((+13))~~ (12) To administer oaths and affirmations in the discharge of the superintendent's official duties;

~~((+14))~~ (13) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office;

~~((+15))~~ (14) To administer family services and programs to promote the state's policy as provided in RCW 74.14A.025;

~~((+16))~~ (15) To promote the adoption of school-based curricula and policies that provide quality, daily physical education for all students, and to encourage policies that provide all students with opportunities for physical activity outside of formal physical education classes;

~~((+17))~~ (16) To perform such other duties as may be required by law.

Sec. 105. RCW 28A.305.011 and 2005 c 497 s 101 are each amended to read as follows:

(1) The membership of the state board of education shall be composed of sixteen members who are residents of the state of Washington:

(a) Seven shall be members representing the educational system, as follows:

(i) Five members elected by school district directors. Three of the members elected by school district directors shall be residents of western Washington and two members shall be residents of eastern Washington;

(ii) One member elected at-large by the members of the boards of directors of all private schools in the state meeting the requirements of RCW 28A.195.010; and

(iii) The superintendent of public instruction;

(b) Seven members appointed by the governor; and

(c) Two students selected in a manner determined by the state board of education.

(2) Initial appointments shall be for terms from one to four years in length, with the terms expiring on the second Monday of January of the applicable year. As the terms of the first appointees expire or vacancies on the board occur, the governor shall appoint or reappoint members of the board to complete the initial terms or to four-year terms, as appropriate.

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

(a) Appointees of the governor must be individuals who have demonstrated interest in public schools and are supportive of educational improvement, have a positive record of service, and who will devote sufficient time to the responsibilities of the board.

(b) In appointing board members, the governor shall consider the diversity of the population of the state.

(c) All appointments to the board made by the governor are subject to confirmation by the senate.

(d) No person may serve as a member of the board, except the superintendent of public instruction, for more than two consecutive full four-year terms.

(3) The governor may remove an appointed member of the board for neglect of duty, misconduct, malfeasance, or misfeasance in office, or for incompetent or unprofessional conduct as defined in chapter 18.130 RCW. In such a case, the governor shall file with the secretary of state a statement of the causes for and the order of removal from office, and the secretary of state shall send a certified copy of the statement of causes and order of removal to the last known post office address of the member.

(4)(a) The chair of the board shall be elected by a majority vote of the members of the board. The chair of the board shall serve a term of two years, and may be reelected to an additional term. A member of the board may not serve as chair for more than two consecutive terms.

(b) Eight voting members of the board constitute a quorum for the transaction of business.

(c) All members except the student members are voting members.

(5) Members of the board appointed by the governor who are not public employees shall be compensated in accordance with RCW ~~((43.03.240))~~ 43.03.250 and shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.

PART 2

BASIC EDUCATION ACT RESPONSIBILITIES

Sec. 201. RCW 28A.150.230 and 1994 c 245 s 9 are each amended to read as follows:

(1) It is the intent and purpose of this section to guarantee that each common school district board of directors, whether or not acting through its respective administrative staff, be held accountable for the proper operation of their district to the local community and its electorate. In accordance with the provisions of Title 28A RCW, as now or hereafter amended, each common school district board of directors shall be vested with the final responsibility for the setting of policies ensuring quality in the content and extent of its educational program and that such program provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning.

(2) In conformance with the provisions of Title 28A RCW, as now or hereafter amended, it shall be the responsibility of each common school district board of directors to adopt policies to:

(a) Establish performance criteria and an evaluation process for its certificated personnel, including administrative staff, and for all programs constituting a part of such district's curriculum;

(b) Determine the final assignment of staff, certificated or classified, according to board enumerated classroom and program needs;

(c) Determine the amount of instructional hours necessary for any student to acquire a quality education in such district, in not less than an amount otherwise required in RCW 28A.150.220, or rules ~~((and regulations))~~ of the state board of education;

(d) Determine the allocation of staff time, whether certificated or classified;

(e) Establish final curriculum standards consistent with law and rules ~~((and regulations of the state board of education))~~ of the superintendent of public instruction, relevant to the particular needs of district students or the unusual characteristics of the district, and ensuring a quality education for each student in the district; and

(f) Evaluate teaching materials, including text books, teaching aids, handouts, or other printed material, in public hearing upon complaint by parents, guardians or custodians of students who consider dissemination of such material to students objectionable.

Sec. 202. RCW 28A.505.140 and 1990 c 33 s 422 are each amended to read as follows:

(1) Notwithstanding any other provision of law, the superintendent of public instruction ~~((is hereby directed to promulgate))~~ shall adopt such rules ~~((and regulations))~~ as will ~~((insure))~~ ensure proper budgetary procedures and practices, including monthly financial statements consistent with the provisions of RCW 43.09.200, and this chapter.

(2) If the superintendent of public instruction determines upon a review of the budget of any district that said budget does not comply with the budget procedures established by this chapter or by rules ~~((and regulations promulgated))~~ adopted by the superintendent of public instruction, or the provisions of RCW 43.09.200, the superintendent shall give written notice of this determination to the board of directors of the local school district.

(3) The local school district, notwithstanding any other provision of law, shall, within thirty days from the date the superintendent of public instruction issues a notice pursuant to subsection (2) of this section, submit a revised budget which meets the requirements of RCW 43.09.200, this chapter, and the rules ~~((and regulations))~~ of the superintendent of public instruction ~~((: PROVIDED, That if the district fails or refuses to submit a revised budget which in the determination of the superintendent of public instruction meets the requirements of RCW 43.09.200, this chapter, and the rules and regulations of the superintendent of public instruction, the matter shall be submitted to the state board of education, which board shall meet and adopt a financial plan which shall be in effect until a budget can be adopted and submitted by the district in compliance with this section))~~.

NEW SECTION. Sec. 203. (1) As the governor's steering committee for the comprehensive education study created under chapter 496, Laws of 2005 continues the study of the state funding of public education in Washington and makes final recommendations, the legislature strongly encourages the steering committee to carefully examine whether the use of inputs, such as the number of instructional hours, the number of instructional days, and student/teacher ratios, is the most efficient and effective funding system that is oriented toward student achievement and whether any changes to the current method of allocating funds can be created to implement the intent of education reform that all children can learn.

(2) This section expires July 1, 2007.

PART 3

SCHOOL FACILITIES AND ORGANIZATION

Sec. 301. RCW 28A.525.020 and 1969 ex.s. c 223 s 28A.47.060 are each amended to read as follows:

The ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, shall have the power and ~~((it shall be its))~~ duty (1) to prescribe rules ~~((and regulations))~~

FIFTY-FIRST DAY, FEBRUARY 28, 2006

governing the administration, control, terms, conditions, and disbursements of allotments to school districts to assist them in providing school plant facilities; (2) to approve allotments to districts that apply for state assistance whenever ~~((the board deems))~~ such action is advisable ~~((and in so doing to give due consideration to the findings, reports, and recommendations of the superintendent of public instruction pertaining thereto))~~; (3) to authorize the payment of approved allotments by warrant of the state treasurer; and (4) in the event that the amount of state assistance applied for exceeds the funds available for such assistance during any biennium, to make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance and/or to prorate allotments among such districts in conformity with applicable procedures and ~~((regulations applicable thereto which shall be established by the state board))~~ rules.

Sec. 302. RCW 28A.525.030 and 1995 c 77 s 23 are each amended to read as follows:

Whenever funds are appropriated for modernization of existing school facilities, the ~~((state board of education))~~ superintendent of public instruction is authorized to approve the use of such funds for modernization of existing facilities, modernization being limited to major structural changes in such facilities and, as necessary to bring such facilities into compliance with the barrier free access requirements of section 504 of the federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and rules implementing the act, both major and minor structural changes, and may include as incidental thereto the replacement of fixtures, fittings, furnishings and service systems of a building in order to bring it up to a contemporary state consistent with the needs of changing educational programs. The allocation of such funds shall be made upon the same basis as funds used for the financing of a new school plant project utilized for a similar purpose.

Sec. 303. RCW 28A.525.050 and 1969 ex.s. c 223 s 28A.47.080 are each amended to read as follows:

All applications by school districts for state assistance in providing school plant facilities shall be made to the superintendent of public instruction ~~((in conformity with rules and regulations which shall be prescribed by the state board of education))~~. Studies and surveys shall be conducted by the ~~((aforesaid officer))~~ superintendent for the purpose of securing information relating to (1) the kind and extent of the school plant facilities required and the urgency of need for such facilities in districts that seek state assistance, (2) the ability of such districts to provide capital outlay funds by local effort, (3) the need for improvement of school administrative units and school attendance areas among or within such districts, and (4) any other pertinent matters. Recommendations respecting action on the ~~((aforesaid))~~ applications shall be submitted to the ~~((state board of education by the))~~ superintendent of public instruction ~~((together with such reports of the findings, studies, and surveys made by said officer as may be required by the state board))~~.

Sec. 304. RCW 28A.525.055 and 1994 c 219 s 11 are each amended to read as follows:

The ~~((state board of education))~~ rules adopted by the superintendent of public instruction for ~~((purposes of))~~ determining eligibility for state assistance for new construction ~~((s))~~ shall ~~((adopt rules excluding))~~ exclude from the inventory of available educational space those spaces that have been constructed for educational and community activities from grants received from other public or private entities.

Sec. 305. RCW 28A.525.070 and 1985 c 136 s 1 are each amended to read as follows:

The superintendent of public instruction shall furnish ~~((+))~~ to school districts seeking state assistance consultatory and

advisory service in connection with the development of school building programs and the planning of school plant facilities for such district ~~((and (2) to the state board of education such service as may be required by the board in the exercise of the powers and the performance of the duties vested in and required to be performed by the board))~~.

Sec. 306. RCW 28A.525.080 and 1969 ex.s. c 223 s 28A.47.120 are each amended to read as follows:

Insofar as is permissible under acts of congress, funds made available by the federal government for the purpose of assisting school districts in providing school plant facilities shall be made available to such districts in conformity with rules ~~((and regulations which))~~ that the ~~((state board of education))~~ superintendent, considering policy recommendations from the school facilities citizen advisory panel, shall establish.

Sec. 307. RCW 28A.525.090 and 1999 c 313 s 2 are each amended to read as follows:

(1) The ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, shall adopt rules for appropriate use of the following construction management techniques: Value engineering, constructibility review, building commissioning, and construction management. Rules adopted under this section shall:

- (a) Define each technique as it applies to school buildings;
- (b) Describe the scope of work for each technique;
- (c) Define the timing for implementing each technique in the construction process;
- (d) Determine the appropriate size of projects for the use of each technique; and
- (e) Determine standards for qualification and performance for each technique.

(2) Except as provided in rules adopted under subsection (1)(d) of this section, in allocating state moneys provided under this chapter, the ~~((state board of education))~~ superintendent of public instruction shall include in funding for each project, at the state matching percentage, the cost of each of the construction management techniques listed in subsection (1) of this section.

(3) When assigning priority and allocating state funds for construction of common school facilities, the ~~((state board of education))~~ superintendent shall consider the adequacy of the construction management techniques used by a district and the compliance with the rules adopted under subsection (1) of this section.

(4) Except as provided in rules adopted under subsection (1)(d) of this section, the construction management techniques in subsection (1) of this section shall be used on each project submitted for approval by the ~~((state board of education))~~ superintendent.

(5)(a) School districts applying for state assistance for school facilities shall:

(i) Cause value engineering, constructibility review, and building commissioning to be performed by contract with a professional firm specializing in those construction management techniques; and

(ii) Contract or employ personnel to perform professional construction management.

(b) All recommendations from the value engineering and constructibility review construction techniques for a school project shall be presented to the school district's board of directors for acceptance or rejection. If the board of directors rejects a recommendation it shall provide a statement explaining the reasons for rejecting the recommendation and include the statement in the application for state assistance to the ~~((state board of education))~~ superintendent of public instruction.

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

(6) The office of the superintendent of public instruction shall provide:

(a) An information and training program for school districts on the use of the construction management techniques; and

(b) Consulting services to districts on the benefits and best uses of these construction management techniques.

NEW SECTION. Sec. 308. A new section is added to chapter 28A.525 RCW to read as follows:

(1) To maintain citizen oversight on issues pertaining to school facilities and funding for school construction, a school facilities citizen advisory panel shall be created by the state board of education. The panel shall advise and make recommendations to the superintendent of public instruction regarding school facilities, funding for school construction, joint planning and financing of educational facilities, facility plans and programs for nonhigh school districts, and determinations of remote and necessary schools.

(2) The membership of the school facilities citizen advisory panel shall be as follows:

(a) One member of the state board of education;

(b) Two school district directors representing school districts of various sizes and geographic locations, who are appointed by the state board of education and selected from a list of five names submitted to the board by the Washington state school directors' association; and

(c) Four additional citizen members appointed by the state board of education.

(3) Members of the panel shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(4) In addition to the school facilities citizen advisory panel, the superintendent of public instruction may convene a technical advisory group including representatives from school business officers, building and construction contracting and trade organizations, architecture and engineering organizations, and other organizations with expertise in school facilities.

Sec. 309. RCW 28A.525.162 and 1995 c 77 s 24 are each amended to read as follows:

(1) Funds appropriated to the ~~((state board of education)) superintendent of public instruction~~ from the common school construction fund shall be allotted by the ~~((state board of education)) superintendent of public instruction~~ in accordance with student enrollment and the provisions of RCW 28A.525.200.

(2) No allotment shall be made to a school district until such district has provided matching funds equal to or greater than the difference between the total approved project cost and the amount of state assistance to the district for financing the project computed pursuant to RCW 28A.525.166, with the following exceptions:

(a) The ~~((state board)) superintendent of public instruction~~ may waive the matching requirement for districts which have provided funds for school building construction purposes through the authorization of bonds or through the authorization of excess tax levies or both in an amount equivalent to two and one-half percent of the value of its taxable property, as defined in RCW 39.36.015.

(b) No such matching funds shall be required as a condition to the allotment of funds for the purpose of making major or minor structural changes to existing school facilities in order to bring such facilities into compliance with the barrier free access requirements of section 504 of the federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and rules implementing the act.

(3) For the purpose of computing the state matching percentage under RCW 28A.525.166 when a school district is granted authority to enter into contracts, adjusted valuation per pupil shall be calculated using headcount student enrollments from the most recent October enrollment reports submitted by

districts to the superintendent of public instruction, adjusted as follows:

(a) In the case of projects for which local bonds were approved after May 11, 1989:

(i) For districts which have been designated as serving high school districts under RCW 28A.540.110, students residing in the nonhigh district so designating shall be excluded from the enrollment count if the student is enrolled in any grade level not offered by the nonhigh district;

(ii) The enrollment of nonhigh school districts shall be increased by the number of students residing within the district who are enrolled in a serving high school district so designated by the nonhigh school district under RCW 28A.540.110, including only students who are enrolled in grade levels not offered by the nonhigh school district; and

(iii) The number of preschool students with disabilities included in the enrollment count shall be multiplied by one-half;

(b) In the case of construction or modernization of high school facilities in districts serving students from nonhigh school districts, the adjusted valuation per pupil shall be computed using the combined adjusted valuations and enrollments of each district, each weighted by the percentage of the district's resident high school students served by the high school district; and

(c) The number of kindergarten students included in the enrollment count shall be multiplied by one-half.

(4) The ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, shall prescribe ~~((and make effective))~~ such rules as are necessary to equate insofar as possible the efforts made by school districts to provide capital funds by the means aforesaid.

(5) For the purposes of this section, "preschool students with disabilities" means developmentally disabled children of preschool age who are entitled to services under RCW 28A.155.010 through 28A.155.100 and are not included in the kindergarten enrollment count of the district.

Sec. 310. RCW 28A.525.164 and 1990 c 33 s 456 are each amended to read as follows:

In allotting the state funds provided by RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180, the ~~((state board of education))~~ superintendent of public instruction shall:

(1) Prescribe rules ~~((and regulations))~~ not inconsistent with RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180 governing the administration, control, terms, conditions, and disbursement of allotments to school districts to assist them in providing school plant facilities;

(2) Approve ~~((whenever the board deems such action advisable,))~~ allotments to districts that apply for state assistance;

(3) Authorize the payment of approved allotments by warrant of the state treasurer; and

(4) In the event that the amount of state assistance applied for pursuant to the provisions hereof exceeds the funds available for such assistance during any biennium, make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance or prorate allotments among such districts in conformity with ~~((procedures and regulations))~~ applicable ~~((thereto which shall be established by the board))~~ rules.

Sec. 311. RCW 28A.525.166 and 1997 c 369 s 9 are each amended to read as follows:

Allocations to school districts of state funds provided by RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180 shall be made by the ~~((state board of education))~~ superintendent of public instruction and the amount

FIFTY-FIRST DAY, FEBRUARY 28, 2006

of state assistance to a school district in financing a school plant project shall be determined in the following manner:

(1) The boards of directors of the districts shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the project, necessary architects' fees, and a reasonable amount for contingencies and for other necessary incidental expenses: PROVIDED, That the total cost of the project shall be subject to review and approval by the ~~((state board of education))~~ superintendent.

(2) The state matching percentage for a school district shall be computed by the following formula:

The ratio of the school district's adjusted valuation per pupil divided by the ratio of the total state adjusted valuation per pupil shall be subtracted from three, and then the result of the foregoing shall be divided by three plus (the ratio of the school district's adjusted valuation per pupil divided by the ratio of the total state adjusted valuation per pupil).

	District adjusted	Total state	
	3-valuation	÷ adjusted	
	per pupil	valuation	
Computed		per pupil	State
State =	-----		=- %Assistance
Ratio	District adjusted	Total state	
	3 +valuation	÷ adjusted	
	per pupil	valuation	
		per pupil	

PROVIDED, That in the event the percentage of state assistance to any school district based on the above formula is less than twenty percent and such school district is otherwise eligible for state assistance under RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180, the ~~((state board of education))~~ superintendent may establish for such district a percentage of state assistance not in excess of twenty percent of the approved cost of the project, if the ~~((state board))~~ superintendent finds that such additional assistance is necessary to provide minimum facilities for housing the pupils of the district.

(3) In addition to the computed percent of state assistance developed in subsection (2) ~~((above))~~ of this section, a school district shall be entitled to additional percentage points determined by the average percentage of growth for the past three years. One percent shall be added to the computed percent of state assistance for each percent of growth, with a maximum of twenty percent.

(4) The approved cost of the project determined in the manner ~~((herein))~~ prescribed ~~((times))~~ in this section multiplied by the percentage of state assistance derived as provided for ~~((herein))~~ in this section shall be the amount of state assistance to the district for the financing of the project: PROVIDED, That need therefor has been established to the satisfaction of the ~~((state board of education))~~ superintendent: PROVIDED, FURTHER, That additional state assistance may be allowed if it is found by the ~~((state board of education))~~ superintendent, considering policy recommendations from the school facilities citizen advisory panel that such assistance is necessary in order to meet (a) a school housing emergency resulting from the

destruction of a school building by fire, the condemnation of a school building by properly constituted authorities, a sudden excessive and clearly foreseeable future increase in school population, or other conditions similarly emergent in nature; or (b) a special school housing burden resulting from industrial projects of statewide significance or imposed by virtue of the admission of nonresident students into educational programs established, maintained and operated in conformity with the requirements of law; or (c) a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1969, and without benefit of the state assistance provided by prior state assistance programs, the construction of a needed school building project or projects approved in conformity with the requirements of such programs, after having first applied for and been denied state assistance because of the inadequacy of state funds available for the purpose, or (d) a condition created by the fact that an excessive number of students live in state owned housing, or (e) a need for the construction of a school building to provide for improved school district organization or racial balance, or (f) conditions similar to those defined under (a), (b), (c), (d), and (e) ~~((hereinabove))~~ of this subsection, creating a like emergency.

Sec. 312. RCW 28A.525.168 and 1990 c 33 s 458 are each amended to read as follows:

Whenever the voters of a school district authorize the issuance of bonds and/or the levying of excess taxes in an amount sufficient to meet the requirements of RCW 28A.525.162 respecting eligibility for state assistance in providing school facilities, the taxable valuation of the district and the percentage of state assistance in providing school facilities prevailing at the time of such authorization shall be the valuation and the percentage used for the purpose of determining the eligibility of the district for an allotment of state funds and the amount or amounts of such allotments, respectively, for all projects for which the voters authorize capital funds as aforesaid, unless a higher percentage of state assistance prevails on the date that state funds for assistance in financing a project are allotted by the ~~((state board of education))~~ superintendent of public instruction in which case the percentage prevailing on the date of allotment by the ~~((state board))~~ superintendent of funds for each project shall govern: PROVIDED, That if the ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, determines at any time that there has been undue or unwarranted delay on the part of school district authorities in advancing a project to the point of readiness for an allotment of state funds, the taxable valuation of the school district and the percentage of state assistance prevailing on the date that the allotment is made shall be used for the purposes aforesaid: PROVIDED, FURTHER, That the date ~~((herein))~~ specified in this section as applicable in determining the eligibility of an individual school district for state assistance and in determining the amount of such assistance shall be applicable also to cases where it is necessary in administering chapter 28A.540 RCW to determine eligibility for and the amount of state assistance for a group of school districts considered as a single school administrative unit.

Sec. 313. RCW 28A.525.170 and 1990 c 33 s 459 are each amended to read as follows:

If a school district which has qualified for an allotment of state funds under the provisions of RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180 for school building construction is found by the ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, to have a school housing emergency requiring an

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

allotment of state funds in excess of the amount allocable under RCW 28A.525.166, an additional allotment may be made to such district: PROVIDED, That the total amount allotted shall not exceed ninety percent of the total cost of the approved project which may include the cost of the site and equipment. At any time thereafter when the ~~((state board of education))~~ superintendent finds that the financial position of such school district has improved through an increase in its taxable valuation or through retirement of bonded indebtedness or through a reduction in school housing requirements, or for any combination of these reasons, the amount of such additional allotment, or any part of such amount as the ~~((state board of education))~~ superintendent determines, shall be deducted, under terms and conditions prescribed by the ~~((board))~~ superintendent, from any state school building construction funds which might otherwise be provided to such district.

Sec. 314. RCW 28A.525.172 and 1969 ex.s. c 244 s 7 are each amended to read as follows:

All applications by school districts for state assistance in providing school plant facilities shall be made to the superintendent of public instruction in conformity with rules ~~((and regulations which shall be prescribed))~~ adopted by the ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel. Studies and surveys shall be conducted by the ~~((state board))~~ superintendent for the purpose of securing information relating to (a) the kind and extent of the school plant facilities required and the urgency of need for such facilities in districts that seek state assistance, (b) the ability of such districts to provide capital funds by local effort, (c) the need for improvement of school administrative units and school attendance areas among or within such districts, and (d) any other pertinent matters.

Sec. 315. RCW 28A.525.174 and 1990 c 33 s 460 are each amended to read as follows:

It shall be the duty of the ~~((state board of education))~~ superintendent of public instruction, in consultation with the Washington state department of ~~((social and))~~ health ((services)), to prepare a manual and/or to specify other materials for the information and guidance of local school district authorities and others responsible for and concerned with the designing, planning, maintenance and operation of school plant facilities for the public schools. In so doing due consideration shall be given to the presentation of information regarding ~~((a))~~ (1) the need for cooperative state-local district action in planning school plant facilities arising out of the cooperative plan for financing said facilities provided for in RCW ~~((28A.525.160 through 28A.525.182; (b)))~~ 28A.525.162 through 28A.525.180; (2) procedures in inaugurating and conducting a school plant planning program for a school district; ~~((c))~~ (3) standards for use in determining the selection and development of school sites and in designing, planning, and constructing school buildings to the end that the health, safety, and educational well-being and development of school children will be served; ~~((d))~~ (4) the planning of readily expansible and flexible school buildings to meet the requirements of an increasing school population and a constantly changing educational program; ~~((e))~~ (5) an acceptable school building maintenance program and the necessity therefor; ~~((f))~~ (6) the relationship of an efficient school building operations service to the health and educational progress of pupils; and ~~((g))~~ (7) any other matters regarded by the ~~((state board))~~ superintendent as pertinent or related to the purposes and requirements of RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180.

Sec. 316. RCW 28A.525.176 and 1990 c 33 s 461 are each amended to read as follows:

The ~~((state board of education))~~ superintendent of public instruction shall furnish to school districts seeking state assistance under the provisions of RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180 consultatory and advisory service in connection with the development of school building programs and the planning of school plant facilities.

Sec. 317. RCW 28A.525.178 and 1990 c 33 s 462 are each amended to read as follows:

~~((Whenever in the judgment of the state board of education))~~ When economies may be ~~((effected))~~ affected without impairing the usefulness and adequacy of school buildings, ~~((said board))~~ the superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, may prescribe rules ~~((and regulations))~~ and establish procedures governing the preparation and use of modifiable basic or standard plans for school building construction projects for which state assistance funds provided by RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180 are allotted.

Sec. 318. RCW 28A.525.180 and 1990 c 33 s 463 are each amended to read as follows:

The total amount of funds appropriated under the provisions of RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180 shall be reduced by the amount of federal funds made available during each biennium for school construction purposes under any applicable federal law. The funds appropriated by RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180 and available for allotment by the ~~((state board of education))~~ superintendent of public instruction shall be reduced by the amount of such federal funds made available. Notwithstanding the foregoing provisions of this section, the total amount of funds appropriated by RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180 shall not be reduced by reason of any grants to any school district of federal moneys paid under Public Law No. 815 or any other federal act authorizing school building construction assistance to federally affected areas.

Sec. 319. RCW 28A.525.190 and 1975 1st ex.s. c 98 s 2 are each amended to read as follows:

The ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel shall prioritize the construction of common school facilities only from funds appropriated and available in the common school construction fund.

Sec. 320. RCW 28A.525.200 and 1990 c 33 s 465 are each amended to read as follows:

Notwithstanding any other provision of RCW 28A.525.010 through 28A.525.222, the allocation and distribution of funds by the ~~((state board of education which are now or may hereafter be appropriated))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, for the purposes of providing assistance in the construction of school plant facilities shall be governed by ~~((RCW 28A.525.010 through 28A.525.080 and 28A.525.162 through 28A.525.178))~~ this chapter.

Sec. 321. RCW 28A.525.216 and 1990 c 33 s 467 are each amended to read as follows:

The proceeds from the sale of the bonds deposited under RCW 28A.525.214 in the common school construction fund shall be administered by the ~~((state board of education))~~ superintendent of public instruction.

Sec. 322. RCW 28A.150.260 and 1997 c 13 s 2 are each amended to read as follows:

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

- (a) Certificated instructional staff and their related costs;
- (b) Certificated administrative staff and their related costs;
- (c) Classified staff and their related costs;
- (d) Nonsalary costs;

(e) Extraordinary costs, including school facilities, of remote and necessary schools as judged by the superintendent of public instruction, with recommendations from the school facilities citizen advisory panel under section 308 of this act, and small high schools, including costs of additional certificated and classified staff; and

(f) The attendance of students pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district.

(2)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. The formula shall be for allocation purposes only. While the legislature intends that the allocations for additional instructional staff be used to increase the ratio of such staff to students, nothing in this section shall require districts to reduce the number of administrative staff below existing levels.

(b) The formula adopted by the legislature shall reflect the following ratios at a minimum: (i) Forty-nine certificated instructional staff to one thousand annual average full time equivalent students enrolled in grades kindergarten through three; (ii) forty-six certificated instructional staff to one thousand annual average full time equivalent students in grades four through twelve; (iii) four certificated administrative staff to one thousand annual average full time equivalent students in grades kindergarten through twelve; and (iv) sixteen and sixty-seven one-hundredths classified personnel to one thousand annual average full time equivalent students enrolled in grades kindergarten through twelve.

(c) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.150.220 and 28A.150.100. The enrollment of any district shall be the annual average number of full time equivalent students and part time students as provided in RCW 28A.150.350, enrolled on the first school day of each month and shall exclude full time equivalent students with disabilities recognized for the purposes of allocation of state funds for programs under RCW 28A.155.010 through 28A.155.100. The definition of full time equivalent student shall be determined by rules of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent's biennial budget request: PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house

appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the office of financial management shall make a monthly review of the superintendent's reported full time equivalent students in the common schools in conjunction with RCW 43.62.050.

(3)(a) Certificated instructional staff shall include those persons employed by a school district who are nonsupervisory employees within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such classified people shall not occur during a labor dispute and such classified people shall not be hired to replace certificated employees during a labor dispute.

(b) Certificated administrative staff shall include all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

Sec. 323. RCW 28A.335.160 and 1995 c 335 s 604 are each amended to read as follows:

Any school district may cooperate with one or more school districts in the joint financing, planning, construction, equipping and operating of any educational facility otherwise authorized by law: PROVIDED, That any cooperative financing plan involving the construction of school plant facilities must be approved by the ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel under section 308 of this act, pursuant to such rules ((as may now or hereafter be promulgated)) adopted relating to state approval of school construction.

Sec. 324. RCW 28A.540.050 and 1990 c 33 s 485 are each amended to read as follows:

Subsequent to the holding of a hearing or hearings as provided in RCW 28A.540.040, the regional committee on school district organization shall determine the nonhigh school districts to be included in the plan and the amount of capital funds to be provided by every school district included therein, and shall submit the proposed plan to the ~~((state board of education))~~ superintendent of public instruction together with such maps and other materials pertaining thereto as the ~~((state board))~~ superintendent may require. The ~~((state board))~~ superintendent, considering policy recommendations from the school facilities citizen advisory panel under section 308 of this act, shall review such plan, shall approve any plan which in ~~((its))~~ his or her judgment makes adequate and satisfactory provision for participation by the nonhigh school districts in providing capital funds to be used for the purpose above stated, and shall notify the regional committee of such action. Upon receipt by the regional committee of such notification, the educational service district superintendent, or his or her designee, shall notify the board of directors of each school district included in the plan, supplying each board with complete details of the plan and shall state the total amount of funds to be provided and the amount to be provided by each district.

If any such plan submitted by a regional committee is not approved by the ~~((state board))~~ superintendent of public instruction, the regional committee shall be so notified, which notification shall contain a statement of reasons therefor and suggestions for revision. Within sixty days thereafter the regional committee shall submit to the ~~((state board))~~ superintendent a revised plan which revision shall be subject to approval or disapproval by the ~~((state board))~~ superintendent, considering policy recommendations from the school facilities citizen advisory panel, and the procedural requirements and

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

provisions of law applicable to an original plan submitted to ~~((said board)) the superintendent.~~

NEW SECTION. Sec. 325. A new section is added to chapter 28A.545 RCW to read as follows:

The superintendent of public instruction, with recommendations from the school facilities citizen advisory panel under section 308 of this act, shall adopt rules governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established, the district must obtain prior approval of the superintendent of public instruction.

Sec. 326. RCW 28A.150.530 and 2005 c 12 s 7 are each amended to read as follows:

(1) In adopting implementation rules, ~~((the state board of education, in consultation with))~~ the superintendent of public instruction ~~((and)), in consultation with~~ the department of general administration, shall review and modify the current requirement for an energy conservation report review by the department of general administration as provided in WAC 180-27-075.

(2) In adopting implementation rules, ~~((the state board of education, in consultation with))~~ the superintendent of public instruction shall:

(a) Review and modify the current requirements for value engineering, ~~((constructability))~~ constructibility review, and building commissioning as provided in WAC 180-27-080;

(b) Review private and public utility providers' capacity and financial/technical assistance programs for affected public school districts to monitor and report utility consumption for purposes of reporting to the superintendent of public instruction as provided in RCW 39.35D.040;

(c) Coordinate with the department of general administration, the state board of health, the department of ecology, federal agencies, and other affected agencies as appropriate in their consideration of rules to implement this section.

Sec. 327. RCW 28A.335.210 and 2005 c 36 s 1 are each amended to read as follows:

The ~~((state board of education and))~~ superintendent of public instruction shall allocate, as a nondeductible item, out of any moneys appropriated for state assistance to school districts for the original construction of any school plant facility the amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission for the acquisition of works of art. The works of art may be placed in accordance with Article IX, sections 2 and 3 of the state Constitution on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities. The Washington state arts commission shall, in consultation with the superintendent of public instruction, determine the amount to be made available for the purchase of works of art under this section, and payments therefor shall be made in accordance with law. The designation of projects and sites, selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts commission in consultation with the superintendent of public instruction and representatives of school district boards of directors. The superintendent of public instruction and the school district board of directors of the districts where the sites are selected shall have the right to:

(1) Waive its use of the one-half of one percent of the appropriation for the acquisition of works of art before the selection process by the Washington state arts commission;

(2) Appoint a representative to the body established by the Washington state arts commission to be part of the selection process with full voting rights;

(3) Reject the results of the selection process;

(4) Reject the placement of a completed work or works of art on school district premises if such works are portable.

Rejection at any point before or after the selection process shall not cause the loss of or otherwise endanger state construction funds available to the local school district. Any works of art rejected under this section shall be applied to the provision of works of art under this chapter, at the discretion of the Washington state arts commission, notwithstanding any contract or agreement between the affected school district and the artist involved. In addition to the cost of the works of art the one-half of one percent of the appropriation as provided ~~((herein)) in this section~~ shall be used to provide for the administration, including conservation of the state art collection, by the Washington state arts commission and all costs for installation of the work of art. For the purpose of this section building shall not include sheds, warehouses, or other buildings of a temporary nature.

The executive director of the arts commission, the superintendent of public instruction, and the Washington state school directors association shall appoint a study group to review the operations of the one-half of one percent for works of art under this section.

Sec. 328. RCW 28A.335.230 and 1987 c 112 s 1 are each amended to read as follows:

School districts shall be required to lease for a reasonable fee vacant school plant facilities from a contiguous school district wherever possible.

No school district with unhoused students may be eligible for the state matching funds for the construction of school plant facilities if:

(1) The school district contiguous to the school district applying for the state matching percentage has vacant school plant facilities;

(2) The superintendent of public instruction ~~((and the state board of education have))~~ has determined the vacant school plant facilities available in the contiguous district will fulfill the needs of the applicant district in housing unhoused students. In determining whether the contiguous district school plant facilities meet the needs of the applicant district, consideration shall be given, but not limited to the geographic location of the vacant facilities as they relate to the applicant district; and

(3) A lease of the vacant school plant facilities can be negotiated.

Sec. 329. RCW 28A.540.070 and 1990 c 33 s 486 are each amended to read as follows:

In the event that a proposal or proposals for providing capital funds as provided in RCW 28A.540.060 is not approved by the voters of a nonhigh school district a second election thereon shall be held within sixty days thereafter. If the vote of the electors of the nonhigh school district is again in the negative, the high school students residing therein shall not be entitled to admission to the high school under the provisions of RCW 28A.225.210, following the close of the school year during which the second election is held: PROVIDED, That in any such case the regional committee on school district organization shall determine within thirty days after the date of the aforesaid election the advisability of initiating a proposal for annexation of such nonhigh school district to the school district in which the proposed facilities are to be located or to some other district where its students can attend high school without

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

undue inconvenience: PROVIDED FURTHER, That pending such determination by the regional committee and action thereon as required by law the board of directors of the high school district shall continue to admit high school students residing in the nonhigh school district. Any proposal for annexation of a nonhigh school district initiated by a regional committee shall be subject to the procedural requirements of this chapter respecting a public hearing and submission to and approval by the ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel under section 308 of this act. Upon approval by the ~~((state board))~~ superintendent of public instruction of any such proposal, the educational service district superintendent shall make an order, establishing the annexation.

Sec. 330. RCW 39.35D.020 and 2005 c 12 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of general administration.

(2) "High-performance public buildings" means high-performance public buildings designed, constructed, and certified to a standard as identified in this chapter.

(3) "Institutions of higher education" means the state universities, the regional universities, The Evergreen State College, the community colleges, and the technical colleges.

(4) "LEED silver standard" means the United States green building council leadership in energy and environmental design green building rating standard, referred to as silver standard.

(5)(a) "Major facility project" means: (i) A construction project larger than five thousand gross square feet of occupied or conditioned space as defined in the Washington state energy code; or (ii) a building renovation project when the cost is greater than fifty percent of the assessed value and the project is larger than five thousand gross square feet of occupied or conditioned space as defined in the Washington state energy code.

(b) "Major facility project" does not include: (i) Projects for which the department, public school district, or other applicable agency and the design team determine the LEED silver standard or the Washington sustainable school design protocol to be not practicable; or (ii) transmitter buildings, pumping stations, hospitals, research facilities primarily used for sponsored laboratory experimentation, laboratory research, or laboratory training in research methods, or other similar building types as determined by the department. When the LEED silver standard is determined to be not practicable for a project, then it must be determined if any LEED standard is practicable for the project. If LEED standards or the Washington sustainable school design protocol are not followed for the project, the public school district or public agency shall report these reasons to the department.

(6) "Public agency" means every state office, officer, board, commission, committee, bureau, department, and public higher education institution.

(7) "Public school district" means a school district eligible to receive state basic education moneys pursuant to RCW 28A.150.250 and 28A.150.260.

(8) "Washington sustainable school design protocol" means the school design protocol and related information developed by the ~~((state board of education and the))~~ office of the superintendent of public instruction, in conjunction with school districts and the school facilities advisory board.

Sec. 331. RCW 39.35D.040 and 2005 c 12 s 4 are each amended to read as follows:

(1) All major facility projects of public school districts receiving any funding in a state capital budget must be designed and constructed to at least the LEED silver standard or the Washington sustainable school design protocol. To the extent appropriate LEED silver or Washington sustainable school design protocol standards exist for the type of building or facility, this subsection applies to major facility projects that have not received project approval from the superintendent of public instruction prior to: (a) July 1, 2006, for volunteering school districts; (b) July 1, 2007, for class one school districts; and (c) July 1, 2008, for class two school districts.

(2) Public school districts under this section shall: (a) Monitor and document appropriate operating benefits and savings resulting from major facility projects designed and constructed as required under this section for a minimum of five years following local board acceptance of a project receiving state funding; and (b) report annually to the superintendent of public instruction. The form and content of each report must be mutually developed by the office of the superintendent of public instruction in consultation with school districts.

(3) The superintendent of public instruction shall consolidate the reports required in subsection (2) of this section into one report and report to the governor and legislature by September 1st of each even-numbered year beginning in 2006 and ending in 2016. In its report, the superintendent of public instruction shall also report on the implementation of this chapter, including reasons why the LEED standard or Washington sustainable school design protocol was not used as required by RCW 39.35D.020(5)(b). The superintendent of public instruction shall make recommendations regarding the ongoing implementation of this chapter, including a discussion of incentives and disincentives related to implementing this chapter.

(4) The ~~((state board of education, in consultation with the))~~ superintendent of public instruction ~~(;)~~ shall develop and issue guidelines for administering this chapter for public school districts. The purpose of the guidelines is to define a procedure and method for employing and verifying compliance with the LEED silver standard or the Washington sustainable school design protocol.

(5) The superintendent of public instruction shall utilize the school facilities advisory board as a high-performance buildings advisory committee comprised of affected public schools, ~~((the state board of education;))~~ the superintendent of public instruction, the department, and others at the superintendent of public instruction's discretion to provide advice on implementing this chapter. Among other duties, the advisory committee shall make recommendations regarding an education and training process and an ongoing evaluation or feedback process to help the superintendent of public instruction ~~((and the state board of education))~~ implement this chapter.

Sec. 332. RCW 39.35D.060 and 2005 c 12 s 6 are each amended to read as follows:

(1)(a) The department, in consultation with affected public agencies, shall develop and issue guidelines for administering this chapter for public agencies. The purpose of the guidelines is to define a procedure and method for employing and verifying activities necessary for certification to at least the LEED silver standard for major facility projects.

(b) The department and the office of the superintendent of public instruction shall amend their fee schedules for architectural and engineering services to accommodate the requirements in the design of major facility projects under this chapter.

(c) The department and the office of the superintendent of public instruction shall procure architecture and engineering services consistent with chapter 39.80 RCW.

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

(d) Major facility projects designed to meet standards identified in this chapter must include building commissioning as a critical cost-saving part of the construction process. This process includes input from the project design and construction teams and the project ownership representatives.

(e) As provided in the request for proposals for construction services, the operating agency shall hold a preproposal conference for prospective bidders to discuss compliance with and achievement of standards identified in this chapter for prospective respondents.

(2) The department shall create a high-performance buildings advisory committee comprised of representatives from the design and construction industry involved in public works contracting, personnel from the affected public agencies responsible for overseeing public works projects, ~~((the state board of education,))~~ the office of the superintendent of public instruction, and others at the department's discretion to provide advice on implementing this chapter. Among other duties, the advisory committee shall make recommendations regarding an education and training process and an ongoing evaluation or feedback process to help the department implement this chapter.

(3) The department and the ~~((state board of education))~~ office of the superintendent of public instruction shall adopt rules to implement this section.

Sec. 333. RCW 79.17.100 and 2003 c 334 s 322 are each amended to read as follows:

Except as otherwise provided in RCW 79.17.110, upon the application of a school district or any institution of higher education for the purchase or lease of lands granted to the state by the United States, the department may offer such land for sale or lease to such school district or institution of higher education in such acreage as it may determine, consideration being given upon application of a school district to school site criteria established by the ~~((state board of education))~~ superintendent of public instruction. However, in the event the department thereafter proposes to offer such land for sale or lease at public auction, such school district or institution of higher education shall have a preference right for six months from notice of such proposal to purchase or lease such land at the appraised value determined by the board.

Sec. 334. RCW 79.17.120 and 2003 c 334 s 438 are each amended to read as follows:

The purchases authorized under RCW 79.17.110 shall be classified as for the construction of common school plant facilities under RCW 28A.525.010 through 28A.525.222 and shall be payable out of the common school construction fund as otherwise provided for in RCW 28A.515.320 if the school district involved was under emergency school construction classification as established by the ~~((state board of education))~~ superintendent of public instruction at any time during the period of its lease of state lands.

NEW SECTION. Sec. 335. The following sections are each decodified:

- RCW 28A.525.120
- RCW 28A.525.122
- RCW 28A.525.124
- RCW 28A.525.126
- RCW 28A.525.128
- RCW 28A.525.130
- RCW 28A.525.132
- RCW 28A.525.134
- RCW 28A.525.140
- RCW 28A.525.142
- RCW 28A.525.144
- RCW 28A.525.146
- RCW 28A.525.148
- RCW 28A.525.150

- RCW 28A.525.152
- RCW 28A.525.154
- RCW 28A.525.156
- RCW 28A.525.158
- RCW 28A.525.160
- RCW 28A.525.182

**PART 4
COURSES OF STUDY AND EDUCATIONAL
PROGRAMS**

Sec. 401. RCW 28A.305.220 and 2004 c 19 s 108 are each amended to read as follows:

(1) The ~~((state board of education))~~ superintendent of public instruction, in consultation with the higher education coordinating board, the state board for community and technical colleges, and the work force training and education coordinating board, shall develop for use by all public school districts a standardized high school transcript. The ~~((state board of education))~~ superintendent shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) The standardized high school transcript shall include the following information:

(a) The highest scale score and level achieved in each content area on the high school Washington assessment of student learning or other high school measures successfully completed by the student as provided by RCW 28A.655.061 and 28A.155.045;

(b) All scholar designations as provided by RCW 28A.655.061;

(c) A notation of whether the student has earned a certificate of individual achievement or a certificate of academic achievement by means of the Washington assessment of student learning or by an alternative assessment.

(3) Transcripts are important documents to students who will apply for admission to postsecondary institutions of higher education. Transcripts are also important to students who will seek employment upon or prior to graduation from high school. It is recognized that student transcripts may be the only record available to employers in their decision-making processes regarding prospective employees. The superintendent of public instruction shall require school districts to inform annually all high school students that prospective employers may request to see transcripts and that the prospective employee's decision to release transcripts can be an important part of the process of applying for employment.

Sec. 402. RCW 28A.230.100 and 1991 c 116 s 8 are each amended to read as follows:

The ~~((state board of education))~~ superintendent of public instruction, in consultation with the higher education coordinating board, the state board for community and technical colleges, and the work force training and education coordinating board, shall adopt rules pursuant to chapter 34.05 RCW, to implement the course requirements set forth in RCW 28A.230.090. The rules shall include, as the ~~((state board))~~ superintendent deems necessary, granting equivalencies for and temporary exemptions from the course requirements in RCW 28A.230.090 and special alterations of the course requirements in RCW 28A.230.090. In developing such rules the ~~((state board))~~ superintendent shall recognize the relevance of vocational and applied courses and allow such courses to fulfill in whole or in part the courses required for graduation in RCW 28A.230.090. The rules may include provisions for competency testing in lieu of such courses required for graduation in RCW

FIFTY-FIRST DAY, FEBRUARY 28, 2006

28A.230.090 or demonstration of specific skill proficiency or understanding of concepts through work or experience.

Sec. 403. RCW 28A.230.170 and 1985 c 341 s 1 are each amended to read as follows:

The study of the Constitution of the United States and the Constitution of the state of Washington shall be a condition prerequisite to graduation from the public and private high schools of this state. The ~~((state board of education acting upon the advice of the))~~ superintendent of public instruction shall provide by rule ~~((or regulation))~~ for the implementation of this section.

NEW SECTION. Sec. 404. The state board of education, in consultation with the state board for community and technical colleges, shall examine the statutory authority, rules, and jurisdiction between the K-12 and postsecondary education systems regarding the general educational development test and adult education. The board shall make recommendations for change or clarification to the education committees of the legislature by January 15, 2007.

NEW SECTION. Sec. 405. (1) The state board of education shall develop and propose a revised definition of the purpose and expectations for high school diplomas issued by public schools in Washington state. The revised definition shall address whether attainment of a high school diploma is intended to signify that a student is ready for success in college, ready for successful and gainful employment in the workplace, or some combination of these and other objectives. The revised definition shall focus on the knowledge, skills, and abilities that students are expected to demonstrate to receive a high school diploma, as well as the various methods to be used to measure student performance, rather than focusing on courses, credits, seat time, and test scores.

(2) In developing the revised definition of the high school diploma, the state board of education shall consult with educators, parents, institutions of higher education, employers, and community leaders. The board shall also work with the state board for community and technical colleges, the higher education coordinating board, and the work force training and education coordinating board.

(3) The state board of education shall submit the proposed revised definition of the high school diploma, along with any necessary revisions to state statutes and rules, to the education committees of the legislature by December 1, 2007.

Sec. 406. RCW 28A.305.170 and 2002 c 291 s 3 are each amended to read as follows:

(1) In addition to any other powers and duties as provided by law, the ~~((state board of education))~~ superintendent of public instruction, in consultation with the military department, shall adopt rules governing and authorizing the acceptance of national guard high school career training and the national guard youth challenge program in lieu of either required high school credits or elective high school credits.

(2) With the exception of students enrolled in the national guard youth challenge program, students enrolled in such national guard programs shall be considered enrolled in the common school last attended preceding enrollment in such national guard program.

(3) The ~~((board))~~ superintendent shall adopt rules to ensure that students who successfully complete the national guard youth challenge program are granted an appropriate number of high school credits, based on the students' levels of academic proficiency as measured by the program.

Sec. 407. RCW 28A.230.130 and 2003 c 49 s 2 are each amended to read as follows:

(1) All public high schools of the state shall provide a program, directly or in cooperation with a community college or another school district, for students whose educational plans

include application for entrance to a baccalaureate-granting institution after being granted a high school diploma. The program shall help these students to meet at least the minimum entrance requirements under RCW 28B.10.050.

(2) All public high schools of the state shall provide a program, directly or in cooperation with a community or technical college, a skills center, an apprenticeship committee, or another school district, for students who plan to pursue career or work opportunities other than entrance to a baccalaureate-granting institution after being granted a high school diploma. These programs may:

(a) Help students demonstrate the application of essential academic learning requirements to the world of work, occupation-specific skills, knowledge of more than one career in a chosen pathway, and employability and leadership skills; and

(b) Help students demonstrate the knowledge and skill needed to prepare for industry certification, and/or have the opportunity to articulate to postsecondary education and training programs.

~~((3) The state board of education, upon request from local school districts, may grant waivers from the requirements to provide the program described in subsections (1) and (2) of this section for reasons relating to school district size and the availability of staff authorized to teach subjects which must be provided. In considering waiver requests related to programs in subsection (2) of this section, the state board of education shall consider the extent to which the school district has offered such programs before the 2003-04 school year.))~~

Sec. 408. RCW 28A.205.010 and 2005 c 497 s 214 are each amended to read as follows:

(1) As used in this chapter, unless the context thereof shall clearly indicate to the contrary:

"Education center" means any private school operated on a profit or nonprofit basis which does the following:

(a) Is devoted to the teaching of basic academic skills, including specific attention to improvement of student motivation for achieving, and employment orientation.

(b) Operates on a clinical, client centered basis. This shall include, but not be limited to, performing diagnosis of individual educational abilities, determination and setting of individual goals, prescribing and providing individual courses of instruction therefor, and evaluation of each individual client's progress in his or her educational program.

(c) Conducts courses of instruction by professionally trained personnel certificated by the Washington professional educator standards board according to rules adopted for the purposes of this chapter and providing, for certification purposes, that a year's teaching experience in an education center shall be deemed equal to a year's teaching experience in a common or private school.

(2) For purposes of this chapter, basic academic skills shall include the study of mathematics, speech, language, reading and composition, science, history, literature and political science or civics; it shall not include courses of a vocational training nature and shall not include courses deemed nonessential to the accrediting ~~((of the common schools))~~ or the approval of private schools under RCW 28A.305.130.

(3) The ~~((state board of education))~~ superintendent of public instruction shall certify an education center only upon application and (a) determination that such school comes within the definition thereof as set forth in subsection (1) of this section and (b) demonstration on the basis of actual educational performance of such applicants' students which shows after consideration of their students' backgrounds, educational gains that are a direct result of the applicants' educational program. Such certification may be withdrawn if the ~~((board))~~ superintendent finds that a center fails to provide adequate

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

instruction in basic academic skills. No education center certified by the ~~((state board of education))~~ superintendent of public instruction pursuant to this section shall be deemed a common school under RCW 28A.150.020 or a private school for the purposes of RCW 28A.195.010 through 28A.195.050.

Sec. 409. RCW 28A.205.070 and 1993 c 211 s 6 are each amended to read as follows:

In allocating funds appropriated for education centers, the superintendent of public instruction shall:

(1) Place priority upon stability and adequacy of funding for education centers that have demonstrated superior performance as defined in RCW 28A.205.040(2).

(2) Initiate and maintain a competitive review process to select new or expanded center programs in unserved or underserved areas. The criteria for review of competitive proposals for new or expanded education center services shall include but not be limited to:

(a) The proposing organization shall have obtained certification from the ~~((state board of education))~~ superintendent of public instruction as provided in RCW 28A.205.010;

(b) The cost-effectiveness of the proposal; and

(c) The availability of committed nonstate funds to support, enrich, or otherwise enhance the basic program.

(3) In selecting areas for new or expanded education center programs, the superintendent of public instruction shall consider factors including but not limited to:

(a) The proportion and total number of dropouts unserved by existing center programs, if any;

(b) The availability within the geographic area of programs other than education centers which address the basic educational needs of dropouts; and

(c) Waiting lists or other evidence of demand for expanded education center programs.

(4) In the event of any curtailment of services resulting from lowered legislative appropriations, the superintendent of public instruction shall issue pro rata reductions to all centers funded at the time of the lowered appropriation. Individual centers may be exempted from such pro rata reductions if the superintendent finds that such reductions would impair the center's ability to operate at minimally acceptable levels of service. In the event of such exceptions, the superintendent shall determine an appropriate rate for reduction to permit the center to continue operation.

(5) In the event that an additional center or centers become certified and apply to the superintendent for funds to be allocated from a legislative appropriation which does not increase from the immediately preceding biennium, or does not increase sufficiently to allow such additional center or centers to operate at minimally acceptable levels of service without reducing the funds available to previously funded centers, the superintendent shall not provide funding for such additional center or centers from such appropriation.

Sec. 410. RCW 28A.215.010 and 1995 c 335 s 104 are each amended to read as follows:

The board of directors of any school district shall have the power to establish and maintain preschools and to provide before-and-after-school and vacation care in connection with the common schools of said district located at such points as the board shall deem most suitable for the convenience of the public, for the care and instruction of infants and children residing in said district. The board shall establish such courses, activities, rules, and regulations governing preschools and before-and-after-school care as it may deem best: PROVIDED, That these courses and activities shall meet the minimum standard for such preschools as established by the United States department of health, education and welfare, or its successor agency, and the ~~((state board of education))~~ superintendent of

public instruction. Except as otherwise provided by state or federal law, the board of directors may fix a reasonable charge for the care and instruction of children attending such schools. The board may, if necessary, supplement such funds as are received for the superintendent of public instruction or any agency of the federal government, by an appropriation from the general school fund of the district.

Sec. 411. RCW 28A.215.020 and 1995 c 335 s 308 are each amended to read as follows:

Expenditures under federal funds and/or state appropriations made to carry out the purposes of RCW 28A.215.010 through 28A.215.050 shall be made by warrants issued by the state treasurer upon order of the superintendent of public instruction. The ~~((state board of education))~~ superintendent of public instruction shall make necessary rules ~~((and regulations))~~ to carry out the purpose of RCW 28A.215.010. After being notified by the office of the governor that there is an agency or department responsible for early learning, the superintendent shall consult with that agency when establishing relevant rules.

Sec. 412. RCW 28A.205.040 and 1999 c 348 s 4 are each amended to read as follows:

(1)(a) From funds appropriated for that purpose, the superintendent of public instruction shall pay fees to a certified center on a monthly basis for each student enrolled in compliance with RCW 28A.205.020. The superintendent shall set fees by rule.

(b) Revisions in such fees proposed by an education center shall become effective after thirty days notice unless the superintendent finds such a revision is unreasonable in which case the revision shall not take effect. ~~((An education center may, within fifteen days after such a finding by the superintendent, file notification of appeal with the state board of education which shall, no later than its second regularly scheduled meeting following notification of such appeal, either grant or deny the proposed revision.))~~ The administration of any general education development test shall not be a part of such initial diagnostic procedure.

(c) Reimbursements shall not be made for students who are absent.

(d) No center shall make any charge to any student, or the student's parent, guardian or custodian, for whom a fee is being received under the provisions of this section.

(2) Payments shall be made from available funds first to those centers that have in the judgment of the superintendent demonstrated superior performance based upon consideration of students' educational gains taking into account such students' backgrounds, and upon consideration of cost effectiveness. In considering the cost effectiveness of nonprofit centers the superintendent shall take into account not only payments made under this section but also factors such as tax exemptions, direct and indirect subsidies or any other cost to taxpayers at any level of government which result from such nonprofit status.

(3) To be eligible for such payment, every such center, without prior notice, shall permit a review of its accounting records by personnel of the state auditor during normal business hours.

(4) If total funds for this purpose approach depletion, the superintendent shall notify the centers of the date after which further funds for reimbursement of the centers' services will be exhausted.

Sec. 413. RCW 28A.215.140 and 1988 c 174 s 5 are each amended to read as follows:

The department shall establish an advisory committee composed of interested parents and representatives from ~~((the state board of education))~~ the office of the superintendent of public instruction, the division of children and family services within the department of social and health services, early

FIFTY-FIRST DAY, FEBRUARY 28, 2006

childhood education and development staff preparation programs, the head start programs, school districts, and such other community and business organizations as deemed necessary by the department to assist with the establishment of the preschool program and advise the department on matters regarding the on-going promotion and operation of the program.

Sec. 414. RCW 28A.230.020 and 1991 c 116 s 6 are each amended to read as follows:

All common schools shall give instruction in reading, penmanship, orthography, written and mental arithmetic, geography, the history of the United States, English grammar, physiology and hygiene with special reference to the effects of alcohol and drug abuse on the human system, science with special reference to the environment, and such other studies as may be prescribed by rule ~~((or regulation))~~ of the ~~((state board of education))~~ superintendent of public instruction. All teachers shall stress the importance of the cultivation of manners, the fundamental principles of honesty, honor, industry and economy, the minimum requisites for good health including the beneficial effect of physical exercise and methods to prevent exposure to and transmission of sexually transmitted diseases, and the worth of kindness to all living creatures and the land. The prevention of child abuse may be offered as part of the curriculum in the common schools.

Sec. 415. RCW 28A.230.040 and 1984 c 52 s 1 are each amended to read as follows:

Every pupil attending grades one through eight of the public schools shall receive instruction in physical education as prescribed by rule ~~((or regulation))~~ of the ~~((state board of education))~~ superintendent of public instruction: PROVIDED, That individual pupils or students may be excused on account of physical disability, religious belief, or participation in directed athletics.

Sec. 416. RCW 28A.230.050 and 1985 c 384 s 3 are each amended to read as follows:

All high schools of the state shall emphasize the work of physical education, and carry into effect all physical education requirements established by rule ~~((or regulation))~~ of the ~~((state board of education))~~ superintendent of public instruction: PROVIDED, That individual students may be excused from participating in physical education otherwise required under this section on account of physical disability, employment, or religious belief, or because of participation in directed athletics or military science and tactics or for other good cause.

Sec. 417. RCW 28A.330.100 and 1995 c 335 s 503 and 1995 c 77 s 22 are each reenacted and amended to read as follows:

Every board of directors of a school district of the first class, in addition to the general powers for directors enumerated in this title, shall have the power:

(1) To employ for a term of not exceeding three years a superintendent of schools of the district, and for cause to dismiss him or her~~((:))~~, and to fix his or her duties and compensation~~((:))~~;

(2) To employ, and for cause dismiss one or more assistant superintendents and to define their duties and fix their compensation~~((:))~~;

(3) To employ a business manager, attorneys, architects, inspectors of construction, superintendents of buildings and a superintendent of supplies, all of whom shall serve at the board's pleasure, and to prescribe their duties and fix their compensation~~((:))~~;

(4) To employ, and for cause dismiss, supervisors of instruction and to define their duties and fix their compensation~~((:))~~;

(5) To prescribe a course of study and a program of exercises which shall be consistent with the course of study

2006 REGULAR SESSION

prepared by the ~~((state board of education))~~ superintendent of public instruction for the use of the common schools of this state~~((:))~~;

(6) To, in addition to the minimum requirements imposed by this title establish and maintain such grades and departments, including night, high, kindergarten, vocational training and, except as otherwise provided by law, industrial schools, and schools and departments for the education and training of any class or classes of youth with disabilities, as in the judgment of the board, best shall promote the interests of education in the district~~((:))~~;

(7) To determine the length of time over and above one hundred eighty days that school shall be maintained: PROVIDED, That for purposes of apportionment no district shall be credited with more than one hundred and eighty-three days' attendance in any school year; and to fix the time for annual opening and closing of schools and for the daily dismissal of pupils before the regular time for closing schools~~((:))~~;

(8) To maintain a shop and repair department, and to employ, and for cause dismiss, a foreman and the necessary help for the maintenance and conduct thereof~~((:))~~;

(9) To provide free textbooks and supplies for all children attending school~~((:))~~;

(10) To require of the officers or employees of the district to give a bond for the honest performance of their duties in such penal sum as may be fixed by the board with good and sufficient surety, and to cause the premium for all bonds required of all such officers or employees to be paid by the district: PROVIDED, That the board may, by written policy, allow that such bonds may include a deductible proviso not to exceed two percent of the officer's or employee's annual salary~~((:))~~;

(11) To prohibit all secret fraternities and sororities among the students in any of the schools of the said districts~~((:))~~; and

(12) To appoint a practicing physician, resident of the school district, who shall be known as the school district medical inspector, and whose duty it shall be to decide for the board of directors all questions of sanitation and health affecting the safety and welfare of the public schools of the district who shall serve at the board's pleasure: PROVIDED, That children shall not be required to submit to vaccination against the will of their parents or guardian.

NEW SECTION. **Sec. 418.** RCW 28A.305.220 is recodified as a new section in chapter 28A.230 RCW.

NEW SECTION. **Sec. 419.** RCW 28A.305.170 is recodified as a new section in chapter 28A.300 RCW.

PART 5 SCHOOL DISTRICT BOUNDARIES

Sec. 501. RCW 28A.315.175 and 1999 c 315 s 302 are each amended to read as follows:

~~((The powers and duties of the state board with respect to this chapter shall be))~~ The superintendent of public instruction shall:

(1) ~~((To))~~ Aid regional committees in the performance of their duties by furnishing them with plans of procedure, standards, data, maps, forms, and other necessary materials and services essential to a study and understanding of the problems of school district organization in their respective educational service districts~~((:))~~; and

(2) ~~((To hear appeals as provided in RCW 28A.315.205))~~ Carry out powers and duties of the superintendent of public instruction relating to the organization and reorganization of school districts.

Sec. 502. RCW 28A.315.195 and 2003 c 413 s 2 are each amended to read as follows:

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

(1) A proposed change in school district organization by transfer of territory from one school district to another may be initiated by a petition in writing presented to the educational service district superintendent:

(a) Signed by at least fifty percent plus one of the active registered voters residing in the territory proposed to be transferred; or

(b) Signed by a majority of the members of the board of directors of one of the districts affected by a proposed transfer of territory.

(2) The petition shall state the name and number of each district affected, describe the boundaries of the territory proposed to be transferred, and state the reasons for desiring the change and the number of children of school age, if any, residing in the territory.

(3) The educational service district superintendent shall not complete any transfer of territory under this section that involves ten percent or more of the common school student population of the entire district from which the transfer is proposed, unless the educational service district superintendent has first called and held a special election of the voters of the entire school district from which the transfer of territory is proposed. The purpose of the election is to afford those voters an opportunity to approve or reject the proposed transfer. A simple majority shall determine approval or rejection.

(4) The ~~((state board))~~ superintendent of public instruction may establish rules limiting the frequency of petitions that may be filed pertaining to territory included in whole or in part in a previous petition.

(5) Upon receipt of the petition, the educational service district superintendent shall notify in writing the affected districts that:

(a) Each school district board of directors, whether or not initiating a proposed transfer of territory, is required to enter into negotiations with the affected district or districts;

(b) In the case of a citizen-initiated petition, the affected districts must negotiate on the entire proposed transfer of territory;

(c) The districts have ninety calendar days in which to agree to the proposed transfer of territory;

(d) The districts may request and shall be granted by the educational service district superintendent one thirty-day extension to try to reach agreement; and

(e) Any district involved in the negotiations may at any time during the ninety-day period notify the educational service district superintendent in writing that agreement will not be possible.

(6) If the negotiating school boards cannot come to agreement about the proposed transfer of territory, the educational service district superintendent, if requested by the affected districts, shall appoint a mediator. The mediator has thirty days to work with the affected school districts to see if an agreement can be reached on the proposed transfer of territory.

(7) If the affected school districts cannot come to agreement about the proposed transfer of territory, and the districts do not request the services of a mediator or the mediator was unable to bring the districts to agreement, either district may file with the educational service district superintendent a written request for a hearing by the regional committee.

(8) If the affected school districts cannot come to agreement about the proposed transfer of territory initiated by citizen petition, and the districts do not request the services of a mediator or the mediator was unable to bring the districts to agreement, the district in which the citizens who filed the petition reside shall file with the educational service district superintendent a written request for a hearing by the regional

committee, unless a majority of the citizen petitioners request otherwise.

(9) Upon receipt of a notice under subsection (7) or (8) of this section, the educational service district superintendent shall notify the chair of the regional committee in writing within ten days.

(10) Costs incurred by school districts under this section shall be reimbursed by the state from such funds as are appropriated for this purpose.

Sec. 503. RCW 28A.315.205 and 2003 c 413 s 1 are each amended to read as follows:

(1) The chair of the regional committee shall schedule a hearing on the proposed transfer of territory at a location in the educational service district within sixty calendar days of being notified under RCW 28A.315.195 (7) or (8).

(2) Within thirty calendar days of the hearing under subsection (1) of this section, or final hearing if more than one is held by the committee, the committee shall issue its written findings and decision to approve or disapprove the proposed transfer of territory. The educational service district superintendent shall transmit a copy of the committee's decision to the superintendents of the affected school districts within ten calendar days.

(3) In carrying out the purposes of RCW 28A.315.015 and in making decisions as authorized under RCW 28A.315.095(1), the regional committee shall base its judgment upon whether and to the extent the proposed change in school district organization complies with RCW 28A.315.015(2) and rules adopted by the ~~((state board))~~ superintendent of public instruction under chapter 34.05 RCW.

(4) ~~((State board))~~ The rules under subsection (3) of this section shall provide for giving consideration to all of the following:

(a) Student educational opportunities as measured by the percentage of students performing at each level of the statewide mandated assessments and data regarding student attendance, graduation, and dropout rates;

(b) The safety and welfare of pupils. For the purposes of this subsection, "safety" means freedom or protection from danger, injury, or damage and "welfare" means a positive condition or influence regarding health, character, and well-being;

(c) The history and relationship of the property affected to the students and communities affected, including, for example, inclusion within a single school district, for school attendance and corresponding tax support purposes, of entire master planned communities that were or are to be developed pursuant to an integrated commercial and residential development plan with over one thousand dwelling units;

(d) Whether or not geographic accessibility warrants a favorable consideration of a recommended change in school district organization, including remoteness or isolation of places of residence and time required to travel to and from school; and

(e) All funding sources of the affected districts, equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per pupil valuation when all funding sources are considered, improvement in the economies in the administration and operation of schools, and the extent the proposed change would potentially reduce or increase the individual and aggregate transportation costs of the affected school districts.

(5)(a)(i) A petitioner or school district may appeal a decision by the regional committee to the ~~((state board))~~ superintendent of public instruction based on the claim that the regional committee failed to follow the applicable statutory and regulatory procedures or acted in an arbitrary and capricious manner. Any such appeal shall be based on the record and the

FIFTY-FIRST DAY, FEBRUARY 28, 2006

appeal must be filed within thirty days of the final decision of the regional committee. The appeal shall be heard and determined by an administrative law judge in the office of administrative hearings, based on the standards in (a)(ii) of this subsection.

(ii) If the ~~((state board))~~ administrative law judge finds that all applicable procedures were not followed or that the regional committee acted in an arbitrary and capricious manner, ~~((ft))~~ the administrative law judge shall refer the matter back to the regional committee with an explanation of ~~((the board's))~~ his or her findings. The regional committee shall rehear the proposal.

(iii) If the ~~((state board))~~ administrative law judge finds that all applicable procedures were followed or that the regional committee did not act in an arbitrary and capricious manner, depending on the appeal, the educational service district shall be notified and directed to implement the changes.

(b) Any school district or citizen petitioner affected by a final decision of the regional committee may seek judicial review of the committee's decision in accordance with RCW 34.05.570.

Sec. 504. RCW 28A.315.015 and 1999 c 315 s 101 are each amended to read as follows:

(1) It is the purpose of this chapter to:

(a) Incorporate into a single, comprehensive, school district organization law all essential provisions governing:

(i) The formation and establishment of new school districts;

(ii) The alteration of the boundaries of existing districts; and

(iii) The adjustment of the assets and liabilities of school districts when changes are made under this chapter; and

(b) Establish methods and procedures whereby changes in the school district system may be brought about by the people concerned and affected.

(2) It is the state's policy that decisions on proposed changes in school district organization should be made, whenever possible, by negotiated agreement between the affected school districts. If the districts cannot agree, the decision shall be made by the regional committees on school district organization, based on the committees' best judgment, taking into consideration the following factors and factors under RCW 28A.315.205:

(a) A balance of local petition requests and the needs of the statewide community at large in a manner that advances the best interest of public education in the affected school districts and communities, the educational service district, and the state;

(b) Responsibly serving all of the affected citizens and students by contributing to logical service boundaries and recognizing a changing economic pattern within the educational service districts of the state;

(c) Enhancing the educational opportunities of pupils in the territory by reducing existing disparities among the affected school districts' ability to provide operating and capital funds through an equitable adjustment of the assets and liabilities of the affected districts;

(d) Promoting a wiser use of public funds through improvement in the school district system of the educational service districts and the state; and

(e) Other criteria or considerations as may be established in rule by the ~~((state board of education))~~ superintendent of public instruction.

(3) It is neither the intent nor purpose of this chapter to apply to organizational changes and the procedure therefor relating to capital fund aid by nonhigh school districts as provided for in chapter 28A.540 RCW.

Sec. 505. RCW 28A.315.025 and 1990 c 33 s 293 are each amended to read as follows:

As used in this chapter:

(1) "Change in the organization and extent of school districts" means the formation and establishment of new school districts, the dissolution of existing school districts, the alteration of the boundaries of existing school districts, or all of them.

(2) "Regional committee" means the regional committee on school district organization created by this chapter.

(3) ~~((("State board" means the state board of education.~~

~~(4)))~~ "School district" means the territory under the jurisdiction of a single governing board designated and referred to as the board of directors.

~~((5)))~~ (4) "Educational service district superintendent" means the educational service district superintendent as provided for in RCW 28A.310.170 or his or her designee.

Sec. 506. RCW 28A.315.055 and 1999 c 315 s 203 are each amended to read as follows:

In case the boundaries of any of the school districts are conflicting or incorrectly described, the educational service district board of directors, after due notice and a public hearing, shall change, harmonize, and describe them and shall so certify, with a complete transcript of boundaries of all districts affected, such action to the ~~((state board))~~ superintendent of public instruction for ~~((its))~~ approval or revision. Upon receipt of notification of ~~((state board))~~ action by the superintendent of public instruction, the educational service district superintendent shall transmit to the county legislative authority of the county or counties in which the affected districts are located a complete transcript of the boundaries of all districts affected.

Sec. 507. RCW 28A.315.085 and 2005 c 497 s 405 are each amended to read as follows:

(1) The superintendent of public instruction shall furnish ~~((to the state board and))~~ to regional committees the services of employed personnel and the materials and supplies necessary to enable them to perform the duties imposed upon them by this chapter ~~((and))~~. Members shall be reimbursed ~~((the members thereof))~~ for expenses necessarily incurred by them in the performance of their duties ~~((, such reimbursement for regional committee members to be))~~ in accordance with RCW 28A.315.155 ~~((, and such reimbursement for state board members to be in accordance with RCW 28A.305.011)).~~

(2) Costs that may be incurred by an educational service district in association with school district negotiations under RCW 28A.315.195 and supporting the regional committee under RCW 28A.315.205 shall be reimbursed by the state from such funds as are appropriated for these purposes.

Sec. 508. RCW 28A.315.125 and 1993 c 416 s 2 are each amended to read as follows:

The members of each regional committee shall be elected in the following manner:

(1) On or before the 25th day of September, 1994, and not later than the 25th day of September of every subsequent even-numbered year, each superintendent of an educational service district shall call an election to be held in each educational service district within which resides a member of a regional committee whose term of office expires on the second Monday of January next following, and shall give written notice thereof to each member of the board of directors of each school district in the educational service district. Such notice shall include instructions, and the rules ~~((and regulations))~~ established by the ~~((state board of education))~~ superintendent of public instruction for the conduct of the election. The ~~((state board of education))~~ superintendent of public instruction is ~~((hereby))~~ empowered to adopt rules pursuant to chapter 34.05 RCW which establish standards and procedures which the ~~((state board))~~ superintendent deems necessary to conduct elections pursuant to this section; to conduct run-off elections in the event an election

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

for a position is indecisive; and to decide run-off elections which result in tie votes, in a fair and orderly manner.

(2) Candidates for membership on a regional committee shall file a declaration of candidacy with the superintendent of the educational service district wherein they reside. Declarations of candidacy may be filed by person or by mail not earlier than the 1st day of October, and not later than the 15th day of October of each even-numbered year. The superintendent may not accept any declaration of candidacy that is not on file in his or her office or not postmarked before the 16th day of October, or if not postmarked or the postmark is not legible, if received by mail after the 20th day of October of each even-numbered year.

(3) Each member of the regional committee shall be elected by a majority of the votes cast for all candidates for the position by the members of the boards of directors of school districts in the educational service district. All votes shall be cast by mail ballot addressed to the superintendent of the educational service district wherein the school director resides. No votes shall be accepted for counting if postmarked after the 16th day of November or if not postmarked or the postmark is not legible, if received by mail after the 21st day of November of each even-numbered year. An election board comprised of three persons appointed by the board of the educational service district shall count and tally the votes not later than the 25th day of November or the next business day if the 25th falls on a Saturday, Sunday, or legal holiday of each even-numbered year. Each vote cast by a school director shall be recorded as one vote. Within ten days following the count of votes, the educational service district superintendent shall certify to the superintendent of public instruction the name or names of the person(s) elected to be members of the regional committee.

(4) In the event of a change in the number of educational service districts or in the number of educational service district board members pursuant to chapter 28A.310 RCW a new regional committee shall be elected for each affected educational service district at the next election conducted pursuant to this section. Those persons who were serving on a regional committee within an educational service district affected by a change in the number of districts or board members shall continue to constitute the regional committee for the educational service district within which they are registered to vote until the majority of a new board has been elected and certified.

(5) No member of a regional committee shall continue to serve thereon if he or she ceases to be a registered voter of the educational service district board member district or if he or she is absent from three consecutive meetings of the committee without an excuse acceptable to the committee.

Sec. 509. RCW 28A.315.185 and 1999 c 315 s 303 are each amended to read as follows:

To the extent funds are appropriated, the superintendent of public instruction, in cooperation with the educational service districts and the Washington state school directors' association, shall conduct an annual training meeting for the regional committees, ~~((state board members;))~~ educational service district superintendents, and local school district superintendents and boards of directors. Training may also be provided upon request.

**PART 6
EDUCATIONAL SERVICE DISTRICTS**

Sec. 601. RCW 28A.305.210 and 2005 c 518 s 913 are each amended to read as follows:

(1) ~~((The state board of education, by rule or regulation, may require the assistance of educational service district boards~~

~~and/or superintendents in the performance of any duty, authority, or power imposed upon or granted to the state board of education by law, upon such terms and conditions as the state board of education shall establish. Such authority to assist the state board of education shall be limited to the service function of information collection and dissemination and the attestation to the accuracy and completeness of submitted information.~~

~~—(2))~~ During the 2005-2007 biennium until the effective date of this act, educational service districts may, at the request of the state board of education, receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education postsite visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

(2) This section expires July 1, 2007.

Sec. 602. RCW 28A.310.080 and 1977 ex.s. c 283 s 15 are each amended to read as follows:

~~((On or before the twenty-fifth day of August, 1978, and))~~ Not later than the twenty-fifth day of August of every ~~((subsequent))~~ even-numbered year, the ~~((secretary to the state board of education))~~ superintendent of public instruction shall call an election to be held in each educational service district within which resides a member of the board of the educational service district whose term of office expires on the second Monday of January next following, and shall give written notice thereof to each member of the board of directors of each school district in such educational service district. Such notice shall include instructions~~((;))~~ and rules~~((; and regulations))~~ established by the ~~((state board of education))~~ superintendent of public instruction for the conduct of the election.

Sec. 603. RCW 28A.310.030 and 1990 c 33 s 271 are each amended to read as follows:

Except as otherwise provided in this chapter, in each educational service district there shall be an educational service district board consisting of seven members elected by the school directors of the educational service district, one from each of seven educational service district board-member districts. Board-member districts in districts reorganized under RCW 28A.310.020, or as provided for in RCW 28A.310.120 and under this section, shall be initially determined by the state board of education. If a reorganization pursuant to RCW 28A.310.020 places the residence of a board member into another or newly created educational service district, such member shall serve on the board of the educational service district of residence and at the next election called by the ~~((secretary to the state board of education))~~ superintendent of public instruction pursuant to RCW 28A.310.080 a new seven member board shall be elected. If the redrawing of board-member district boundaries pursuant to this chapter shall cause the resident board-member district of two or more board members to coincide, such board members shall continue to serve on the board and at the next election called by the ~~((secretary to the state board of education))~~ superintendent of public instruction a new board shall be elected. The board-member districts shall be arranged so far as practicable on a basis of equal population, with consideration being given existing board members of existing educational service district boards. Each educational service district board member shall be elected by the school directors of each school district within the educational service district. Beginning in 1971 and every ten years thereafter, educational service district boards shall review and, if necessary, shall change the boundaries of board-member districts so as to provide so far as practicable equal representation according to population of such board-member districts and to conform to school district boundary changes:

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

PROVIDED, That all board-member district boundaries, to the extent necessary to conform with this chapter, shall be immediately redrawn for the purposes of the next election called by the ~~((secretary to the state board of education))~~ superintendent of public instruction following any reorganization pursuant to this chapter. Such district board, if failing to make the necessary changes prior to June 1st of the appropriate year, shall refer for settlement questions on board-member district boundaries to the ~~((state board of education))~~ office of the superintendent of public instruction, which, after a public hearing, shall decide such questions.

Sec. 604. RCW 28A.310.050 and 1977 ex.s. c 283 s 19 are each amended to read as follows:

Any educational service district board may elect by resolution of the board to increase the board member size to nine board members. In such case positions number eight and nine shall be filled at the next election called by the ~~((secretary to the state board of education))~~ superintendent of public instruction, position numbered eight to be for a term of two years, position numbered nine to be for a term of four years. Thereafter the terms for such positions shall be for four years.

Sec. 605. RCW 28A.310.060 and 1977 ex.s. c 283 s 20 are each amended to read as follows:

The term of every educational service district board member shall begin on the second Monday in January next following the election at which he or she was elected: PROVIDED, That a person elected to less than a full term pursuant to this section shall take office as soon as the election returns have been certified and he or she has qualified. In the event of a vacancy in the board from any cause, such vacancy shall be filled by appointment of a person from the same board-member district by the educational service district board. In the event that there are more than three vacancies in a seven-member board or four vacancies in a nine-member board, the ~~((state board of education))~~ superintendent of public instruction shall fill by appointment sufficient vacancies so that there shall be a quorum of the board serving. Each appointed board member shall serve until his or her successor has been elected at the next election called by the ~~((secretary to the state board of education))~~ superintendent of public instruction and has qualified.

Sec. 606. RCW 28A.310.090 and 1977 ex.s. c 283 s 16 are each amended to read as follows:

Candidates for membership on an educational service district board shall file declarations of candidacy with the ~~((secretary to the state board of education))~~ superintendent of public instruction on forms prepared by the ~~((secretary))~~ superintendent. Declarations of candidacy may be filed by person or by mail not earlier than the first day of September, nor later than the sixteenth day of September. The ~~((secretary to the state board of education))~~ superintendent may not accept any declaration of candidacy that is not on file in his or her office or is not postmarked before the seventeenth day of September.

Sec. 607. RCW 28A.310.100 and 1980 c 179 s 7 are each amended to read as follows:

Each member of an educational service district board shall be elected by a majority of the votes cast at the election for all candidates for the position. All votes shall be cast by mail addressed to the ~~((secretary to the state board of education))~~ superintendent of public instruction and no votes shall be accepted for counting if postmarked after the sixteenth day of October or if not postmarked or the postmark is not legible, if received by mail after the twenty-first day of October following the call of the election. The ~~((secretary to the state board of education))~~ superintendent of public instruction and an election board comprised of three persons appointed by the ~~((state board of education))~~ superintendent shall count and tally the votes not later than the twenty-fifth day of October in the following

manner: Each vote cast by a school director shall be accorded as one vote. If no candidate receives a majority of the votes cast, then, not later than the first day of November, the ~~((secretary to the state board of education))~~ superintendent of public instruction shall call a second election to be conducted in the same manner and at which the candidates shall be the two candidates receiving the highest number of votes cast. No vote cast at such second election shall be received for counting if postmarked after the sixteenth day of November or if not postmarked or the postmark is not legible, if received by mail after the twenty-first day of November and the votes shall be counted as hereinabove provided on the twenty-fifth day of November. The candidate receiving a majority of votes at any such second election shall be declared elected. In the event of a tie in such second election, the candidate elected shall be determined by a chance drawing of a nature established by the ~~((secretary to the state board of education))~~ superintendent of public instruction. Within ten days following the count of votes in an election at which a member of an educational service district board is elected, the ~~((secretary to the state board of education))~~ superintendent of public instruction shall certify to the county auditor of the headquarters county of the educational service district the name or names of the persons elected to be members of the educational service district board.

Sec. 608. RCW 28A.310.140 and 1990 c 33 s 274 are each amended to read as follows:

Every school district must be included entirely within a single educational service district. If the boundaries of any school district within an educational service district are changed in any manner so as to extend the school district beyond the boundaries of that educational service district, the ~~((state board))~~ superintendent of public instruction shall change the boundaries of the educational service districts so affected in a manner consistent with the purposes of RCW 28A.310.010 and this section.

Sec. 609. RCW 28A.310.150 and 1990 c 33 s 275 are each amended to read as follows:

Every candidate for membership on an educational service district board shall be a registered voter and a resident of the board-member district for which such candidate files. On or before the date for taking office, every member shall make an oath or affirmation to support the Constitution of the United States and the state of Washington and to faithfully discharge the duties of the office according to the best of such member's ability. The members of the board shall not be required to give bond unless so directed by the ~~((state board of education))~~ superintendent of public instruction. At the first meeting of newly elected members and after the qualification for office of the newly elected members, each educational service district board shall reorganize by electing a chair and a vice chair. A majority of all of the members of the board shall constitute a quorum.

Sec. 610. RCW 28A.310.200 and 2001 c 143 s 1 are each amended to read as follows:

In addition to other powers and duties as provided by law, every educational service district board shall:

- (1) Approve the budgets of the educational service district in accordance with the procedures provided for in this chapter~~(-)~~;
- (2) Meet regularly according to the schedule adopted at the organization meeting and in special session upon the call of the chair or a majority of the board~~(-)~~;
- (3) Approve the selection of educational service district personnel and clerical staff as provided in RCW 28A.310.230~~(-)~~;
- (4) Fix the amount of and approve the bonds for those educational service district employees designated by the board as being in need of bonding~~(-)~~;

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

(5) Keep in the educational service district office a full and correct transcript of the boundaries of each school district within the educational service district((-);

(6) Acquire by borrowing funds or by purchase, lease, devise, bequest, and gift and otherwise contract for real and personal property necessary for the operation of the educational service district and to the execution of the duties of the board and superintendent thereof and sell, lease, or otherwise dispose of that property not necessary for district purposes. No real property shall be acquired or alienated without the prior approval of the (~~state board of education~~) superintendent of public instruction and the acquisition or alienation of all such property shall be subject to such provisions as the (~~board~~) superintendent may establish. When borrowing funds for the purpose of acquiring property, the educational service district board shall pledge as collateral the property to be acquired. Borrowing shall be evidenced by a note or other instrument between the district and the lender((-);

(7) Under RCW 28A.310.010, upon the written request of the board of directors of a local school district or districts served by the educational service district, the educational service district board of directors may provide cooperative and informational services not in conflict with other law that provide for the development and implementation of programs, activities, services, or practices that support the education of preschool through twelfth grade students in the public schools or that support the effective, efficient, or safe management and operation of the school district or districts served by the educational service district((-);

(8) Adopt such bylaws and rules (~~and regulations~~) for its own operation as it deems necessary or appropriate((-); and

(9) Enter into contracts, including contracts with common and educational service districts and the school for the deaf and the school for the blind for the joint financing of cooperative service programs conducted pursuant to RCW 28A.310.180(3), and employ consultants and legal counsel relating to any of the duties, functions, and powers of the educational service districts.

Sec. 611. RCW 28A.310.310 and 1990 c 33 s 284 are each amended to read as follows:

The educational service district board shall designate the headquarters office of the educational service district. Educational service districts shall provide for their own office space, heating, contents insurance, electricity, and custodial services, which may be obtained through contracting with any board of county commissioners. Official records of the educational service district board and superintendent, including each of the county superintendents abolished by chapter 176, Laws of 1969 ex. sess., shall be kept by the educational service district superintendent. Whenever the boundaries of any of the educational service districts are reorganized pursuant to RCW 28A.310.020, the (~~state board of education~~) superintendent of public instruction shall supervise the transferral of such records so that each educational service district superintendent shall receive those records relating to school districts within the appropriate educational service district.

Sec. 612. RCW 28A.323.020 and 1985 c 385 s 25 are each amended to read as follows:

The duties in this chapter imposed upon and required to be performed by a regional committee and by an educational service district superintendent in connection with a change in the organization and extent of school districts and/or with the adjustment of the assets and liabilities of school districts and with all matters related to such change or adjustment whenever territory lying in a single educational service district is involved shall be performed jointly by the regional committees and by the superintendents of the several educational service districts as required whenever territory lying in more than one educational

service district is involved in a proposed change in the organization and extent of school districts: PROVIDED, That a regional committee may designate three of its members, or two of its members and the educational service district superintendent, as a subcommittee to serve in lieu of the whole committee, but action by a subcommittee shall not be binding unless approved by a majority of the regional committee. Proposals for changes in the organization and extent of school districts and proposed terms of adjustment of assets and liabilities thus prepared and approved shall be submitted to the (~~state board~~) superintendent of public instruction by the regional committee of the educational service district in which is located the part of the proposed or enlarged district having the largest number of common school pupils residing therein.

Sec. 613. RCW 28A.323.040 and 1973 c 47 s 3 are each amended to read as follows:

For all purposes essential to the maintenance, operation, and administration of the schools of a district, including the apportionment of current state and county school funds, the county in which a joint school district shall be considered as belonging shall be as designated by the (~~state board of education~~) superintendent of public instruction. Prior to making such designation, the (~~state board of education~~) superintendent of public instruction shall hold at least one public hearing on the matter, at which time the recommendation of the joint school district shall be presented and, in addition to such recommendation, the (~~state board~~) superintendent shall consider the following prior to its designation:

- (1) Service needs of such district;
- (2) Availability of services;
- (3) Geographic location of district and servicing agencies; and
- (4) Relationship to contiguous school districts.

Sec. 614. RCW 29A.24.070 and 2005 c 221 s 1 are each amended to read as follows:

Declarations of candidacy shall be filed with the following filing officers:

(1) The secretary of state for declarations of candidacy for statewide offices, United States senate, and United States house of representatives;

(2) The secretary of state for declarations of candidacy for the state legislature, the court of appeals, and the superior court when the candidate is seeking office in a district comprised of voters from two or more counties. The secretary of state and the county auditor may accept declarations of candidacy for candidates for the state legislature, the court of appeals, and the superior court when the candidate is seeking office in a district comprised of voters from one county;

(3) The county auditor for all other offices. For any nonpartisan office, other than judicial offices and school director in joint districts, where voters from a district comprising more than one county vote upon the candidates, a declaration of candidacy shall be filed with the county auditor of the county in which a majority of the registered voters of the district reside. For school directors in joint school districts, the declaration of candidacy shall be filed with the county auditor of the county designated by the (~~state board of education~~) superintendent of public instruction as the county to which the joint school district is considered as belonging under RCW 28A.323.040;

(4) For all other purposes of this title, a declaration of candidacy for the state legislature, the court of appeals, and the superior court filed with the secretary of state shall be deemed to have been filed with the county auditor when the candidate is seeking office in a district composed of voters from one county.

Each official with whom declarations of candidacy are filed under this section, within one business day following the closing of the applicable filing period, shall transmit to the public

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

disclosure commission the information required in RCW 29A.24.031 (1) through (4) for each declaration of candidacy filed in his or her office during such filing period or a list containing the name of each candidate who files such a declaration in his or her office during such filing period together with a precise identification of the position sought by each such candidate and the date on which each such declaration was filed. Such official, within three days following his or her receipt of any letter withdrawing a person's name as a candidate, shall also forward a copy of such withdrawal letter to the public disclosure commission.

Sec. 615. RCW 84.09.037 and 1990 c 33 s 597 are each amended to read as follows:

Each school district affected by a transfer of territory from one school district to another school district under chapter 28A.315 RCW shall retain its preexisting boundaries for the purpose of the collection of excess tax levies authorized under RCW 84.52.053 before the effective date of the transfer, for such tax collection years and for such excess tax levies as the ~~((state board of education))~~ superintendent of public instruction may approve and order that the transferred territory shall either be subject to or relieved of such excess levies, as the case may be. For the purpose of all other excess tax levies previously authorized under chapter 84.52 RCW and all excess tax levies authorized under RCW 84.52.053 subsequent to the effective date of a transfer of territory, the boundaries of the affected school districts shall be modified to recognize the transfer of territory subject to RCW 84.09.030.

PART 7 STUDENTS

Sec. 701. RCW 28A.305.160 and 1996 c 321 s 2 are each amended to read as follows:

(1) The ~~((state board of education))~~ superintendent of public instruction shall adopt and distribute to all school districts lawful and reasonable rules prescribing the substantive and procedural due process guarantees of pupils in the common schools. Such rules shall authorize a school district to use informal due process procedures in connection with the short-term suspension of students to the extent constitutionally permissible: **PROVIDED**, That the ~~((state board))~~ superintendent of public instruction deems the interest of students to be adequately protected. When a student suspension or expulsion is appealed, the rules shall authorize a school district to impose the suspension or expulsion temporarily after an initial hearing for no more than ten consecutive school days or until the appeal is decided, whichever is earlier. Any days that the student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student suspension or expulsion and shall not limit or extend the term of the student suspension or expulsion.

(2) Short-term suspension procedures may be used for suspensions of students up to and including, ten consecutive school days.

Sec. 702. RCW 28A.150.300 and 1993 c 68 s 1 are each amended to read as follows:

The use of corporal punishment in the common schools is prohibited. The ~~((state board of education, in consultation with the))~~ superintendent of public instruction(~~(:)~~) shall develop and adopt a policy prohibiting the use of corporal punishment in the common schools. The policy shall be adopted ~~((by the state board of education no later than February 1, 1994,))~~ and ~~((shall take effect))~~ implemented in all school districts ~~((September 1, 1994))~~.

Sec. 703. RCW 28A.225.160 and 1999 c 348 s 5 are each amended to read as follows:

Except as otherwise provided by law, it is the general policy of the state that the common schools shall be open to the admission of all persons who are five years of age and less than twenty-one years residing in that school district. Except as otherwise provided by law or rules adopted by the ~~((state board of education))~~ superintendent of public instruction, districts may establish uniform entry qualifications, including but not limited to birth date requirements, for admission to kindergarten and first grade programs of the common schools. Such rules may provide for exceptions based upon the ability, or the need, or both, of an individual student. For the purpose of complying with any rule adopted by the ~~((state board of education which))~~ superintendent of public instruction that authorizes a preadmission screening process as a prerequisite to granting exceptions to the uniform entry qualifications, a school district may collect fees to cover expenses incurred in the administration of any preadmission screening process: **PROVIDED**, That in so establishing such fee or fees, the district shall adopt regulations for waiving and reducing such fees in the cases of those persons whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees.

NEW SECTION. Sec. 704. A new section is added to chapter 28A.300 RCW to read as follows:

The superintendent of public instruction shall adopt rules relating to pupil tests and records.

Sec. 705. RCW 28A.300.150 and 1994 c 245 s 8 are each amended to read as follows:

The superintendent of public instruction shall collect and disseminate to school districts information on child abuse and neglect prevention curriculum and shall adopt rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools. The superintendent of public instruction and the departments of social and health services and community, trade, and economic development shall share relevant information.

Sec. 706. RCW 28A.600.020 and 1997 c 266 s 11 are each amended to read as follows:

(1) The rules adopted pursuant to RCW 28A.600.010 shall be interpreted to ~~((insure))~~ ensure that the optimum learning atmosphere of the classroom is maintained, and that the highest consideration is given to the judgment of qualified certificated educators regarding conditions necessary to maintain the optimum learning atmosphere.

(2) Any student who creates a disruption of the educational process in violation of the building disciplinary standards while under a teacher's immediate supervision may be excluded by the teacher from his or her individual classroom and instructional or activity area for all or any portion of the balance of the school day, or up to the following two days, or until the principal or designee and teacher have conferred, whichever occurs first. Except in emergency circumstances, the teacher first must attempt one or more alternative forms of corrective action. In no event without the consent of the teacher may an excluded student return to the class during the balance of that class or activity period or up to the following two days, or until the principal or his or her designee and the teacher have conferred.

(3) In order to preserve a beneficial learning environment for all students and to maintain good order and discipline in each classroom, every school district board of directors shall provide that written procedures are developed for administering discipline at each school within the district. Such procedures shall be developed with the participation of parents and the community, and shall provide that the teacher, principal or designee, and other authorities designated by the board of directors, make every reasonable attempt to involve the parent or guardian and the student in the resolution of student

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

discipline problems. Such procedures shall provide that students may be excluded from their individual classes or activities for periods of time in excess of that provided in subsection (2) of this section if such students have repeatedly disrupted the learning of other students. The procedures must be consistent with the rules of the ~~((state board of education))~~ superintendent of public instruction and must provide for early involvement of parents in attempts to improve the student's behavior.

(4) The procedures shall assure, pursuant to RCW 28A.400.110, that all staff work cooperatively toward consistent enforcement of proper student behavior throughout each school as well as within each classroom.

(5) A principal shall consider imposing long-term suspension or expulsion as a sanction when deciding the appropriate disciplinary action for a student who, after July 27, 1997:

(a) Engages in two or more violations within a three-year period of RCW 9A.46.120, 28A.320.135, 28A.600.455, 28A.600.460, 28A.635.020, 28A.600.020, 28A.635.060, 9.41.280, or 28A.320.140; or

(b) Engages in one or more of the offenses listed in RCW 13.04.155.

The principal shall communicate the disciplinary action taken by the principal to the school personnel who referred the student to the principal for disciplinary action.

Sec. 707. RCW 28A.600.030 and 1990 c 33 s 498 are each amended to read as follows:

Each school district board of directors may establish student grading policies which permit teachers to consider a student's attendance in determining the student's overall grade or deciding whether the student should be granted or denied credit. Such policies shall take into consideration the circumstances pertaining to the student's inability to attend school. However, no policy shall be adopted whereby a grade shall be reduced or credit shall be denied for disciplinary reasons only, rather than for academic reasons, unless due process of law is provided as set forth by the ~~((state board of education))~~ superintendent of public instruction under RCW 28A.305.160 (as recodified by this act).

NEW SECTION. Sec. 708. RCW 28A.305.160 is recodified as a new section in chapter 28A.600 RCW.

PART 8 TRANSFER OF PROFESSIONAL EDUCATOR STANDARDS BOARD DUTIES

Sec. 801. RCW 18.35.020 and 2005 c 45 s 2 are each amended to read as follows:

(1) No person shall engage in the fitting and dispensing of hearing instruments or imply or represent that he or she is engaged in the fitting and dispensing of hearing instruments unless he or she is a licensed hearing instrument fitter/dispenser or a licensed audiologist or holds an interim permit issued by the department as provided in this chapter and is an owner or employee of an establishment that is bonded as provided by RCW 18.35.240. The owner or manager of an establishment that dispenses hearing instruments is responsible under this chapter for all transactions made in the establishment name or conducted on its premises by agents or persons employed by the establishment engaged in fitting and dispensing of hearing instruments. Every establishment that fits and dispenses shall have in its employ at least one licensed hearing instrument fitter/dispenser or licensed audiologist at all times, and shall annually submit proof that all testing equipment at that establishment that is required by the board to be calibrated has been properly calibrated.

(2) Effective January 1, 2003, no person shall engage in the practice of audiology or imply or represent that he or she is engaged in the practice of audiology unless he or she is a licensed audiologist or holds an audiology interim permit issued by the department as provided in this chapter. Audiologists who are certified as educational staff associates by the ~~((state board of education))~~ Washington professional educator standards board are excluded unless they elect to become licensed under this chapter. However, a person certified by the state board of education as an educational staff associate who practices outside the school setting must be a licensed audiologist.

(3) Effective January 1, 2003, no person shall engage in the practice of speech-language pathology or imply or represent that he or she is engaged in the practice of speech-language pathology unless he or she is a licensed speech-language pathologist or holds a speech-language pathology interim permit issued by the department as provided in this chapter. Speech-language pathologists who are certified as educational staff associates by the state board of education are excluded unless they elect to become licensed under this chapter. However, a person certified by the state board of education as an educational staff associate who practices outside the school setting must be a licensed speech-language pathologist.

Sec. 802. RCW 18.35.195 and 2005 c 45 s 4 are each amended to read as follows:

(1) This chapter shall not apply to military or federal government employees.

(2) This chapter does not prohibit or regulate:

(a) Fitting or dispensing by students enrolled in a board-approved program who are directly supervised by a licensed hearing instrument fitter/dispenser, a licensed audiologist under the provisions of this chapter, or an instructor at a two-year hearing instrument fitter/dispenser degree program that is approved by the board;

(b) Hearing instrument fitter/dispensers, speech-language pathologists, or audiologists of other states, territories, or countries, or the District of Columbia while appearing as clinicians of bona fide educational seminars sponsored by speech-language pathology, audiology, hearing instrument fitter/dispenser, medical, or other healing art professional associations so long as such activities do not go beyond the scope of practice defined by this chapter; and

(c) The practice of audiology or speech-language pathology by persons certified by the ~~((state board of education))~~ Washington professional educator standards board as educational staff associates, except for those persons electing to be licensed under this chapter. However, a person certified by the ~~((state))~~ board ~~((of education))~~ as an educational staff associate who practices outside the school setting must be a licensed audiologist or licensed speech-language pathologist.

Sec. 803. RCW 18.83.200 and 1986 c 27 s 10 are each amended to read as follows:

This chapter shall not apply to:

(1) Any person teaching, lecturing, consulting, or engaging in research in psychology but only insofar as such activities are performed as a part of or are dependent upon a position in a college or university in the state of Washington.

(2) Any person who holds a valid school psychologist credential from the Washington ~~((state board of education))~~ professional educator standards board but only when such a person is practicing psychology in the course of his or her employment.

(3) Any person employed by a local, state, or federal government agency whose psychologists must qualify for employment under federal or state certification or civil service regulations; but only at those times when that person is carrying out the functions of his or her employment.

FIFTY-FIRST DAY, FEBRUARY 28, 2006

(4) Any person who must qualify under the employment requirements of a business or industry and who is employed by a business or industry which is not engaged in offering psychological services to the public, but only when such person is carrying out the functions of his or her employment: PROVIDED, That no person exempt from licensing under this subsection shall engage in the clinical practice of psychology.

(5) Any person who is a student of psychology, psychological intern, or resident in psychology preparing for the profession of psychology under supervision in a training institution or facilities and who is designated by the title such as "psychological trainee," "psychology student," which thereby indicates his or her training status.

(6) Any person who has received a doctoral degree from an accredited institution of higher learning with an adequate major in sociology or social psychology as determined by the board and who has passed comprehensive examinations in the field of social psychology as part of the requirements for the doctoral degree. Such persons may use the title "social psychologist" provided that they file a statement of their education with the board.

Sec. 804. RCW 28A.625.360 and 1990 1st ex.s. c 10 s 2 are each amended to read as follows:

(1) The ~~((state board of education))~~ professional educator standards board shall establish an annual award program for excellence in teacher preparation to recognize higher education teacher educators for their leadership, contributions, and commitment to education.

(2) The program shall recognize annually one teacher preparation faculty member from one of the teacher preparation programs approved by the ~~((state board of education))~~ professional educator standards board.

Sec. 805. RCW 28A.225.330 and 1999 c 198 s 3 are each amended to read as follows:

(1) When enrolling a student who has attended school in another school district, the school enrolling the student may request the parent and the student to briefly indicate in writing whether or not the student has:

(a) Any history of placement in special educational programs;

(b) Any past, current, or pending disciplinary action;

(c) Any history of violent behavior, or behavior listed in RCW 13.04.155;

(d) Any unpaid fines or fees imposed by other schools; and

(e) Any health conditions affecting the student's educational needs.

(2) The school enrolling the student shall request the school the student previously attended to send the student's permanent record including records of disciplinary action, history of violent behavior or behavior listed in RCW 13.04.155, attendance, immunization records, and academic performance. If the student has not paid a fine or fee under RCW 28A.635.060, or tuition, fees, or fines at approved private schools the school may withhold the student's official transcript, but shall transmit information about the student's academic performance, special placement, immunization records, records of disciplinary action, and history of violent behavior or behavior listed in RCW 13.04.155. If the official transcript is not sent due to unpaid tuition, fees, or fines, the enrolling school shall notify both the student and parent or guardian that the official transcript will not be sent until the obligation is met, and failure to have an official transcript may result in exclusion from extracurricular activities or failure to graduate.

(3) If information is requested under subsection (2) of this section, the information shall be transmitted within two school days after receiving the request and the records shall be sent as soon as possible. Any school district or district employee who

releases the information in compliance with this section is immune from civil liability for damages unless it is shown that the school district employee acted with gross negligence or in bad faith. The ~~((state board of education))~~ professional educator standards board shall provide by rule for the discipline under chapter 28A.410 RCW of a school principal or other chief administrator of a public school building who fails to make a good faith effort to assure compliance with this subsection.

(4) Any school district or district employee who releases the information in compliance with federal and state law is immune from civil liability for damages unless it is shown that the school district or district employee acted with gross negligence or in bad faith.

(5) When a school receives information under this section or RCW 13.40.215 that a student has a history of disciplinary actions, criminal or violent behavior, or other behavior that indicates the student could be a threat to the safety of educational staff or other students, the school shall provide this information to the student's teachers and security personnel.

Sec. 806. RCW 28A.405.110 and 1985 c 420 s 1 are each amended to read as follows:

The legislature recognizes the importance of teachers in the educational system. Teachers are the fundamental element in assuring a quality education for the state's and the nation's children. Teachers, through their direct contact with children, have a great impact on the development of the child. The legislature finds that this important role of the teacher requires an assurance that teachers are as successful as possible in attaining the goal of a well-educated society. The legislature finds, therefore, that the evaluation of those persons seeking to enter the teaching profession is no less important than the evaluation of those persons currently teaching. The evaluation of persons seeking teaching credentials should be strenuous while making accommodations uniquely appropriate to the applicants. Strenuous teacher training and preparation should be complemented by examinations of prospective teachers prior to candidates being granted official certification by the ~~((state board of education))~~ professional educator standards board. Teacher preparation program entrance evaluations, teacher training, teacher preparation program exit examinations, official certification, in-service training, and ongoing evaluations of individual progress and professional growth are all part of developing and maintaining a strong precertification and postcertification professional education system.

The legislature further finds that an evaluation system for teachers has the following elements, goals, and objectives: (1) An evaluation system must be meaningful, helpful, and objective; (2) an evaluation system must encourage improvements in teaching skills, techniques, and abilities by identifying areas needing improvement; (3) an evaluation system must provide a mechanism to make meaningful distinctions among teachers and to acknowledge, recognize, and encourage superior teaching performance; and (4) an evaluation system must encourage respect in the evaluation process by the persons conducting the evaluations and the persons subject to the evaluations through recognizing the importance of objective standards and minimizing subjectivity.

Sec. 807. RCW 28A.415.010 and 1991 c 285 s 1 are each amended to read as follows:

It shall be the responsibility of each educational service district board to establish a center for the improvement of teaching. The center shall administer, coordinate, and act as fiscal agent for such programs related to the recruitment and training of certificated and classified K-12 education personnel as may be delegated to the center by the superintendent of public instruction under RCW 28A.310.470 ~~((or the state board of education under RCW 28A.310.480))~~. To assist in these

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

activities, each educational service district board shall establish an improvement of teaching coordinating council to include, at a minimum, representatives as specified in RCW 28A.415.040. An existing in-service training task force, established pursuant to RCW 28A.415.040, may serve as the improvement of teaching coordinating council. The educational service district board shall ensure coordination of programs established pursuant to RCW 28A.415.030, 28A.410.060, and 28A.415.250.

The educational service district board may arrange each year for the holding of one or more teachers' institutes and/or workshops for professional staff preparation and in-service training in such manner and at such time as the board believes will be of benefit to the teachers and other professional staff of school districts within the educational service district and shall comply with rules ~~((and regulations of the state board of education))~~ of the professional educator standards board pursuant to RCW 28A.410.060 or the superintendent of public instruction ~~((or state board of education))~~ pursuant to RCW 28A.415.250. The board may provide such additional means of teacher and other professional staff preparation and in-service training as it may deem necessary or appropriate and there shall be a proper charge against the educational service district general expense fund when approved by the educational service district board.

Educational service district boards of contiguous educational service districts, by mutual arrangements, may hold joint institutes and/or workshops, the expenses to be shared in proportion to the numbers of certificated personnel as shown by the last annual reports of the educational service districts holding such joint institutes or workshops.

In local school districts employing more than one hundred teachers and other professional staff, the school district superintendent may hold a teachers' institute of one or more days in such district, said institute when so held by the school district superintendent to be in all respects governed by the provisions of this title and ~~((state board of education))~~ rules ~~((and regulations))~~ relating to teachers' institutes held by educational service district superintendents.

Sec. 808. RCW 28A.415.020 and 1995 c 284 s 2 are each amended to read as follows:

(1) Certificated personnel shall receive for each ten clock hours of approved in-service training attended the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(2) Certificated personnel shall receive for each ten clock hours of approved continuing education earned, as continuing education is defined by rule adopted by the ~~((state board of education))~~ professional educator standards board, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(3) Certificated personnel shall receive for each forty clock hours of participation in an approved internship with a business, an industry, or government, as an internship is defined by rule of the ~~((state board of education))~~ professional educator standards board in accordance with RCW 28A.415.025, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(4) An approved in-service training program shall be a program approved by a school district board of directors, which meet standards adopted by the ~~((state board of education))~~ professional educator standards board, and the development of said program has been participated in by an in-service training task force whose membership is the same as provided under RCW 28A.415.040, or a program offered by an education

agency approved to provide in-service for the purposes of continuing education as provided for under rules adopted by the ~~((state board of education))~~ professional educator standards board, or both.

(5) Clock hours eligible for application to the salary schedule developed by the legislative evaluation and accountability program committee as described in subsections (1) and (2) of this section, shall be those hours acquired after August 31, 1987. Clock hours eligible for application to the salary schedule as described in subsection (3) of this section shall be those hours acquired after December 31, 1995.

Sec. 809. RCW 28A.415.024 and 2005 c 461 s 1 are each amended to read as follows:

(1) All credits earned in furtherance of degrees earned by certificated staff, that are used to increase earnings on the salary schedule consistent with RCW 28A.415.023, must be obtained from an educational institution accredited by an accrediting association recognized by rule of the ~~((state board of education))~~ professional educator standards board.

(2) The office of the superintendent of public instruction shall verify for school districts the accreditation status of educational institutions granting degrees that are used by certificated staff to increase earnings on the salary schedule consistent with RCW 28A.415.023.

(3) The office of the superintendent of public instruction shall provide school districts with training and additional resources to ensure they can verify that degrees earned by certificated staff, that are used to increase earnings on the salary schedule consistent with RCW 28A.415.023, are obtained from an educational institution accredited by an accrediting association recognized by rule of the ~~((state board of education))~~ professional educator standards board.

(4)(a) No school district may submit degree information before there has been verification of accreditation under subsection (3) of this section.

(b) Certificated staff who submit degrees received from an unaccredited educational institution for the purposes of receiving a salary increase shall be fined three hundred dollars. The fine shall be paid to the office of the superintendent of public instruction and used for costs of administering this section.

(c) In addition to the fine in (b) of this subsection, certificated staff who receive salary increases based upon degrees earned from educational institutions that have been verified to be unaccredited must reimburse the district for any compensation received based on these degrees.

Sec. 810. RCW 28A.415.025 and 1995 c 284 s 3 are each amended to read as follows:

The ~~((state board of education))~~ professional educator standards board shall establish rules for awarding clock hours for participation of certificated personnel in internships with business, industry, or government. To receive clock hours for an internship, the individual must demonstrate that the internship will provide beneficial skills and knowledge in an area directly related to his or her current assignment, or to his or her assignment for the following school year. An individual may not receive more than the equivalent of two college quarter credits for internships during a calendar-year period. The total number of credits for internships that an individual may earn to advance on the salary schedule developed by the legislative evaluation and accountability program committee or its successor agency is limited to the equivalent of fifteen college quarter credits.

Sec. 811. RCW 28A.415.105 and 1995 c 335 s 403 are each amended to read as follows:

FIFTY-FIRST DAY, FEBRUARY 28, 2006

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28A.415.125 through 28A.415.140.

(1) "Cooperating organizations" means that at least one school district, one college or university, and one educational service district are involved jointly with the development of a student teaching center.

(2) "Cooperating teacher" means a teacher who holds a continuing certificate and supervises and coaches a student teacher.

(3) "Field experience" means opportunities for observation, tutoring, microteaching, extended practicums, and clinical and laboratory experiences which do not fall within the meaning of student teaching.

(4) "School setting" means a classroom in a public, common school in the state of Washington.

(5) "Student teacher" means a candidate for initial teacher certification who is in a (~~state board of education approved~~) professional educator standards board-approved, or regionally or nationally accredited teacher preparation program in a school setting as part of the field-based component of their preparation program.

(6) "Student teaching" means the full quarter or semester in a school setting during which the student teacher observes the cooperating teacher, participates in instructional activities, and assumes both part-time and full-time teaching responsibilities under the supervision of the cooperating teacher.

(7) "Student teaching center" means the program established to provide student teachers in a geographic region of the state with special support and training as part of their teacher preparation program.

(8) "Supervisor or university supervisor" means the regular or adjunct faculty member, or college or university-approved designee, who assists and supervises the work of cooperating teachers and student teachers.

Sec. 812. RCW 28A.415.125 and 1991 c 258 s 6 are each amended to read as follows:

The (~~state board of education~~) professional educator standards board, from appropriated funds, shall establish a network of student teaching centers to support the continuing development of the field-based component of teacher preparation programs. The purpose of the training centers is to:

(1) Expand opportunities for student teacher placements in school districts statewide, with an emphasis on those populations and locations that are unserved or underserved;

(2) Provide cooperating teachers for all student teachers during their student internship for up to two academic quarters;

(3) Enhance the student teaching component of teacher preparation programs, including a placement of student teachers in special education and multi-ethnic school settings; and

(4) Expand access to each other and opportunities for collaboration in teacher education between colleges and universities and school districts.

Sec. 813. RCW 28A.415.130 and 1991 c 258 s 7 are each amended to read as follows:

Funds for the student teaching centers shall be allocated by the superintendent of public instruction among the educational service district regions on the basis of student teaching placements. The fiscal agent for each center shall be either an educational service district or a state institution of higher education. Prospective fiscal agents shall document to the (~~state board of education~~) professional educator standards board the following information:

(1) The existing or proposed center was developed jointly through a process including participation by at least one school district, one college or university, and one educational service district;

(2) Primary administration for each center shall be the responsibility of one or more of the cooperating organizations;

(3) Assurance that the training center program provides appropriate and necessary training in observation, supervision, and assistance skills and techniques for:

(a) Cooperating teachers;

(b) Other school building personnel; and

(c) School district employees.

Sec. 814. RCW 28A.415.145 and 1991 c 258 s 10 are each amended to read as follows:

The (~~state board of education~~) professional educator standards board and the superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to carry out the purposes of RCW 28A.415.100 through 28A.415.140.

Sec. 815. RCW 28A.630.400 and 1995 c 335 s 202 and 1995 c 77 s 27 are each reenacted and amended to read as follows:

(1) The (~~state board of education~~) professional educator standards board and the state board for community and technical colleges, in consultation with the superintendent of public instruction, the higher education coordinating board, the state apprenticeship training council, and community colleges, shall adopt rules as necessary under chapter 34.05 RCW to implement the paraeducator associate of arts degree.

(2) As used in this section, a "paraeducator" is an individual who has completed an associate of arts degree for a paraeducator. The paraeducator may be hired by a school district to assist certificated instructional staff in the direct instruction of children in small and large groups, individualized instruction, testing of children, recordkeeping, and preparation of materials. The paraeducator shall work under the direction of instructional certificated staff.

(3) The training program for a paraeducator associate of arts degree shall include, but is not limited to, the general requirements for receipt of an associate of arts degree and training in the areas of introduction to childhood education, orientation to children with disabilities, fundamentals of childhood education, creative activities for children, instructional materials for children, fine art experiences for children, the psychology of learning, introduction to education, child health and safety, child development and guidance, first aid, and a practicum in a school setting.

(4) Consideration shall be given to transferability of credit earned in this program to teacher preparation programs at colleges and universities.

Sec. 816. RCW 28A.660.020 and 2004 c 23 s 2 are each amended to read as follows:

(1) Each district or consortia of school districts applying for the alternative route certification program shall submit a proposal to the Washington professional educator standards board specifying:

(a) The route or routes the partnership program intends to offer and a detailed description of how the routes will be structured and operated by the partnership;

(b) The number of candidates that will be enrolled per route;

(c) An identification, indication of commitment, and description of the role of approved teacher preparation programs that are partnering with the district or consortia of districts;

(d) An assurance of district provision of adequate training for mentor teachers either through participation in a state mentor training academy or district-provided training that meets state-established mentor-training standards specific to the mentoring of alternative route candidates;

(e) An assurance that significant time will be provided for mentor teachers to spend with the alternative route teacher candidates throughout the internship. Partnerships must provide each candidate with intensive classroom mentoring until such

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

time as the candidate demonstrates the competency necessary to manage the classroom with less intensive supervision and guidance from a mentor;

(f) A description of the rigorous screening process for applicants to alternative route programs, including entry requirements specific to each route, as provided in RCW 28A.660.040; and

(g) The design and use of a teacher development plan for each candidate. The plan shall specify the alternative route coursework and training required of each candidate and shall be developed by comparing the candidate's prior experience and coursework with the state's new performance-based standards for residency certification and adjusting any requirements accordingly. The plan may include the following components:

(i) A minimum of one-half of a school year, and an additional significant amount of time if necessary, of intensive mentorship, starting with full-time mentoring and progressing to increasingly less intensive monitoring and assistance as the intern demonstrates the skills necessary to take over the classroom with less intensive support. For route one and two candidates, before the supervision is diminished, the mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the higher education teacher preparation program must both agree that the teacher candidate is ready to manage the classroom with less intensive supervision. For route three and four candidates, the mentor of the teacher candidate shall make the decision;

(ii) Identification of performance indicators based on the knowledge and skills standards required for residency certification by the ~~((state board of education))~~ Washington professional educator standards board;

(iii) Identification of benchmarks that will indicate when the standard is met for all performance indicators;

(iv) A description of strategies for assessing candidate performance on the benchmarks;

(v) Identification of one or more tools to be used to assess a candidate's performance once the candidate has been in the classroom for about one-half of a school year; and

(vi) A description of the criteria that would result in residency certification after about one-half of a school year but before the end of the program.

(2) To the extent funds are appropriated for this purpose, districts may apply for program funds to pay stipends to trained mentor teachers of interns during the mentored internship. The per intern amount of mentor stipend shall not exceed five hundred dollars.

Sec. 817. RCW 28A.660.040 and 2004 c 23 s 4 are each amended to read as follows:

Partnership grants funded under this chapter shall operate one to four specific route programs. Successful completion of the program shall make a candidate eligible for residency teacher certification. For route one and two candidates, the mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the higher education teacher preparation program must both agree that the teacher candidate has successfully completed the program. For route three and four candidates, the mentor of the teacher candidate shall make the determination that the candidate has successfully completed the program.

(1) Partnership grant programs seeking funds to operate route one programs shall enroll currently employed classified instructional employees with transferable associate degrees seeking residency teacher certification with endorsements in special education, bilingual education, or English as a second language. It is anticipated that candidates enrolled in this route will complete both their baccalaureate degree and requirements for residency certification in two years or less, including a

mentored internship to be completed in the final year. In addition, partnership programs shall uphold entry requirements for candidates that include:

(a) District or building validation of qualifications, including three years of successful student interaction and leadership as a classified instructional employee;

(b) Successful passage of the statewide basic skills exam, when available; and

(c) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers.

(2) Partnership grant programs seeking funds to operate route two programs shall enroll currently employed classified staff with baccalaureate degrees seeking residency teacher certification in subject matter shortage areas and areas with shortages due to geographic location. Candidates enrolled in this route must complete a mentored internship complemented by flexibly scheduled training and coursework offered at a local site, such as a school or educational service district, or online or via video-conference over the K-20 network, in collaboration with the partnership program's higher education partner. In addition, partnership grant programs shall uphold entry requirements for candidates that include:

(a) District or building validation of qualifications, including three years of successful student interaction and leadership as classified staff;

(b) A baccalaureate degree from a regionally accredited institution of higher education. The individual's college or university grade point average may be considered as a selection factor;

(c) Successful completion of the content test, once the state content test is available;

(d) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and

(e) Successful passage of the statewide basic skills exam, when available.

(3) Partnership grant programs seeking funds to operate route three programs shall enroll individuals with baccalaureate degrees, who are not employed in the district at the time of application. When selecting candidates for certification through route three, districts shall give priority to individuals who are seeking residency teacher certification in subject matter shortage areas or shortages due to geographic locations. For route three only, the districts may include additional candidates in nonshortage subject areas if the candidates are seeking endorsements with a secondary grade level designation as defined by rule by the ~~((state board of education))~~ professional educator standards board. The districts shall disclose to candidates in nonshortage subject areas available information on the demand in those subject areas. Cohorts of candidates for this route shall attend an intensive summer teaching academy, followed by a full year employed by a district in a mentored internship, followed, if necessary, by a second summer teaching academy. In addition, partnership programs shall uphold entry requirements for candidates that include:

(a) Five years' experience in the work force;

(b) A baccalaureate degree from a regionally accredited institution of higher education. The individual's grade point average may be considered as a selection factor;

(c) Successful completion of the content test, once the state content test is available;

(d) External validation of qualifications, including demonstrated successful experience with students or children, such as ~~((references-reference))~~ reference letters and letters of support from previous employers;

(e) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and

FIFTY-FIRST DAY, FEBRUARY 28, 2006

(f) Successful passage of statewide basic skills exams, when available.

(4) Partnership grant programs seeking funds to operate route four programs shall enroll individuals with baccalaureate degrees, who are employed in the district at the time of application, or who hold conditional teaching certificates or emergency substitute certificates. Cohorts of candidates for this route shall attend an intensive summer teaching academy, followed by a full year employed by a district in a mentored internship. In addition, partnership programs shall uphold entry requirements for candidates that include:

(a) Five years' experience in the work force;

(b) A baccalaureate degree from a regionally accredited institution of higher education. The individual's grade point average may be considered as a selection factor;

(c) Successful completion of the content test, once the state content test is available;

(d) External validation of qualifications, including demonstrated successful experience with students or children, such as reference letters and letters of support from previous employers;

(e) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and

(f) Successful passage of statewide basic skills exams, when available.

Sec. 818. RCW 28A.690.020 and 1990 c 33 s 546 are each amended to read as follows:

The "designated state official" for this state under Article II of RCW 28A.690.010 shall be the superintendent of public instruction, who shall be the compact administrator and who shall have power to (~~promulgate~~) adopt rules to carry out the terms of this compact. The superintendent of public instruction shall enter into contracts pursuant to Article III of the Agreement only with the approval of the specific text thereof by the (~~state board of education~~) professional educator standards board.

Sec. 819. RCW 28A.300.050 and 1990 c 33 s 252 are each amended to read as follows:

The superintendent of public instruction shall provide technical assistance to the (~~state board of education~~) professional educator standards board in the conduct of the activities described in (~~sections 202 through 232 of this act~~) RCW 28A.410.040 and 28A.410.050.

Sec. 820. RCW 28A.625.370 and 1990 1st ex.s. c 10 s 3 are each amended to read as follows:

The award for the teacher educator shall include:

(1) A certificate presented to the teacher educator by the governor, the (~~president of the state board of education~~) chair of the professional educator standards board, and the superintendent of public instruction at a public ceremony; and

(2) A grant to the professional education advisory board of the institution from which the teacher educator is selected, which grant shall not exceed two thousand five hundred dollars and which grant shall be awarded under RCW 28A.625.390.

Sec. 821. RCW 28A.625.380 and 1990 1st ex.s. c 10 s 4 are each amended to read as follows:

The (~~state board of education~~) professional educator standards board shall adopt rules under chapter 34.05 RCW to carry out the purposes of RCW 28A.625.360 through 28A.625.390. These rules shall include establishing the selection criteria for the Washington award for excellence in teacher preparation. The (~~state~~) board (~~of education~~) is encouraged to consult with teacher educators, deans, and professional education advisory board members in developing the selection criteria. The criteria shall include any role performed by nominees relative to implementing innovative developments by the nominee's teacher preparation program and

efforts the nominee has made to assist in communicating with legislators, common school teachers and administrators, and others about the nominee's teacher preparation program.

Sec. 822. RCW 28A.625.390 and 1990 1st ex.s. c 10 s 5 are each amended to read as follows:

The professional education advisory board for the institution from which the teacher educator has been selected to receive an award shall be eligible to apply for an educational grant as provided under RCW 28A.625.370. The (~~state board of education~~) professional educator standards board shall award the grant after the (~~state~~) board has approved the grant application as long as the written grant application is submitted to the (~~state~~) board within one year after the award is received by the teacher educator. The grant application shall identify the educational purpose toward which the grant shall be used.

Sec. 823. RCW 28B.10.710 and 1993 c 77 s 1 are each amended to read as follows:

There shall be a one quarter or semester course in either Washington state history and government, or Pacific Northwest history and government in the curriculum of all teachers' colleges and teachers' courses in all institutions of higher education. No person shall be graduated from any of said schools without completing said course of study, unless otherwise determined by the (~~state board of education~~) Washington professional educator standards board. Any course in Washington state or Pacific Northwest history and government used to fulfill this requirement shall include information on the culture, history, and government of the American Indian peoples who were the first human inhabitants of the state and the region.

Sec. 824. RCW 28B.35.120 and 2004 c 275 s 54 are each amended to read as follows:

In addition to any other powers and duties prescribed by law, each board of trustees of the respective regional universities:

(1) Shall have full control of the regional university and its property of various kinds, except as otherwise provided by law.

(2) Shall employ the president of the regional university, his assistants, members of the faculty, and other employees of the institution, who, except as otherwise provided by law, shall hold their positions, until discharged therefrom by the board for good and lawful reason.

(3) With the assistance of the faculty of the regional university, shall prescribe the course of study in the various schools and departments thereof and publish such catalogues thereof as the board deems necessary: PROVIDED, That the (~~state~~) Washington professional educator standards board (~~of education~~) shall determine the requisites for and give program approval of all courses leading to teacher certification by such board.

(4) Establish such divisions, schools or departments necessary to carry out the purposes of the regional university and not otherwise proscribed by law.

(5) Except as otherwise provided by law, may establish and erect such new facilities as determined by the board to be necessary for the regional university.

(6) May acquire real and other property as provided in RCW 28B.10.020, as now or hereafter amended.

(7) Except as otherwise provided by law, may purchase all supplies and purchase or lease equipment and other personal property needed for the operation or maintenance of the regional university.

(8) May establish, lease, operate, equip and maintain self-supporting facilities in the manner provided in RCW 28B.10.300 through 28B.10.330, as now or hereafter amended.

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

(9) Except as otherwise provided by law, to enter into such contracts as the trustees deem essential to regional university purposes.

(10) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from whatsoever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the regional university programs; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof.

(11) Subject to the approval of the higher education coordinating board pursuant to RCW 28B.76.230, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(12) May promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the regional university.

Sec. 825. RCW 28B.40.120 and 2004 c 275 s 56 are each amended to read as follows:

In addition to any other powers and duties prescribed by law, the board of trustees of The Evergreen State College:

(1) Shall have full control of the state college and its property of various kinds, except as otherwise provided by law.

(2) Shall employ the president of the state college, his assistants, members of the faculty, and other employees of the institution, who, except as otherwise provided by law, shall hold their positions, until discharged therefrom by the board for good and lawful reason.

(3) With the assistance of the faculty of the state college, shall prescribe the course of study in the various schools and departments thereof and publish such catalogues thereof as the board deems necessary: PROVIDED, That the ~~((state board of education))~~ Washington professional educator standards board shall determine the requisites for and give program approval of all courses leading to teacher certification by such board.

(4) Establish such divisions, schools or departments necessary to carry out the purposes of the college and not otherwise proscribed by law.

(5) Except as otherwise provided by law, may establish and erect such new facilities as determined by the board to be necessary for the college.

(6) May acquire real and other property as provided in RCW 28B.10.020, as now or hereafter amended.

(7) Except as otherwise provided by law, may purchase all supplies and purchase or lease equipment and other personal property needed for the operation or maintenance of the college.

(8) May establish, lease, operate, equip and maintain self-supporting facilities in the manner provided in RCW 28B.10.300 through 28B.10.330, as now or hereafter amended.

(9) Except as otherwise provided by law, to enter into such contracts as the trustees deem essential to college purposes.

(10) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from whatsoever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the college programs; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof.

(11) Subject to the approval of the higher education coordinating board pursuant to RCW 28B.76.230, offer new degree programs, offer off-campus programs, participate in

consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(12) May promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the college.

Sec. 826. RCW 43.43.832 and 2005 c 421 s 2 are each amended to read as follows:

(1) The legislature finds that businesses and organizations providing services to children, developmentally disabled persons, and vulnerable adults need adequate information to determine which employees or licensees to hire or engage. The legislature further finds that many developmentally disabled individuals and vulnerable adults desire to hire their own employees directly and also need adequate information to determine which employees or licensees to hire or engage. Therefore, the Washington state patrol identification and criminal history section shall disclose, upon the request of a business or organization as defined in RCW 43.43.830, a developmentally disabled person, or a vulnerable adult as defined in RCW 43.43.830 or his or her guardian, an applicant's record for convictions as defined in chapter 10.97 RCW.

(2) The legislature also finds that the ~~((state board of education))~~ Washington professional educator standards board may request of the Washington state patrol criminal identification system information regarding a certificate applicant's record for convictions under subsection (1) of this section.

(3) The legislature also finds that law enforcement agencies, the office of the attorney general, prosecuting authorities, and the department of social and health services may request this same information to aid in the investigation and prosecution of child, developmentally disabled person, and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse.

(4) The legislature further finds that the secretary of the department of social and health services must establish rules and set standards to require specific action when considering the information listed in subsection (1) of this section, and when considering additional information including but not limited to civil adjudication proceedings as defined in RCW 43.43.830 and any out-of-state equivalent, in the following circumstances:

(a) When considering persons for state employment in positions directly responsible for the supervision, care, or treatment of children, vulnerable adults, or individuals with mental illness or developmental disabilities;

(b) When considering persons for state positions involving unsupervised access to vulnerable adults to conduct comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

(c) When licensing agencies or facilities with individuals in positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to agencies or facilities licensed under chapter 74.15 or 18.51 RCW;

(d) When contracting with individuals or businesses or organizations for the care, supervision, case management, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 18.48, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW;

(e) When individual providers are paid by the state or providers are paid by home care agencies to provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to

FIFTY-FIRST DAY, FEBRUARY 28, 2006

vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW.

(5) Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis pending completion of the state background investigation. Whenever a national criminal record check through the federal bureau of investigation is required by state law, a person may be employed or engaged as a volunteer or independent contractor on a conditional basis pending completion of the national check. The Washington personnel resources board shall adopt rules to accomplish the purposes of this subsection as it applies to state employees.

(6)(a) For purposes of facilitating timely access to criminal background information and to reasonably minimize the number of requests made under this section, recognizing that certain health care providers change employment frequently, health care facilities may, upon request from another health care facility, share copies of completed criminal background inquiry information.

(b) Completed criminal background inquiry information may be shared by a willing health care facility only if the following conditions are satisfied: The licensed health care facility sharing the criminal background inquiry information is reasonably known to be the person's most recent employer, no more than twelve months has elapsed from the date the person was last employed at a licensed health care facility to the date of their current employment application, and the criminal background information is no more than two years old.

(c) If criminal background inquiry information is shared, the health care facility employing the subject of the inquiry must require the applicant to sign a disclosure statement indicating that there has been no conviction or finding as described in RCW 43.43.842 since the completion date of the most recent criminal background inquiry.

(d) Any health care facility that knows or has reason to believe that an applicant has or may have a disqualifying conviction or finding as described in RCW 43.43.842, subsequent to the completion date of their most recent criminal background inquiry, shall be prohibited from relying on the applicant's previous employer's criminal background inquiry information. A new criminal background inquiry shall be requested pursuant to RCW 43.43.830 through 43.43.842.

(e) Health care facilities that share criminal background inquiry information shall be immune from any claim of defamation, invasion of privacy, negligence, or any other claim in connection with any dissemination of this information in accordance with this subsection.

(f) Health care facilities shall transmit and receive the criminal background inquiry information in a manner that reasonably protects the subject's rights to privacy and confidentiality.

(g) For the purposes of this subsection, "health care facility" means a nursing home licensed under chapter 18.51 RCW, a boarding home licensed under chapter 18.20 RCW, or an adult family home licensed under chapter 70.128 RCW.

(7) If a federal bureau of investigation check is required in addition to the state background check by the department of social and health services, an applicant who is not disqualified based on the results of the state background check shall be eligible for a one hundred twenty day provisional approval to hire, pending the outcome of the federal bureau of investigation check. The department may extend the provisional approval until receipt of the federal bureau of investigation check. If the federal bureau of investigation check disqualifies an applicant, the department shall notify the requestor that the provisional

approval to hire is withdrawn and the applicant may be terminated.

Sec. 827. RCW 43.43.840 and 2005 c 421 s 6 are each amended to read as follows:

When a business or an organization terminates, fires, dismisses, fails to renew the contract, or permits the resignation of an employee because of crimes against children or other persons or because of crimes relating to the financial exploitation of a vulnerable adult, and if that employee is employed in a position requiring a certificate or license issued by a licensing agency such as the (~~state board of education~~) Washington professional educator standards board, the business or organization shall notify the licensing agency of such termination of employment.

Sec. 828. RCW 43.43.845 and 2005 c 421 s 7 and 2005 c 237 s 1 are each reenacted and amended to read as follows:

(1) Upon a guilty plea or conviction of a person of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW, promoting prostitution of a minor under chapter 9A.88 RCW, or the sale or purchase of a minor child under RCW 9A.64.030, the prosecuting attorney shall notify the state patrol of such guilty pleas or convictions.

(2) When the state patrol receives information that a person has pled guilty to or been convicted of one of the felony crimes under subsection (1) of this section, the state patrol shall transmit that information to the superintendent of public instruction. It shall be the duty of the superintendent of public instruction to identify whether the person holds a certificate or permit issued under chapters 28A.405 and 28A.410 RCW or is employed by a school district, and provide this information to the (~~state board of education~~) Washington professional educator standards board and the school district employing the individual who pled guilty or was convicted of the crimes identified in subsection (1) of this section.

Sec. 829. RCW 72.40.028 and 1985 c 378 s 18 are each amended to read as follows:

All teachers at the state school for the deaf and the state school for the blind shall meet all certification requirements and the programs shall meet all accreditation requirements and conform to the standards defined by law or by rule of the (~~state board of education~~) Washington professional educator standards board or the office of the state superintendent of public instruction. The superintendents, by rule, may adopt additional educational standards for their respective schools. Salaries of all certificated employees shall be set so as to conform to and be contemporary with salaries paid to other certificated employees of similar background and experience in the school district in which the program or facility is located. The superintendents may provide for provisional certification for teachers in their respective schools including certification for emergency, temporary, substitute, or provisional duty.

PART 9 OTHER DUTIES

Sec. 901. RCW 28A.600.010 and 1997 c 265 s 4 are each amended to read as follows:

Every board of directors, unless otherwise specifically provided by law, shall:

(1) Enforce the rules prescribed by the superintendent of public instruction (~~and the state board of education~~) for the government of schools, pupils, and certificated employees.

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

(2) Adopt and make available to each pupil, teacher and parent in the district reasonable written rules regarding pupil conduct, discipline, and rights, including but not limited to short-term suspensions as referred to in RCW 28A.305.160 (as recodified by this act) and suspensions in excess of ten consecutive days. Such rules shall not be inconsistent with any of the following: Federal statutes and regulations, state statutes, common law, and the rules of the superintendent of public instruction (~~(, and the state board of education)~~). The board's rules shall include such substantive and procedural due process guarantees as prescribed by the (~~state board of education~~) superintendent of public instruction under RCW 28A.305.160 (as recodified by this act). (~~Commencing with the 1976-77 school year,~~) When such rules are made available to each pupil, teacher, and parent, they shall be accompanied by a detailed description of rights, responsibilities, and authority of teachers and principals with respect to the discipline of pupils as prescribed by state statutory law, the superintendent of public instruction, (~~and state board of education rules~~) and the rules (~~and regulations~~) of the school district.

For the purposes of this subsection, computation of days included in "short-term" and "long-term" suspensions shall be determined on the basis of consecutive school days.

(3) Suspend, expel, or discipline pupils in accordance with RCW 28A.305.160 (as recodified by this act).

NEW SECTION. Sec. 902. A new section is added to chapter 28A.405 RCW to read as follows:

Each school district board of directors shall adopt a policy regarding the presence at their respective schools of teachers and other certificated personnel before the opening of school in the morning and after the closing of school in the afternoon or evening. The board of directors shall make the policy available to parents and the public through the school district report card and other means of communication.

Sec. 903. RCW 28A.225.280 and 1990 1st ex.s. c 9 s 206 are each amended to read as follows:

Eligibility of transfer students under RCW 28A.225.220 and 28A.225.225 for participation in extracurricular activities shall be subject to rules adopted by the Washington interscholastic activities association (~~as authorized by the state board of education~~).

Sec. 904. RCW 28A.600.200 and 1990 c 33 s 502 are each amended to read as follows:

Each school district board of directors is hereby granted and shall exercise the authority to control, supervise and regulate the conduct of interschool athletic activities and other interschool extracurricular activities of an athletic, cultural, social or recreational nature for students of the district. A board of directors may delegate control, supervision and regulation of any such activity to the Washington interscholastic activities association or any other voluntary nonprofit entity and compensate such entity for services provided, subject to the following conditions:

(1) (~~The voluntary nonprofit entity shall submit an annual report to the state board of education of student appeal determinations, assets, and financial receipts and disbursements at such time and in such detail as the state board shall establish by rule;~~

~~(2))~~ (2) The voluntary nonprofit entity shall not discriminate in connection with employment or membership upon its governing board, or otherwise in connection with any function it performs, on the basis of race, creed, national origin, sex or marital status;

~~(3))~~ (2) Any rules and policies applied by the voluntary nonprofit entity which govern student participation in any interschool activity shall be written (~~and subject to the annual review and approval of the state board of education at such time as it shall establish;~~

~~(4) All amendments and repeals of such rules and policies shall be subject to the review and approval of the state board);~~ (~~and~~

~~(5))~~ (3) Such rules and policies shall provide for notice of the reasons and a fair opportunity to contest such reasons prior to a final determination to reject a student's request to participate in or to continue in an interschool activity. Any such decision shall be considered a decision of the school district conducting the activity in which the student seeks to participate or was participating and may be appealed pursuant to RCW 28A.645.010 through 28A.645.030; and

(4) Beginning the effective date of this section and until July 1, 2007, that any decision by the Washington interscholastic activities association may be appealed to the office of the superintendent of public instruction. After July 1, 2007, decisions by the Washington interscholastic activities association addressing only academic issues may be appealed to the office of the superintendent of public instruction. The office of the superintendent shall adopt rules to implement this subsection.

NEW SECTION. Sec. 905. A new section is added to chapter 28A.600 RCW to read as follows:

By July 1, 2007, the Washington interscholastic activities association shall establish a nine-person appeals board to address nonacademic appeals. The board shall be comprised of active members of school district boards of directors, and retired or inactive coaches. The retired or inactive coaches shall be representative of the multilevels of competition, the various school classifications, and the activity districts of the Washington interscholastic activities association. The board shall begin hearing nonacademic appeals by July 1, 2007. No board member may participate in the appeal process if the member was involved in the activity that was the basis of the appeal or involved in the decision of the association, either directly or indirectly.

Sec. 906. RCW 28A.160.210 and 1989 c 178 s 20 are each amended to read as follows:

In addition to other powers and duties, the (~~state board of education~~) superintendent of public instruction shall adopt rules (~~and regulations~~) governing the training and qualifications of school bus drivers. Such rules (~~and regulations~~) shall be designed to insure that persons will not be employed to operate school buses unless they possess such physical health and driving skills as are necessary to safely operate school buses: PROVIDED, That such rules (~~and regulations~~) shall insure that school bus drivers are provided a due process hearing before any certification required by such rules (~~and regulations~~) is cancelled: PROVIDED FURTHER, That such rules (~~and regulations~~) shall not conflict with the authority of the department of licensing to license school bus drivers in accordance with chapter 46.25 RCW. The (~~state board of education~~) superintendent of public instruction may obtain a copy of the driving record, as maintained by the department of licensing, for consideration when evaluating a school bus driver's driving skills.

Sec. 907. RCW 28A.160.100 and 1990 c 33 s 138 are each amended to read as follows:

In addition to the authority otherwise provided in RCW 28A.160.010 through 28A.160.120 to school districts for the transportation of persons, whether school children, school personnel, or otherwise, any school district authorized to use school buses and drivers hired by the district for the transportation of school children to and from a school activity, along with such school employees as necessary for their supervision, shall, if such school activity be an interscholastic activity, be authorized to transport members of the general public to such event and utilize the school district's buses,

FIFTY-FIRST DAY, FEBRUARY 28, 2006

transportation equipment and facilities, and employees therefor: PROVIDED, That provision shall be made for the reimbursement and payment to the school district by such members of the general public of not less than the district's actual costs and the reasonable value of the use of the district's buses and facilities provided in connection with such transportation: PROVIDED FURTHER, That wherever private transportation certified or licensed by the utilities and transportation commission or public transportation is reasonably available ~~((as determined by rule and regulation of the state board of education))~~, this section shall not apply.

Sec. 908. RCW 28A.210.070 and 1990 c 33 s 191 are each amended to read as follows:

As used in RCW 28A.210.060 through 28A.210.170:

(1) "Chief administrator" shall mean the person with the authority and responsibility for the immediate supervision of the operation of a school or day care center as defined in this section or, in the alternative, such other person as may hereafter be designated in writing for the purposes of RCW 28A.210.060 through 28A.210.170 by the statutory or corporate board of directors of the school district, school, or day care center or, if none, such other persons or person with the authority and responsibility for the general supervision of the operation of the school district, school or day care center.

(2) "Full immunization" shall mean immunization against certain vaccine-preventable diseases in accordance with schedules and with immunizing agents approved by the state board of health.

(3) "Local health department" shall mean the city, town, county, district or combined city-county health department, board of health, or health officer which provides public health services.

(4) "School" shall mean and include each building, facility, and location at or within which any or all portions of a preschool, kindergarten and grades one through twelve program of education and related activities are conducted for two or more children by or in behalf of any public school district and by or in behalf of any private school or private institution subject to approval by the state board of education pursuant to RCW 28A.305.130~~((6))~~, 28A.195.010 through 28A.195.050, and 28A.410.120.

(5) "Day care center" shall mean an agency which regularly provides care for a group of thirteen or more children for periods of less than twenty-four hours and is licensed pursuant to chapter 74.15 RCW.

(6) "Child" shall mean any person, regardless of age, in attendance at a public or private school or a licensed day care center.

Sec. 909. RCW 28A.210.120 and 1990 c 33 s 196 are each amended to read as follows:

It shall be the duty of the chief administrator of every public and private school and day care center to prohibit the further presence at the school or day care center for any and all purposes of each child for whom proof of immunization, certification of exemption, or proof of compliance with an approved schedule of immunization has not been provided in accordance with RCW 28A.210.080 and to continue to prohibit the child's presence until such proof of immunization, certification of exemption, or approved schedule has been provided. The exclusion of a child from a school shall be accomplished in accordance with rules of the office of the superintendent, in consultation with the state board of ((education)) health. The exclusion of a child from a day care center shall be accomplished in accordance with rules of the department of social and health services. Prior to the exclusion of a child, each school or day care center shall provide written notice to the parent(s) or legal guardian(s) of each child or to the

2006 REGULAR SESSION

adult(s) in loco parentis to each child, who is not in compliance with the requirements of RCW 28A.210.080. The notice shall fully inform such person(s) of the following: (1) The requirements established by and pursuant to RCW 28A.210.060 through 28A.210.170; (2) the fact that the child will be prohibited from further attendance at the school unless RCW 28A.210.080 is complied with; (3) such procedural due process rights as are hereafter established pursuant to RCW 28A.210.160 and/or 28A.210.170, as appropriate; and (4) the immunization services that are available from or through the local health department and other public agencies.

Sec. 910. RCW 28A.210.160 and 1990 c 33 s 199 are each amended to read as follows:

The superintendent of public instruction with regard to public schools and the state board of education with regard to private schools, in consultation with the state board of ((education)) health, shall ~~((and is hereby empowered to))~~ each adopt rules pursuant to chapter 34.05 RCW ~~((which))~~ that establish the procedural and substantive due process requirements governing the exclusion of children from ~~((public and private))~~ schools pursuant to RCW 28A.210.120.

Sec. 911. RCW 28A.210.320 and 2002 c 101 s 1 are each amended to read as follows:

(1) The attendance of every child at every public school in the state shall be conditioned upon the presentation before or on each child's first day of attendance at a particular school of a medication or treatment order addressing any life-threatening health condition that the child has that may require medical services to be performed at the school. Once such an order has been presented, the child shall be allowed to attend school.

(2) The chief administrator of every public school shall prohibit the further presence at the school for any and all purposes of each child for whom a medication or treatment order has not been provided in accordance with this section if the child has a life-threatening health condition that may require medical services to be performed at the school and shall continue to prohibit the child's presence until such order has been provided. The exclusion of a child from a school shall be accomplished in accordance with rules of the state board of education. Before excluding a child, each school shall provide written notice to the parents or legal guardians of each child or to the adults in loco parentis to each child, who is not in compliance with the requirements of this section. The notice shall include, but not be limited to, the following: (a) The requirements established by this section; (b) the fact that the child will be prohibited from further attendance at the school unless this section is complied with; and (c) such procedural due process rights as are established pursuant to this section.

(3) The ~~((state board of education))~~ superintendent of public instruction in consultation with the state board of health shall adopt rules under chapter 34.05 RCW that establish the procedural and substantive due process requirements governing the exclusion of children from public schools under this section. The rules shall include any requirements under applicable federal laws.

(4) As used in this section, "life-threatening condition" means a health condition that will put the child in danger of death during the school day if a medication or treatment order and a nursing plan are not in place.

(5) As used in this section, "medication or treatment order" means the authority a registered nurse obtains under RCW 18.79.260(2).

Sec. 912. RCW 28A.335.100 and 1975-'76 2nd ex.s. c 23 s 1 are each amended to read as follows:

Any association established by school districts pursuant to the interlocal cooperation act, chapter 39.34 RCW for the purpose of jointly and cooperatively purchasing school supplies,

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

materials and equipment, if otherwise authorized for school district purposes to purchase personal or real property, is ~~((hereby)) authorized ((subject to rules and regulations of the state board of education))~~ to mortgage, or convey a purchase money security interest in real or personal property of such association of every kind, character or description whatsoever, or any interest in such personal or real property: PROVIDED, That any such association shall be prohibited from causing any creditor of the association to acquire any rights against the property, properties or assets of any of its constituent school districts and any creditor of such association shall be entitled to look for payment of any obligation incurred by such association solely to the assets and properties of such association.

Sec. 913. RCW 28A.335.120 and 2001 c 183 s 2 are each amended to read as follows:

(1) The board of directors of any school district of this state may:

(a) Sell for cash, at public or private sale, and convey by deed all interest of the district in or to any of the real property of the district which is no longer required for school purposes; and

(b) Purchase real property for the purpose of locating thereon and affixing thereto any house or houses and appurtenant buildings removed from school sites owned by the district and sell for cash, at public or private sale, and convey by deed all interest of the district in or to such acquired and improved real property.

(2) When the board of directors of any school district proposes a sale of school district real property pursuant to this section and the value of the property exceeds seventy thousand dollars, the board shall publish a notice of its intention to sell the property. The notice shall be published at least once each week during two consecutive weeks in a legal newspaper with a general circulation in the area in which the school district is located. The notice shall describe the property to be sold and designate the place where and the day and hour when a hearing will be held. The board shall hold a public hearing upon the proposal to dispose of the school district property at the place and the day and hour fixed in the notice and admit evidence offered for and against the propriety and advisability of the proposed sale.

(3) The board of directors of any school district desiring to sell surplus real property shall publish a notice in a newspaper of general circulation in the school district. School districts shall not sell the property for at least forty-five days following the publication of the newspaper notice.

(4) Private schools shall have the same rights as any other person or entity to submit bids for the purchase of surplus real property and to have such bids considered along with all other bids.

(5) Any sale of school district real property authorized pursuant to this section shall be preceded by a market value appraisal by a professionally designated real estate appraiser as defined in RCW 74.46.020 or a general real estate appraiser certified under chapter 18.140 RCW selected by the board of directors and no sale shall take place if the sale price would be less than ninety percent of the appraisal made by the real estate appraiser: PROVIDED, That if the property has been on the market for one year or more the property may be reappraised and sold for not less than seventy-five percent of the reappraised value with the unanimous consent of the board.

(6) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through use of the services of licensed real estate brokers, a contract for such services may be negotiated and concluded: PROVIDED, That the use of a licensed real estate broker will not eliminate the obligation of the board of directors to provide

the notice described in this section: PROVIDED FURTHER, That the fee or commissions charged for any broker services shall not exceed seven percent of the resulting sale value for a single parcel: PROVIDED FURTHER, That any professionally designated real estate appraiser as defined in RCW 74.46.020 or a general real estate appraiser certified under chapter 18.140 RCW selected by the board to appraise the market value of a parcel of property to be sold may not be a party to any contract with the school district to sell such parcel of property for a period of three years after the appraisal.

(7) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through sale on contract terms, a real estate sales contract may be executed between the district and buyer ~~((PROVIDED, That the terms and conditions of any such sales contract must comply with rules and regulations of the state board of education, herein authorized, governing school district real property contract sales))~~.

Sec. 914. RCW 28A.320.240 and 1969 ex.s. c 223 s 28A.58.104 are each amended to read as follows:

(1) The purpose of this section is to identify quality criteria for school library media programs that support the student learning goals under RCW 28A.150.210, the essential academic learning requirements under RCW 28A.655.070, and high school graduation requirements adopted under RCW 28A.230.090.

(2) Every board of directors shall provide for the operation and stocking of such libraries as the board deems necessary for the proper education of the district's students or as otherwise required by law or rule ((or regulation)) of the superintendent of public instruction ((or the state board of education)).

(3) "Teacher-librarian" means a certified teacher with a library media endorsement under rules adopted by the professional educator standards board.

(4) "School-library media program" means a school-based program that is staffed by a certificated teacher-librarian and provides a variety of resources that support student mastery of the essential academic learning requirements in all subject areas and the implementation of the district's school improvement plan.

(5) The teacher-librarian, through the school-library media program, shall collaborate as an instructional partner to help all students meet the content goals in all subject areas, and assist high school students completing the culminating project and high school and beyond plans required for graduation.

Sec. 915. RCW 28A.155.060 and 1995 c 77 s 12 are each amended to read as follows:

For the purpose of carrying out the provisions of RCW 28A.155.020 through 28A.155.050, the board of directors of every school district shall be authorized to contract with agencies approved by the ~~((state board of education))~~ superintendent of public instruction for operating special education programs for students with disabilities. Approval standards for such agencies shall conform substantially with those promulgated for approval of special education aid programs in the common schools.

Sec. 916. RCW 28A.600.130 and 1995 1st sp.s. c 5 s 1 are each amended to read as follows:

The higher education coordinating board shall establish a planning committee to develop criteria for screening and selection of the Washington scholars each year in accordance with RCW 28A.600.110(1). It is the intent that these criteria shall emphasize scholastic achievement but not exclude such criteria as leadership ability and community contribution in final selection procedures. The Washington scholars planning committee shall have members from selected state agencies and private organizations having an interest and responsibility in

FIFTY-FIRST DAY, FEBRUARY 28, 2006

education, including but not limited to, the (~~state board of education, the~~) office of superintendent of public instruction, the council of presidents, the state board for community and technical colleges, and the Washington friends of higher education.

Sec. 917. RCW 28A.650.015 and 1995 c 335 s 507 are each amended to read as follows:

(1) The superintendent of public instruction, to the extent funds are appropriated, shall develop and implement a Washington state K-12 education technology plan. The technology plan shall be updated on at least a biennial basis, shall be developed to coordinate and expand the use of education technology in the common schools of the state. The plan shall be consistent with applicable provisions of chapter 43.105 RCW. The plan, at a minimum, shall address:

(a) The provision of technical assistance to schools and school districts for the planning, implementation, and training of staff in the use of technology in curricular and administrative functions;

(b) The continued development of a network to connect school districts, institutions of higher learning, and other sources of on-line information; and

(c) Methods to equitably increase the use of education technology by students and school personnel throughout the state.

(2) The superintendent of public instruction shall appoint an educational technology advisory committee to assist in the development and implementation of the technology plan in subsection (1) of this section. The committee shall include, but is not limited to, persons representing: The (~~state board of education, the commission on student learning, the~~) department of information services, educational service districts, school directors, school administrators, school principals, teachers, classified staff, higher education faculty, parents, students, business, labor, scientists and mathematicians, the higher education coordinating board, the work force training and education coordinating board, and the state library.

**PART 10
MISCELLANEOUS**

NEW SECTION. **Sec. 1001.** Part headings used in this act are not any part of the law.

NEW SECTION. **Sec. 1002.** Section 407 of this act takes effect September 1, 2009."

Senator McAuliffe spoke in favor of adoption of the committee striking amendment.

MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Schmidt to the committee striking amendment be adopted.

On page 17, line 36, after "association", insert ". The directors shall have some experience or knowledge in school plant facility issues. One of the directors shall represent a non-high school district"

Senator McAuliffe spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Schmidt on page 17, line 36 to the committee striking amendment to Engrossed Second Substitute House Bill No. 3098.

The motion by Senator McAuliffe carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning, K-12 & Higher Education as amended to Engrossed Second Substitute House Bill No. 3098.

The motion by Senator McAuliffe carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.305.130, 28A.305.035, 28A.300.040, 28A.305.011, 28A.150.230, 28A.505.140, 28A.525.020, 28A.525.030, 28A.525.050, 28A.525.055, 28A.525.070, 28A.525.080, 28A.525.090, 28A.525.162, 28A.525.164, 28A.525.166, 28A.525.168, 28A.525.170, 28A.525.172, 28A.525.174, 28A.525.176, 28A.525.178, 28A.525.180, 28A.525.190, 28A.525.200, 28A.525.216, 28A.150.260, 28A.335.160, 28A.540.050, 28A.150.530, 28A.335.210, 28A.335.230, 28A.540.070, 39.35D.020, 39.35D.040, 39.35D.060, 79.17.100, 79.17.120, 28A.305.220, 28A.230.100, 28A.230.170, 28A.305.170, 28A.230.130, 28A.205.010, 28A.205.070, 28A.215.010, 28A.215.020, 28A.205.040, 28A.215.140, 28A.230.020, 28A.230.040, 28A.230.050, 28A.315.175, 28A.315.195, 28A.315.205, 28A.315.015, 28A.315.025, 28A.315.055, 28A.315.085, 28A.315.125, 28A.315.185, 28A.305.210, 28A.310.080, 28A.310.030, 28A.310.050, 28A.310.060, 28A.310.090, 28A.310.100, 28A.310.140, 28A.310.150, 28A.310.200, 28A.310.310, 28A.323.020, 28A.323.040, 29A.24.070, 84.09.037, 28A.305.160, 28A.150.300, 28A.225.160, 28A.300.150, 28A.600.020, 28A.600.030, 18.35.020, 18.35.195, 18.83.200, 28A.625.360, 28A.225.330, 28A.405.110, 28A.415.010, 28A.415.020, 28A.415.024, 28A.415.025, 28A.415.105, 28A.415.125, 28A.415.130, 28A.415.145, 28A.660.020, 28A.660.040, 28A.690.020, 28A.300.050, 28A.625.370, 28A.625.380, 28A.625.390, 28B.10.710, 28B.35.120, 28B.40.120, 43.43.832, 43.43.840, 72.40.028, 28A.600.010, 28A.225.280, 28A.600.200, 28A.160.210, 28A.160.100, 28A.210.070, 28A.210.120, 28A.210.160, 28A.210.320, 28A.335.100, 28A.335.120, 28A.320.240, 28A.155.060, 28A.600.130, and 28A.650.015; reenacting and amending RCW 28A.330.100, 28A.630.400, and 43.43.845; adding a new section to chapter 28A.525 RCW; adding a new section to chapter 28A.545 RCW; adding a new section to chapter 28A.230 RCW; adding new sections to chapter 28A.300 RCW; adding new sections to chapter 28A.600 RCW; adding a new section to chapter 28A.405 RCW; creating new sections; recodifying RCW 28A.305.220, 28A.305.170, and 28A.305.160; decodifying RCW 28A.525.120, 28A.525.122, 28A.525.124, 28A.525.126, 28A.525.128, 28A.525.130, 28A.525.132, 28A.525.134, 28A.525.140, 28A.525.142, 28A.525.144, 28A.525.146, 28A.525.148, 28A.525.150, 28A.525.152, 28A.525.154, 28A.525.156, 28A.525.158, 28A.525.160, and 28A.525.182; providing an effective date; and providing expiration dates."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Second Substitute House Bill No. 3098 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

Senators McAuliffe and Schmidt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 3098 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 3098 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 34; Nays, 11; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 34

Voting nay: Senators Benson, Carrell, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Stevens and Zarelli - 11

Excused: Senators Benton, Hargrove, McCaslin and Pflug - 4

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3098 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 3266, by Representatives Rodne, Simpson, Anderson and Hudgins

Designating state route number 169 as a highway of statewide significance.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 3266 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Johnson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 3266.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3266 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senator Poulsen - 1

Excused: Senators Benton, Hargrove, McCaslin and Pflug - 4

HOUSE BILL NO. 3266, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4038, by Representatives Hinkle, Cody and Santos

Requesting that certified diabetes educators be added as Medicare providers.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, House Joint Memorial No. 4038 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senators Keiser and Deccio spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Joint Memorial No. 4038.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4038 and the resolution passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Benton, Hargrove, McCaslin and Pflug - 4

HOUSE JOINT MEMORIAL NO. 4038, having received the constitutional majority, was declared passed.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2376, by House Committee on Health Care (originally sponsored by Representatives Clibborn, Morrell, Murray, Wallace, Cody, Schual-Berke, Simpson, Green, Sells, Ormsby, Appleton, Fromhold, Hunt, Kenney, Kessler, Lantz, Miloscia, Moeller and Williams)

Repealing cost-sharing in medical programs. Revised for 1st Substitute: Prohibiting the department of social and health services from imposing premiums on children in households with income at or below two hundred percent of the federal poverty level.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 2376 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2376.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2376 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 11; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 34

Voting nay: Senators Benson, Carrell, Deccio, Hewitt, Morton, Mulliken, Parlette, Schoesler, Stevens, Swecker and Zarelli - 11

Excused: Senators Benton, Hargrove, McCaslin and Pflug - 4

SUBSTITUTE HOUSE BILL NO. 2376, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2406, by Representatives Roach and Kirby

Changing insurance statutes, generally.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 2406 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley, Benson and Roach spoke in favor of passage of the bill.

MOTION

On motion of Senator Mulliken, Senator Parlette was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2406.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2406 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Benton, Hargrove, McCaslin and Parlette - 4

HOUSE BILL NO. 2406, having received the constitutional

majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2684, by House Committee on Appropriations (originally sponsored by Representatives Fromhold, Bailey, Conway, Lovick, Green, Sells, Kenney, Quall, Simpson, Moeller and Morrell)

Allowing vesting after five years of service in the defined benefit portion of the public employees' retirement system, the school employees' retirement system, and the teachers' retirement system plan 3.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2684 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Mulliken spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2684.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2684 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Benton, Hargrove, McCaslin and Parlette - 4

SUBSTITUTE HOUSE BILL NO. 2684, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3150, by House Committee on Commerce & Labor (originally sponsored by Representatives Condotta, Linville, Kenney, Chase, Kessler, Conway, Holmquist, Morrell, Newhouse and Armstrong)

Concerning efforts to promote the wine industry.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 3150 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Hewitt spoke in favor of passage of the bill.

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3150.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3150 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Benton, Hargrove, McCaslin and Parlette - 4

SUBSTITUTE HOUSE BILL NO. 3150, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2475, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Williams, Fromhold, Wood, B. Sullivan, Simpson, Sells, Ormsby and Green)

Requiring collective bargaining regarding hours of work for individual providers.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.39A.270 and 2004 c 3 s 1 are each amended to read as follows:

(1) Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the governor is the public employer, as defined in chapter 41.56 RCW, of individual providers, who, solely for the purposes of collective bargaining, are public employees as defined in chapter 41.56 RCW. To accommodate the role of the state as payor for the community-based services provided under this chapter and to ensure coordination with state employee collective bargaining under chapter 41.80 RCW and the coordination necessary to implement RCW 74.39A.300, the public employer shall be represented for bargaining purposes by the governor or the governor's designee appointed under chapter 41.80 RCW. The governor or governor's designee shall periodically consult with the authority during the collective bargaining process to allow the authority to communicate issues relating to the long-term in-home care services received by consumers. The governor or governor's designee shall include representatives of the authority on the bargaining team for all issues for which the exclusive bargaining representative requests to engage in collective bargaining under subsection (6) of this section. The authority shall work with the developmental disabilities council, the governor's committee on disability issues and employment, the state council on aging, and other

consumer advocacy organizations to obtain informed input from consumers on their interests, including impacts on consumer choice, for all issues proposed for collective bargaining under subsection (6) of this section.

(2) Chapter 41.56 RCW governs the collective bargaining relationship between the governor and individual providers, except as otherwise expressly provided in this chapter and except as follows:

(a) The only unit appropriate for the purpose of collective bargaining under RCW 41.56.060 is a statewide unit of all individual providers;

(b) The showing of interest required to request an election under RCW 41.56.060 is ten percent of the unit, and any intervener seeking to appear on the ballot must make the same showing of interest;

(c) The mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

(i) With respect to commencement of negotiations between the governor and the bargaining representative of individual providers, negotiations shall be commenced by May 1st of any year prior to the year in which an existing collective bargaining agreement expires;

(ii) With respect to factors to be taken into consideration by an interest arbitration panel, the panel shall consider the financial ability of the state to pay for the compensation and fringe benefit provisions of a collective bargaining agreement; and

(iii) The decision of the arbitration panel is not binding on the legislature and, if the legislature does not approve the request for funds necessary to implement the compensation and fringe benefit provisions of the arbitrated collective bargaining agreement, is not binding on the authority or the state;

(d) Individual providers do not have the right to strike; and

(e) Individual providers who are related to, or family members of, consumers or prospective consumers are not, for that reason, exempt from this chapter or chapter 41.56 RCW.

(3) Individual providers who are public employees solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state, its political subdivisions, or an area agency on aging for any purpose. Chapter 41.56 RCW applies only to the governance of the collective bargaining relationship between the employer and individual providers as provided in subsections (1) and (2) of this section.

(4) Consumers and prospective consumers retain the right to select, hire, supervise the work of, and terminate any individual provider providing services to them. Consumers may elect to receive long-term in-home care services from individual providers who are not referred to them by the authority.

(5) In implementing and administering this chapter, neither the authority nor any of its contractors may reduce or increase the hours of service for any consumer below or above the amount determined to be necessary under any assessment prepared by the department or an area agency on aging.

(6) Except as expressly limited in this section and RCW 74.39A.300, the wages, hours, and working conditions of individual providers are determined solely through collective bargaining as provided in this chapter. No agency or department of the state (~~or other than the authority~~) may establish policies or rules governing the wages or hours of individual providers. However, this subsection does not modify:

(a) The department's authority to establish a plan of care for each consumer (~~and to determine the hours~~) or its core responsibility to manage long-term in-home care services under this chapter, including determination of the level of care that

FIFTY-FIRST DAY, FEBRUARY 28, 2006

each consumer is eligible to receive. However, at the request of the exclusive bargaining representative, the governor or the governor's designee appointed under chapter 41.80 RCW shall engage in collective bargaining, as defined in RCW 41.56.030(4), with the exclusive bargaining representative over how the department's core responsibility affects hours of work for individual providers. This subsection shall not be interpreted to require collective bargaining over an individual consumer's plan of care;

(b) The department's authority to terminate its contracts with individual providers who are not adequately meeting the needs of a particular consumer, or to deny a contract under RCW 74.39A.095(8);

(c) The consumer's right to assign hours to one or more individual providers selected by the consumer within the maximum hours determined by his or her plan of care;

(d) The consumer's right to select, hire, terminate, supervise the work of, and determine the conditions of employment for each individual provider providing services to the consumer under this chapter;

(e) The department's obligation to comply with the federal medicaid statute and regulations and the terms of any community-based waiver granted by the federal department of health and human services and to ensure federal financial participation in the provision of the services; and

(f) The legislature's right to make programmatic modifications to the delivery of state services under this title, including standards of eligibility of consumers and individual providers participating in the programs under this title, and the nature of services provided. The governor shall not enter into, extend, or renew any agreement under this chapter that does not expressly reserve the legislative rights described in this subsection (6)(f).

(7)(a) The state, the department, the authority, the area agencies on aging, or their contractors under this chapter may not be held vicariously or jointly liable for the action or inaction of any individual provider or prospective individual provider, whether or not that individual provider or prospective individual provider was included on the authority's referral registry or referred to a consumer or prospective consumer. The existence of a collective bargaining agreement, the placement of an individual provider on the referral registry, or the development or approval of a plan of care for a consumer who chooses to use the services of an individual provider and the provision of case management services to that consumer, by the department or an area agency on aging, does not constitute a special relationship with the consumer.

(b) The members of the board are immune from any liability resulting from implementation of this chapter.

(8) Nothing in this section affects the state's responsibility with respect to unemployment insurance for individual providers. However, individual providers are not to be considered, as a result of the state assuming this responsibility, employees of the state.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Kohl-Welles spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2475.

The motion by Senator Kohl-Welles carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "providers;" strike the remainder of the title and insert "amending RCW 74.39A.270; and declaring an emergency."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute House Bill No. 2475 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2475 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2475 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 5; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Voting nay: Senators Deccio, Honeyford, Morton, Mulliken and Stevens - 5

Excused: Senators Benton, Hargrove, McCaslin and Parlette - 4

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2475 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 3070, by House Committee on Capital Budget (originally sponsored by Representatives Miloscia, Hasegawa, Chase and Santos)

Increasing nonprofit housing development capacity.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee amendment by the Committee on Financial Institutions, Housing & Consumer Protection be not adopted.

Beginning on page 1, line 6, strike all of section 1

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 2, line 28, strike "four" and insert "five"

Beginning on page 3, line 1, strike all of sections 3 and 4

On page 1, line 2 of the title, after "capacity;" strike the remainder of the title and insert "and amending RCW 43.180.160."

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

The President declared the question before the Senate to be the motion by Senator Fairly to not adopt the committee amendment by the Committee on Financial Institutions, Housing & Consumer Protection to Second Substitute House Bill No. 3070.

The motion by Senator Fairley carried and the committee amendment was not adopted by voice vote.

MOTION

Senator Fairley moved that the following striking amendment by Senators Fairley and Benson be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.180.160 and 1999 c 131 s 2 are each amended to read as follows:

The total amount of outstanding indebtedness of the commission may not exceed ((three)) five billion dollars at any time. The calculation of outstanding indebtedness shall include the initial principal amount of an issue and shall not include interest that is either currently payable or that accrues as a part of the face amount of an issue payable at maturity or earlier redemption. Outstanding indebtedness shall not include notes or bonds as to which the obligation of the commission has been satisfied and discharged by refunding or for which payment has been provided by reserves or otherwise."

Senators Fairley and Benson spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Fairley and Benson to Second Substitute House Bill No. 3070.

The motion by Senator Fairley carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "increasing housing development capacity; and amending RCW 43.180.160."

MOTION

On motion of Senator Fairley, the rules were suspended, Second Substitute House Bill No. 3070 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Benson spoke in favor of passage of the bill.

MOTION

On motion of Senator REgala, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 3070 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 3070 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 36; Nays, 8; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kohl-Welles, McAuliffe, Mulliken, Oke, Pflug, Poulsen, Prentice,

Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 36

Voting nay: Senators Carrell, Hewitt, Honeyford, Johnson, Morton, Schoesler, Stevens and Zarelli - 8

Excused: Senators Benton, Hargrove, Kline, McCaslin and Parlette - 5

SECOND SUBSTITUTE HOUSE BILL NO. 3070 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2544, by Representatives P. Sullivan, Jarrett, Green, Dunshee, Upthegrove, McCoy, Ericks, Simpson, Schual-Berke, Lantz, Ormsby, Springer, Kilmer and Kagi

Authorizing project loans recommended by the public works board.

The measure was read the second time.

MOTION

Senator Fraser moved that the following striking amendment by Senators Fraser and Brandland be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Pursuant to chapter 43.155 RCW, the following project loans recommended by the public works board are authorized to be made with funds appropriated from the public works assistance account:

(1) Alderwood water and wastewater district--sanitary sewer project--upgrade the picnic point wastewater treatment facility and increase the maximum month flow capacity from three million gallons per day to six million gallons per day by improving the fine screening, vortex grit removal, membrane bioreactor, and ultraviolet disinfection \$7,000,000

(2) Arlington--sanitary sewer project--improve the solids handling capacity of the wastewater treatment plant, expand the capacity of both the solids processing and liquid treatment portions of the plant, and alter the type of treatment process \$7,000,000

(3) Bainbridge Island--sanitary sewer project--construct an enclosed building to house the headworks equipment, construct a new building to house solid handling equipment, convert aeration for both basins from surface aeration to diffused air, add solid storage basins, upgrade two existing clarifiers and associated return activated sludge pumps, construct vector decanting station, and replace existing electrical system \$3,564,500

(4) Bellingham--domestic water project--remove an aging diversion dam and replace its function with a withdrawal structure built into the river that will not impede the natural flow of the river to restore runs of two endangered species to the upper reaches of the middle fork of the Nooksack river and connect it with the existing system \$3,400,000

(5) Birch Bay water and sewer district--sanitary sewer project--replace the sanitary sewer force main from pump station number 3 to the wastewater treatment plant and divert a portion of the districts sewer flow around pump station number 4 directly to pump station number 3 resulting in a twenty-six percent increase in sanitary sewer conveyance capacity \$2,305,625

(6) Buckley--sanitary sewer project--construction of a dewatering building to house a belt filter press sludge dewatering machine, rebuild and expand the wastewater

treatment plant to provide nutrient removal and accommodate the wastewater from Rainier school and anticipated growth over the next twenty years, and construction of a gravity interceptor. Improvements to the plant include enclosed headworks with fine screens, grit removal, flow measurement and sampling, biological nutrient removal activated sludge process with new anaerobic basins, anoxic basins, and aeration basins, activated sludge clarifiers, and return sludge pumping, followed by ultraviolet light disinfection \$7,000,000

(7) Enumclaw--sanitary sewer project--upgrade and expand the existing wastewater treatment plant including new headworks, new extended aeration activated sludge basins, new anaerobic/anoxic basins for phosphorus removal and denitrification, two additional secondary clarifiers, chemical facilities for additional phosphorus removal in the existing secondary clarifiers, sludge dewatering and stabilization facilities, enlarged laboratory area, increasing capacity to accommodate projected urban growth through 2022 \$5,700,000

(8) Everett--sanitary sewer project--limit biochemical oxygen demand loads of the wastewater flowing into the aeration ponds to less than 20,000 pounds per day by construction of a new treatment process in the wastewater stream by constructing the primary clarifiers that will feed up to 21,000,000 gallons per day to the trickling filters for additional treatment, eliminate the use of chlorine gas and replace it with a twelve percent sodium hypochlorite solution, construct a new 4.8 acre solids handling area to process biosolids, and modifications to the laboratory and operations room \$7,000,000

(9) Holmes Harbor sewer district--sanitary sewer project--modify the existing wastewater treatment plant and related systems to include 1,500,000 gallons of storage for incompletely treated effluent, including appurtenant pumping, piping, and control systems \$950,000

(10) King county water district number 54--domestic water project--replace and dispose of an eight-inch water distribution line and an abandoned six-inch water line as part of a project to replace a fill and box culvert with a bridge across Des Moines creek that will improve fish migration and alleviate excess pooling and flooding, provide a temporary line during construction, and install a permanent twelve-inch line under the new bridge \$150,300

(11) Kitsap county sewer district number 7--sanitary sewer project--upgrade and add capacity to the wastewater treatment plant by adding a second aeration basin, changing the existing aeration from a floating aerator to fine bubble diffusers, add a third clarifier, change influent screening from bars to a fine screen, add a second bank of ultraviolet lights, add a third return activated sludge pump, add a second sludge digester, and construct a utility building to house the equipment . \$1,288,000

(12) Lake Stevens--sanitary sewer project--construction of a membrane bioreactor tertiary wastewater treatment plant outside the flood plain, construction of an interceptor line and pump station to intercept and redirect existing flows to the new plant, and associated easement acquisition, permit fees, construction management services, and startup and operation and maintenance manuals \$7,000,000

(13) Lakehaven utility district--sanitary sewer project--remove/replace and/or line approximately 1,030 feet of the existing outfall pipe starting from 100 feet inland to the end of the existing outfall, and extend the existing/new outfall from the previous end point approximately 800 feet further into Puget Sound to ensure the protection of shellfish beds in the area \$2,400,000

(14) Malaga water district--domestic water project--design and construction of two pump stations, an approximately 60,000 gallon reservoir, approximately 11,000 feet of transmission/distribution main, a pressure reducing station, and other water system appurtenances \$1,064,950

(15) Mercer Island--sanitary sewer project--install approximately 16,000 feet of eight to sixteen-inch sewer main and 7,000 feet of six-inch side sewer laterals in Lake Washington along the north and northwest shoreline, replace and modify two pump stations, extend and connect side sewer laterals to the new main, finalize easements with approximately seventy-five property owners, install approximately ten maintenance manholes and cleanouts, and environmental mitigation \$7,000,000

(16) Mill Creek--road project--replace existing culverts carrying Penny creek under Mill Creek Road with a new bridge structure in a different location by drilling piers along the outer edge of the alignment, installing pipe caps and precast concrete bridge deck panels, excavating under the panels, installing timber lagging as the excavation progresses, and constructing concrete walls over the lagging, reroute the streambed with some wetland mitigation work, relocate existing water line, and plugging and abandoning the existing culvert \$921,500

(17) Mount Vernon--sanitary sewer project--construction of the phase one improvements for the wastewater treatment facility including a new pretreatment (grit and debris screening) facility, two additional primary clarifiers, upgrade of the existing aeration basins, two additional secondary clarifiers, an ultraviolet disinfection system for the effluent (replacing chlorine gas system), and an extensive odor control system \$7,000,000

(18) Moxee--sanitary sewer project--construct approximately 13,500 feet of wastewater conveyance piping and appurtenances along state route number 24 from Moxee to Riverside Road, discharging to a new lift station owned and operated by the Terrace Heights sewer district \$2,000,000

(19) Mukilteo--storm sewer project--construct approximately 16,500 feet of new eighteen to forty-eight inch storm water conveyance pipeline to transfer high storm water flows from Smugglers Gulch and Big Gulch stream channels, restoring the stream channel, associated fish and wildlife habitat, and adjacent infrastructure, as well as provide mitigation for disturbed wetlands \$3,587,200

(20) North Bend--domestic water project--drilling, testing, and development of a new municipal supply well for the perfection of a new water right application with the department of ecology to supply the city and urban growth area with needed additional water, construction of approximately 21,200 lineal foot twelve-inch diversion pipeline from the south fork Tolt river reservoir to the north fork Snoqualmie river \$3,474,675

(21) North Bonneville--sanitary sewer project--install a new headworks screen in the existing headworks structure, install a new clarifier, including piping modifications, in the existing sewer treatment plant, and painting existing metal surfaces in the existing treatment plant unit \$450,000

(22) Oak Harbor--domestic water project--design and construction of approximately 5,700 feet of twenty-four inch diameter ductile iron water transmission main along highway 20 between Pass Lake and Sharpe's Corner as a replacement for existing water transmission main being destroyed as a result of planned highway construction \$2,694,500

(23) Okanogan county--sanitary sewer project--construction, right of way acquisition and engineering for gravity and pressure pipe, lift stations, telemetry, treatment plant improvements, and associated facilities, water system improvements including supply main, fire hydrants, air/vac facilities, storage, booster pumping, telemetry, and applicable appurtenances \$7,000,000

(24) Othello--road project--reconstruct 1,850 lineal feet of arterial truck route (Broadway Avenue), to include surface, subsurface, and impacted utilities, improved to heavy truck traffic standards, retaining the existing sidewalks, curbs, and gutters \$555,000

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

(25) Pullman--sanitary sewer project--construction of a new, approximately 500,000 gallon, variable volume digester at the wastewater treatment plant including site preparation, construction of the digester, necessary piping modifications, upgrades to the existing digesters as required to facilitate the new digester, and modifications to the plant's existing electrical and supervisory control system \$1,870,000

(26) Sammamish Plateau water and sewer district--domestic water project--design and construction of a new approximately 6.2 million gallon per day water treatment facility to remove arsenic, hydrogen sulfide, iron and manganese, and silica \$2,843,250

(27) Sedro-Woolley--sanitary sewer project--construction of approximately 29,700 linear feet of eight to thirty-inch pipes, and the design of two sewer pump stations \$7,000,000

(28) Stanwood--domestic water project--prepare a feasibility study, well desktop treatment study, and a preliminary engineering report to determine the most cost-effective water system improvements, the most effective well treatment methods, and outlining the principal design criteria for all planned facilities, conduct a pilot plant study to confirm effectiveness of treatment and provide/confirm design criteria, obtain all necessary permits, prepare plans, specifications, and cost estimates for all improvements, construct a new treatment plant for the removal of arsenic, manganese, and hydrogen sulfide, construct approximately 500 lineal feet of new transmission water main, and approximately 1,500 linear feet of new distribution water mains to connect to the existing system \$3,194,733

(29) Stanwood--sanitary sewer project--parallel existing sewer alignment with approximately 4,000 lineal feet of thirty-inch sewer pipe in the same right of way corridor as the existing fourteen-inch interceptor and have a flow capacity of 6.5 million gallons a day sufficient to handle the projected 5.8 million gallons a day build outflow, and the replacement of the existing eight and twelve-inch water mains \$2,031,500

(30) Tenino--sanitary sewer project--construction of a new wastewater treatment plant and collection system with a membrane bioreactor treatment plant with a capacity of 360,000 gallons per day that will produce Class A reclaimed water, and approximately 68,516 lineal feet of one and one-half to six-inch diameter pipe and 784 individual grinder pumps . . . \$7,000,000

(31) Terrace Heights sewer district--sanitary sewer project--construct a new lift station with a capacity of approximately 4,400 gallon per minute, approximately 11,700 feet of twelve-inch diameter force mains from the new lift station to the Yakima regional wastewater treatment facility, and approximately 4,200 feet of eight-inch diameter gravity sewer main \$3,655,000

(32) Union Gap--sanitary sewer project--replace approximately 3,800 feet of sewer line, institute hydrogen sulfide control measures at the master lift station to reduce corrosion problems, complete eight sewer pipeline point repairs, replace seven manholes, install manhole shields on forty-five manholes located in areas of potential flooding, investigate sixteen side sewer connections, conduct an inflow evaluation during the next flooding event, and visually inspect previously uninspected portions of the system \$1,037,000

(33) Val Vue sewer district--sanitary sewer project--replace approximately 11,000 linear feet of pipe and associated side sewers, construction of approximately 1,900 linear feet of replacement main line sewers, construction of approximately 1,600 linear feet of sewer main replacement, replacement of approximately 300 linear feet of main, replacement of approximately 120 side sewer stubs, and improvements to a pump station by the addition of an emergency power generator \$3,554,700

(34) Whitworth water district number 2--domestic water project--install approximately 11,900 feet of sixteen-inch water pipe, 22,440 feet of twelve-inch water pipe, 4,140 feet of eight-

inch water pipe together with valves, fire hydrants, and other appurtenances, and construct an approximately two million gallon ground level steel water reservoir, complete with access road, valving, level controls, and other appurtenances \$3,496,600

(35) Zillah--sanitary sewer project--construct wastewater facility improvements including a new screening system, construct a new aeration basin of approximately 159,000 gallons, install baffles in both clarifiers and replace the 28-year-old mechanical components of clarifier number 1, install a positive displacement pump in the aerobic digester building for automated daily sludge wasting, replace the existing ultraviolet system with a new and larger system, construct an effluent pump station to accommodate design peak hour flow, replace the submerged turbine aerators with fine bubble diffusers, and provide 480 volt service to all process electrical equipment, and eliminate dual voltage system now found at the plant \$2,295,000

(36) Auburn--sanitary sewer project--replace approximately 13,100 linear feet of 10, 12, and 15 inch concrete pipes with 24, 27, and 36 inch sewer pipes to handle existing and future wastewater flows. Removal of eight pressure reducing valves on a water transmission line and storm system revisions \$3,500,000

(37) Battle Ground--sanitary sewer project--upgrades at Salmon Creek treatment plant to achieve added capacity and security. Construction of the new Klineline sewer pump station and approximately five miles of force main system to accommodate future pumping capacity needs \$4,000,000

(38) Bellevue--road project--improve a section of NE 24th Street including widening the roadway to add five-foot bike lanes, constructing curb, gutter, and sidewalk, and introduce calming elements. The project is designed to improve safety by reducing areas of conflict between vehicular and nonmotorized traffic by reducing overall speeds \$750,000

(39) Burien--storm sewer project--construct approximately 1,450 linear feet of 30 to 42 inch and approximately 300 linear feet of 24 inch storm water trunk lines to eliminate flooding in downtown Burien during a 25-year storm event. Modify and expand the Ambaum regional detention pond to accommodate peak flows and to control the release of storm water in order to protect downstream habitat \$1,547,000

(40) Clark public utilities--domestic water project--construct a 1,000 gallon per minute water supply well, construct and paint an approximately 300,000 gallon reservoir, install a 500 gallon per minute booster station, and replace approximately 90,000 feet of undersized and deteriorated water line. These projects will increase fire flow and generally improve the performance and reliability of the system \$5,087,250

(41) Edmonds--road project--provide the necessary slope stability and improve the integrity of approximately 300 feet of roadway section that has been slowly moving down the hill toward a house due to slope failure \$624,750

(42) Franklin County--road project--pave approximately 30 miles of gravel roads throughout the county to save wear and tear on the public's vehicles and savings in annual costs for maintenance \$4,500,000

(43) Ilwaco--sanitary sewer project--replace a sewage pump station and renovate another sewage pump station, both of which are 35 years old to meet the department of ecology's requirements and save approximately \$13,000 every three years \$237,960

(44) Lakewood--sanitary sewer project--construct three pump stations, approximately 17,200 linear feet of force main, approximately 13,500 linear feet of gravity collector pipeline, and approximately 320 side sewer stubs to eliminate septic systems in the American Lake gardens and Tillicum neighborhoods \$5,000,000

(45) Olympus terrace sewer district--sanitary sewer project--construction of approximately 8,000 linear feet of trunk pipeline

FIFTY-FIRST DAY, FEBRUARY 28, 2006

and approximately 16,500 linear feet of storm water conveyance pipeline to prevent high storm water flows from further eroding stream channels

..... \$7,000,000

(46) Seattle--storm sewer project--install approximately 2,860 feet of storm drain and approximately 6,800 feet of pipe to alleviate chronic flooding problems for at least 38 businesses and several residences in South Park \$5,000,000

(47) Southwest suburban sewer district--sanitary sewer project--replace/rehabilitate approximately 16,700 linear feet of sewer mains to reduce environmental and public health issues associated with sewer backups \$3,910,000

(48) Stevenson--domestic water project--replace a failing, unsafe, and hazardous pump station to address fire flow requirements, convert the vacated pump station into additional water reservoir storage, and install approximately 6,250 feet of transmission main to eliminate leaks \$795,000

(49) Tacoma--domestic water project--construction of an ozonation treatment plant capable of treating approximately 168 million gallons per day that will provide disinfection and taste and odor compound control \$7,000,000

(50) Vancouver--road project--widen approximately 5,000 linear feet of NE 138th Street to four lanes with center left turn lane, bike lanes, sidewalks, street lighting, and landscaping to increase capacity and safety, and upgrade traffic control \$2,200,000

(51) Washougal--sanitary sewer project--replace a pump station with approximately 6,250 linear feet of force and gravity mains, extending approximately 2,200 linear feet of gravity sewer, and extension of approximately 2,000 linear feet of interceptor sewer. The improvements protect the water quality of the Washougal River and serve the projected 20-year growth of the area

..... \$2,070,000

NEW SECTION. Sec. 2. For any project on the proposed public works board recommended project list in section 1 of this act that replaces a water line over a creek, and where the project need and timeline are being determined by a state agency and the city within its boundaries, the jurisdiction may be reimbursed for expenses incurred prior to the execution of the loan agreement.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senators Fraser and Brandland spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Fraser and Brandland to House Bill No. 2544.

The motion by Senator Fraser carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "board;" strike the remainder of the title and insert "creating new sections; and declaring an emergency."

MOTION

On motion of Senator Fraser, the rules were suspended, House Bill No. 2544 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2544 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2544 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Benton, Hargrove, McCaslin and Parlette - 4

HOUSE BILL NO. 2544 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2416, by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Kessler, Hasegawa, Hunt, Haigh, McIntire, Dunshee, B. Sullivan and Takko)

Establishing an optional state parks vehicle registration fee. Revised for 1st Substitute: Concerning state park fees.

The measure was read the second time.

MOTION

Senator Doumit moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 79A.05.070 and 2003 c 186 s 1 are each amended to read as follows:

The commission may:

(1) Make rules and regulations for the proper administration of its duties;

(2) Accept any grants of funds made with or without a matching requirement by the United States, or any agency thereof, for purposes in keeping with the purposes of this chapter; accept gifts, bequests, devises and endowments for purposes in keeping with such purposes; enter into cooperative agreements with and provide for private nonprofit groups to use state park property and facilities to raise money to contribute gifts, grants, and support to the commission for the purposes of this chapter. The commission may assist the nonprofit group in a cooperative effort by providing necessary agency personnel and services, if available. However, none of the moneys raised may inure to the benefit of the nonprofit group, except in furtherance of its purposes to benefit the commission as provided in this chapter. The agency and the private nonprofit group shall agree on the nature of any project to be supported by such gift or grant prior to the use of any agency property or facilities for raising money. Any such gifts may be in the form of recreational facilities developed or built in part or in whole

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

for public use on agency property, provided that the facility is consistent with the purposes of the agency;

(3) Require certification by the commission of all parks and recreation workers employed in state aided or state controlled programs;

(4) Act jointly, when advisable, with the United States, any other state agencies, institutions, departments, boards, or commissions in order to carry out the objectives and responsibilities of this chapter;

(5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and considerations as the commission shall specify;

(6) Charge such fees for services, utilities, and use of facilities as the commission shall deem proper. The commission may not charge fees for general park access or parking;

(7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed forty years;

(8) Determine the qualifications of and employ a director of parks and recreation who shall receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040 and determine the qualifications and salary of and employ such other persons as may be needed to carry out the provisions hereof; and

(9) Without being limited to the powers hereinbefore enumerated, the commission shall have such other powers as in the judgment of a majority of its members are deemed necessary to effectuate the purposes of this chapter: PROVIDED, That the commission shall not have power to supervise directly any local park or recreation district, and no funds shall be made available for such purpose.

NEW SECTION. Sec. 2. This act takes effect July 1, 2006."

Senator Doumit spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli, Oke and Jacobsen to the committee striking amendment be adopted.

On page 2, line 8, after "or parking", insert ", unless the biennial general fund-state appropriation for the state parks and recreation commission is below the prior biennium's level"

Senators Zarelli, Doumit and Oke spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli, Oke and Jacobsen on page 2, line 8 to the committee striking amendment to Substitute House Bill No. 2416.

The motion by Senator Zarelli carried and the amendment to the committee striking amendment was adopted by voice vote.

MOTION

Senator Jacobsen moved that the following amendment by Senator Jacobsen to the committee striking amendment be adopted.

On page 2, after line 33, insert the following:

"NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect April 9, 2006."

Senators Jacobsen and Oke spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Jacobsen on page 2, line 33 to the committee striking amendment to Substitute House Bill No. 2416.

The motion by Senator Jacobsen carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Substitute House Bill No. 2416.

The motion by Senator Doumit carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments was adopted:

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 79A.05.070; and providing an effective date."

On page 1, line 1 of the title, after "fees;" strike "and amending RCW 79A.05.070." and insert "amending RCW 79A.05.070 and providing an effective date."

MOTION

On motion of Senator Doumit, the rules were suspended, Substitute House Bill No. 2416 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oke, Doumit, Zarelli, Pflug, Sheldon and Deccio spoke in favor of passage of the bill.

Senator Jacobsen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2416 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2416 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 5; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker and Zarelli - 40

Voting nay: Senators Delvin, Jacobsen, Regala, Thibaudeau and Weinstein - 5

Excused: Senators Benton, Hargrove, McCaslin and Parlette - 4

SUBSTITUTE HOUSE BILL NO. 2416 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2372, by House Committee on Natural Resources, Ecology & Parks (originally

FIFTY-FIRST DAY, FEBRUARY 28, 2006

sponsored by Representatives Cox, Buri, Williams, Blake, Moeller, Buck, Conway, Sump, P. Sullivan, Springer, Haler, Ericks, Kretz, Simpson, Dunn and Ormsby)

Encouraging volunteers to teach hunter education courses.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 2372 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oke and Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2372.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2372 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Benton, Hargrove, McCaslin and Parlette - 4

SUBSTITUTE HOUSE BILL NO. 2372, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Deccio: "Now, that this bill is passed, can I enroll Vice President Cheney in the first one?"

SECOND READING

THIRD SUBSTITUTE HOUSE BILL NO. 1458, by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Hunt, Dickerson, McCoy, B. Sullivan, Williams, Haigh, Appleton, Linville, Chase, Dunshee, Simpson, Uptegrove, Moeller and McDermott)

Concerning the management of on-site sewage systems in marine areas. Revised for 3rd Substitute: Concerning the management of on-site sewage disposal systems in marine areas.

The measure was read the second time.

MOTION

Senator Sheldon moved that the following amendment by Senator Sheldon be adopted.

On page 1, line 7, after "of" strike "severe"

Senator Sheldon spoke in favor of adoption of the amendment.

Senator Spanel spoke against adoption of the amendment.

The President declared the question before the Senate to be

2006 REGULAR SESSION

the adoption of the amendment by Senator Sheldon on page 1, line 7 to Third Substitute House Bill No. 1458.

MOTION

Senator Swecker demanded a division.

The motion by Senator Sheldon failed and the amendment was not adopted by a rising voice vote.

MOTION

Senator Sheldon moved that the following amendment by Senator Sheldon be adopted.

On page 1, line 8, after "human-influenced" insert "and animal, including seals,"

Senator Sheldon spoke in favor of adoption of the amendment.

Senator Rockefeller spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sheldon on page 1, line 8 to Third Substitute House Bill No. 1458.

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

MOTION

Senator Sheldon moved that the following amendment by Senator Sheldon be adopted.

On page 1, line 10, after "such" insert "geologic"

Senator Sheldon spoke in favor of adoption of the amendment.

POINT OF INQUIRY

Senator Roach: "Would Senator Sheldon yield to a question? Thank you Mr. President. Senator, could you without looking spell the word fjord?"

Senator Sheldon: "I believe I could, f-j-o-r-d. Am I correct?"

Senator Fraser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sheldon on page 1, line 10 to Third Substitute House Bill No. 1458.

The motion by Senator Sheldon failed and the amendment was not adopted by voice vote.

MOTION

Senator Sheldon moved that the following amendment by Senator Sheldon be adopted.

On page 1, line 13, after "portion of" strike "the" and insert "Washington"

Senator Sheldon spoke in favor of adoption of the amendment.

Senator Rockefeller spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by on page 1, line 13 to Third Substitute House Bill No. 1458.

The motion by Senator Sheldon failed and the amendment was not adopted by voice vote.

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

MOTION

Senator Sheldon moved that the following amendment by Senator Sheldon be adopted.

On page 1, line 14, after "systems, and" strike "many" and insert "population projections show"

Senator Sheldon spoke in favor of adoption of the amendment.

Senator Spanel spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sheldon on page 1, line 14 to Third Substitute House Bill No. 1458.

The motion by Senator Sheldon failed and the amendment was not adopted by voice vote.

MOTION

Senator Sheldon moved that the following amendment by Senator Sheldon be adopted.

On page 2, line 1, before "designed" strike "Local programs" and insert "Programs at the county level"

Senator Sheldon spoke in favor of adoption of the amendment.

Senator Rockefeller spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sheldon on page 2, line 1 to Third Substitute House Bill No. 1458.

The motion by Senator Sheldon failed and the amendment was not adopted by voice vote.

MOTION

Senator Sheldon moved that the following amendment by Senator Sheldon be adopted.

On page 2, line 5, after "analysis" strike "can" and insert "may"

Senator Sheldon spoke in favor of adoption of the amendment.

Senator Spanel spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sheldon on page 2, line 5 to Third Substitute House Bill No. 1458.

The motion by Senator Sheldon failed and the amendment was not adopted by voice vote.

MOTION

Senator Eide moved to table the remaining amendments offered by Senator Sheldon.

The President declared the question before the Senate to be the motion by Senator Eide to table the remaining amendments offered by Senator Sheldon to Third Substitute House Bill No. 1458.

Senator Sheldon demanded a division.

The motion by Senator Eide carried by a rising vote.

MOTION

Senator Sheldon moved that the following amendment by Senator Sheldon be adopted.

On page 2, line 5, after analysis" strike "can" and insert "may"

Senator Sheldon spoke in favor of adoption of the amendment.

Senator Spanel spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sheldon to Third Substitute House Bill No. 1458.

The motion by Senator Sheldon failed and the amendment was not adopted by voice vote.

MOTION

Senator Morton moved that the following amendment by Senator Morton be adopted.

On page 3, beginning on line 5, after "where the" strike "local health officer, or the department in consultation with the health officer," and insert "county legislative authority"

On page 3, line 34, after "act, the" strike "local health officer" and insert "county legislative authority"

On page 4, beginning on line 11, strike "local health officer" and insert "county legislative authority"

On page 4, line 21, after "2007, the" strike "local health officer" and insert "county legislative authority"

On page 4, beginning on line 23, after "information." strike all material through "recommendation." on line 27

On page 5, line 9, after "they are" strike "functioning properly" and insert "not failing"

On page 5, after line 10, insert the following:

"(3) If a repair is required under subsection (2) of this section, nothing in this section requires a homeowner to install or modify an existing on-site septic system specifically to remove nitrogen."

Senator Morton spoke in favor of adoption of the amendment.

Senator Spanel spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 3, line 5 to Third Substitute House Bill No. 1458.

The motion by Senator Morton failed and the amendment was not adopted by voice vote.

MOTION

Senator Morton moved that the following amendment by Senator Morton be adopted.

On page 4, line 18, before ". The" strike "available scientific and technical data" and insert "credible data as defined in RCW 90.48.575"

Senator Morton spoke in favor of adoption of the amendment.

Senator Rockefeller spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 4, line 18 to Third Substitute House Bill No. 1458.

The motion by Senator Morton failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Regala, Senator Haugen was excused.

MOTION

FIFTY-FIRST DAY, FEBRUARY 28, 2006

2006 REGULAR SESSION

BRAD OWEN, President of the Senate

Senator Mulliken moved that the following amendment by Senator Mulliken be adopted.

On page 4, line 17 after "department" insert "and the results of the study of nitrogen contributions to ground water required in chapter ... (Second Substitute House Bill No. 3287), Laws of 2006. A local health officer may not require an on-site sewage disposal system to address nitrogen until the results of the study are complete, and the findings clearly indicate that on-site sewage disposal systems are a significant factor contributing to marine waters with excess nitrogen and low-dissolved oxygen"

Senator Mulliken spoke in favor of adoption of the amendment.

Senator Rockefeller spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Mulliken on page 4, line 17 to Third Substitute House Bill No. 1458.

The motion by Senator Mulliken failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Poulsen, the rules were suspended, Third Substitute House Bill No. 1458 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon and Morton spoke against passage of the bill.

Senator Spanel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Third Substitute House Bill No. 1458.

ROLL CALL

The Secretary called the roll on the final passage of Third Substitute House Bill No. 1458 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 15; Absent, 0; Excused, 6.

Voting yea: Senators Berkey, Brandland, Brown, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 28

Voting nay: Senators Benson, Carrell, Deccio, Delvin, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Roach, Schoesler, Sheldon, Stevens and Zarelli - 15

Excused: Senators Benton, Hargrove, Haugen, McCaslin, Oke and Pflug - 6

THIRD SUBSTITUTE HOUSE BILL NO. 1458, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Franklin: "I would just like to remind the senators that on tomorrow, women is Red Hat Day and the notice, it was planned months ago, but the notice did not go out until this afternoon. I'm sorry. But, if you do not have a hat, wear a red ribbon on your hair and for the men you may wear a tie, we don't want to leave you out. Thank you, it should be a fun day, should be a lot of people down tomorrow. Thank you."

MOTION

At 10:07 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Wednesday, March 1, 2006.

THOMAS HOEMANN, Secretary of the Senate

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

FIFTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 1, 2006

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Benton.

The Sergeant at Arms Color Guard consisting of Pages Elizabeth Hinge and Michael Price, presented the Colors. Senator Benson offered the prayer.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

February 28, 2006

MR. PRESIDENT:

The House has passed the following bill(s):

HOUSE BILL NO. 3317,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

HB 3317 by Representatives Ahern, Lantz, Lovick, Darneille, Chase, Williams, Hunter, Clibborn, Kilmer, Hudgins, Ericks, Simpson, Conway, Takko and Morrell

AN ACT Relating to making it a felony to drive or be in physical control of a vehicle while under the influence of intoxicating liquor or any drug; amending RCW 46.61.502, 46.61.504, 46.61.5055, 9.94A.030, 9.94A.640, 9.94A.650, 9.94A.660, 9.94A.690, 13.40.0357, 46.20.311, 46.61.524, 46.61.5152, and 46.61.5151; reenacting and amending RCW 9.94A.505, 9.94A.525, 9.94A.515, and 9.94A.411; adding a new section to chapter 9.94A RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

MOTION

Senator Eide moved that the measure listed on the Introduction and First Reading report be referred to the committee as designated.

MOTION

Senator Esser moved that the rules be suspended and that House Bill No. 3317 be placed on days the second reading calendar.

Senator Eide spoke against the motion.

REMARKS BY THE PRESIDENT

President Owen: "Senator Eide, Senator Esser. The motions are, just to understand where we're going with this, both of your motions are, basically, in the same rank and therefore, we will dispose of hers and then yours. Senator Esser, did you wish to make a comment?"

Senator Esser spoke in favor of the motion.

MOTION

Senator Esser demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

PARLIAMENTARY INQUIRY

Senator Eide: "Regarding Rule 63, it says the first reading of a bill shall be title only unless it's, the majority of the members present demand the bill in full after reading of bills the shall be referred to appropriate committee pursuant to Rule 61. This bill was sent to us from the House of Representatives as the process has always happened here in the Senate. It has gone to the committee. Right now this bill is going to Judiciary and in fact it does not give it a death sentence. We can have a committee hearing. So at this point in time we are following the process and procedure that the Senate has always held. It is going to the committee."

REPLY BY THE PRESIDENT

President Owen: "Senator Eide, the rule does read, obviously, as you read but he did move to, his motion would be a suspension of the rules. So, it would be in order."

POINT OF INQUIRY

Senator Johnson: "Would Senator Eide yield to a question? Would the majority party including the chairman of the Judiciary Committee commit to a hearing and passing the bill out to the floor within the next...."

Senator Eide: "It's out of my control quite frankly. The good Senator, it's a very good bill. I have no control whether or not the chair of the committee chooses to have a hearing. I'm just saying, its not giving it a death sentencing. Your presuming that it is and right now I'm just following the process of how we handle bills that come over from the House of Representatives."

Senator Kline spoke in favor of the motion.

PARLIAMENTARY INQUIRY

Senator Brandland: "I realize I'm am kind of new here and I'm not sure. I do not know the procedure that is suppose to take place. I mean does the chair of the committee have the ability to take action with this and actually call a meeting and have a hearing on the bill or is that something that is decided by someone of a higher pay grade, soto of speak?"

REPLY BY THE PRESIDENT

President Owen: "Senator Brandland, the procedures on how you deal with the matter is up to you. Whether or not you, it's not up to me to make a determination. It's up to you to determine whether or not you're going to hear it or not."

Senator Benson, Hewitt and Carrell spoke against the

FIFTY-SECOND DAY, March 1, 2006
motion.

PARLIAMENTARY INQUIRY

Senator Eide: "Can you tell me how many votes its going to take to pass this, to suspend the rule?"

REPLY BY THE PRESIDENT

President Owen: "Senator Eide, let me clarify where we're at here. We're still on your motion to place the bill in the Judiciary Committee. We're not under the motion to suspend the rules, so it takes simply a majority."

The President declared the question before the Senate to be the motion by Senator Eide to refer House Bill No. 3317 to the Committee on Judiciary.

MOTION

On motion of Senator Schoesler, Senators Hewitt and Benton were excused.

Senator Brown spoke in favor of the motion.

The Secretary called the roll on the motion by Senator Eide to refer House Bill No. 3317 to the Committee on Judiciary and the motion carried by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25.

Voting nay: Senators Benson, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 23.
Excused: Senator Benton - 1.

MOTION

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

MOTION

Senator Franklin moved adoption of the following resolution:

SENATE RESOLUTION 8726

By Senator Franklin

WHEREAS, The Red Hat Society was founded in 1998 by Sue Ellen Cooper of Fullerton, California, as a social organization for women over 50 years old; and

WHEREAS, The Red Hat Society was inspired by Warning, a poem by Jenny Joseph, that starts, "When I am an old woman I shall wear purple/With a red hat that doesn't go and doesn't suit me"; and

WHEREAS, The 50 and over women of The Red Hat Society wear elaborately decorated red hats with purple dresses and clothing, while the junior postulants wear pink hats and lavender clothing until 50, when a "Reduation" takes place, where the pink hat is discarded and a red hat bestowed; and

WHEREAS, There are about 1 million registered members of The Red Hat Society, in 40,000 chapters in the United States and 25 countries; and

WHEREAS, The Red Hat Society, whose motto is "Red Hatters Matter," calls itself a "disorganization" and is proud of

2006 REGULAR SESSION

its lack of rules and bylaws, but takes seriously its responsibility to have fun; and

WHEREAS, Women of The Red Hat Society come from all walks of life, including working women, grandmothers, retirees, golfers, senators, and teachers, as well as women who are widowed, married, and single; and

WHEREAS, The mission of The Red Hat Society is to gain higher visibility for aging women and to reshape the way they are viewed by today's culture, while "uniting under the umbrella of a red hat to have fun and bond in sisterhood"; and

WHEREAS, Red Hat Society chapters, which include leaders known as "Queen Mum" and members called "Red Hatters," hold social events, tea parties being the most popular pastime;

NOW, THEREFORE, BE IT RESOLVED, That the Senate enjoy March 1, 2006, Red Hat Day, and that all its members celebrate this day by saying goodbye to burdensome responsibilities, at least for a while, and have fun!; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to members of The Red Hat Society; and

BE IT FURTHER RESOLVED, That Red Hatters of the Washington State Legislature recognize March 1, 2006, as one of paying tribute to Red Hatters everywhere.

Senators Franklin and Doumit spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8726.

The motion by Senator Franklin carried and the resolution was adopted by voice vote.

MOTION

At 9:27 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:04 a.m. by President Owen.

PERSONAL PRIVILEGE

Senator Franklin: "Thank you Mr. President. Earlier on this morning we had the recognition with the resolution recognizing the Red Hat Society, red hatters day today and we note they are all here. We wish to recognize them and say that Red Hatters are just for fun. This is a fun day so we are pleased that you are here. This is an annual day for us and we will institutionalize it. Thank you Mr. President."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Red Hat Society who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Rasmussen: "Thank you Mr. President. Well, our town of Eatonville has wonderful residents but I would also like you to know many of the ladies are from my town of Eatonville. They have been my long time friends and we are great red hatters and we perform a wonderful service to the community because we try to keep out of trouble and make a little trouble at the same time."

MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 1, 2006

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

SGA 9419 SHEILA L. FOX, appointed January 30, 2006, for the term ending January 30, 2010, as Member of the State Board of Education. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller and Schmidt

Passed to Committee on Rules for second reading.

March 1, 2006

SGA 9421 KRISTINA MAYER, appointed January 30, 2006, for the term ending January 30, 2007, as Member of the State Board of Education. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller and Schmidt

Passed to Committee on Rules for second reading.

March 1, 2006

SGA 9424 AMY BRAGDON, appointed January 30, 2006, for the term ending January 30, 2009, as Member of the State Board of Education. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller and Schmidt

Passed to Committee on Rules for second reading.

March 1, 2006

SGA 9426 JEFF VINCENT, appointed January 30, 2006, for the term ending January 30, 2010, as Member of the State Board of Education. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller and Schmidt

Passed to Committee on Rules for second reading.

March 1, 2006

SGA 9427 MARY JEAN RYAN, appointed January 30, 2006, for the term ending January 30, 2010, as Member of the State Board of Education. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller and Schmidt

Passed to Committee on Rules for second reading.

March 1, 2006

SGA 9428 BERNAL BACA, appointed January 30, 2006, for the term ending January 30, 2009, as Member of the State Board of Education. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller and Schmidt

Passed to Committee on Rules for second reading.

March 1, 2006

SGA 9429 ERIC LIU, appointed January 20, 2006, for the term ending January 30, 2007, as Member of the State Board of Education. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller and Schmidt

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, the appointees listed on the Gubernatorial Standing Committee report were referred to the committees as designated.

MOTION

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2576, by House Committee on Judiciary (originally sponsored by Representatives Williams, Green, O'Brien, Kirby, Hunt, Ericks, Simpson, Lovick, McCoy, Lantz, Ormsby, Springer and Conway)

Creating sexual assault protection orders.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Sexual assault is the most heinous crime against another person short of murder. Sexual assault inflicts humiliation, degradation, and terror on victims. According to the FBI, a woman is raped every six minutes in the United States. Rape is recognized as the most underreported crime; estimates suggest that only one in seven rapes is reported to authorities. Victims who do not report the crime still desire safety and protection from future interactions with the offender.

FIFTY-SECOND DAY, March 1, 2006

Some cases in which the rape is reported are not prosecuted. In these situations, the victim should be able to seek a civil remedy requiring that the offender stay away from the victim.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Nonconsensual" means a lack of freely given agreement.

(2) "Petitioner" means any named petitioner for the sexual assault protection order or any named victim of nonconsensual sexual conduct or nonconsensual sexual penetration on whose behalf the petition is brought.

(3) "Sexual assault protection order" means an ex parte temporary order or a final order granted under this chapter, which includes a remedy authorized by section 10 of this act.

(4) "Sexual conduct" means any of the following:

(a) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing;

(b) Any intentional or knowing display of the genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent;

(c) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing, that the petitioner is forced to perform by another person or the respondent;

(d) Any forced display of the petitioner's genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent or others;

(e) Any intentional or knowing touching of the clothed or unclothed body of a child under the age of thirteen, if done for the purpose of sexual gratification or arousal of the respondent or others; and

(f) Any coerced or forced touching or fondling by a child under the age of thirteen, directly or indirectly, including through clothing, of the genitals, anus, or breasts of the respondent or others.

(5) "Sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

(6) "Nonphysical contact" includes, but is not limited to, telephone calls, mail, e-mail, fax, and written notes.

NEW SECTION. Sec. 3. A petition for a sexual assault protection order may be filed by a person:

(1) Who is a victim of nonconsensual sexual conduct or nonconsensual sexual penetration, including a single incident of nonconsensual sexual conduct or nonconsensual sexual penetration; or

(2) On behalf of any of the following persons who is a victim of nonconsensual sexual conduct or nonconsensual sexual penetration:

(a) A minor child;

(b) A vulnerable adult as defined in RCW 74.34.020 or 74.34.021; or

(c) Any other adult who, because of age, disability, health, or inaccessibility, cannot file the petition.

NEW SECTION. Sec. 4. (1) Any person may seek relief under this chapter by filing a petition with a court alleging that the person has been the victim of nonconsensual sexual conduct or nonconsensual sexual penetration committed by the respondent.

2006 REGULAR SESSION

(2) A person under eighteen years of age who is sixteen years of age or older may seek relief under this chapter and is not required to seek relief by a guardian or next friend.

(3) No guardian or guardian ad litem need be appointed on behalf of a respondent to an action under this chapter who is under eighteen years of age if such respondent is sixteen years of age or older.

(4) The court may, if it deems necessary, appoint a guardian ad litem for a petitioner or respondent who is a party to an action under this chapter.

(5) Jurisdiction of the courts over proceedings under this chapter shall be the same as jurisdiction over domestic violence protection orders under RCW 26.50.020(5).

(6) An action under this chapter shall be filed in the county or the municipality where the petitioner resides.

NEW SECTION. Sec. 5. There shall exist an action known as a petition for a sexual assault protection order.

(1) A petition for relief shall allege the existence of nonconsensual sexual conduct or nonconsensual sexual penetration, and shall be accompanied by an affidavit made under oath stating the specific statements or actions made at the same time of the sexual assault or subsequently thereafter, which give rise to a reasonable fear of future dangerous acts, for which relief is sought. Petitioner and respondent shall disclose the existence of any other litigation or of any other restraining, protection, or no-contact orders between the parties.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

(3) Within ninety days of receipt of the master copy from the administrative office of the courts, all court clerk's offices shall make available the standardized forms, instructions, and informational brochures required by section 19 of this act and shall fill in and keep current specific program names and telephone numbers for community resources. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) No filing fee may be charged for proceedings under this chapter. Forms and instructional brochures and the necessary number of certified copies shall be provided free of charge.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

(6) If the petition states that disclosure of the petitioner's address would risk abuse of the petitioner or any member of the petitioner's family or household, that address may be omitted from all documents filed with the court. If the petitioner has not disclosed an address under this subsection, the petitioner shall designate an alternative address at which the respondent may serve notice of any motions.

NEW SECTION. Sec. 6. Upon receipt of the petition, the court shall order a hearing which shall be held not later than fourteen days from the date of the order. The court may schedule a hearing by telephone pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further nonconsensual sexual conduct or nonconsensual sexual penetration. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing. Except as provided in section 12 of this act, personal service shall be made upon the respondent not less than five court days prior to the hearing. If timely personal service cannot be made, the court shall set a new hearing date and shall require additional attempts at obtaining personal service. The court may issue an ex parte temporary sexual assault order pending the hearing as provided in section 12 of this act.

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

NEW SECTION. Sec. 7. Sexual assault advocates, as defined in RCW 5.60.060, shall be allowed to accompany the victim and confer with the victim, unless otherwise directed by the court. Court administrators shall allow sexual assault advocates to assist victims of nonconsensual sexual conduct or nonconsensual sexual penetration in the preparation of petitions for sexual assault protection orders. Sexual assault advocates are not engaged in the unauthorized practice of law when providing assistance of the types specified in this section. Communications between the petitioner and a sexual assault advocate are protected as provided by RCW 5.60.060.

NEW SECTION. Sec. 8. The court may appoint counsel to represent the petitioner if the respondent is represented by counsel.

NEW SECTION. Sec. 9. (1) In proceedings for a sexual assault protection order and prosecutions for violating a sexual assault protection order, the prior sexual activity or the reputation of the petitioner is inadmissible except:

(a) As evidence concerning the past sexual conduct of the petitioner with the respondent when this evidence is offered by the respondent upon the issue of whether the petitioner consented to the sexual conduct with respect to which the offense is alleged; or

(b) When constitutionally required to be admitted.

(2) No evidence admissible under this section may be introduced unless ruled admissible by the court after an offer of proof has been made at a hearing held in camera to determine whether the respondent has evidence to impeach the witness in the event that prior sexual activity with the respondent is denied. The offer of proof shall include reasonably specific information as to the date, time, and place of the past sexual conduct between the petitioner and the respondent. Unless the court finds that reasonably specific information as to date, time, or place, or some combination thereof, has been offered as to prior sexual activity with the respondent, counsel for the respondent shall be ordered to refrain from inquiring into prior sexual activity between the petitioner and the respondent. The court may not admit evidence under this section unless it determines at the hearing that the evidence is relevant and the probative value of the evidence outweighs the danger of unfair prejudice. The evidence shall be admissible at trial to the extent an order made by the court specifies the evidence that may be admitted and areas with respect to which the petitioner may be examined or cross-examined.

NEW SECTION. Sec. 10. (1)(a) If the court finds by a preponderance of the evidence that the petitioner has been a victim of nonconsensual sexual conduct or nonconsensual sexual penetration by the respondent, the court shall issue a sexual assault protection order; provided that the petitioner must also satisfy the requirements of section 12 of this act for ex parte temporary orders or section 13 of this act for final orders.

(b) The petitioner shall not be denied a sexual assault protection order because the petitioner or the respondent is a minor or because the petitioner did not report the assault to law enforcement. The court, when determining whether or not to issue a sexual assault protection order, may not require proof of physical injury on the person of the victim or proof that the petitioner has reported the sexual assault to law enforcement. Modification and extension of prior sexual assault protection orders shall be in accordance with this chapter.

(2) The court may provide relief as follows:

(a) Restrain the respondent from having any contact, including nonphysical contact, with the petitioner directly, indirectly, or through third parties regardless of whether those third parties know of the order;

(b) Exclude the respondent from the petitioner's residence, workplace, or school, or from the day care or school of a child, if the victim is a child;

(c) Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location; and

(d) Order any other injunctive relief as necessary or appropriate for the protection of the petitioner.

(3) In cases where the petitioner and the respondent are under the age of eighteen and attend the same public or private elementary, middle, or high school, the court, when issuing a protection order and providing relief, shall consider, among the other facts of the case, the severity of the act, any continuing physical danger or emotional distress to the petitioner, and the expense difficulty, and educational disruption that would be caused by a transfer of the respondent to another school. The court may order that the person restrained in the order not attend the public or approved private elementary, middle, or high school attended by the person under the age of eighteen protected by the order. In the event the court orders a transfer of the restrained person to another school, the parents or legal guardians of the person restrained in the order are responsible for transportation and other costs associated with the change of school by the person restrained in the order. The court shall send notice of the restriction on attending the same school as the person protected by the order to the public or approved private school the person restrained by the order will attend and to the school the person protected by the order attends.

(4) Denial of a remedy may not be based, in whole or in part, on evidence that:

(a) The respondent was voluntarily intoxicated;

(b) The petitioner was voluntarily intoxicated; or

(c) The petitioner engaged in limited consensual sexual touching.

(5) Monetary damages are not recoverable as a remedy.

(6) A knowing violation of a court order issued under this section is punishable under RCW 26.50.110.

NEW SECTION. Sec. 11. For the purposes of issuing a sexual assault protection order, deciding what relief should be included in the order, and enforcing the order, RCW 9A.08.020 shall govern whether the respondent is legally accountable for the conduct of another person.

NEW SECTION. Sec. 12. (1) An ex parte temporary sexual assault protection order shall issue if the petitioner satisfies the requirements of this subsection by a preponderance of the evidence. The petitioner shall establish that:

(a) The petitioner has been a victim of nonconsensual sexual conduct or nonconsensual sexual penetration by the respondent; and

(b) There is good cause to grant the remedy, regardless of prior service of process or of notice upon the respondent, because the harm which that remedy is intended to prevent would be likely to occur if the respondent were given any prior notice, or greater notice than was actually given, of the petitioner's efforts to obtain judicial relief.

(2) If the respondent appears in court for this hearing for an ex parte temporary order, he or she may elect to file a general appearance and testify. Any resulting order may be an ex parte temporary order, governed by this section.

(3) If the court declines to issue an ex parte temporary sexual assault protection order, the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte order shall be filed with the court.

(4) A knowing violation of a court order issued under this section is punishable under RCW 26.50.110.

NEW SECTION. Sec. 13. (1)(a) An ex parte temporary sexual assault protection order shall be effective for a fixed

FIFTY-SECOND DAY, March 1, 2006

period not to exceed fourteen days. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order. Except as provided in section 6 of this act, the respondent shall be personally served with a copy of the ex parte temporary sexual assault protection order along with a copy of the petition and notice of the date set for the hearing.

(b) Any ex parte temporary order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a statewide judicial information system by the clerk of the court within one judicial day after issuance.

(2) Except as otherwise provided in this section or section 16 of this act, a final sexual assault protection order shall be effective for a fixed period of time, not to exceed two years.

(3) Any ex parte temporary or final sexual assault protection order may be renewed one or more times, as required. The petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. If the motion for renewal is uncontested and the petitioner seeks no modification of the order, the order may be renewed on the basis of the petitioner's motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested renewal. Renewals may be granted only in open court.

(4) Any sexual assault protection order which would expire on a court holiday shall instead expire at the close of the next court business day.

(5) The practice of dismissing or suspending a criminal prosecution in exchange for the issuance of a sexual assault protection order undermines the purposes of this chapter. This section shall not be construed as encouraging that practice.

NEW SECTION. Sec. 14. (1) Any sexual assault protection order shall describe each remedy granted by the court, in reasonable detail and not by reference to any other document, so that the respondent may clearly understand what he or she must do or refrain from doing.

(2) A sexual assault protection order shall further state the following:

(a) The name of each petitioner that the court finds was the victim of nonconsensual sexual conduct or nonconsensual sexual penetration by the respondent;

(b) The date and time the sexual assault protection order was issued, whether it is an ex parte temporary or final order, and the duration of the order;

(c) The date, time, and place for any scheduled hearing for renewal of that sexual assault protection order or for another order of greater duration or scope;

(d) For each remedy in an ex parte temporary sexual assault protection order, the reason for entering that remedy without prior notice to the respondent or greater notice than was actually given;

(e) For ex parte temporary sexual assault protection orders, that the respondent may petition the court, to reopen the order if he or she did not receive actual prior notice of the hearing and if the respondent alleges that he or she had a meritorious defense to the order or that the order or its remedy is not authorized by this chapter.

(3) A sexual assault protection order shall include the following notice, printed in conspicuous type: "A knowing violation of this sexual assault protection order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from

violating the order's provisions. Only the court can change the order."

NEW SECTION. Sec. 15. (1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsection (6) of this section.

(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party.

(3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.

(4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification.

(5) Returns of service under this chapter shall be made in accordance with the applicable court rules.

(6) If an order entered by the court recites that the respondent appeared in person before the court, the necessity for further service is waived and proof of service of that order is not necessary.

NEW SECTION. Sec. 16. (1)(a) When any person charged with or arrested for a sex offense as defined in RCW 9.94A.030, a violation of RCW 9A.44.096, a violation of RCW 9.68A.090, or a gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030, is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a sexual assault protection order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(b) In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(c) The sexual assault protection order shall also be issued in writing as soon as possible.

(2)(a) At the time of arraignment or whenever a motion is brought to modify the conditions of the defendant's release, the court shall determine whether a sexual assault protection order shall be issued or extended. If a sexual assault protection order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring.

(b) A sexual assault protection order issued by the court in conjunction with criminal charges shall terminate if the defendant is acquitted or the charges are dismissed, unless the victim files an independent action for a sexual assault protection order. If the victim files an independent action for a sexual

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

assault protection order, the order may be continued by the court until a full hearing is conducted pursuant to section 6 of this act.

(3)(a) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(b) A certified copy of the order shall be provided to the victim at no charge.

(4) If a sexual assault protection order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed. Such orders need not be entered into the computer-based criminal intelligence information system in this state which is used by law enforcement agencies to list outstanding warrants.

(5) Whenever an order prohibiting contact is issued pursuant to subsection (2) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

(6)(a) When a defendant is found guilty of a sex offense as defined in RCW 9.94A.030, any violation of RCW 9A.44.096, or any violation of RCW 9.68A.090, or any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030, and a condition of the sentence restricts the defendant's ability to have contact with the victim, the condition shall be recorded as a sexual assault protection order.

(b) The written order entered as a condition of sentencing shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(c) A final sexual assault protection order entered in conjunction with a criminal prosecution shall remain in effect for a period of two years following the expiration of any sentence of imprisonment and subsequent period of community supervision, conditional release, probation, or parole.

(d) A certified copy of the order shall be provided to the victim at no charge.

(7) A knowing violation of a court order issued under subsection (1), (2), or (6) of this section is punishable under RCW 26.50.110.

(8) Whenever a sexual assault protection order is issued, modified, or terminated under subsection (1), (2), or (6) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies

to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated under subsection (2) of this section, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

NEW SECTION. Sec. 17. (1) A copy of a sexual assault protection order granted under this chapter shall be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall immediately enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order shall remain in the computer for one year or until the expiration date specified on the order. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system. The law enforcement agency shall only expunge from the computer-based criminal intelligence information system orders that are expired, vacated, terminated, or superseded. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(2) The information entered into the computer-based criminal intelligence information system shall include notice to law enforcement whether the order was personally served, served by publication, or served by mail.

NEW SECTION. Sec. 18. Upon application with notice to all parties and after a hearing, the court may modify the terms of an existing sexual assault protection order. In any situation where an order is terminated or modified before its expiration date, the clerk of the court shall forward on or before the next judicial day a true copy of the modified order or the termination order to the appropriate law enforcement agency specified in the modified or termination order. Upon receipt of the order, the law enforcement agency shall promptly enter it in the computer-based criminal intelligence information system, or if the order is terminated, remove the order from the computer-based criminal intelligence information system.

NEW SECTION. Sec. 19. (1) The administrative office of the courts shall develop and prepare instructions and informational brochures required under section 5 of this act, standard petition and order for protection forms, and a court staff handbook on sexual assault, and the protection order process. The standard petition and order for protection forms must be used after September 1, 2006, for all petitions filed and orders issued under this chapter. The instructions, brochures, forms, and handbook shall be prepared in consultation with interested persons, including a representative of the state, sexual assault coalition, judges, and law enforcement personnel.

(a) The instructions shall be designed to assist petitioners in completing the petition, and shall include a sample of standard petition and order for protection forms.

(b) The informational brochure shall describe the use of and the process for obtaining, modifying, and terminating a protection order as provided under this chapter.

(c) The order for protection form shall include, in a conspicuous location, notice of criminal penalties resulting from violation of the order, and the following statement: "You can be arrested even if the person or persons who obtained the order invite or allow you to violate the order's prohibitions. The respondent has the sole responsibility to avoid or refrain from

FIFTY-SECOND DAY, March 1, 2006

violating the order's provisions. Only the court can change the order upon written application."

(d) The court staff handbook shall allow for the addition of a community resource list by the court clerk.

(2) All court clerks shall obtain a community resource list from a sexual assault program serving the county in which the court is located. The community resource list shall include the names and telephone numbers of sexual assault programs serving the community in which the court is located, including law enforcement agencies, domestic violence agencies, sexual assault agencies, legal assistance programs, interpreters, multicultural programs, and batterers' treatment programs. The court shall make the community resource list available as part of or in addition to the informational brochures described in subsection (1) of this section.

(3) The administrative office of the courts shall distribute a master copy of the petition and order forms, instructions, and informational brochures to all court clerks and shall distribute a master copy of the petition and order forms to all superior, district, and municipal courts.

(4) For purposes of this section, "court clerks" means court administrators in courts of limited jurisdiction and elected court clerks.

(5) The administrative office of the courts shall determine the significant non-English-speaking or limited English-speaking populations in the state. The administrator shall then arrange for translation of the instructions and informational brochures required by this section, which shall contain a sample of the standard petition and order for protection forms, into the languages spoken by those significant non-English-speaking populations and shall distribute a master copy of the translated instructions and informational brochures to all court clerks by December 1, 2006.

(6) The administrative office of the courts shall update the instructions, brochures, standard petition and order for protection forms, and court staff handbook when changes in the law make an update necessary.

Sec. 20. RCW 9A.46.060 and 2004 c 94 s 4 are each amended to read as follows:

As used in this chapter, "harassment" may include but is not limited to any of the following crimes:

- (1) Harassment (RCW 9A.46.020);
- (2) Malicious harassment (RCW 9A.36.080);
- (3) Telephone harassment (RCW 9.61.230);
- (4) Assault in the first degree (RCW 9A.36.011);
- (5) Assault of a child in the first degree (RCW 9A.36.120);
- (6) Assault in the second degree (RCW 9A.36.021);
- (7) Assault of a child in the second degree (RCW 9A.36.130);
- (8) Assault in the fourth degree (RCW 9A.36.041);
- (9) Reckless endangerment (RCW 9A.36.050);
- (10) Extortion in the first degree (RCW 9A.56.120);
- (11) Extortion in the second degree (RCW 9A.56.130);
- (12) Coercion (RCW 9A.36.070);
- (13) Burglary in the first degree (RCW 9A.52.020);
- (14) Burglary in the second degree (RCW 9A.52.030);
- (15) Criminal trespass in the first degree (RCW 9A.52.070);
- (16) Criminal trespass in the second degree (RCW 9A.52.080);
- (17) Malicious mischief in the first degree (RCW 9A.48.070);
- (18) Malicious mischief in the second degree (RCW 9A.48.080);
- (19) Malicious mischief in the third degree (RCW 9A.48.090);
- (20) Kidnapping in the first degree (RCW 9A.40.020);
- (21) Kidnapping in the second degree (RCW 9A.40.030);

- (22) Unlawful imprisonment (RCW 9A.40.040);
- (23) Rape in the first degree (RCW 9A.44.040);
- (24) Rape in the second degree (RCW 9A.44.050);
- (25) Rape in the third degree (RCW 9A.44.060);
- (26) Indecent liberties (RCW 9A.44.100);
- (27) Rape of a child in the first degree (RCW 9A.44.073);
- (28) Rape of a child in the second degree (RCW 9A.44.076);
- (29) Rape of a child in the third degree (RCW 9A.44.079);
- (30) Child molestation in the first degree (RCW 9A.44.083);
- (31) Child molestation in the second degree (RCW 9A.44.086);
- (32) Child molestation in the third degree (RCW 9A.44.089);
- (33) Stalking (RCW 9A.46.110);
- (34) Cyberstalking (RCW 9.61.260);
- (35) Residential burglary (RCW 9A.52.025);
- (36) Violation of a temporary (~~(or)~~), permanent, or final protective order issued pursuant to chapter 7.-- (sections 1 through 19 of this act), 9A.46, 10.14, 10.99, 26.09, or 26.50 RCW;
- (37) Unlawful discharge of a laser in the first degree (RCW 9A.49.020); and
- (38) Unlawful discharge of a laser in the second degree (RCW 9A.49.030).

Sec. 21. RCW 10.14.130 and 1987 c 280 s 13 are each amended to read as follows:

Protection orders authorized under this chapter shall not be issued for any action specifically covered by chapter 7.-- (sections 1 through 19 of this act), 10.99, or 26.50 RCW.

Sec. 22. RCW 10.31.100 and 2000 c 119 s 4 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (10) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 26.44.063, or chapter 7.-- (sections 1 through 19 of this act), 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

(c) The person is sixteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

(6) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(7) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(8) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has

knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(9) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(10) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(11) Except as specifically provided in subsections (2), (3), (4), and (6) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(12) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police officer acts in good faith and without malice.

Sec. 23. RCW 19.220.010 and 2003 c 268 s 1 are each amended to read as follows:

(1) Each international matchmaking organization doing business in Washington state shall disseminate to a recruit, upon request, state background check information and personal history information relating to any Washington state resident about whom any information is provided to the recruit, in the recruit's native language. The organization shall notify all recruits that background check and personal history information is available upon request. The notice that background check and personal history information is available upon request shall be in the recruit's native language and shall be displayed in a manner that separates it from other information, is highly noticeable, and in lettering not less than one-quarter of an inch high.

(2) If an international matchmaking organization receives a request for information from a recruit pursuant to subsection (1) of this section, the organization shall notify the Washington state resident of the request. Upon receiving notification, the Washington state resident shall obtain from the state patrol and provide to the organization the complete transcript of any background check information provided pursuant to RCW 43.43.760 based on a submission of fingerprint impressions and provided pursuant to RCW 43.43.838 and shall provide to the organization his or her personal history information. The organization shall require the resident to affirm that personal history information is complete and accurate. The organization shall refrain from knowingly providing any further services to the recruit or the Washington state resident in regards to facilitating future interaction between the recruit and the Washington state resident until the organization has obtained the requested information and provided it to the recruit.

(3) This section does not apply to a traditional matchmaking organization of a religious nature that otherwise operates in compliance with the laws of the countries of the recruits of such organization and the laws of the United States nor to any organization that does not charge a fee to any party for the service provided.

(4) As used in this section:

(a) "International matchmaking organization" means a corporation, partnership, business, or other legal entity, whether or not organized under the laws of the United States or any state, that does business in the United States and for profit offers to Washington state residents, including aliens lawfully admitted for permanent residence and residing in Washington state,

FIFTY-SECOND DAY, March 1, 2006

dating, matrimonial, or social referral services involving citizens of a foreign country or countries who are not residing in the United States, by: (i) An exchange of names, telephone numbers, addresses, or statistics; (ii) selection of photographs; or (iii) a social environment provided by the organization in a country other than the United States.

(b) "Personal history information" means a declaration of the person's current marital status, the number of previous marriages, annulments, and dissolutions for the person, and whether any previous marriages occurred as a result of receiving services from an international matchmaking organization; founded allegations of child abuse or neglect; and any existing orders under chapter 7.-- (sections 1 through 19 of this act), 10.14, 10.99, or 26.50 RCW. Personal history information shall include information from the state of Washington and any information from other states or countries.

(c) "Recruit" means a noncitizen, nonresident person, recruited by an international matchmaking organization for the purpose of providing dating, matrimonial, or social referral services.

Sec. 24. RCW 26.50.110 and 2000 c 119 s 24 are each amended to read as follows:

(1) Whenever an order is granted under this chapter, chapter 7.--(sections 1 through 19 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, and the respondent or person to be restrained knows of the order, a violation of the restraint provisions, or of a provision excluding the person from a residence, workplace, school, or day care, or of a provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or of a provision of a foreign protection order specifically indicating that a violation will be a crime, for which an arrest is required under RCW 10.31.100(2) (a) or (b), is a gross misdemeanor except as provided in subsections (4) and (5) of this section. Upon conviction, and in addition to any other penalties provided by law, the court may require that the respondent submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services, and the terms under which the monitoring shall be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter, chapter 7.-- (sections 1 through 19 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of an order issued under this chapter, chapter 7.--(sections 1 through 19 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of an order issued under this chapter, chapter 7.-- (sections 1 through 19 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in

violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a court order issued under this chapter, chapter 7.-- (sections 1 through 19 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, is a class C felony if the offender has at least two previous convictions for violating the provisions of an order issued under this chapter, chapter 7.-- (sections 1 through 19 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

(6) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order granted under this chapter, chapter 7.-- (sections 1 through 19 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, the court may issue an order to the respondent, requiring the respondent to appear and show cause within fourteen days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

Sec. 25. RCW 26.50.160 and 2000 c 119 s 25 and 2000 c 51 s 1 are each reenacted and amended to read as follows:

To prevent the issuance of competing protection orders in different courts and to give courts needed information for issuance of orders, the judicial information system shall be available in each district, municipal, and superior court by July 1, 1997, and shall include a data base containing the following information:

(1) The names of the parties and the cause number for every order of protection issued under this title, every sexual assault protection order issued under chapter 7.-- RCW (sections 1 through 19 of this act), every criminal no-contact order issued under chapters 9A.46 and 10.99 RCW, every antiharassment order issued under chapter 10.14 RCW, every dissolution action under chapter 26.09 RCW, every third-party custody action under chapter 26.10 RCW, every parentage action under chapter 26.26 RCW, every restraining order issued on behalf of an abused child or adult dependent person under chapter 26.44 RCW, every foreign protection order filed under chapter 26.52 RCW, and every order for protection of a vulnerable adult under chapter 74.34 RCW. When a guardian or the department of social and health services has petitioned for relief on behalf of an abused child, adult dependent person, or vulnerable adult, the name of the person on whose behalf relief was sought shall be included in the data base as a party rather than the guardian or department;

(2) A criminal history of the parties; and

(3) Other relevant information necessary to assist courts in issuing orders under this chapter as determined by the judicial information system committee.

Sec. 26. RCW 59.18.575 and 2004 c 17 s 3 are each amended to read as follows:

(1)(a) If a tenant notifies the landlord in writing that he or she or a household member was a victim of an act that constitutes a crime of domestic violence, sexual assault, or stalking, and either (a)(i) or (ii) of this subsection applies, then subsection (2) of this section applies:

(i) The tenant or the household member has a valid order for protection under one or more of the following: Chapter 7.-- (sections 1 through 19 of this act), 26.50, or 26.26 RCW or

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

RCW 9A.46.040, 9A.46.050, 10.14.080, 10.99.040 (2) or (3), or 26.09.050; or

(ii) The tenant or the household member has reported the domestic violence, sexual assault, or stalking to a qualified third party acting in his or her official capacity and the qualified third party has provided the tenant or the household member a written record of the report signed by the qualified third party.

(b) When a copy of a valid order for protection or a written record of a report signed by a qualified third party, as required under (a) of this subsection, is made available to the landlord, the tenant may terminate the rental agreement and quit the premises without further obligation under the rental agreement or under chapter 59.12 RCW. However, the request to terminate the rental agreement must occur within ninety days of the reported act, event, or circumstance that gave rise to the protective order or report to a qualified third party. A record of the report to a qualified third party that is provided to the tenant or household member shall consist of a document signed and dated by the qualified third party stating: (i) That the tenant or the household member notified him or her that he or she was a victim of an act or acts that constitute a crime of domestic violence, sexual assault, or stalking; (ii) the time and date the act or acts occurred; (iii) the location where the act or acts occurred; (iv) a brief description of the act or acts of domestic violence, sexual assault, or stalking; and (v) that the tenant or household member informed him or her of the name of the alleged perpetrator of the act or acts. The record of the report provided to the tenant or household member shall not include the name of the alleged perpetrator of the act or acts of domestic violence, sexual assault, or stalking. The qualified third party shall keep a copy of the record of the report and shall note on the retained copy the name of the alleged perpetrator of the act or acts of domestic violence, sexual assault, or stalking. The record of the report to a qualified third party may be accomplished by completion of a form provided by the qualified third party, in substantially the following form:

(2) A tenant who terminates a rental agreement under this section is discharged from the payment of rent for any period following the last day of the month of the quitting date. The tenant shall remain liable for the rent for the month in which he or she terminated the rental agreement unless the termination is in accordance with RCW 59.18.200(1). Notwithstanding lease provisions that allow for forfeiture of a deposit for early termination, a tenant who terminates under this section is entitled to the return of the full deposit, subject to RCW 59.18.020 and 59.18.280. Other tenants who are parties to the rental agreement, except household members who are the victims of sexual assault, stalking, or domestic violence, are not released from their obligations under the rental agreement or other obligations under this chapter.

(3) The provision of verification of a report under subsection (1)(b) of this section does not waive the confidential or privileged nature of the communication between a victim of domestic violence, sexual assault, or stalking with a qualified third party pursuant to RCW 5.60.060, 70.123.075, or 70.125.065. . . No record or evidence obtained from such disclosure may be used in any civil, criminal, or professional disciplinary proceedings against the victim unless a written waiver of applicable evidentiary privilege is obtained, except that the victim and his or her household member may, in accordance with subsection (1)(b) of this section, give information, or information obtained from such disclosure, for use in civil proceedings brought under this section.

~~NEW SECTION. Sec. 27. This act may be cited as the sexual assault protection order act.~~

~~NEW SECTION. Sec. 28. Sections 1 through 19 of this act constitute chapter 7 of RCW 46.110.~~

~~Senators Kline and Johnson spoke in favor of adoption of the committee striking amendment to the title and the following descriptions of domestic violence, sexual assault, or stalking: . . .~~

~~. . . The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on the Judiciary. Roll Call Vote No. 2576.~~

~~The motion of the Senate following date(s) and time(s) and striking amendment was adopted by voice vote.~~

~~following location(s): . . .~~

~~MOTION
The incident(s) that I rely on in support of this delimitation is/are the following person(s) . . .~~

~~On page 1, line 1 of the title, after "victims;" strike the remaining words "and their household members;" and insert "and their household members;" and strike "and their household members;" and insert "and their household members;" and strike "and their household members;" and insert "and their household members;" and strike "and their household members;" and insert "and their household members;"~~

~~and amending RCW 26.09.040 by striking "and their household members;" and inserting "and their household members;" and amending RCW 26.09.040 by striking "and their household members;" and inserting "and their household members;" and amending RCW 26.09.040 by striking "and their household members;" and inserting "and their household members;" and amending RCW 26.09.040 by striking "and their household members;" and inserting "and their household members;"~~

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FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 2576 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2576 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2576 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senators Oke and Parlette - 2

SUBSTITUTE HOUSE BILL NO. 2576 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2723, by House Committee on Economic Development, Agriculture & Trade (originally sponsored by Representatives Tom, Lantz, Priest, Clibborn, Shabro, Hunter and Green)

Eliminating the requirement for a seller's real estate disclosure of proximity to farming. Revised for 1st Substitute: Changing the seller's real estate disclosure of proximity to farming.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 2723 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley, Benson and Benton spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senators Parlette and Oke were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2723.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2723 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Oke and Parlette - 2

SUBSTITUTE HOUSE BILL NO. 2723, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 3001, by Representatives Hudgins and Conway

Modifying the definition of limousine.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 3001 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 3001.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3001 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Oke and Parlette - 2

HOUSE BILL NO. 3001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Minister of Intergovernmental Relations, the Honorable John von Dongen of British Columbia and Mr. Clarence Pennier the Grand Chief of the Sto:lo Nation in Canada who were seated at the rostrum.

PERSONAL PRIVILEGE

Senator Prentice: "Thank you Mr. President. It's really an honor to have such a group and we truly appreciate your story. There's some very important elements, some that are unique to the Sto:lo and some that are common to our nations and Canadians' treatment of tribes. Certainly the story of Louie Sam is a tragic one and I respect you and honor you for having kept

FIFTY-SECOND DAY, March 1, 2006

that story alive and bringing it to us. Our state happens to have many, many stories like that that we wished we didn't know and have buried also. The important thing is that you've brought them to our consciousness and this is one of the things that we need to start educating ourselves first and then our children so that we know what our own heritage, what our own history is. Some not to be very proud of but, never the less, face the facts that this is how things were and, in many ways, not identical but in many ways still treating tribal members in the same way. One of the important things is that remaining a cohesive unit when you were facing extinction shows as one tribal member from a different group we're not going anywhere and that's important for all of to remember. Truly, I'm very grateful, we are very grateful to you. You've honored us by being here. It's an important thing to keep reminding us of these stories and keep them very much in our consciousness."

PERSONAL PRIVILEGE

Senator Pflug: "Thank you Mr. President. Over the interim a number of us as members of the Joint Legislative Committee on Economic Development and International Relations were in British Columbia and at the time Lt. Governor Campagnolo told us of a story that most of us would never have heard. It is the story of a murder that took place in Whatcom county and was blamed on a fourteen year old boy of the Sto:lo nation. He was taken into custody by the British crown and while in custody was taken by a mob of Americans who lynched him before he had an opportunity to prove his innocence. This is something that I'm sure most of you have never heard. I hadn't heard it before but you can imagine what a wound this caused between the three governments involved, the Americans, the Canadians and the Sto:lo families, Sto:lo nation. So, Lt. Governor Campagnol asked our Lt. Governor to see if we could act together to heal this wound and to go forward now with a better understanding of our respective cultures. So, I will share with you that I think one of the things I've learned as I've grown older is the importance of being able to let the words, 'I'm sorry' role off your tongue when you are. So, I would like to join with Minister van Dongen on behalf of our government today to say to the Sto:lo nation and to Chief Pennier how deeply regretful and how sorrowful we feel about the loss and the many years that we've spent since 1884 with this between us. So, you honor us with your presence here today and we look forward to a much happier relations between our three families in the future."

REMARKS BY THE PRESIDENT

President Owen: "Ladies and Gentlemen, Grand Chief Pennier, Minister van Dongen, I'm greatly honored to have the privilege of making a very long overdue and a special presentation on behalf of the Washington State Senate to the people of the Sto:lo nation in Canada. Last year, as was noted, I visited British Columbia with the Legislative Committee on Economic Development and International Relations. We were graciously hosted for a reception by the, Her Honor Lt. Governor Campagnolo. She told of us of the terrible injustice that had been forced upon fourteen year old Louie Sam and asked that we work together to bring healing to the people of the Sto:lo nation and peace to Louie Sam. I'm proud to say that Monday, this Senate, passed a resolution to begin that healing process which will be repeated this afternoon in the House of Representatives. Through this resolution, the Senate joins it peers in the Government of British Columbia acknowledging the unfortunate historical injustice to Louie Sam and the proud Sto:lo people and seeks to promote healing among the Sto:lo people natives, non natives of British Columbia, Washington

2006 REGULAR SESSION

State and the Pacific Coast. It further expressed our deepest sympathy to the decedents of Louie Sam who is deprived of his life and his relatives were denied to opportunity to have the murderers brought to justice. It is meant to further ensure that such a tragedy will never be forgotten nor repeated. So Grand Chief Pennier, it is my honor to humbly present, if you would please rise, this resolution to you on behalf of the Washington State Senate in the spirit of healing and friendship among us."

REMARKS BY GRAND CHIEF PENNIER

Grand Chief Pinnier: My name is Clarence Pennire, one of the Grand Chief's of Sto:lo. On behalf of the Sto:lo and the Sumas family in particular I just want to lift up my hands to you and thank you for acknowledging the wrongful act that was committed against Louie Sam back in 1884. It makes us feel good that this is being done by Senate from Washington State. Lt. Governor in particular, want to thank them for doing a lot of the work with Keith Carlson and our staff from Sto:lo nation. Like I said, I want to thank you and lift up my hands to you. Makes our families feel good."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Sto:lo Nation who were seated in the gallery.

MOTION

At 11:35 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:33 p.m. by President Owen.

MOTION

At 1:34 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 1:52 p.m. by President Owen.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2002, by House Committee on Appropriations (originally sponsored by Representatives Dickerson, Roberts, Kagi, Kenney and Santos)

Authorizing limited continuing foster care and support services up to age twenty-one.

The measure was read the second time.

MOTION

Senator Regala moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.13.031 and 2004 c 183 s 3 are each amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

FIFTY-SECOND DAY, March 1, 2006

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency: PROVIDED, That an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report measuring the extent to which the department achieved the specified goals to the governor and the legislature.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10)(a) Have authority to provide continued foster care or group care (~~for individuals from eighteen through twenty years~~

2006 REGULAR SESSION

~~of age to enable them to complete their high school or vocational school program)) as needed to participate in or complete a high school or vocational school program.~~

~~(b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.~~

~~(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.~~

~~(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.~~

(11) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(12) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14) Have authority to provide independent living services to youths, including individuals who have attained eighteen ((through twenty)) years of age, and have not attained twenty-one years of age who are or have been in foster care.

NEW SECTION. Sec. 2. Nothing in this act shall be construed to create:

(1) An entitlement to services;

(2) Judicial authority to extend the jurisdiction of juvenile court in a proceeding under chapter 13.34 RCW to a youth who has attained eighteen years of age or to order the provision of services to the youth; or

(3) A private right of action or claim on the part of any individual, entity, or agency against the department of social and health services or any contractor of the department.

NEW SECTION. Sec. 3. The department of social and health services is authorized to adopt rules establishing eligibility for independent living services and placement for youths under this act.

NEW SECTION. Sec. 4. (1) Beginning in July 2008 and subject to the approval of its governing board, the Washington state institute for public policy shall conduct a study measuring

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

the outcomes for foster youth who have received continued support pursuant to RCW 74.13.031(10). The study should include measurements of any savings to the state and local government. The institute shall issue a report containing its preliminary findings to the legislature by December 1, 2008, and a final report by December 1, 2009.

(2) The institute is authorized to accept nonstate funds to conduct the study required in subsection (1) of this section."

Senator Regala spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Second Substitute House Bill No. 2002.

The motion by Senator Regala carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "birthday;" strike the remainder of the title and insert "amending RCW 74.13.031; and creating new sections."

MOTION

On motion of Senator Regala, the rules were suspended, Second Substitute House Bill No. 2002 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2002 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2002 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senators McAuliffe, Mulliken and Pridemore - 3

Excused: Senator Oke - 1

SECOND SUBSTITUTE HOUSE BILL NO. 2002 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3185, by House Committee on Commerce & Labor (originally sponsored by Representative McCoy)

Concerning violations of wage payment requirements.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 3185 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Parlette spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senator Mulliken was excused.

MOTION

On motion of Senator Regala, Senator Pridemore was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3185.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3185 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator McAuliffe - 1

Excused: Senators Oke and Pridemore - 2

SUBSTITUTE HOUSE BILL NO. 3185, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2328, by Representatives Lantz and Priest

Changing provisions relating to the insanity defense.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 2328 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Esser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2328.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2328 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Oke and Pridemore - 2

HOUSE BILL NO. 2328, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2348, by Representatives Morris, Ericksen, Condotta, Linville, Conway, Sump, Haler, Orcutt, Wallace, Ericks, B. Sullivan, O'Brien, Dunn and Holmquist

Extending tax relief for aluminum smelters.

The measure was read the second time.

MOTION

Senator Shin moved that the following committee amendment by the Committee on International Trade & Economic Development be adopted.

On page 5, after line 30, strike all of subsection (5) and insert the following:

"(5) By ~~((December 1, 2005, and by))~~ December 1, ~~((2006))~~ 2007, December 1, 2010, and December 1, 2015, the fiscal committees of the house of representatives and the senate, in consultation with the department, shall report to the legislature on the effectiveness of the smelter tax incentives ~~((and, by December 1, 2010, on the effectiveness of the incentives))~~ under RCW 82.04.4482 and 82.16.0498. The reports shall measure the effect of the tax incentives on job retention for Washington residents and any other factors the committees may select."

Senator Shin spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on International Trade & Economic Development to House Bill No. 2348.

The motion by Senator Shin carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Shin, the rules were suspended, House Bill No. 2348 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin, Brandland, Honeyford, Spanel, Sheldon and Parlette spoke in favor of passage of the bill.

Senator Poulsen spoke against passage of the bill.

Senators Brandland and Shin again spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Thibaudeau was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2348 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2348 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker and Zarelli - 40

Voting nay: Senators Berkey, Fairley, Fraser, Kline, Kohl-Welles, Poulsen, Thibaudeau and Weinstein - 8

Excused: Senator Oke - 1

HOUSE BILL NO. 2348 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2500, by House Committee on Health Care (originally sponsored by Representatives Green, Morrell, Cody, Schual-Berke, Clibborn and Conway)

Requiring health carriers to report certain information.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee amendment by the Committee on Health & Long-Term Care be adopted.

On page 1, after line 3, insert the following:

"NEW SECTION. Sec. 1. Health carriers are currently required to file statutory annual statements with the office of the insurance commissioner or the national association of insurance commissioners. These annual statements are extensive and contain a significant amount of financial information. These annual statements are public documents; however, such financial information can be complex and difficult to read and understand.

It is the intent of this act to provide a method of reporting certain financial data in a user friendly format. It is also the intent of this act, to the extent possible, to utilize existing information from the annual statements when developing the additional or supplemental data statement required by this act, and to the extent possible, avoid imposing additional reporting requirements that have the unintended consequences of unduly increasing administrative costs for carriers required to file such information."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 2, after line 27, insert the following:

"(4) For the purposes of licensed disability insurers, the commissioner shall work collaboratively with insurers to develop an additional or supplemental data statement that utilizes to the maximum extent possible information from the annual statement forms that are currently filed by these entities."

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

Senator Keiser spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Health & Long-Term Care to Substitute House Bill No. 2500.

The motion by Senator Keiser carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 2500 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Deccio spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators McAuliffe and Pridemore were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2500 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2500 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senator Hargrove - 1

Excused: Senators McAuliffe and Oke - 2

SUBSTITUTE HOUSE BILL NO. 2500 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2543, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Kilmer, Crouse, Nixon, Hudgins, Morrell, Green and Lantz)

Making permanent the enhanced 911 advisory committee.

The measure was read the second time.

MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 38.52.530 and 2002 c 341 s 3 are each amended to read as follows:

The enhanced 911 advisory committee is created to advise and assist the state enhanced 911 coordinator in coordinating and facilitating the implementation and operation of enhanced 911 throughout the state. The director shall appoint members of the committee who represent diverse geographical areas of the state and include state residents who are members of the national emergency number association, the associated public communications officers Washington chapter, the Washington state fire chiefs association, the Washington association of sheriffs and police chiefs, the Washington state council of fire fighters, the Washington state council of police officers, the Washington ambulance association, the state fire protection policy board, the Washington fire commissioners association, the Washington state patrol, the association of Washington cities, the Washington state association of counties, the utilities and transportation commission or commission staff, a representative of a voice over internet protocol company, and an equal number of representatives of large and small local exchange telephone companies and large and small radio communications service companies offering commercial mobile radio service in the state. This section expires December 31, ~~((2006))~~ 2011.

NEW SECTION. Sec. 2. A new section is added to chapter 38.52 RCW to read as follows:

On an annual basis, the enhanced 911 advisory committee shall provide an update on the status of enhanced 911 service in the state to the appropriate committees in the legislature."

Senator Kastama spoke in favor of adoption of the committee striking amendment.

POINT OF INQUIRY

Senator Benton: "Would Senator Kastama yield to a question? Thank you Senator Kastama. In committee we determined rather than to make this committee permanent that we would extend it to a period of time thus including, and I believe we adopted, an amendment to sunset the committee in six years or five years so that the legislature would retain control over whether or not it was necessary to continue at that time. Is that provision still a part of the striking amendment before us today?"

Senator Kastama: "Senator Benton, it is. This was your amendment in committee and as it was a senate bill and we made sure that the same exact amendment that you offered is on this bill."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to Substitute House Bill No. 2543.

The motion by Senator Kastama carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 1 of the title, after "committee;" strike the remainder of the title and insert "amending RCW 38.52.530; adding a new section to chapter 38.52 RCW; and providing an expiration date."

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 2543 as amended by the Senate was

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2543 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2543 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Jacobsen - 1

Excused: Senator Oke - 1

SUBSTITUTE HOUSE BILL NO. 2543 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2874, by Representatives Murray, Ericksen, Jarrett, Wallace and Woods

Modifying transportation project design-build provisions.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 2874 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Benson and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2874.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2874 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Jacobsen - 1

Excused: Senator Oke - 1

HOUSE BILL NO. 2874, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1107, by House Committee on Appropriations (originally sponsored by Representatives Dickerson, Talcott, Linville, Tom, Priest, Darneille, Pettigrew, Shabro, Jarrett, McCoy, Roberts, Kagi, Clements, Dunn, Hunter, Quall, Haler, Hinkle, Cody, Walsh, Ormsby, Kilmer, Simpson, Kessler, Morrell, Williams, O'Brien, Chase, Hunt, Schual-Berke, Conway, Santos, Haigh, Upthegrove and B. Sullivan)

Providing for early intervention services for children with disabilities.

The measure was read the second time.

MOTION

Senator Rasmussen moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 28A.155 RCW to read as follows:

The legislature finds an urgent and substantial need to enhance the development of all infants and toddlers with disabilities in Washington in order to minimize developmental delays and to maximize individual potential for learning and functioning.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.155 RCW to read as follows:

(1) By September 1, 2009, each school district shall provide or contract for early intervention services to all eligible children with disabilities from birth to three years of age. Eligibility shall be determined according to Part C of the federal individuals with disabilities education act and as specified in the Washington Administrative Code. School districts shall provide or contract for early intervention services in partnership with local birth-to-three lead agencies and birth-to-three providers. Services provided under this section shall not supplant services or funding currently provided in the state for early intervention services to eligible children with disabilities from birth to three years of age. The state-designated birth-to-three lead agency shall be payor of last resort for birth-to-three early intervention services provided under this section.

(2) The services in this section are not part of the state's program of basic education pursuant to Article IX of the state Constitution.

Sec. 3. RCW 28A.155.070 and 1995 c 77 s 13 are each amended to read as follows:

Special educational and training programs provided by the state and the school districts thereof for children with disabilities ~~((may)) shall~~ be extended to include children of preschool age. School districts ~~((which extend such special programs to children of preschool age))~~ shall be entitled to the regular apportionments from state and county school funds, as provided by law, and in addition to allocations from state excess cost funds made available for such special services for those children with disabilities who are given such special services.

NEW SECTION. Sec. 4. Section 3 of this act takes effect September 1, 2009."

Senator Rasmussen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the

FIFTY-SECOND DAY, March 1, 2006

Committee on Ways & Means to Substitute House Bill No. 1107.

The motion by Senator Rasmussen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "disabilities;" strike the remainder of the title and insert "amending RCW 28A.155.070; adding new sections to chapter 28A.155 RCW; and providing an effective date."

MOTION

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 1107 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1107 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1107 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senators Hargrove and Schmidt - 2

Excused: Senator Oke - 1

SUBSTITUTE HOUSE BILL NO. 1107 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1383, by Representatives Condotta, Bailey, Newhouse, Curtis, Hinkle, Pearson, Kretz, Strow, Armstrong, Kristiansen, Talcott, Skinner and Holmquist

Requiring the public employees' benefits board to develop a health savings account option for employees.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed House Bill No. 1383 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Deccio and Parlette spoke in favor of passage of the bill.

MOTION

2006 REGULAR SESSION

On motion of Senator Weinstein, Senator Franklin was excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1383.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1383 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 43

Voting nay: Senators Fairley, Kohl-Welles, Regala and Thibaudeau - 4

Excused: Senators Franklin and Oke - 2

ENGROSSED HOUSE BILL NO. 1383, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2498, by House Committee on Appropriations (originally sponsored by Representatives Kilmer, Buri, Morrell, Skinner, Green, Linville, McCoy, Moeller, Chase, Rodne, Conway, Haler, Morris, Ericks and Sells)

Establishing an industry cluster-based approach to economic development.

The measure was read the second time.

MOTION

Senator Shin moved that the following committee striking amendment by the Committee on International Trade & Economic Development be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.330.090 and 2005 c 136 s 14 are each amended to read as follows:

(1) The department shall work with private sector organizations, industry and cluster associations, federal agencies, state agencies that use a cluster-based approach to service delivery, local governments, local associate development organizations, and higher education and training institutions ~~((to assist))~~ in the development of industry cluster-based strategies to diversify the economy, facilitate technology transfer and diffusion, and increase value-added production ((by focusing on targeted sectors)). The industry clusters targeted ((sectors)) by the department may include, but are not limited to, ~~((software, forest products, biotechnology, environmental industries, recycling markets and waste reduction, aerospace, food processing, tourism, film and video, microelectronics, new materials, robotics, and machine tools))~~ aerospace, agriculture, food processing, forest products, marine services, health and biomedical, software, digital and interactive media, transportation and distribution, and microelectronics. The

FIFTY-SECOND DAY, March 1, 2006

department shall, on a continuing basis, evaluate the potential return to the state from devoting additional resources to ~~((a targeted sector's))~~ an industry cluster-based approach to economic development and ~~((including)) identifying and assisting additional ~~((sectors in its efforts)) clusters.~~~~ The department shall use information gathered in each service delivery region in formulating its ~~((sectoral))~~ industry cluster-based strategies and ~~((in designating new targeted sectors)) shall assist local communities in identifying regional industry clusters and developing industry cluster-based strategies.~~

(2) The department shall pursue a coordinated program to expand the tourism industry throughout the state in cooperation with the public and private tourism development organizations. The department, in operating its tourism program, shall:

(a) Promote Washington as a tourism destination to national and international markets to include nature-based and wildlife viewing tourism;

(b) Provide information to businesses and local communities on tourism opportunities that could expand local revenues;

(c) Assist local communities to strengthen their tourism partnerships, including their relationships with state and local agencies;

(d) Provide leadership training and assistance to local communities to facilitate the development and implementation of local tourism plans;

(e) Coordinate the development of a statewide tourism and marketing plan. The department's tourism planning efforts shall be carried out in conjunction with public and private tourism development organizations including the department of fish and wildlife and other appropriate agencies. The plan shall specifically address mechanisms for: (i) Funding national and international marketing and nature-based tourism efforts; (ii) interagency cooperation; and (iii) integrating the state plan with local tourism plans.

(3) The department may, in carrying out its efforts to expand the tourism industry in the state:

(a) Solicit and receive gifts, grants, funds, fees, and endowments, in trust or otherwise, from tribal, local or other governmental entities, as well as private sources, and may expend the same or any income therefrom for tourism purposes. All revenue received for tourism purposes shall be deposited into the tourism development and promotion account created in RCW 43.330.094;

(b) Host conferences and strategic planning workshops relating to the promotion of nature-based and wildlife viewing tourism;

(c) Conduct or contract for tourism-related studies;

(d) Contract with individuals, businesses, or public entities to carry out its tourism-related activities under this section;

(e) Provide tourism-related organizations with marketing and other technical assistance;

(f) Evaluate and make recommendations on proposed tourism-related policies.

(4)(a) The department shall promote, market, and encourage growth in the production of films and videos, as well as television commercials within the state; to this end the department is directed to assist in the location of a film and video production studio within the state.

(b) The department may, in carrying out its efforts to encourage film and video production in the state, solicit and receive gifts, grants, funds, fees, and endowments, in trust or otherwise, from tribal, local, or other governmental entities, as well as private sources, and may expend the same or any income therefrom for the encouragement of film and video production. All revenue received for such purposes shall be deposited into the film and video promotion account created in RCW 43.330.092.

(5) In assisting in the development of ~~((a targeted sector))~~ regional and statewide industry cluster-based strategies, the department's activities ~~((may))~~ shall include, but are not limited to:

(a) ~~((Conducting))~~ Facilitating regional focus group discussions~~((, facilitating meetings,))~~ and conducting studies to identify ~~((members of the sector))~~ industry clusters, appraise the current ~~((state of the sector))~~ information linkages within a cluster, and identify issues of common concern within ~~((the sector))~~ a cluster;

(b) Supporting ~~((the formation of))~~ industry and cluster associations, publications of association and cluster directories, and related efforts to create or expand the activities ~~((or))~~ of industry and cluster associations;

(c) ~~((Assisting in the formation of flexible networks by providing (i) agency employees or private sector consultants trained to act as flexible network brokers and (ii) funding for potential flexible network participants for the purpose of organizing or implementing a flexible network;~~

~~—(d) Helping establish research consortia;~~

~~—(e) Facilitating joint training and education programs;~~

~~—(f) Promoting cooperative market development activities;~~

~~—(g) Analyzing the need, feasibility, and cost of establishing product certification and testing facilities and services; and~~

~~—(h) Providing for methods of electronic communication and information dissemination among firms and groups of firms to facilitate network activity))~~ Administering a competitive grant program to fund activities designed to further regional cluster growth. In administering the program, the department shall work with an industry cluster advisory committee with equal representation from the work force training and education coordinating board, the state board for community and technical colleges, the employment security department, business, and labor.

(i) The industry cluster advisory committee shall recommend criteria for evaluating applications for grant funds and recommend applicants for receipt of grant funds.

(ii) Applicants must include organizations from at least two counties and participants from the local business community. Eligible organizations include, but are not limited to, local governments, economic development councils, chambers of commerce, federally recognized Indian tribes, work force development councils, and educational institutions.

(iii) Applications must evidence financial participation of the partner organizations.

(iv) Priority shall be given to applicants which will use the grant funds to build linkages and joint projects, to develop common resources and common training, and to develop common research and development projects or facilities.

(v) The maximum amount of a grant is one hundred thousand dollars.

(vi) A maximum of one hundred thousand dollars total can go to King, Pierce, Kitsap, and Snohomish counties combined.

(vii) No more than ten percent of funds received for the grant program may be used by the department for administrative costs.

(6) As used in subsection (5) of this section, "industry cluster" means a geographic concentration of interdependent competitive firms that do business with each other. "Industry cluster" also includes firms that sell inside and outside of the geographic region as well as support firms that supply raw materials, components, and business services."

Senator Shin spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

Committee on International Trade & Economic Development to Second Substitute House Bill No. 2498.

The motion by Senator Shin carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "development;" strike the remainder of the title and insert "and amending RCW 43.330.090."

MOTION

On motion of Senator Shin, the rules were suspended, Second Substitute House Bill No. 2498 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2498 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2498 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 41

Voting nay: Senators Hewitt, Honeyford, Mulliken, Parlette, Schoesler and Zarelli - 6

Absent: Senator Kline - 1

Excused: Senator Oke - 1

SECOND SUBSTITUTE HOUSE BILL NO. 2498 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2322, by Representative Ormsby

Limiting the phosphorus content in dishwashing detergent.

The measure was read the second time.

MOTION

Senator Poulsen moved that the following committee striking amendment by the Committee on Water, Energy & Environment be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.95L.005 and 1993 c 118 s 1 are each amended to read as follows:

The legislature hereby finds and declares that:

(1) Phosphorus loading of surface waters can stimulate the growth of weeds and algae, and that such growth can have adverse environmental, health, and aesthetic effects;

(2) Household detergents contribute to phosphorus loading, and that a limit on detergents containing phosphorus can significantly reduce the discharge of phosphorus into the state's surface and ground waters;

(3) Household detergents containing no or very low phosphorus are readily available and that over thirty percent of the United States population lives in areas with a ban on detergents containing phosphorus; (~~and~~)

(4) Phosphorus limits on household detergents can significantly reduce treatment costs at those sewage treatment facilities that remove phosphorus from the waste stream; and

(5) While significant reductions of phosphorus from laundry detergent have been accomplished, similar progress in reducing phosphorus contributions from dishwashing detergents has not been achieved.

It is therefore the intent of the legislature to impose a statewide limit on the phosphorus content of household detergents.

Sec. 2. RCW 70.95L.020 and 1993 c 118 s 3 are each amended to read as follows:

(1) After July 1, 1994, a person may not sell or distribute for sale a laundry detergent that contains 0.5 percent or more phosphorus by weight.

(2) After July 1, 1994, and until July 1, 2008, a person may not sell or distribute for sale a dishwashing detergent that contains 8.7 percent or more phosphorous by weight. After July 1, 2008, a person may not sell or distribute for sale a dishwashing detergent that contains 0.5 percent or more phosphorous by weight.

(3) This section does not apply to the sale or distribution of detergents for commercial and industrial uses."

Senator Poulsen spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Delvin moved that the following amendment by Senators Delvin and Poulsen to the committee striking amendment be adopted.

On page 2, line 1 of the amendment, after "(2)" insert "(a)"

On page 2, line 1 of the amendment, after "until" strike "July 1, 2008" and insert "the dates specified in (a) of this subsection"

On page 2, beginning on line 3 of the amendment, after "weight." strike all material through "weight." on line 5 and insert the following:

"(b) A person may not sell or distribute for sale a dishwashing detergent that contains 0.5 percent or more phosphorus by weight:

(i) Commencing July 1, 2008, in counties with populations, as determined by office of financial management population estimates:

(A) Greater than one hundred eighty thousand and less than two hundred twenty thousand; and

(B) Greater than three hundred ninety thousand and less than six hundred fifty thousand;

(ii) Commencing July 1, 2010, throughout the state."

Senators Delvin, Morton and Benson spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Zarelli spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Delvin and Poulsen on page 2, line 1 to the committee striking amendment to Engrossed House Bill No. 2322.

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

The motion by Senator Delvin carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Water, Energy & Environment as amended to Engrossed House Bill No. 2322.

The motion by Senator Poulsen carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "detergent;" strike the remainder of the title and insert "and amending RCW 70.95L.005 and 70.95L.020."

MOTION

On motion of Senator Poulsen, the rules were suspended, Engrossed House Bill No. 2322 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zarelli, Mulliken and Benton spoke against passage of the bill.

Senators Brown, Spanel and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2322 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2322 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 41

Voting nay: Senators Delvin, Hewitt, Honeyford, Mulliken, Parlette, Stevens and Zarelli - 7

Excused: Senator Oke - 1

ENGROSSED HOUSE BILL NO. 2322 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3087, by House Committee on Higher Education & Workforce Education (originally sponsored by Representatives Ormsby, Sells, Kenney, Cox, Buri, Fromhold, Hasegawa, Morrell, McCoy, Upthegrove, Ericks, Darneille, Rodne, Chase, Conway, Kessler, Dunn, Green and Lantz)

Concerning cost savings on course materials for students at state universities, regional universities, and The Evergreen State College.

The measure was read the second time.

MOTION

On motion of Senator Pridemore, the rules were suspended, Substitute House Bill No. 3087 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3087.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3087 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Oke - 1

SUBSTITUTE HOUSE BILL NO. 3087, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2330, by Representatives Blake, Buck, Upthegrove, Linville, Sump and B. Sullivan

Modifying provisions concerning the administration of a crab pot buoy tag program.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 2330 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2330.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2330 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Rockefeller - 1

Excused: Senator Oke - 1

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

HOUSE BILL NO. 2330, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

THIRD SUBSTITUTE HOUSE BILL NO. 1226, by House Committee on Appropriations (originally sponsored by Representatives Schual-Berke, Tom, Haigh, Cody, Fromhold, Jarrett, Hudgins, Conway, Appleton, Flannigan, Murray, McCoy, Lantz, Hasegawa, Williams, Kagi, Ormsby, Morrell, Chase, Dickerson, Kenney and Sells)

Adjusting application of campaign contribution limits.

The measure was read the second time.

MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Government Operations & Elections be not adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 42.17.640 and 2005 c 445 s 11 are each amended to read as follows:

(1) The contribution limits in this section apply to:

(a) Candidates for state legislative office;

(b) Candidates for state office other than state legislative office;

(c) Candidates for county office in a county that has over two hundred thousand registered voters;

(d) Candidates for special purpose district office if that district is authorized to provide freight and passenger transfer and terminal facilities and that district has over two hundred thousand registered voters;

(e) Persons holding an office in (a) through (d) of this subsection against whom recall charges have been filed or to a political committee having the expectation of making expenditures in support of the recall of a person holding the office;

(f) Caucus political committees;

(g) Bona fide political parties.

(2) No person, other than a bona fide political party or a caucus political committee, may make contributions to a candidate for a state legislative office or county office that in the aggregate exceed seven hundred dollars or to a candidate for a public office in a special purpose district or a state office other than a state legislative office that in the aggregate exceed one thousand four hundred dollars for each election in which the candidate is on the ballot or appears as a write-in candidate. Contributions to candidates subject to the limits in this section made with respect to a primary may not be made after the date of the primary. However, contributions to a candidate or a candidate's authorized committee may be made with respect to a primary until thirty days after the primary, subject to the following limitations: (a) The candidate lost the primary; (b) the candidate's authorized committee has insufficient funds to pay debts outstanding as of the date of the primary; and (c) the contributions may only be raised and spent to satisfy the outstanding debt. Contributions to candidates subject to the limits in this section made with respect to a general election may not be made after the final day of the applicable election cycle.

((2)) (3) No person, other than a bona fide political party or a caucus political committee, may make contributions to a state official, a county official, or a public official in a special

purpose district against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the state official, county official, or public official in a special purpose district during a recall campaign that in the aggregate exceed seven hundred dollars if for a state legislative office or county office or one thousand four hundred dollars if for a special purpose district office or a state office other than a state legislative office.

((3)) (4)(a) Notwithstanding subsection ((+)) (2) of this section, no bona fide political party or caucus political committee may make contributions to a candidate during an election cycle that in the aggregate exceed (i) seventy cents multiplied by the number of eligible registered voters in the jurisdiction from which the candidate is elected if the contributor is a caucus political committee or the governing body of a state organization, or (ii) thirty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No candidate may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed thirty-five cents times the number of registered voters in the jurisdiction from which the candidate is elected.

((4)) (5)(a) Notwithstanding subsection ((2)) (3) of this section, no bona fide political party or caucus political committee may make contributions to a state official, county official, or a public official in a special purpose district against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the state official, county official, or a public official in a special purpose district during a recall campaign that in the aggregate exceed (i) seventy cents multiplied by the number of eligible registered voters in the jurisdiction entitled to recall the state official if the contributor is a caucus political committee or the governing body of a state organization, or (ii) thirty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No ((state)) official holding an office specified in subsection (1) of this section against whom recall charges have been filed, no authorized committee of the official, and no political committee having the expectation of making expenditures in support of the recall of ((a-state)) the official may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed thirty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected.

((5)) (6) For purposes of determining contribution limits under subsections ((3) and) (4) and (5) of this section, the number of eligible registered voters in a jurisdiction is the number at the time of the most recent general election in the jurisdiction.

((6)) (7) Notwithstanding subsections ((+)) (2) through ((+)) (5) of this section, no person other than an individual, bona fide political party, or caucus political committee may make contributions reportable under this chapter to a caucus political committee that in the aggregate exceed seven hundred dollars in a calendar year or to a bona fide political party that in the aggregate exceed three thousand five hundred dollars in a calendar year. This subsection does not apply to loans made in the ordinary course of business.

FIFTY-SECOND DAY, March 1, 2006

~~((7))~~ (8) For the purposes of RCW 42.17.640 through 42.17.790, a contribution to the authorized political committee of a candidate~~(:)~~ or of ~~((a state))~~ an official specified in subsection (1) of this section against whom recall charges have been filed~~(:)~~ is considered to be a contribution to the candidate or ~~((state))~~ official.

~~((8))~~ (9) A contribution received within the twelve-month period after a recall election concerning ~~((a state))~~ an office specified in subsection (1) of this section is considered to be a contribution during that recall campaign if the contribution is used to pay a debt or obligation incurred to influence the outcome of that recall campaign.

~~((9))~~ (10) The contributions allowed by subsection ~~((2))~~ (3) of this section are in addition to those allowed by subsection ~~((1))~~ (2) of this section, and the contributions allowed by subsection ~~((4))~~ (5) of this section are in addition to those allowed by subsection ~~((3))~~ (4) of this section.

~~((10))~~ (11) RCW 42.17.640 through 42.17.790 apply to a special election conducted to fill a vacancy in ~~((a state))~~ an office specified in subsection (1) of this section. However, the contributions made to a candidate or received by a candidate for a primary or special election conducted to fill such a vacancy shall not be counted toward any of the limitations that apply to the candidate or to contributions made to the candidate for any other primary or election.

~~((11))~~ (12) Notwithstanding the other subsections of this section, no corporation or business entity not doing business in Washington state, no labor union with fewer than ten members who reside in Washington state, and no political committee that has not received contributions of ten dollars or more from at least ten persons registered to vote in Washington state during the preceding one hundred eighty days may make contributions reportable under this chapter to a candidate, to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the official. This subsection does not apply to loans made in the ordinary course of business.

~~((12))~~ (13) Notwithstanding the other subsections of this section, no county central committee or legislative district committee may make contributions reportable under this chapter to a candidate~~(-state official))~~ specified in subsection (1) of this section, or an official specified in subsection (1) of this section against whom recall charges have been filed, or political committee having the expectation of making expenditures in support of the recall of ~~((a state))~~ an official specified in subsection (1) of this section if the county central committee or legislative district committee is outside of the jurisdiction entitled to elect the candidate or recall the ~~((state))~~ official.

~~((13))~~ (14) No person may accept contributions that exceed the contribution limitations provided in this section.

~~((14))~~ (15) The following contributions are exempt from the contribution limits of this section:

(a) An expenditure or contribution earmarked for voter registration, for absentee ballot information, for precinct caucuses, for get-out-the-vote campaigns, for precinct judges or inspectors, for sample ballots, or for ballot counting, all without promotion of or political advertising for individual candidates; or

(b) An expenditure by a political committee for its own internal organization or fund raising without direct association with individual candidates.

NEW SECTION. Sec. 2. A new section is added to chapter 42.17 RCW to read as follows:

(1) No person may make contributions to a candidate for judicial office that in the aggregate exceed one thousand four hundred dollars for each election in which the candidate is on the ballot or appears as a write-in candidate. Contributions

made with respect to a primary may not be made after the date of the primary. However, contributions to a candidate or a candidate's authorized committee may be made with respect to a primary until thirty days after the primary, subject to the following limitations: (a) The candidate lost the primary; (b) the candidate's authorized committee has insufficient funds to pay debts outstanding as of the date of the primary; and (c) the contributions may only be raised and spent to satisfy the outstanding debt. Contributions made with respect to a general election may not be made after the final day of the applicable election cycle.

(2) This section through RCW 42.17.790 apply to a special election conducted to fill a vacancy in an office. However, the contributions made to a candidate or received by a candidate for a primary or special election conducted to fill such a vacancy will not be counted toward any of the limitations that apply to the candidate or to contributions made to the candidate for any other primary or election.

(3) No person may accept contributions that exceed the contribution limitations provided in this section.

(4) The dollar limits in this section must be adjusted according to RCW 42.17.690.

NEW SECTION. Sec. 3. A new section is added to chapter 42.17 RCW to read as follows:

The commission shall adopt rules to carry out the policies of this act and is not subject to the time restrictions of RCW 42.17.370(1).

Sec. 4. RCW 42.17.700 and 1993 c 2 s 10 are each amended to read as follows:

(1) Contributions to candidates for state office made and received before December 3, 1992, are considered to be contributions under RCW 42.17.640 through 42.17.790. Monetary contributions that exceed the contribution limitations and that have not been spent by the recipient of the contribution by December 3, 1992, must be disposed of in accordance with RCW 42.17.095.

(2) Contributions to other candidates subject to the contribution limits of this chapter made and received before the effective date of this act are considered to be contributions under RCW 42.17.640 through 42.17.790. Contributions that exceed the contribution limitations and that have not been spent by the recipient of the contribution by the effective date of this act must be disposed of in accordance with RCW 42.17.095 except for subsections (6) and (7) of that section.

Sec. 5. RCW 42.17.710 and 2003 c 164 s 3 are each amended to read as follows:

(1) During the period beginning on the thirtieth day before the date a regular legislative session convenes and continuing thirty days past the date of final adjournment, and during the period beginning on the date a special legislative session convenes and continuing through the date that session adjourns, no state official or a person employed by or acting on behalf of a state official or state legislator may solicit or accept contributions to a public office fund, to a candidate or authorized committee, or to retire a campaign debt. Contributions received through the mail after the thirtieth day before a regular legislative session may be accepted if the contribution is postmarked prior to the thirtieth day before the session.

(2) This section does not apply to activities authorized in RCW 43.07.370."

Senator Esser moved that the committee amendment by the Committee on Government Operations & Elections do be adopted.

Senators Esser and Roach spoke in favor of adopting of the committee striking amendment.

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

Senator Kastama spoke against adopting the committee striking amendment.

we are speaking to right now is 197 and I did not sign that amendment."

PARLIAMENTARY INQUIRY

Senator Jacobsen: "We had a motion to concur in the amendment and if that had of been voted down then will we then go back? What I don't understand right now, where are we at in the process?"

WITHDRAWAL OF AMENDMENT

On motion of Senator Deccio, the amendment by Senator Deccio on page 1, line 9 to the committee striking amendment to Third Substitute House Bill No. 1226 was withdrawn.

REPLY BY THE PRESIDENT

MOTION

President Owen: "It's a good question Senator Jacobsen. There are two striking amendments, one by the committee and there are amendments to the committee amendment. If the committee, so we have to perfect the committee amendment before you can vote on it. So we are now working on the amendments to the committee amendment. If it goes down then we would go to the other striking amendment and start working the amendments to that striking amendment."

Senator Pridemore moved that the following amendment by Senator Pridemore to the committee striking amendment be adopted.

On page 1, line 10, after "voters", insert the following: "as provided in subsection (2)"

On page 1, after line 20, insert the following:

"(2) The legislative authority of a county that has over two hundred thousand registered voters may adopt the contribution limits for candidates for county office in accordance with the limits established in this section by ordinance or resolution. The ordinance or resolution must be submitted to, and approved by, a vote of the people at the next general election in the form of a referendum for those local jurisdictions with referendum power, or in the form of an advisory ballot for those local jurisdictions without referendum power."

Renumber the sections consecutively and correct any internal references accordingly.

PARLIAMENTARY INQUIRY

Senator Jacobsen: "Then when the Senator from the Forty-eighth district made the motion to do concur and I understand that that is a higher order, then we didn't have to vote on whether to do concur or not and just automatically, what did it do with the do not adopt?"

WITHDRAWAL OF AMENDMENT

REPLY BY THE PRESIDENT

President Owen: "When there are two motions, one is to not adopt one is to too adopt the positive motion has the higher rank. It causes the other motion to basically disappear."

On motion of Senator Pridemore, the amendment by Senator Pridemore on page 1, line 10 to the committee striking amendment to Third Substitute House Bill No. 1226 was withdrawn.

MOTION

MOTION

Senator Deccio moved that the following amendment by Senator Deccio to the committee striking amendment be adopted.

On page 1, beginning on line 9 of the amendment, after "for county" strike all material through "voters" on line 10, and insert "city, or town office"

On page 2, line 12 of the amendment, after "county" insert "city, or town"

On page 2, line 15 of the amendment, after "county" insert "city, or town"

On page 2, line 18 of the amendment, after "county" insert "city, or town"

On page 3, line 1 of the amendment, after "county" insert "city, or town"

On page 3, line 4 of the amendment, after "county" insert "city, or town"

Senator Deccio spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Kastama spoke against adoption of the amendment to the committee striking amendment.

POINT OF INQUIRY

Senator Deccio: "Would Senator Kastama yield to a question? Senator Kastama, I, you're on this amendment with me and I, you're giving me information that is new to me."

Senator Kastama: "The amendment that you and I have both signed together is to the other striker. The amendment that

Senator Benton moved that the following amendment by Senator Benton to the committee striking amendment be adopted.

On page 7, after line 4 of the amendment, insert the following:

"**Sec. 6.** RCW 42.17.093 and 2003 c 123 s 2 are each amended to read as follows:

(1) An out-of-state political committee organized for the purpose of supporting or opposing candidates or ballot propositions in another state that is not otherwise required to report under RCW 42.17.040 through 42.17.090 shall report as required in this section when it makes an expenditure supporting or opposing a Washington state candidate or political committee. The committee shall file with the commission a statement disclosing:

- (a) Its name and address;
- (b) The purposes of the out-of-state committee;
- (c) The names, addresses, and titles of its officers or, if it has no officers, the names, addresses, and the titles of its responsible leaders;
- (d) The name, office sought, and party affiliation of each candidate in the state of Washington whom the out-of-state committee is supporting or opposing and, if such committee is supporting or opposing the entire ticket of any party, the name of the party;
- (e) The ballot proposition supported or opposed in the state of Washington, if any, and whether such committee is in favor of or opposed to such proposition;
- (f) The name and address of each person residing in the state

FIFTY-SECOND DAY, March 1, 2006

of Washington or corporation which has a place of business in the state of Washington who has made one or more contributions in the aggregate of more than twenty-five dollars to the out-of-state committee during the current calendar year, together with the money value and date of such contributions;

(g) The name, address, and employer of each person or corporation residing outside the state of Washington who has made one or more contributions in the aggregate of more than two thousand five hundred dollars to the out-of-state committee during the current calendar year, together with the money value and date of such contributions. Annually, the commission must modify the two thousand five hundred dollar limit in this subsection based on percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the bureau of economic analysis of the federal department of commerce;

(h) The name and address of each person in the state of Washington to whom an expenditure was made by the out-of-state committee with respect to a candidate or political committee in the aggregate amount of more than fifty dollars, the amount, date, and purpose of such expenditure, and the total sum of such expenditures; and

~~((h))~~ (i) Such other information as the commission may prescribe by rule in keeping with the policies and purposes of this chapter.

(2) Each statement shall be filed no later than the ~~((twentieth))~~ tenth day of the month following any month in which a contribution or other expenditure reportable under subsection (1) of this section is made. An out-of-state committee incurring an obligation to file additional statements in a calendar year may satisfy the obligation by timely filing reports that supplement previously filed information.

~~((3) A political committee required to file campaign reports with the federal election commission or its successor is exempt from reporting under this section.)~~

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Benton spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Kastama spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 7, line 4 to the committee striking amendment to Third Substitute House Bill No. 1226.

The motion by Senator Benton carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections as amended to Third Substitute House Bill No. 1226.

MOTION

Senator Esser demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

MOTION

On motion of Senator Schoesler, Senators Stevens and Carrell were excused.

MOTION

On motion of Senator Honeyford, Senator Mulliken was excused.

The Secretary called the roll on the adoption of the committee striking amendment as amended and the amendment was adopted by the following vote: Yeas, 24; Nays, 22; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Brandland, Deccio, Delvin, Esser, Finkbeiner, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Pridemore, Roach, Schmidt, Schoesler, Sheldon, Swecker and Zarelli - 24.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 22.

Excused: Senators Carrell, Oke and Stevens - 3.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 1 of the title, after "limits;" strike the remainder of the title and insert "amending RCW 42.17.640, 42.17.700, and 42.17.710; and adding new sections to chapter 42.17 RCW."

On page 7, beginning on line 6 of the title amendment, after "42.17.700," strike the remainder of the title amendment and insert "42.17.710, and 42.17.093; and adding new sections to chapter 42.17 RCW."

MOTION

On motion of Senator Kastama, the rules were suspended, Third Substitute House Bill No. 1226 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke against the motion.

PARLIAMENTARY INQUIRY

Senator Eide: "Just curious right now, are we, exactly where are we on passing the striking amendment of the committee, and then do we have more amendments. So once it's bumped that final."

REPLY BY THE PRESIDENT

President Owen: "We already have passed the committee amendments. There are no more amendments. It will be on third reading."

The President declared the question before the Senate to be the final passage of Third Substitute House Bill No. 1226 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Third Substitute House Bill No. 1226 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

Voting yea: Senators Benson, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 36

Voting nay: Senators Benton, Carrell, Fairley, Hargrove, Hewitt, Honeyford, Mulliken, Parlette, Poulsen, Pridemore and Zarelli - 11

Excused: Senators Oke and Stevens - 2

THIRD SUBSTITUTE HOUSE BILL NO. 1226 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2572, by House Committee on Appropriations (originally sponsored by Representatives Morrell, Clibborn, Green, Flannigan, Eickmeyer, Conway, Dickerson, Blake, Cody, Wallace, Roberts, Appleton, Hasegawa, McCoy, Linville, Simpson, Chase, Darneille, O'Brien, Murray, B. Sullivan, Ormsby, Springer, Moeller and Kagi)

Establishing the small employer health insurance partnership program.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be not adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS AND INTENT. (1) The legislature finds that many small employers struggle with the cost of providing employer-sponsored health insurance coverage to their employees, while others are unable to offer employer-sponsored health insurance due to its high cost. Low-wage workers also struggle with the burden of paying their share of the costs of employer-sponsored health insurance, while others turn down their employer's offer of coverage due to its costs.

(2) The legislature intends, through establishment of a small employer health insurance partnership program, to remove economic barriers to health insurance coverage for low-wage employees of small employers by building on the private sector health benefit plan system and encouraging employer and employee participation in employer-sponsored health benefit plan coverage.

NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrator" means the administrator of the Washington state health care authority, established under chapter 41.05 RCW.

(2) "Eligible employee" means an individual who:

(a) Is a resident of the state of Washington;

(b) Has family income less than two hundred percent of the federal poverty level, as determined annually by the federal department of health and human services; and

(c) Is employed by a small employer.

(3) "Health benefit plan" has the same meaning as defined in RCW 48.43.005 or any plan provided by a self-funded multiple employer welfare arrangement as defined in RCW 48.125.010

or by another benefit arrangement defined in the federal employee retirement income security act of 1974, as amended.

(4) "Program" means the small employer health insurance partnership program established in section 3 of this act.

(5) "Small employer" has the same meaning as defined in RCW 48.43.005.

(6) "Subsidy" means payment or reimbursement to an eligible employee toward the purchase of a health benefit plan, and may include a net billing arrangement with insurance carriers or a prospective or retrospective payment for health benefit plan premiums.

NEW SECTION. Sec. 3. SMALL EMPLOYER HEALTH INSURANCE PARTNERSHIP PROGRAM ESTABLISHED. To the extent funding is appropriated in the operating budget for this purpose, the small employer health insurance partnership program is established. The administrator shall be responsible for the implementation and operation of the small employer health insurance partnership program, directly or by contract. The administrator shall offer premium subsidies to eligible employees under section 4 of this act.

NEW SECTION. Sec. 4. PREMIUM SUBSIDIES TO ELIGIBLE EMPLOYEES. (1) Beginning January 1, 2007, the administrator shall accept applications from eligible employees, on behalf of themselves, their spouses, and their dependent children, to receive premium subsidies through the small employer health insurance partnership program.

(2) Premium subsidy payments may be provided to eligible employees if:

(a) The eligible employee is employed by a small employer;

(b) The value of the health benefit plan offered by the small employer is at least equivalent to that of the basic health plan benefit offered under chapter 70.47 RCW. The office of the insurance commissioner under Title 48 RCW shall certify those small employer health benefit plans that, by reason of cost or benefits, can be considered substantially equivalent to the basic health plan benefit; and

(c) The small employer will pay at least forty percent of the monthly premium cost for health benefit plan coverage of the eligible employee.

(3) The amount of an eligible employee's premium subsidy shall be determined by applying the sliding scale subsidy schedule developed for subsidized basic health plan enrollees under RCW 70.47.060 to the employee's premium obligation for his or her employer's health benefit plan. However, in no case shall the amount of an eligible employee's monthly premium subsidy exceed the amount he or she would have received as a basic health plan enrollee.

(4) After an eligible individual has enrolled in the program, the program shall issue subsidies in an amount determined pursuant to subsection (3) of this section to either the eligible employee or to the carrier designated by the eligible employee.

(5) An eligible employee must agree to provide verification of continued enrollment in his or her small employer's health benefit plan on a semiannual basis or to notify the administrator whenever his or her enrollment status changes, whichever is earlier. Verification or notification may be made directly by the employee, or through his or her employer or the carrier providing the small employer health benefit plan. When necessary, the administrator has the authority to perform retrospective audits on premium subsidy accounts. The administrator may suspend or terminate an employee's participation in the program and seek repayment of any subsidy amounts paid due to the omission or misrepresentation of an applicant or enrolled employee. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources.

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

NEW SECTION. Sec. 5. ENROLLMENT LIMITS TO REMAIN WITHIN APPROPRIATION. Enrollment in the small employer health insurance partnership program is not an entitlement and shall not result in expenditures that exceed the amount that has been appropriated for the program in the operating budget. If it appears that continued enrollment will result in expenditures exceeding the appropriated level for a particular fiscal year, the administrator may freeze new enrollment in the program and establish a waiting list of eligible employees who shall receive subsidies only when sufficient funds are available.

NEW SECTION. Sec. 6. COLLABORATION WITH COMMUNITY ORGANIZATIONS. In implementing the small employer health insurance partnership program, the administrator shall work with organizations awarded grants through the community health care collaborative grant program established under Engrossed Second Substitute Senate Bill No. 6459, if enacted. The administrator may use funds appropriated for the small employer health insurance partnership program to enhance a grant otherwise awarded to a community-based organization. The grant enhancement shall be used by the organization specifically to provide a subsidy to eligible employees within the geographic region it serves.

NEW SECTION. Sec. 7. RULES. The administrator shall adopt all rules necessary for the implementation and operation of the small employer health insurance partnership program. As part of the rule development process, the administrator shall consult with small employers, carriers, employee organizations, and the office of the insurance commissioner under Title 48 RCW to determine an effective and efficient method for the payment of subsidies under this chapter, including methods for electronic funds transfers of the subsidy. All rules shall be adopted in accordance with chapter 34.05 RCW.

NEW SECTION. Sec. 8. REPORTS TO THE LEGISLATURE. The administrator shall report biennially to the relevant policy and fiscal committees of the legislature on the effectiveness and efficiency of the small employer health insurance partnership program, including the services and benefits covered under the purchased health benefit plans, consumer satisfaction, and other program operational issues.

NEW SECTION. Sec. 9. SMALL EMPLOYER HEALTH INSURANCE PARTNERSHIP PROGRAM ACCOUNT. The small employer health insurance partnership program account is hereby established in the custody of the state treasurer. Any nongeneral fund--state funds collected for the small employer health insurance partnership program shall be deposited in the small employer health insurance partnership program account. Moneys in the account shall be used exclusively for the purposes of administering the small employer health insurance partnership program, including payments to participating managed health care systems on behalf of small employer health insurance partnership enrollees. Only the administrator of the health care authority or his or her designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 10. STATE CHILDREN'S HEALTH INSURANCE PROGRAM--FEDERAL WAIVER REQUEST. The department of social and health services shall submit a request to the federal department of health and human services by October 1, 2006, for a state children's health insurance program section 1115 demonstration waiver. The waiver request shall seek authorization from the federal government to draw down Washington state's unspent state children's health insurance program allotment to finance basic health plan coverage, as provided in chapter 70.47 RCW, for parents of children enrolled in medical assistance or the state

children's health insurance program. The waiver also shall seek authorization from the federal government to utilize the resulting state savings to finance expanded basic health plan enrollment, or subsidies provided to low-wage workers through the small employer health insurance partnership program established in this chapter.

NEW SECTION. Sec. 11. The joint legislative audit and review committee shall conduct a program and fiscal review of the small employer health insurance partnership program and report their findings and recommendation to the appropriate committees of the legislature no later than December 1, 2009.

NEW SECTION. Sec. 12. Captions used in this act are not part of the law.

NEW SECTION. Sec. 13. Sections 1 through 10 and 12 of this act constitute a new chapter in Title 70 RCW."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "adding a new chapter to Title 70 RCW; and creating a new section."

The President declared the question before the Senate to be the motion by Senator Keiser to not adopt the committee striking amendment by the Committee on Health & Long-Term Care to Engrossed Second Substitute House Bill No. 2572.

The motion by Senator Keiser carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Keiser moved that the following striking amendment by Senator Keiser be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS AND INTENT. (1) The legislature finds that many small employers struggle with the cost of providing employer-sponsored health insurance coverage to their employees, while others are unable to offer employer-sponsored health insurance due to its high cost. Low-wage workers also struggle with the burden of paying their share of the costs of employer-sponsored health insurance, while others turn down their employer's offer of coverage due to its costs.

(2) The legislature intends, through establishment of a small employer health insurance partnership program, to remove economic barriers to health insurance coverage for low-wage employees of small employers by building on the private sector health benefit plan system and encouraging employer and employee participation in employer-sponsored health benefit plan coverage.

NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrator" means the administrator of the Washington state health care authority, established under chapter 41.05 RCW.

(2) "Eligible employee" means an individual who:

(a) Is a resident of the state of Washington;

(b) Has family income less than two hundred percent of the federal poverty level, as determined annually by the federal department of health and human services; and

(c) Is employed by a small employer.

(3) "Health benefit plan" has the same meaning as defined in RCW 48.43.005 or any plan provided by a self-funded multiple employer welfare arrangement as defined in RCW 48.125.010 or by a self-insured employer-sponsored health benefit arrangement under the federal employee retirement income security act of 1974, as amended.

(4) "Program" means the small employer health insurance partnership program established in section 3 of this act.

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

(5) "Small employer" has the same meaning as defined in RCW 48.43.005.

(6) "Subsidy" means payment or reimbursement to an eligible employee toward the purchase of a health benefit plan, and may include a net billing arrangement with insurance carriers or a prospective or retrospective payment for health benefit plan premiums.

NEW SECTION. Sec. 3. SMALL EMPLOYER HEALTH INSURANCE PARTNERSHIP PROGRAM ESTABLISHED. To the extent funding is appropriated in the operating budget for this purpose, the small employer health insurance partnership program is established. The administrator shall be responsible for the implementation and operation of the small employer health insurance partnership program, directly or by contract. The administrator shall offer premium subsidies to eligible employees under section 4 of this act.

NEW SECTION. Sec. 4. PREMIUM SUBSIDIES TO ELIGIBLE EMPLOYEES.

(1) Beginning July 1, 2007, the administrator shall accept applications from eligible employees, on behalf of themselves, their spouses, and their dependent children, to receive premium subsidies through the small employer health insurance partnership program.

(2) Premium subsidy payments may be provided to eligible employees if:

(a) The eligible employee is employed by a small employer;

(b) The health benefit plan to be subsidized has been certified by the office of the insurance commissioner as, by reason of cost or benefits, substantially equivalent to the basic health plan under chapter 70.47 RCW; and

(c) The small employer will pay at least forty percent of the monthly premium cost for health benefit plan coverage of the eligible employee.

(3) The amount of an eligible employee's premium subsidy shall be determined by applying the sliding scale subsidy schedule developed for subsidized basic health plan enrollees under RCW 70.47.060 to the employee's premium obligation for his or her employer's health benefit plan. However, in no case shall the amount of an eligible employee's monthly premium subsidy exceed the amount he or she would have received as a basic health plan enrollee.

(4) After an eligible individual has enrolled in the program, the program shall issue subsidies in an amount determined pursuant to subsection (3) of this section to either the eligible employee or to the carrier designated by the eligible employee.

(5) An eligible employee must agree to provide verification of continued enrollment in his or her small employer's health benefit plan on a semiannual basis or to notify the administrator whenever his or her enrollment status changes, whichever is earlier. Verification or notification may be made directly by the employee, or through his or her employer or the carrier providing the small employer health benefit plan. When necessary, the administrator has the authority to perform retrospective audits on premium subsidy accounts. The administrator may suspend or terminate an employee's participation in the program and seek repayment of any subsidy amounts paid due to the omission or misrepresentation of an applicant or enrolled employee. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources.

NEW SECTION. Sec. 5. ENROLLMENT LIMITS TO REMAIN WITHIN APPROPRIATION. Enrollment in the small employer health insurance partnership program is not an entitlement and shall not result in expenditures that exceed the amount that has been appropriated for the program in the operating budget. If it appears that continued enrollment will

result in expenditures exceeding the appropriated level for a particular fiscal year, the administrator may freeze new enrollment in the program and establish a waiting list of eligible employees who shall receive subsidies only when sufficient funds are available.

NEW SECTION. Sec. 6. COLLABORATION WITH COMMUNITY ORGANIZATIONS. In implementing the small employer health insurance partnership program, the administrator shall work with organizations awarded grants through the community health care collaborative grant program established under Engrossed Second Substitute Senate Bill No. 6459, if enacted. The administrator may use funds appropriated for the small employer health insurance partnership program to enhance a grant otherwise awarded to a community-based organization. The grant enhancement shall be used by the organization specifically to provide a premium subsidy to eligible employees within the geographic region it serves.

NEW SECTION. Sec. 7. RULES. The administrator shall adopt all rules necessary for the implementation and operation of the small employer health insurance partnership program. As part of the rule development process, the administrator shall consult with small employers, carriers, employee organizations, and the office of the insurance commissioner under Title 48 RCW to determine an effective and efficient method for the payment of subsidies under this chapter, including methods for electronic funds transfers of the subsidy. All rules shall be adopted in accordance with chapter 34.05 RCW.

NEW SECTION. Sec. 8. REPORTS TO THE LEGISLATURE. The administrator shall report biennially to the relevant policy and fiscal committees of the legislature on the effectiveness and efficiency of the small employer health insurance partnership program, including the services and benefits covered under the purchased health benefit plans, consumer satisfaction, and other program operational issues.

NEW SECTION. Sec. 9. STATE CHILDREN'S HEALTH INSURANCE PROGRAM--FEDERAL WAIVER REQUEST. The department of social and health services shall submit a request to the federal department of health and human services by October 1, 2006, for a state children's health insurance program section 1115 demonstration waiver. The waiver request shall seek authorization from the federal government to draw down Washington state's unspent state children's health insurance program allotment to finance basic health plan coverage, as provided in chapter 70.47 RCW, for parents of children enrolled in medical assistance or the state children's health insurance program. The waiver also shall seek authorization from the federal government to utilize the resulting state savings to finance expanded basic health plan enrollment, or subsidies provided to low-wage workers through the small employer health insurance partnership program established in this chapter.

NEW SECTION. Sec. 10. The joint legislative audit and review committee shall conduct a program and fiscal review of the small employer health insurance partnership program and report their findings and recommendation to the appropriate committees of the legislature no later than November, 2009. The review shall include an assessment of at least the following issues:

(1) The extent to which eligible employees' employers were providing health insurance coverage prior to their entry into the program, and whether their employer modified their contribution to health plan premium costs or the scope of coverage provided prior to the employee's entry into the program;

(2) The extent to which eligible employees are employed by an employer who began providing health insurance coverage to its employees due at least in part to the availability of the

program;

(3) The average percentage and dollar amount of employer contributions to premiums for eligible employees and dependents participating in the program;

(4) The scope of covered benefits and the cost of employer sponsored health plans being subsidized through the program; and

(5) The amount of the state premium subsidy per participating employee and their dependents, in comparison to the cost that the state would have incurred if the eligible employees and their dependents were enrolled in the basic health plan.

NEW SECTION. Sec. 11. Captions used in this act are not part of the law.

NEW SECTION. Sec. 12. Sections 1 through 9 and 11 of this act constitute a new chapter in Title 70 RCW."

Senator Keiser spoke in favor of adoption of the striking amendment.

MOTION

Senator Parlette moved that the following amendment by Senator Parlette to the striking amendment be adopted.

On page 1, line 9, after "costs." insert "A small employer health insurance program that provides subsidies for employers who want to purchase one type of insurance and allows other employers to choose more kinds of low-cost insurance products would help more small employers provide health insurance for their employees."

On page 5, after line 25, insert the following:

"**Sec. 13.** RCW 48.21.045 and 2004 c 244 s 1 are each amended to read as follows:

~~(1)((~~1~~)) An insurer offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer ((~~1~~)) no more than one health benefit plan featuring a limited schedule of covered health care services. ((~~Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. An insurer offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.~~~~

~~—(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.240, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320.~~

~~—(2)) (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.21.130 through 48.21.240, 48.21.244 through 48.21.280, 48.21.300 through 48.21.320, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.~~

~~(b) In offering the plan under this subsection, the insurer must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).~~

~~(2) An insurer offering the plan under subsection (1) of this section must also offer and actively market to the small~~

employer at least one additional health benefit plan.

~~(3) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.~~

~~((~~3~~)) (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:~~

~~(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:~~

- ~~(i) Geographic area;~~
- ~~(ii) Family size;~~
- ~~(iii) Age; and~~
- ~~(iv) Wellness activities.~~

~~(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.~~

~~(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ((~~3~~)) (4).~~

~~(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.~~

~~(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.~~

~~(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:~~

- ~~(i) Changes to the enrollment of the small employer;~~
- ~~(ii) Changes to the family composition of the employee;~~
- ~~(iii) Changes to the health benefit plan requested by the small employer; or~~
- ~~(iv) Changes in government requirements affecting the health benefit plan.~~

~~(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.~~

~~(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs ((~~due to network provider reimbursement schedules or type of network~~)) for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.~~

~~(i) Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account as defined by the United States internal revenue service, adjusted community rates established under this section shall pool the medical experience of all small groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus ((~~four~~)) eight percentage points from the overall adjustment of a~~

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

carrier's entire small group pool (~~(such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal))~~ if certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage, benefit design, claims cost trend for the plan, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than eight percentage points are subject to review by the commissioner, and must be approved or denied within thirty days of submittal. A variation that is not denied within ~~(sixty)~~ thirty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial ~~((within thirty days))~~ at the time of the denial.

~~((4))~~ (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

~~((5))~~ (6)(a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) An insurer shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

~~((6))~~ (7) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

~~((7))~~ (8) As used in this section, "health benefit plan," "small employer," "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 14. RCW 48.44.023 and 2004 c 244 s 7 are each amended to read as follows:

~~(1)((a))~~ (1) A health care services contractor offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer ~~((a))~~ no more than one health benefit plan featuring a limited schedule of covered

health care services. ~~((Nothing in this subsection shall preclude a contractor from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A contractor offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.~~

~~—(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460.~~

~~—(2))~~ (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.44.210, 48.44.212, 48.44.225, 48.44.240 through 48.44.245, 48.44.290 through 48.44.340, 48.44.344, 48.44.360 through 48.44.380, 48.44.400, 48.44.420, 48.44.440 through 48.44.460, 48.44.500, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.

(b) In offering the plan under this subsection, the health care service contractor must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).

(2) A health care service contractor offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.

(3) Nothing in this section shall prohibit a health care service contractor from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

~~((3))~~ (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ~~((3))~~ (4).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

FIFTY-SECOND DAY, March 1, 2006

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs ~~((due to network provider reimbursement schedules or type of network))~~ for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account as defined by the United States internal revenue service, adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus ~~((four))~~ eight percentage points from the overall adjustment of a carrier's entire small group pool~~((such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal))~~ if certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage, benefit design, claims cost trend for the plan, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than eight percentage points are subject to review by the commissioner, and must be approved or denied within thirty days of submittal. A variation that is not denied within ~~((sixty))~~ thirty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial ~~((within thirty days))~~ at the time of the denial.

~~((4))~~ (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

~~((5))~~ (6)(a) Except as provided in this subsection, requirements used by a contractor in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A contractor shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for

groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A contractor may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

~~((6))~~ (7) A contractor must offer coverage to all eligible employees of a small employer and their dependents. A contractor may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A contractor may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

Sec. 15. RCW 48.46.066 and 2004 c 244 s 9 are each amended to read as follows:

(1)~~((1))~~ A health maintenance organization offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer ~~((1))~~ no more than one health benefit plan featuring a limited schedule of covered health care services. ~~((Nothing in this subsection shall preclude a health maintenance organization from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A health maintenance organization offering a health benefit plan under this subsection shall clearly disclose all the covered benefits to the small employer in a brochure filed with the commissioner.~~

~~((b))~~ A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530.

~~((2))~~ (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.46.250, 48.46.272 through 48.46.290, 48.46.320, 48.46.350, 48.46.375, 48.46.440 through 48.46.460, 48.46.480, 48.46.490, 48.46.510, 48.46.520, 48.46.530, 48.46.565, 48.46.570, 48.46.575, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.

(b) In offering the plan under this subsection, the health maintenance organization must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).

(2) A health maintenance organization offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.

(3) Nothing in this section shall prohibit a health maintenance organization from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

~~((3))~~ (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ~~((3))~~ (4).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs ~~((due to network provider reimbursement schedules or type of network))~~ for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account as defined by the United States internal revenue service, adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus ~~((four))~~ eight percentage points from the overall adjustment of a carrier's entire small group pool~~((such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the~~

~~carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal)) if certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage, benefit design, claims cost trend for the plan, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the health maintenance organization's small group pool. Variations of greater than eight percentage points are subject to review by the commissioner, and must be approved or denied within thirty days of submittal. A variation that is not denied within ~~((sixty))~~ thirty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial ~~((within thirty days))~~ at the time of the denial.~~

~~((4))~~ (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

~~((5))~~ (6)(a) Except as provided in this subsection, requirements used by a health maintenance organization in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A health maintenance organization shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A health maintenance organization may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

~~((6))~~ (7) A health maintenance organization must offer coverage to all eligible employees of a small employer and their dependents. A health maintenance organization may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A health maintenance organization may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Parlette and Pflug spoke in favor of adoption of the amendment to the striking amendment.

Senators Thibaudeau and Keiser spoke against adoption of the amendment to the striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Parlette on page 1, line 9 to the striking amendment to Engrossed Second Substitute House Bill No. 2572.

ROLL CALL

The Secretary called the roll on the adoption of the

FIFTY-SECOND DAY, March 1, 2006

amendment by Senator Parlette to the striking amendment and the amendment was adopted by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Eide, Esser, Finkbeiner, Hargrove, Hewitt, Honeyford, Johnson, Kastama, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli - 27.

Voting nay: Senators Berkey, Brown, Doumit, Fairley, Franklin, Fraser, Haugen, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Spanel, Thibaudeau and Weinstein - 21.

Excused: Senator Oke - 1.

MOTION

Senator Deccio moved that the following amendment by Senator Deccio to the striking amendment be adopted.

On page 2, line 16 of the amendment, after "act" insert ", or subsidies to fund a health savings account under section 5 of this act"

On page 2, after line 16 of the amendment, insert the following:

"NEW SECTION. Sec. 4. HEALTH SAVINGS ACCOUNT SUBSIDIES TO ELIGIBLE EMPLOYEES. (1) Beginning July 1, 2007, the administrator shall accept applications from eligible employees, on behalf of themselves, their spouses, and their dependent children, to receive subsidies to fund a health savings account through the small employer health insurance partnership program.

(2) Health savings account subsidy payments may be provided to eligible employees if:

(a) The eligible employee is employed by a small employer; and

(b) The eligible employee participates in an employer sponsored high deductible health plan and health savings account that conforms to section 223, Part VII of subchapter B of chapter 1 of the internal revenue code of 1986.

(3) The amount of an eligible employee's health savings account subsidy shall be determined by the legislature in the biennial operating budget.

(4) After an eligible individual has enrolled in the program, the program shall issue subsidies in an amount determined pursuant to subsection (3) of this section to either the eligible employee or to the carrier designated by the eligible employee.

(5) An eligible employee must agree to provide verification of continued enrollment in his or her small employer's health benefit plan on a semiannual basis or to notify the administrator whenever his or her enrollment status changes, whichever is earlier. Verification or notification may be made directly by the employee, or through his or her employer or the carrier providing the small employer health benefit plan. When necessary, the administrator has the authority to perform retrospective audits on health savings account subsidy accounts. The administrator may suspend or terminate an employee's participation in the program and seek repayment of any subsidy amounts paid due to the omission or misrepresentation of an applicant or enrolled employee. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources."

Renumber the remaining sections consecutively and correct internal references accordingly.

Senator Deccio spoke in favor of adoption of the amendment to the striking amendment.

Senator Keiser spoke against adoption of the amendment to the striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Deccio on page 2, line 16 to the striking amendment Engrossed Second Substitute House Bill No. 2572.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Deccio to the striking amendment and the amendment was adopted by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Hargrove, Hewitt, Honeyford, Johnson, Kastama, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Stevens, Swecker, Weinstein and Zarelli- 32.

Voting nay: Senators Berkey, Brown, Fairley, Franklin, Fraser, Haugen, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Pridemore, Regala, Shin, Spanel and Thibaudeau - 16.

Excused: Senator Oke - 1.

MOTION

Senator Parlette moved that the following amendment by Senator Parlette to the striking amendment be adopted.

On page 2, line 16 of the amendment, after "4 of this act" insert "or a business and occupation tax deduction under section 5 of this act"

On page 3, after line 20 of the amendment, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing tax there may be deducted from the measure of tax the amount paid by small employers to provide health care services for its employees. Payments made by employees are not eligible for deduction under this subsection.

(2) For the purposes of this section, the following definitions apply:

(a) "Small employer" has the meaning provided in RCW 48.43.005;

(b) "Health care services" means a health benefit plan as defined in RCW 48.43.005, contributions to health savings accounts as defined by the United States internal revenue service, or other health care services purchased by the small employer for its employees."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 5, after line 25 of the amendment, insert the following:

"NEW SECTION. Sec. 13. Section 5 of this act takes effect July 1, 2006."

Senators Parlette and Deccio spoke in favor of adoption of the amendment to the striking amendment.

MOTION

On motion of Senator Keiser, further consideration of Engrossed Second Substitute House Bill No. 2572 be deferred and the bill hold its place on the second reading calendar.

Senator Esser spoke against the motion.

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

The President declared the question before the Senate to be the motion by Senator Keiser to defer further consideration of Engrossed Second Substitute House Bill No. 2572.

The motion by Senator Keiser failed by voice vote.

The President declared the question before the Senate to be the adoption of the amendment by Senator Parlette on page 2, line 16 to the striking amendment to Engrossed Second Substitute House Bill No. 2572.

The motion by Senator Parlette carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Parlette moved that the following amendment by Senator Parlette to the striking amendment be adopted.

On page 2, beginning at line 24, after "employer;" strike all material through "RCW" on line 28.

Re-number the sections consecutively and correct any internal references accordingly.

Senator Parlette spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Parlette on page 2, line 24 to the striking amendment to Engrossed Second Substitute House Bill No. 2572.

The motion by Senator Parlette carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment as amended to Engrossed Second Substitute House Bill No. 2572.

The motion by Senator Keiser carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "adding a new chapter to Title 70 RCW; and creating a new section."

On page 1, line 2 of the title, after "RCW;" strike the remainder of the title and insert "amending RCW 48.21.045, RCW 48.44.023, and 48.46.066; and creating a new section."

On page 1, line 2 of the title, after "RCW;" strike the remainder of the title and insert "adding a new section to chapter 82.04 RCW; and creating a new section."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Second Substitute House Bill No. 2572 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Deccio, Parlette, Pflug and Zarelli spoke in favor of passage of the bill.

Senator Thibaudeau spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2572 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2572 as amended

by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 42

Voting nay: Senators Kline, Kohl-Welles, Pridemore, Regala and Thibaudeau - 5

Absent: Senator Brown - 1

Excused: Senator Oke - 1

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2572 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2973, by House Committee on Education (originally sponsored by Representatives Priest, Ormsby, Kenney, Kagi, Hasegawa, P. Sullivan, Moeller, Santos and Springer)

Creating a career and technical high school graduation option for students meeting state standards in fundamental academic content areas.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning, K-12 & Higher Education be not adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that Washington's performance-based education system should seek to provide fundamental academic knowledge and skills for all students, and to provide the opportunity for students to acquire knowledge and skills likely to contribute to their own economic well-being and that of their families and communities.

(2) The legislature recognizes that career and technical options are available for students.

(3) High schools or school districts should take advantage of their opportunity to offer course credits, including credits toward graduation requirements, for knowledge and skills in fundamental academic content areas that students gain in career and technical education courses.

(4) Therefore the legislature intends to create a rigorous and high quality career and technical high school alternative assessment that assures students meet state standards, and also reflects nationally recognized standards for the knowledge and skills needed to pursue employment and careers in technical fields.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.230 RCW to read as follows:

(1) Each high school or school district board of directors shall adopt course equivalencies for career and technical high school courses offered to students at the high school. A career and technical course equivalency may be for whole or partial credit. Each school district board of directors shall develop a course equivalency approval procedure.

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

(2) Career and technical courses determined to be equivalent to academic core courses, in full or in part, by the high school or school district shall be accepted as meeting core requirements, including graduation requirements, if the courses are recorded on the student's transcript using the equivalent academic high school department designation and title. Full or partial credit shall be recorded as appropriate.

Sec. 3. RCW 28A.230.090 and 2005 c 205 s 3 are each amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students, except those equivalencies established by local high schools or school districts under section 2 of this act.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements shall consider including information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) The certificate of academic achievement requirements under RCW 28A.655.061 or the certificate of individual achievement requirements under RCW 28A.155.045 are required for graduation from a public high school but are not the only requirements for graduation.

(c) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level.

(2) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) If requested by the student and his or her family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit.

(6) At the college or university level, five quarter or three semester hours equals one high school credit.

Sec. 4. RCW 28A.230.100 and 1991 c 116 s 8 are each amended to read as follows:

The state board of education shall adopt rules pursuant to chapter 34.05 RCW, to implement the course requirements set forth in RCW 28A.230.090. The rules shall include, as the state

board deems necessary, granting equivalencies for and temporary exemptions from the course requirements in RCW 28A.230.090 and special alterations of the course requirements in RCW 28A.230.090. In developing such rules the state board shall recognize the relevance of vocational and applied courses and allow such courses to fulfill in whole or in part the courses required for graduation in RCW 28A.230.090, as determined by the high school or school district in accordance with section 2 of this act. The rules may include provisions for competency testing in lieu of such courses required for graduation in RCW 28A.230.090 or demonstration of specific skill proficiency or understanding of concepts through work or experience.

NEW SECTION. Sec. 5. A new section is added to chapter 28C.04 RCW to read as follows:

(1) The superintendent of public instruction shall develop an objective alternative assessment for career and technical education programs. The objective alternative assessment shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning.

(2) The alternative assessment shall include an evaluation of a collection of work samples prepared and submitted by an applicant who is enrolled in a career and technical education program. The superintendent of public instruction shall develop guidelines for the collection of work samples that evidences that the collection:

(a) Is relevant to the student's particular career and technical program;

(b) Focuses on the application of academic knowledge and skills within the program;

(c) Includes completed activities or projects where demonstration of academic knowledge is inferred; and

(d) Is related to the essential academic learning requirements and state standards that students must meet to earn a certificate of academic achievement or certificate of individual achievement, but also represents the knowledge and skills that successful individuals in the career and technical field of the approved program are expected to possess.

(3) In developing the work samples for subsection (2) of this section, the superintendent shall consult with community and technical colleges, employers, the work force training and education coordinating board, apprenticeship programs, and other regional and national experts in career and technical education to create an appropriate collection of work samples and other evidence of a career and technical student's knowledge and skills on the state academic standards."

On page 1, line 3 of the title, after "areas;" strike the remainder of the title and insert "amending RCW 28A.230.090 and 28A.230.100; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28C.04 RCW; and creating a new section."

The President declared the question before the Senate to be the motion by Senator McAuliffe to not adopt the committee striking amendment by the Committee on Early Learning, K-12 & Higher Education to Substitute House Bill No. 2973.

The motion by Senator McAuliffe carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator McAuliffe moved that the following striking amendment by Senators McAuliffe and Schmidt be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that Washington's performance-based education system should seek to provide fundamental academic knowledge and skills for all

FIFTY-SECOND DAY, March 1, 2006

students, and to provide the opportunity for students to acquire knowledge and skills likely to contribute to their own economic well-being and that of their families and communities.

(2) The legislature recognizes that career and technical options are available for students.

(3) High schools or school districts should take advantage of their opportunity to offer course credits, including credits toward graduation requirements, for knowledge and skills in fundamental academic content areas that students gain in career and technical education courses.

(4) Therefore the legislature intends to create a rigorous and high quality career and technical high school alternative assessment that assures students meet state standards, and also reflects nationally recognized standards for the knowledge and skills needed to pursue employment and careers in technical fields.

NEW SECTION, Sec. 2. A new section is added to chapter 28A.230 RCW to read as follows:

(1) Each high school or school district board of directors shall adopt course equivalencies for career and technical high school courses offered to students at the high school. A career and technical course equivalency may be for whole or partial credit. Each school district board of directors shall develop a course equivalency approval procedure.

(2) Career and technical courses determined to be equivalent to academic core courses, in full or in part, by the high school or school district shall be accepted as meeting core requirements, including graduation requirements, if the courses are recorded on the student's transcript using the equivalent academic high school department designation and title. Full or partial credit shall be recorded as appropriate.

Sec. 3. RCW 28A.230.090 and 2005 c 205 s 3 are each amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students, except those equivalencies established by local high schools or school districts under section 2 of this act.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements shall consider including information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) The certificate of academic achievement requirements under RCW 28A.655.061 or the certificate of individual achievement requirements under RCW 28A.155.045 are required for graduation from a public high school but are not the only requirements for graduation.

(c) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level.

(2) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board. The state board shall reevaluate the graduation requirements for students enrolled in vocationally intensive and rigorous career and technical education programs, particularly those programs that lead to a certificate or credential that is state or nationally recognized. The purpose of the evaluation is to ensure that students enrolled in these programs have sufficient opportunity to earn a certificate of academic achievement, complete the program and earn the program's certificate or credential, and complete other state and local graduation requirements. The board shall report its findings and recommendations for additional flexibility in graduation requirements, if necessary, to the legislature by December 1, 2007.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school

2006 REGULAR SESSION

graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) If requested by the student and his or her family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit.

(6) At the college or university level, five quarter or three semester hours equals one high school credit.

Sec. 4. RCW 28A.230.100 and 1991 c 116 s 8 are each amended to read as follows:

The state board of education shall adopt rules pursuant to chapter 34.05 RCW, to implement the course requirements set forth in RCW 28A.230.090. The rules shall include, as the state board deems necessary, granting equivalencies for and temporary exemptions from the course requirements in RCW 28A.230.090 and special alterations of the course requirements in RCW 28A.230.090. In developing such rules the state board shall recognize the relevance of vocational and applied courses and allow such courses to fulfill in whole or in part the courses required for graduation in RCW 28A.230.090, as determined by the high school or school district in accordance with section 2 of this act. The rules may include provisions for competency testing in lieu of such courses required for graduation in RCW 28A.230.090 or demonstration of specific skill proficiency or understanding of concepts through work or experience.

NEW SECTION, Sec. 5. A new section is added to chapter 28C.04 RCW to read as follows:

(1) The superintendent of public instruction shall develop an objective alternative assessment for career and technical education programs. The objective alternative assessment shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning.

(2) The alternative assessment shall include an evaluation of a collection of work samples prepared and submitted by an applicant who is enrolled in a career and technical education program. The superintendent of public instruction shall develop guidelines for the collection of work samples that evidences that the collection:

(a) Is relevant to the student's particular career and technical program;

(b) Focuses on the application of academic knowledge and skills within the program;

(c) Includes completed activities or projects where demonstration of academic knowledge is inferred; and

(d) Is related to the essential academic learning requirements and state standards that students must meet to earn a certificate of academic achievement or certificate of individual achievement, but also represents the knowledge and skills that successful individuals in the career and technical field of the approved program are expected to possess.

FIFTY-SECOND DAY, March 1, 2006

(3) In developing the work samples for subsection (2) of this section, the superintendent shall consult with community and technical colleges, employers, the work force training and education coordinating board, apprenticeship programs, and other regional and national experts in career and technical education to create an appropriate collection of work samples and other evidence of a career and technical student's knowledge and skills on the state academic standards."

Senators McAuliffe and Schmidt spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe and Schmidt to Substitute House Bill No. 2973.

The motion by Senator McAuliffe carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "areas;" strike the remainder of the title and insert "amending RCW 28A.230.090 and 28A.230.100; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28C.04 RCW; and creating a new section."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 2973 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2973 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2973 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Brown - 1

Excused: Senator Oke - 1

SUBSTITUTE HOUSE BILL NO. 2973 as amended by the Senate as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2562, by Representatives Wood, Conway, Fromhold and Condotta

Regulating flavored malt beverage.

The measure was read the second time.

2006 REGULAR SESSION

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 2562 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Honeyford spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Brown was excused.

MOTION

On motion of Senator Spanel, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2562.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2562 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Brown, Oke and Prentice - 3

HOUSE BILL NO. 2562, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:04 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 6:30 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

March 1, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:
 ENGROSSED SENATE BILL NO. 6152,
 SENATE BILL NO. 6159,
 SENATE BILL NO. 6338,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL
 NO. 6480,
 SENATE BILL NO. 6549,
 SENATE BILL NO. 6576,

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

SENATE BILL NO. 6596,
SENATE BILL NO. 6658,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6679,
SENATE BILL NO. 6762,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 1, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:

SENATE BILL NO. 5439,
ENGROSSED SENATE BILL NO. 6169,
SENATE BILL NO. 6208,
ENGROSSED SENATE BILL NO. 6236,
SUBSTITUTE SENATE BILL NO. 6359,
SUBSTITUTE SENATE BILL NO. 6406,
ENGROSSED SENATE BILL NO. 6606,
SENATE BILL NO. 6674,
SENATE BILL NO. 6723,
SUBSTITUTE SENATE BILL NO. 6791,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6870,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 1, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:

ENGROSSED SENATE BILL NO. 6537,
SENATE BILL NO. 6720,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6776,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6802,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1151, by House Committee on Judiciary (originally sponsored by Representatives Lovick, Campbell, Lantz, Jarrett, Simpson, Williams, Murray and B. Sullivan)

Regulating the keeping of dangerous wild animals.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1)(a) A joint select committee on regulation of private ownership of exotic wild animals is

established. The joint select committee shall consist of the following members:

(i) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(ii) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives.

(b) The four appointed members shall involve interested parties as appropriate.

(2) The committee shall conduct a study concerning the regulation of the private ownership of exotic wild animals. The study shall include, but not be limited to:

(a) Identifying animals that may be considered dangerous as pets and the criteria used to identify an animal as one that may be considered dangerous as a pet;

(b) Identifying the potential harm an exotic wild animal may cause if privately owned, and how the risk of such harm may affect an owner's ability to qualify for and receive insurance;

(c) Identifying whether the private ownership of exotic wild animals should be regulated or banned, and how a state law regulating or banning the private ownership of exotic wild animals may affect other state and local laws regulating or banning the private ownership of such animals;

(d) Identifying laws in other states that regulate or ban the private ownership of exotic wild animals, and whether such laws have been effective in reducing the injuries or damages that can be caused by the private ownership of exotic wild animals; and

(e) Identifying the ways in which local jurisdictions and public agencies may act to protect the public against possible health and safety threats of owning exotic wild animals.

(3)(a) The committee shall use legislative facilities, and staff support shall be provided by senate committee services and the house of representatives office of program research.

(b) Legislative members of the committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

(4) The committee shall report its findings and recommendations to the governor and the appropriate committees of the legislature by November 15, 2006.

(5) This section expires July 1, 2007."

Senator Hargrove spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to Engrossed Substitute House Bill No. 1151.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "animals;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute House Bill No. 1151 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove, Rasmussen, Carrell and Jacobsen spoke in favor of passage of the bill.

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

MOTION

On motion of Senator Schoesler, Senators McCaslin, Delvin, Hewitt, Benton and Deccio was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1151 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1151 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Voting nay: Senator Morton - 1

Excused: Senators Benton, Deccio, Delvin, McCaslin, Oke and Prentice - 6

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1151 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2651, by House Committee on Economic Development, Agriculture & Trade (originally sponsored by Representatives Pettigrew, Kristiansen, Haigh, Buri, Walsh, Linville, Kretz, Grant, Cox, Newhouse, Holmquist, Blake, Armstrong and Springer)

Regarding disclosure of animal information.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute House Bill No. 2651 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2651.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2651 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker,

Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Deccio, Delvin, McCaslin, Oke and Prentice - 5

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2651, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2691, by House Committee on Appropriations (originally sponsored by Representatives Crouse, Fromhold, Conway, Lovick, Bailey, Kenney and Quall)

Creating optional public retirement benefits for justices and judges.

The measure was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 2691 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Esser spoke in favor of passage of the bill.

POINT OF ORDER

Senator Kline: "Both the good Senator and I have spouses who are judges and who are to be governed by this law, if it becomes law. It would give Superior Court and District Court judges among others an opportunity, not given to the class of all state employees, to choose between various pension plans. I believe that's a favorable treatment of those judges. There is a small class of those judges and for that reason I've asked another member to excuse Senator Eide and myself. The good Senator and I though want to put on the record the reason why we're being excused. It's not simply because we're off the floor but because we feel that there, if not an actual conflict of interest, is the appearance to the public of a conflict of interest should either of us take part in this vote. For that reason only we will ask to be excused."

REPLY BY THE PRESIDENT

President Owen: "You'd raised to a point of order if I remember correctly. Is the point of order whether or not you should vote on this issue or not?"

REMARKS BY SENATOR KLINE

Senator Kline: "Actually no. To be frank, you and I have had this explanation. I know what your ruling would be, that we are legally allowed to vote on this order. If I'm putting words in your mouth, please tell me."

REPLY BY THE PRESIDENT

President Owen: "You certainly are, the President would not of said, 'legally allowed,' he would of said, 'legally required.'"

REMARKS BY SENATOR KLINE

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

Senator Kline: "Ok, even more so then. I hope you'll understand that the two of us feel that there is an appearance to the public of a conflict."

MOTION

On motion of Senator Finkbeiner, Senator Johnson was excused.

MOTION

On motion of Senator Regala, Senators Kline and Eide were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2691.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2691 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Excused: Senators Delvin, Eide, Johnson, Kline, McCaslin and Oke - 6

SUBSTITUTE HOUSE BILL NO. 2691, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2985, by House Committee on Children & Family Services (originally sponsored by Representatives Schual-Berke, Clibborn, Appleton, Moeller, Green, Cody, Morrell, Walsh, McIntire, Kagi, Kenney, Hasegawa and Simpson)

Creating a foster care health unit in the department of social and health services.

The measure was read the second time.

MOTION

Senator Poulsen moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that foster children have enhanced health care needs and that it is necessary to improve the system of providing health care for foster children. The legislature further recognizes the importance of meeting the mental health needs of children in foster care, as well as their medical and dental health care needs. The legislature finds that there must be greater coordination and integration of systems, in particular coordination between children's administration and the health and recovery services administration as well as other agencies that provide or pay for

health services for foster youth, to ensure that the health care needs of children in foster care are met in a timely manner.

NEW SECTION. Sec. 2. A new section is added to chapter 13.34 RCW to read as follows:

Whenever a child is ordered removed from his or her home pursuant to this chapter, the agency charged with his or her care may authorize an evaluation and treatment for the child's routine and necessary medical, dental, or mental health care, and all necessary emergency care.

Sec. 3. RCW 74.13.031 and 2004 c 183 s 3 are each amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency: PROVIDED, That an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report measuring the extent to which the department achieved the specified goals to the governor and the legislature.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10) Have authority to provide continued foster care or group care for individuals from eighteen through twenty years of age to enable them to complete their high school or vocational school program.

(11) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child.

(12) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14) Have authority to provide independent living services to youths, including individuals eighteen through twenty years of age, who are or have been in foster care.

NEW SECTION. Sec. 4. A new section is added to chapter 74.13 RCW to read as follows:

Within existing resources, the department shall establish a foster care health unit within the children's administration. The children's administration and the health and recovery services administration within the department shall integrally collaborate to accomplish the following tasks:

(1) The health unit shall review and provide recommendations to the legislature by September 1, 2006, regarding issues including, but not limited to, the following:

(a) Creation of an office within the department to consolidate and coordinate physical, dental, and mental health services provided to children who are in the custody of the department;

(b) Alternative payment structures for health care organization. The department may consider managed care as an alternative structure for health care. The department may not implement managed care for health care services for children in foster care for cost containment purposes; however, the

department may institute managed care if the managed care is in the foster child's best interest;

(c) Improving coordination of health care for children in foster care, including medical, dental, and mental health care;

(d) Improving access to health information available to the children's administration for providers of health services for children in foster care, including the use of the child profile as a means to facilitate access to such information;

(e) Establishing a medical home for each child placed in foster care to ensure that appropriate, timely, and necessary quality care is available through a coordinated system of care and analyzing how a medical home might be utilized to meet the unique needs of children in foster care. In establishing a medical home, the department shall consider primary care that is accessible, continuous, comprehensive, family centered, coordinated, compassionate, and culturally effective;

(f) Examining how existing resources are being utilized to provide health care for foster children and options for improving how the resources are utilized. Particular emphasis shall be placed on the following:

(i) Whether the health care services provided to foster children are evidence-based;

(ii) Whether resources are duplicative or redundant between agencies or departments in the provision of medical, dental, or mental health services for children; and

(iii) Identification of where resources are inadequate to meet the routine and necessary medical, dental, and mental health needs of children in foster care; and

(g) Any other issues related to medical, dental, or mental health care for children in foster care.

(2)(a) The foster care health unit, in collaboration with regional medical consultants, shall develop a statewide, uniform role for the regional medical consultants with emphasis placed on the mental health needs of the children in foster care.

(b) By September 1, 2006, the department shall implement the utilization of the statewide, uniform role for the regional medical consultants developed in (a) of this subsection.

(3) This section expires January 1, 2007."

Senator Poulsen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 2985.

The motion by Senator Poulsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 74.13.031; adding a new section to chapter 13.34 RCW; adding a new section to chapter 74.13 RCW; creating a new section; and providing an expiration date."

MOTION

On motion of Senator Poulsen, the rules were suspended, Substitute House Bill No. 2985 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2985 as amended by the Senate.

FIFTY-SECOND DAY, March 1, 2006
 ROLL CALL

2006 REGULAR SESSION

The Secretary called the roll on the final passage of Substitute House Bill No. 2985 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Delvin, McCaslin and Oke - 3

SUBSTITUTE HOUSE BILL NO. 2985 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2979, by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Hasegawa, Chase, Roberts and Santos)

Addressing cultural upbringing in parenting plans.

The measure was read the second time.

MOTION

Senator Kastama moved that the following striking amendment by Senators Kastama and Shin be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that fostering deep connections with both parents can help children develop a solid sense of cultural identity and individuality. The legislature intends to encourage the courts of our state to support frequent and significant contacts between both parents and their children when it is in the best interests of those children.

Sec. 2. RCW 26.09.002 and 1987 c 460 s 2 are each amended to read as follows:

Parents have the responsibility to make decisions and perform other parental functions necessary for the care and growth of their minor children. In any proceeding between parents under this chapter, the best interests of the child shall be the standard by which the court determines and allocates the parties' parental responsibilities. The state recognizes the fundamental importance of the parent-child relationship to the welfare of the child, and that the relationship between the child and each parent should be fostered unless inconsistent with the child's best interests. The best interests of the child are served by a parenting arrangement that best maintains a child's emotional growth, health and stability, and physical care, therefore there shall be a presumption in favor of shared parental responsibility unless it is not in the child's best interest. Further, the best interest of the child is ordinarily served when the existing pattern of interaction between a parent and child is altered only to the extent necessitated by the changed relationship of the parents or as required to protect the child from physical, mental, or emotional harm.

Sec. 3. RCW 26.09.004 and 1987 c 460 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Temporary parenting plan" means a plan for parenting of the child pending final resolution of any action for dissolution

of marriage, declaration of invalidity, or legal separation which is incorporated in a temporary order.

(2) "Permanent parenting plan" means a plan for parenting the child, including allocation of parenting functions, which plan is incorporated in any final decree or decree of modification in an action for dissolution of marriage, declaration of invalidity, or legal separation.

(3) "Parenting functions" means those aspects of the parent-child relationship in which the parent makes decisions and performs functions necessary for the care and growth of the child. Parenting functions include:

(a) Maintaining a loving, stable, consistent, and nurturing relationship with the child;

(b) Attending to the daily needs of the child, such as feeding, clothing, physical care and grooming, supervision, health care, and day care, and engaging in other activities which are appropriate to the developmental level of the child and that are within the social and economic circumstances of the particular family;

(c) Attending to adequate education for the child, including remedial or other education essential to the best interests of the child;

(d) Assisting the child in developing and maintaining appropriate interpersonal relationships;

(e) Exercising appropriate judgment regarding the child's welfare, consistent with the child's developmental level and the family's social and economic circumstances; and

(f) Providing for the financial support of the child.

(4) "Shared parental responsibility" means shared residential placement and mutual decision-making authority.

(5) "Shared residential placement" means an order awarding each of the parents periods of time, amounting to at least one-third of a year, in which a child resides with or is under the actual, direct, day-to-day care and supervision of each of the parents. "Shared residential placement" does not necessarily mean the child must alternate his or her residence between the households of the parents for brief periods of time.

NEW SECTION. Sec. 4. A new section is added to chapter 26.09 RCW to read as follows:

(1) There shall be a presumption that shared parental responsibility is in the best interests of children unless:

(a) The parents have agreed to an alternate award of residential placement or decision-making authority to only one parent;

(b) The limitations of RCW 26.09.191 are dispositive of the child's residential schedule; or

(c) The court finds that shared parental responsibility would be detrimental due to the age or needs of the child or children.

(2) A parent alleging that shared parental responsibility would be detrimental to the child or children shall have the burden of establishing the allegation by a preponderance of the evidence.

(3) If a parent alleges that shared parental responsibility would be detrimental to a particular child, the court, in making a determination whether a shared parental responsibility order is appropriate, may direct that an investigation be conducted in accordance with the provisions of RCW 26.09.220. If the court declines to enter a shared parental responsibility order under this section, the court shall enter findings of fact and conclusions of law stating the reasons that shared parental responsibility is not in the best interest of the child.

Sec. 5. RCW 26.09.187 and 1989 c 375 s 10 are each amended to read as follows:

(1) DISPUTE RESOLUTION PROCESS. The court shall not order a dispute resolution process, except court action, when it finds that any limiting factor under RCW 26.09.191 applies, or when it finds that either parent is unable to afford the cost of the proposed dispute resolution process. If a dispute resolution process is not precluded or limited, then in designating such a process the court shall consider all relevant factors, including:

FIFTY-SECOND DAY, March 1, 2006

(a) Differences between the parents that would substantially inhibit their effective participation in any designated process;

(b) The parents' wishes or agreements and, if the parents have entered into agreements, whether the agreements were made knowingly and voluntarily; and

(c) Differences in the parents' financial circumstances that may affect their ability to participate fully in a given dispute resolution process.

(2) ALLOCATION OF DECISION-MAKING AUTHORITY.

(a) AGREEMENTS BETWEEN THE PARTIES. The court shall approve agreements of the parties allocating decision-making authority, or specifying rules in the areas listed in RCW 26.09.184(4)(a), when it finds that:

(i) The agreement is consistent with any limitations on a parent's decision-making authority mandated by RCW 26.09.191; and

(ii) The agreement is knowing and voluntary.

(b) SOLE DECISION-MAKING AUTHORITY. The court shall order sole decision-making to one parent when it finds that:

(i) A limitation on the other parent's decision-making authority is mandated by RCW 26.09.191;

(ii) Both parents are opposed to mutual decision making;

(iii) One parent is opposed to mutual decision making, and such opposition is reasonable based on the criteria in (c) of this subsection;

(c) MUTUAL DECISION-MAKING AUTHORITY. Except as provided in (a) and (b) of this subsection, the court shall consider the following criteria in allocating decision-making authority:

(i) The existence of a limitation under RCW 26.09.191;

(ii) The history of participation of each parent in decision making in each of the areas in RCW 26.09.184(4)(a);

(iii) Whether the parents have a demonstrated ability and desire to cooperate with one another in decision making in each of the areas in RCW 26.09.184(4)(a); and

(iv) The parents' geographic proximity to one another, to the extent that it affects their ability to make timely mutual decisions.

(3) RESIDENTIAL PROVISIONS.

(a) The court shall make residential provisions for each child which encourage each parent to maintain a loving, stable, and nurturing relationship with the child, consistent with the best interests of the child, the child's developmental level, and the family's social, cultural, and economic circumstances. There is a presumption that the child's residential schedule shall provide shared parental responsibility in accordance with section 4 of this act. The child's residential schedule shall be consistent with RCW 26.09.191. Where the limitations of RCW 26.09.191 are not dispositive of the child's residential schedule, the court shall consider the following factors:

(i) The relative strength, nature, and stability of the child's relationship with each parent (~~including whether a parent has taken greater responsibility for performing parenting functions relating to the daily needs of the child~~);

(ii) The agreements of the parties, provided they were entered into knowingly and voluntarily;

(iii) Each parent's past and potential for future performance of parenting functions;

(iv) The emotional needs and developmental level of the child and any special physical needs of the child;

(v) Whether the child is a nursing child;

(vi) The child's relationship with siblings and with other significant adults, as well as the child's involvement with his or her physical surroundings, school, or other significant activities;

~~((vii))~~ (vii) The wishes of the parents and the wishes of a child who is sufficiently mature to express reasoned and independent preferences as to his or her residential schedule; and

2006 REGULAR SESSION

~~((vii))~~ (viii) Each parent's employment schedule, and shall make accommodations consistent with those schedules.

Factor (i) shall be given the greatest weight.

(b) ~~(The court may order that a child frequently alternate his or her residence between the households of the parents for brief and substantially equal intervals of time only if the court finds the following:~~

~~(i) No limitation exists under RCW 26.09.191;~~

~~(ii)(A) The parties have agreed to such provisions and the agreement was knowingly and voluntarily entered into; or~~

~~(B) The parties have a satisfactory history of cooperation and shared performance of parenting functions; the parties are available to each other, especially in geographic proximity, to the extent necessary to ensure their ability to share performance of the parenting functions; and~~

~~(iii) The provisions are in the best interests of the child.)~~
For any child, residential provisions may contain any reasonable terms or conditions that facilitate the orderly and meaningful exercise of residential time by a parent, including one or more of the following:

(i) Requirements that residential times be specified;

(ii) Requirements of reasonable notice when residential time will not occur;

(iii) Any other reasonable condition determined to be appropriate in the particular case including but not limited to a domestic violence assessment.

(c) In any parenting plan in which the court finds that the parties do not have a satisfactory history of cooperation or the limitations of RCW 26.09.191 are dispositive; to the extent necessary, the parenting plan shall include a safe, neutral, and public location for the exchange of the child such as a school, day care, place of worship, or any other appropriate public facility.

NEW SECTION. Sec. 6. The administrative office of the courts, pursuant to funding provided specifically for this purpose, shall commission a study to commence by September 1, 2006. The study shall survey a statistically relevant number of geographically diverse final parenting plans in Washington to determine the allocation of residential time as between parents, including an analysis of gender disparities between parents, and the impact of legal counsel on outcomes of parenting plan disputes. The study shall be completed and a report provided to the legislature, the governor, and to the public within two years of the effective date of this section."

On page 1, line 2 of the title, after "plans;" strike the remainder of the title and insert "amending RCW 26.09.002, 26.09.004, and 26.09.187; adding a new section to chapter 26.09 RCW; and creating new sections."

POINT OF ORDER

Senator Fairley: "Thank you Mr. President. I believe the proposed amendment is outside the scope and object of the bill before us."

Senator Fairley spoke in favor of the point of order.
Senator Kastama spoke against the point of order.

MOTION

On motion of Senator Eide, further consideration of Substitute House Bill No. 2979 was deferred and the bill held its place on the second reading calendar.

The President Pro Tempore assumed the chair.

SECOND READING

HOUSE BILL NO. 2975, by Representatives Newhouse, Kirby and Dunn

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

Granting an exemption under the state securities act.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 21.20.320 and 1998 c 15 s 14 are each amended to read as follows:

The following transactions are exempt from RCW 21.20.040 through 21.20.300 and 21.20.327 except as expressly provided:

(1) Any isolated transaction, or sales not involving a public offering, whether effected through a broker-dealer or not; or any transaction effected in accordance with any rule by the director establishing a nonpublic offering exemption pursuant to this subsection where registration is not necessary or appropriate in the public interest or for the protection of investors.

(2) Any nonissuer transaction by a registered salesperson of a registered broker-dealer, and any resale transaction by a sponsor of a unit investment trust registered under the Investment Company Act of 1940 pursuant to any rule adopted by the director.

(3) Any nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy; but the director may by rule require that the customer acknowledge upon a specified form that the sale was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period.

(4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters.

(5) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit. A bond or other evidence of indebtedness is not offered and sold as a unit if the transaction involves:

(a) A partial interest in one or more bonds or other evidences of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels; or

(b) One of multiple bonds or other evidences of indebtedness secured by one or more real or chattel mortgages or deeds of trust, or agreements for the sale of real estate or chattels, sold to more than one purchaser as part of a single plan of financing; or

(c) A security including an investment contract other than the bond or other evidence of indebtedness.

(6) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator.

(7) Any transaction executed by a bona fide pledgee without any purpose of evading this chapter.

(8) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity.

(9) Any transaction effected in accordance with the terms and conditions of any rule adopted by the director if:

(a) The aggregate offering amount does not exceed five million dollars; and

(b) The director finds that registration is not necessary in the public interest and for the protection of investors.

(10) Any offer or sale of a preorganization certificate or subscription if (a) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, (b) the number of subscribers does not exceed ten, and (c) no payment is made by any subscriber.

(11) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if (a) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this state, or (b) the issuer first files a notice specifying the terms of the offer and the director does not by order disallow the exemption within the next five full business days.

(12) Any offer (but not a sale) of a security for which registration statements have been filed under both this chapter and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either act.

(13) The issuance of any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or stock.

(14) Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi reorganization, stock split, reverse stock split, merger, consolidation, or sale of assets.

(15) The offer or sale by a registered broker-dealer, or a person exempted from the registration requirements pursuant to RCW 21.20.040, acting either as principal or agent, of securities previously sold and distributed to the public: PROVIDED, That:

(a) Such securities are sold at prices reasonably related to the current market price thereof at the time of sale, and, if such broker-dealer is acting as agent, the commission collected by such broker-dealer on account of the sale thereof is not in excess of usual and customary commissions collected with respect to securities and transactions having comparable characteristics;

(b) Such securities do not constitute the whole or a part of an unsold allotment to or subscription or participation by such broker-dealer as an underwriter of such securities or as a participant in the distribution of such securities by the issuer, by an underwriter or by a person or group of persons in substantial control of the issuer or of the outstanding securities of the class being distributed; and

(c) The security has been lawfully sold and distributed in this state or any other state of the United States under this or any act regulating the sale of such securities.

(16) Any transaction by a mutual or cooperative association meeting the requirements of (a) and (b) of this subsection:

(a) The transaction:

(i) Does not involve advertising or public solicitation; or

(ii) Involves advertising or public solicitation, and:

(A) The association first files a notice of claim of exemption on a form prescribed by the director specifying the terms of the offer and the director does not by order deny the exemption within the next ten full business days; or

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

(B) The association is an employee cooperative and identifies itself as an employee cooperative in advertising or public solicitation.

(b) The transaction involves an instrument or interest, that:

(i)(A) Qualifies its holder to be a member or patron of the association;

(B) Represents a contribution of capital to the association by a person who is or intends to become a member or patron of the association;

(C) Represents a patronage dividend or other patronage allocation; or

(D) Represents the terms or conditions by which a member or patron purchases, sells, or markets products, commodities, or services from, to, or through the association; and

(ii) Is nontransferable except in the case of death, operation of law, bona fide transfer for security purposes only to the association, a bank, or other financial institution, intrafamily transfer, ((or)) transfer to an existing member or person who will become a member, or transfer by gift to any person organized and operated as a nonprofit organization as defined in RCW 84.36.800(4) that also possesses a current tax exempt status under the laws of the United States, and, in the case of an instrument, so states conspicuously on its face.

(17) Any transaction effected in accordance with any rule adopted by the director establishing a limited offering exemption which furthers objectives of compatibility with federal exemptions and uniformity among the states, provided that in adopting any such rule the director may require that no commission or other remuneration be paid or given to any person, directly or indirectly, for effecting sales unless the person is registered under this chapter as a broker-dealer or salesperson."

Senator Fairley spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection to House Bill No. 2975.

The motion by Senator Fairley carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "Washington;" strike the remainder of the title and insert "and amending RCW 21.20.320."

MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 2975 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Benson spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2975 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2975 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators McCaslin and Oke - 2

HOUSE BILL NO. 2975 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2984, by House Committee on Local Government (originally sponsored by Representatives Springer, Jarrett, Simpson, Clibborn, B. Sullivan, Hasegawa, Sells, P. Sullivan, Moeller, Santos and Green)

Authorizing cities, towns, and counties to implement affordable housing incentive programs.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that as new market-rate housing developments are constructed and housing costs rise, there is a significant and growing number of low-income households that cannot afford market-rate housing in Washington state. The legislature finds that assistance to low-income households that cannot afford market-rate housing requires a broad variety of tools to address this serious, statewide problem. The legislature further finds that absent any incentives to provide low-income housing, market conditions will result in housing developments in many areas that lack units affordable to low-income households, circumstances that can cause adverse socioeconomic effects.

The legislature encourages cities, towns, and counties to enact or expand affordable housing incentive programs, including density bonuses and other incentives, to increase the availability of low-income housing for renter and owner occupancy that is located in largely market-rate housing developments throughout the community, consistent with local needs and adopted comprehensive plans. While this act establishes minimum standards for those cities, towns, and counties choosing to implement or expand upon an affordable housing incentive program, cities, towns, and counties are encouraged to enact programs that address local circumstances and conditions while simultaneously contributing to the statewide need for additional low-income housing.

NEW SECTION. Sec. 2. A new section is added to chapter 36.70A RCW to read as follows:

(1)(a) Any city or county planning under RCW 36.70A.040 may enact or expand affordable housing incentive programs providing for the development of low-income housing units through development regulations. An affordable housing incentive program may include, but is not limited to:

(i) Density bonuses within the urban growth area;

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

- (ii) Height and bulk bonuses;
- (iii) Fee waivers or exemptions;
- (iv) Parking reductions;
- (v) Expedited permitting, conditioned on provision of low-income housing units; or
- (vi) Mixed use projects.

(b) The city or county may enact or expand such programs whether or not the programs may impose a tax, fee, or charge on the development or construction of property.

(c) If a developer chooses not to participate in an optional affordable housing incentive program adopted and authorized under this section, a city, county, or town may not condition, deny, or delay the issuance of a permit or development approval that is consistent with zoning and development standards on the subject property absent incentive provisions of this program.

(2) Affordable housing incentive programs enacted or expanded under this section shall comply with the following:

(a) The incentives or bonuses shall provide for the construction of low-income housing units;

(b) Jurisdictions shall establish standards for low-income renter or owner occupancy housing, including income guidelines consistent with local housing needs, to assist low-income households that cannot afford market-rate housing. Low-income households are defined for renter and owner occupancy program purposes as follows:

(i) Rental housing units to be developed shall be affordable to and occupied by households with an income of fifty percent or less of the county median family income, adjusted for family size; and

(ii) Owner occupancy housing units shall be affordable to and occupied by households with an income of eighty percent or less of the county median family income, adjusted for family size. The legislative authority of a jurisdiction, after holding a public hearing, may establish lower income levels. The legislative authority of a jurisdiction, after holding a public hearing, may also establish higher income levels for rental housing or for owner occupancy housing upon finding that higher income levels are needed to address local housing market conditions. The higher income level for rental housing may not exceed eighty percent of the county area median family income. The higher income level for owner occupancy housing may not exceed one hundred percent of the county area median family income. These established higher income levels must be considered "low-income" for the purposes of this section;

(c) The jurisdiction shall establish a maximum rent level or sales price for each low-income housing unit developed under the terms of a program and may adjust these levels or prices based on the average size of the household expected to occupy the unit. For renter-occupied housing units, the total housing costs, including basic utilities as determined by the jurisdiction, may not exceed thirty percent of the income limit for the low-income housing unit;

(d) Low-income housing units shall be provided in a range of sizes comparable to those units that are available to other residents. To the extent practicable, the number of bedrooms in low-income units must be in the same proportion as the number of bedrooms in units within the entire building. The low-income units shall generally be distributed throughout the building, except that units may be provided in an adjacent building. The low-income units shall have substantially the same functionality as the other units in the building or buildings;

(e) Low-income housing units developed under an affordable housing incentive program shall be committed to continuing affordability for at least fifty years. A local government, however, may accept payments in lieu of continuing affordability. The program shall include measures to enforce continuing affordability and income standards

applicable to low-income units constructed under this section that may include, but are not limited to, covenants, options, or other agreements to be executed and recorded by owners and developers;

(f) Programs authorized under subsection (1) of this section may apply to part or all of a jurisdiction and different standards may be applied to different areas within a jurisdiction. Programs authorized under this section may be modified to meet local needs and may include provisions not expressly provided in this section or RCW 82.02.020; and

(g) Low-income housing units developed under an affordable housing incentive program are encouraged to be provided within market-rate housing developments for which a bonus or incentive is provided. However, programs may allow units to be provided in an adjacent building and may allow payments of money or property in lieu of low-income housing units if the payment equals the approximate cost of developing the same number and quality of housing units that would otherwise be developed. Any city or county shall use these funds or property to support the development of low-income housing, including support provided through loans or grants to public or private owners or developers of housing.

(3) Affordable housing incentive programs enacted or expanded under this section may be applied within the jurisdiction to address the need for increased residential development, consistent with local growth management and housing policies, as follows:

(a) The jurisdiction shall identify certain land use designations within a geographic area where increased residential development will assist in achieving local growth management and housing policies;

(b) The jurisdiction shall provide increased residential development capacity through zoning changes, bonus densities, height and bulk increases, parking reductions, or other regulatory changes or other incentives;

(c) The jurisdiction shall determine that increased residential development capacity or other incentives can be achieved within the identified area, subject to consideration of other regulatory controls on development; and

(d) The jurisdiction may establish a minimum amount of affordable housing that must be provided by all residential developments being built under the revised regulations, consistent with the requirements of this section.

Sec. 3. RCW 82.02.020 and 2005 c 502 s 5 are each amended to read as follows:

Except only as expressly provided in chapters 67.28 and 82.14 RCW, the state preempts the field of imposing taxes upon retail sales of tangible personal property, the use of tangible personal property, parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature. Except as provided in RCW 82.02.050 through 82.02.090, no county, city, town, or other municipal corporation shall impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance thereto, or on the development, subdivision, classification, or reclassification of land. However, this section does not preclude dedications of land or easements within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply.

This section does not prohibit voluntary agreements with counties, cities, towns, or other municipal corporations that allow a payment in lieu of a dedication of land or to mitigate a

FIFTY-SECOND DAY, March 1, 2006

direct impact that has been identified as a consequence of a proposed development, subdivision, or plat. A local government shall not use such voluntary agreements for local off-site transportation improvements within the geographic boundaries of the area or areas covered by an adopted transportation program authorized by chapter 39.92 RCW. Any such voluntary agreement is subject to the following provisions:

(1) The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified, direct impact;

(2) The payment shall be expended in all cases within five years of collection; and

(3) Any payment not so expended shall be refunded with interest to be calculated from the original date the deposit was received by the county and at the same rate applied to tax refunds pursuant to RCW 84.69.100; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

No county, city, town, or other municipal corporation shall require any payment as part of such a voluntary agreement which the county, city, town, or other municipal corporation cannot establish is reasonably necessary as a direct result of the proposed development or plat.

Nothing in this section prohibits cities, towns, counties, or other municipal corporations from collecting reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW.

This section does not limit the existing authority of any county, city, town, or other municipal corporation to impose special assessments on property specifically benefitted thereby in the manner prescribed by law.

Nothing in this section prohibits counties, cities, or towns from imposing or permits counties, cities, or towns to impose water, sewer, natural gas, drainage utility, and drainage system charges: PROVIDED, That no such charge shall exceed the proportionate share of such utility or system's capital costs which the county, city, or town can demonstrate are attributable to the property being charged: PROVIDED FURTHER, That these provisions shall not be interpreted to expand or contract any existing authority of counties, cities, or towns to impose such charges.

Nothing in this section prohibits a transportation benefit district from imposing fees or charges authorized in RCW 36.73.120 nor prohibits the legislative authority of a county, city, or town from approving the imposition of such fees within a transportation benefit district.

Nothing in this section prohibits counties, cities, or towns from imposing transportation impact fees authorized pursuant to chapter 39.92 RCW.

Nothing in this section prohibits counties, cities, or towns from requiring property owners to provide relocation assistance to tenants under RCW 59.18.440 and 59.18.450.

Nothing in this section limits the authority of counties, cities, or towns to implement programs consistent with section 2 of this act, nor to enforce agreements made pursuant to such programs.

This section does not apply to special purpose districts formed and acting pursuant to Titles 54, 57, or 87 RCW, nor is the authority conferred by these titles affected.

NEW SECTION. Sec. 4. The powers granted in this act are supplemental and additional to the powers otherwise held by local governments, and nothing in this act shall be construed as a limit on such powers. The authority granted in this act shall extend to any affordable housing incentive program enacted or expanded prior to the effective date of this act if the extension is

2006 REGULAR SESSION

adopted by the applicable local government in an ordinance or resolution."

Senator Fairley spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection to Engrossed Substitute House Bill No. 2984.

The motion by Senator Fairley carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 82.02.020; adding a new section to chapter 36.70A RCW; and creating new sections."

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute House Bill No. 2984 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley, Benson, Roach and Benton spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2984 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2984 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators McCaslin and Oke - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2984 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2520, by Representative Nixon

Recodifying and making technical corrections to public disclosure law.

The measure was read the second time.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted.

On page 21, after line 4, insert the following:

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

"Sec. 16. RCW 42.17.093 and 2003 c 123 s 2 are each amended to read as follows:

(1) An out-of-state political committee organized for the purpose of supporting or opposing candidates or ballot propositions in another state that is not otherwise required to report under RCW 42.17.040 through 42.17.090 shall report as required in this section when it makes an expenditure supporting or opposing a Washington state candidate or political committee. The committee shall file with the commission a statement disclosing:

(a) Its name and address;
 (b) The purposes of the out-of-state committee;
 (c) The names, addresses, and titles of its officers or, if it has no officers, the names, addresses, and the titles of its responsible leaders;

(d) The name, office sought, and party affiliation of each candidate in the state of Washington whom the out-of-state committee is supporting or opposing and, if such committee is supporting or opposing the entire ticket of any party, the name of the party;

(e) The ballot proposition supported or opposed in the state of Washington, if any, and whether such committee is in favor of or opposed to such proposition;

(f) The name and address of each person residing in the state of Washington or corporation which has a place of business in the state of Washington who has made one or more contributions in the aggregate of more than twenty-five dollars to the out-of-state committee during the current calendar year, together with the money value and date of such contributions;

(g) The name, address, and employer of each person or corporation residing outside the state of Washington who has made one or more contributions in the aggregate of more than two thousand five hundred dollars to the out-of-state committee during the current calendar year, together with the money value and date of such contributions. Annually, the commission must modify the two thousand five hundred dollar limit in this subsection based on percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the bureau of economic analysis of the federal department of commerce;

(h) The name and address of each person in the state of Washington to whom an expenditure was made by the out-of-state committee with respect to a candidate or political committee in the aggregate amount of more than fifty dollars, the amount, date, and purpose of such expenditure, and the total sum of such expenditures; and

~~((h))~~ (i) Such other information as the commission may prescribe by rule in keeping with the policies and purposes of this chapter.

(2) Each statement shall be filed no later than the ~~((twentieth))~~ tenth day of the month following any month in which a contribution or other expenditure reportable under subsection (1) of this section is made. An out-of-state committee incurring an obligation to file additional statements in a calendar year may satisfy the obligation by timely filing reports that supplement previously filed information.

~~((3) A political committee required to file campaign reports with the federal election commission or its successor is exempt from reporting under this section.)~~

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 4 of the title, after "74.42.640," strike "and

90.64.190" and insert "90.64.190, and 42.17.093"

Senator Benton spoke in favor of adoption of the amendment.

POINT OF ORDER

Senator Kastama: "Thank you Madam President. I request a ruling on the scope and object regarding this."

Senator Kastama spoke in favor of the motion.
 Senator Benton spoke against the motion.

The President assumed the chair.

MOTION

On motion of Senator Eide, further consideration of House Bill No. 2520 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2780, by House Committee on Appropriations (originally sponsored by Representatives McDermott, Hunt, Santos, Cody, Sells, Conway, Kenney, Ormsby, Williams, Green, Dunshee, Campbell, Appleton, Chase and Hasegawa)

Authorizing additional payroll deductions for state employees.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 2780 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Brown spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2780.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2780 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 37

Voting nay: Senators Carrell, Finkbeiner, Hewitt, Honeyford, Morton, Mulliken, Parlette, Pflug and Stevens - 9

Absent: Senator Schmidt - 1

Excused: Senators McCaslin and Oke - 2

SUBSTITUTE HOUSE BILL NO. 2780, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 3085, by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Blake, Kretz, B. Sullivan, Orcutt, Haler and Ericks)

Making technical corrections to certain public lands statutes.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 3085 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senators Schmidt and Honeyford were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3085.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3085 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Honeyford, McCaslin, Oke and Schmidt - 4

SUBSTITUTE HOUSE BILL NO. 3085, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2898, by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Hunt and Williams)

Regulating distribution of communications by state employees.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 2898 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Benton spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

POINT OF INQUIRY

Senator Deccio: "Senator Kastama, would you yield to a question? How do they communicate now?"

Senator Kastama: "They are limited by communicating by the mail predominately. That's all they can do or if they have the personal email for someone's home but that is the only method. As the Senator mentioned, many times when there is just a meeting in a short notice there unable to receive that information. Actually, in committee, the number of emails that a person receives is fairly prolific. This seems fairly common sense to add this to that in a deminimus manner though."

Senator Deccio: "Has that caused a great problem? I think Senator Honeyford makes a good point. You're talking about the ethics rules. Is it so demanding that we would have to pass this bill. They don't get along with the way their communicating now?"

Senator Kastama: "Well, that's interesting. I kind of went through the same level of inquisitiveness when I was looking at the bill and I guess I went through a process of elimination. This looks like a fairly common sense way to do it. How else are they going to have employees in one particular area can notify them on a short notice? Again I think there's enough standards in place that this will not, in fact, cannot, obstruct the work place. With those standards I feel comfortable voting for the bill."

Senator Mulliken spoke against passage of the bill.

Senator Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2898.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2898 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 39

Voting nay: Senators Deccio, Hewitt, Honeyford, Morton, Mulliken, Parlette and Stevens - 7

Excused: Senators McCaslin, Oke and Schmidt - 3

SUBSTITUTE HOUSE BILL NO. 2898, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2617, by Representatives Kretz, Blake, Ahern, Schindler, Sump, Condotta, Holmquist, Kristiansen, Serben, Campbell, McDonald, Hinkle and Dunn

Allowing local jurisdictions to allow off-road vehicles to operate on designated city or county roads.

The measure was read the second time.

MOTION

Senator Haugen moved that the following committee striking amendment by the Committee on Transportation be not

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.16.010 and 2005 c 350 s 1, 2005 c 323 s 2, and 2005 c 213 s 6 are each reenacted and amended to read as follows:

(1) It is unlawful for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided.

(2) Failure to make initial registration before operation on the highways of this state is a traffic infraction, and any person committing this infraction shall pay a penalty of five hundred twenty-nine dollars, no part of which may be suspended or deferred.

(3) Failure to renew an expired registration before operation on the highways of this state is a traffic infraction.

(4) The licensing of a vehicle in another state by a resident of this state, as defined in RCW 46.16.028, evading the payment of any tax or license fee imposed in connection with registration, is a gross misdemeanor punishable as follows:

(a) For a first offense, up to one year in the county jail and payment of a fine of five hundred twenty-nine dollars plus twice the amount of delinquent taxes and fees, no part of which may be suspended or deferred;

(b) For a second or subsequent offense, up to one year in the county jail and payment of a fine of five hundred twenty-nine dollars plus four times the amount of delinquent taxes and fees, no part of which may be suspended or deferred;

(c) For fines levied under (b) of this subsection, an amount equal to the avoided taxes and fees owed will be deposited in the vehicle licensing fraud account created in the state treasury;

(d) The avoided taxes and fees shall be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion.

(5) These provisions shall not apply to the following vehicles:

(a) Motorized foot scooters;

(b) Electric-assisted bicycles;

(c) Off-road vehicles operating on nonhighway roads under RCW 46.09.115;

(d) Farm vehicles if operated within a radius of fifteen miles of the farm where principally used or garaged, farm tractors and farm implements including trailers designed as cook or bunk houses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law;

(e) Spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation, and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing, or loading of spray and fertilizer applicator rigs and not used, designed, or modified primarily for the purpose of transportation;

(f) Fork lifts operated during daylight hours on public highways adjacent to and within five hundred feet of the warehouses which they serve: PROVIDED FURTHER, That these provisions shall not apply to vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks;

(g) "Trams" used for transporting persons to and from facilities related to the horse racing industry as regulated in

chapter 67.16 RCW, as long as the public right-of-way routes over which the trams operate are not more than one mile from end to end, the public rights-of-way over which the tram operates have an average daily traffic of not more than 15,000 vehicles per day, and the activity is in conformity with federal law. The operator must be a licensed driver and at least eighteen years old. For the purposes of this section, "tram" also means a vehicle, or combination of vehicles linked together with a single mode of propulsion, used to transport persons from one location to another;

(h) "Special highway construction equipment" defined as follows: Any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (i) are in excess of the legal width, or (ii) which, because of their length, height, or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (iii) which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface.

Exclusions:

"Special highway construction equipment" does not include any of the following:

Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(6) The following vehicles, whether operated solo or in combination, are exempt from license registration and displaying license plates as required by this chapter:

(a) A converter gear used to convert a semitrailer into a trailer or a two-axle truck or tractor into a three or more axle truck or tractor or used in any other manner to increase the number of axles of a vehicle. Converter gear includes an auxiliary axle, booster axle, dolly, and jeep axle.

(b) A tow dolly that is used for towing a motor vehicle behind another motor vehicle. The front or rear wheels of the towed vehicle are secured to and rest on the tow dolly that is attached to the towing vehicle by a tow bar.

(c) An off-road vehicle operated on a street or highway as authorized under RCW 46.09.180.

(7)(a) A motor vehicle subject to initial or renewal registration under this section shall not be registered to a natural person unless the person at time of application:

(i) Presents an unexpired Washington state driver's license; or

(ii) Certifies that he or she is:

FIFTY-SECOND DAY, March 1, 2006

(A) A Washington resident who does not operate a motor vehicle on public roads; or

(B) Exempt from the requirement to obtain a Washington state driver's license under RCW 46.20.025.

(b) For shared or joint ownership, the department will set up procedures to verify that all owners meet the requirements of this subsection.

(c) A person falsifying residency is guilty of a gross misdemeanor punishable only by a fine of five hundred twenty-nine dollars.

(d) The department may adopt rules necessary to implement this subsection, including rules under which a natural person applying for registration may be exempt from the requirements of this subsection where the person provides evidence satisfactory to the department that he or she has a valid and compelling reason for not being able to meet the requirements of this subsection.

Sec. 2. RCW 46.09.115 and 2005 c 213 s 4 are each amended to read as follows:

(1) Except as otherwise provided in this section, it is lawful to operate an off-road vehicle upon:

(a) A nonhighway road and in parking areas serving designated off-road vehicle areas if the state, federal, local, or private authority responsible for the management of the nonhighway road authorizes the use of off-road vehicles; and

(b) A street or highway as authorized under RCW 46.09.180.

(2) Operations of an off-road vehicle on a nonhighway road under this section is exempt from licensing requirements of RCW 46.16.010 and vehicle lighting and equipment requirements of chapter 46.37 RCW.

(3) Operations of an off-road vehicle on city or county roads designated under subsection (1)(b) of this section are exempt from the vehicle lighting and equipment requirements of chapter 46.37 RCW.

(4) It is unlawful to operate an off-road vehicle upon a private nonhighway road if the road owner has not authorized the use of off-road vehicles.

~~((4))~~ (5) Nothing in this section authorizes trespass on private property.

Sec. 3. RCW 46.09.120 and 2005 c 213 s 3 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, it is a traffic infraction for any person to operate any nonhighway vehicle:

(a) In such a manner as to endanger the property of another;

(b) On lands not owned by the operator or owner of the nonhighway vehicle without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others regardless of ownership;

(c) On lands not owned by the operator or owner of the nonhighway vehicle without an adequate braking device or when otherwise required for the safety of others regardless of ownership;

(d) Without a spark arrester approved by the department of natural resources;

(e) Without an adequate, and operating, muffling device which effectively limits vehicle noise to no more than eighty-six decibels on the "A" scale at fifty feet as measured by the Society of Automotive Engineers (SAE) test procedure J 331a, except that a maximum noise level of one hundred and five decibels on the "A" scale at a distance of twenty inches from the exhaust outlet shall be an acceptable substitute in lieu of the Society of Automotive Engineers test procedure J 331a when measured:

(i) At a forty-five degree angle at a distance of twenty inches from the exhaust outlet;

(ii) With the vehicle stationary and the engine running at a steady speed equal to one-half of the manufacturer's maximum allowable ("red line") engine speed or where the manufacturer's maximum allowable engine speed is not known the test speed in revolutions per minute calculated as sixty percent of the speed at which maximum horsepower is developed; and

(iii) With the microphone placed ten inches from the side of the vehicle, one-half way between the lowest part of the vehicle body and the ground plane, and in the same lateral plane as the rearmost exhaust outlet where the outlet of the exhaust pipe is under the vehicle;

(f) On lands not owned by the operator or owner of the nonhighway vehicle upon the shoulder or inside bank or slope of any nonhighway road or highway, or upon the median of any divided highway;

(g) On lands not owned by the operator or owner of the nonhighway vehicle in any area or in such a manner so as to unreasonably expose the underlying soil, or to create an erosion condition, or to injure, damage, or destroy trees, growing crops, or other vegetation;

(h) On lands not owned by the operator or owner of the nonhighway vehicle or on any nonhighway road or trail, when these are restricted to pedestrian or animal travel;

(i) On any public lands in violation of rules and regulations of the agency administering such lands; and

(j) On a private nonhighway road in violation of RCW 46.09.115(3).

(2) It is a misdemeanor for any person to operate any nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance.

(3)(a) Except for an off-road vehicle equipped with seat belts and roll bars or an enclosed passenger compartment, it is a traffic infraction for any person to operate or ride an off-road vehicle on a nonhighway road without wearing upon his or her head a motorcycle helmet fastened securely while in motion. For purposes of this section, "motorcycle helmet" has the same meaning as provided in RCW 46.37.530.

(b) Subsection (3)(a) of this section does not apply to an off-road vehicle operator operating on his or her own land.

(c) Subsection (3)(a) of this section does not apply to an off-road vehicle operator operating on agricultural lands owned or leased by the off-road vehicle operator or the operator's employer.

(4) It is not a traffic infraction to operate an off-road vehicle on a street or highway as authorized under RCW 46.09.180.

Sec. 4. RCW 46.09.180 and 1977 ex.s. c 220 s 15 are each amended to read as follows:

Notwithstanding any of the provisions of this chapter, any city, county, or other political subdivision of this state, or any state agency, may regulate the operation of nonhighway vehicles on public lands, waters, and other properties under its jurisdiction, and on streets or highways within its boundaries by adopting regulations or ordinances of its governing body, provided such regulations are not less stringent than the provisions of this chapter. However, cities with a population of less than three thousand persons may adopt regulations allowing for the operation of off-road vehicles on streets or highways within its boundaries, even if the regulations are less stringent than the provisions of this chapter.

Sec. 5. RCW 46.37.010 and 2005 c 213 s 7 are each amended to read as follows:

(1) It is a traffic infraction for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

adjustment as required in this chapter or in regulations issued by the chief of the Washington state patrol, or which is equipped in any manner in violation of this chapter or the state patrol's regulations, or for any person to do any act forbidden or fail to perform any act required under this chapter or the state patrol's regulations.

(2) Nothing contained in this chapter or the state patrol's regulations shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter or the state patrol's regulations.

(3) The provisions of the chapter and the state patrol's regulations with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

(4) No owner or operator of a farm tractor, self-propelled unit of farm equipment, or implement of husbandry shall be guilty of a crime or subject to penalty for violation of RCW 46.37.160 as now or hereafter amended unless such violation occurs on a public highway.

(5) It is a traffic infraction for any person to sell or offer for sale vehicle equipment which is required to be approved by the state patrol as prescribed in RCW 46.37.005 unless it has been approved by the state patrol.

(6) The provisions of this chapter with respect to equipment required on vehicles shall not apply to motorcycles or motor-driven cycles except as herein made applicable.

(7) This chapter does not apply to off-road vehicles used on nonhighway roads or used on streets or highways as authorized under RCW 46.09.180.

(8) This chapter does not apply to vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks.

(9) Notices of traffic infraction issued to commercial drivers under the provisions of this chapter with respect to equipment required on commercial motor vehicles shall not be considered for driver improvement purposes under chapter 46.20 RCW.

(10) Whenever a traffic infraction is chargeable to the owner or lessee of a vehicle under subsection (1) of this section, the driver shall not be arrested or issued a notice of traffic infraction unless the vehicle is registered in a jurisdiction other than Washington state, or unless the infraction is for an offense that is clearly within the responsibility of the driver.

(11) Whenever the owner or lessee is issued a notice of traffic infraction under this section the court may, on the request of the owner or lessee, take appropriate steps to make the driver of the vehicle, or any other person who directs the loading, maintenance, or operation of the vehicle, a codefendant. If the codefendant is held solely responsible and is found to have committed the traffic infraction, the court may dismiss the notice against the owner or lessee."

On page 1, line 2 of the title, after "roads," strike the remainder of the title and insert "amending RCW 46.09.115, 46.09.120, 46.09.180, and 46.37.010; and reenacting and amending RCW 46.16.010."

The President declared the question before the Senate to motion by Senator Haugen to not adopt the committee striking amendment by the Committee on Transportation to House Bill No. 2617.

The motion by Senator Haugen carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Haugen moved that the following striking amendment by Senators Haugen and Swecker be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.16.010 and 2005 c 350 s 1, 2005 c 323 s 2, and 2005 c 213 s 6 are each reenacted and amended to read as follows:

(1) It is unlawful for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided.

(2) Failure to make initial registration before operation on the highways of this state is a traffic infraction, and any person committing this infraction shall pay a penalty of five hundred twenty-nine dollars, no part of which may be suspended or deferred.

(3) Failure to renew an expired registration before operation on the highways of this state is a traffic infraction.

(4) The licensing of a vehicle in another state by a resident of this state, as defined in RCW 46.16.028, evading the payment of any tax or license fee imposed in connection with registration, is a gross misdemeanor punishable as follows:

(a) For a first offense, up to one year in the county jail and payment of a fine of five hundred twenty-nine dollars plus twice the amount of delinquent taxes and fees, no part of which may be suspended or deferred;

(b) For a second or subsequent offense, up to one year in the county jail and payment of a fine of five hundred twenty-nine dollars plus four times the amount of delinquent taxes and fees, no part of which may be suspended or deferred;

(c) For fines levied under (b) of this subsection, an amount equal to the avoided taxes and fees owed will be deposited in the vehicle licensing fraud account created in the state treasury;

(d) The avoided taxes and fees shall be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion.

(5) These provisions shall not apply to the following vehicles:

(a) Motorized foot scooters;

(b) Electric-assisted bicycles;

(c) Off-road vehicles operating on nonhighway roads under RCW 46.09.115;

(d) Farm vehicles if operated within a radius of fifteen miles of the farm where principally used or garaged, farm tractors and farm implements including trailers designed as cook or bunk houses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law;

(e) Spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation, and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing, or loading of spray and fertilizer applicator rigs and not used, designed, or modified primarily for the purpose of transportation;

(f) Fork lifts operated during daylight hours on public highways adjacent to and within five hundred feet of the warehouses which they serve: PROVIDED FURTHER, That these provisions shall not apply to vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks;

(g) "Trams" used for transporting persons to and from facilities related to the horse racing industry as regulated in chapter 67.16 RCW, as long as the public right-of-way routes over which the trams operate are not more than one mile from end to end, the public rights-of-way over which the tram operates have an average daily traffic of not more than 15,000 vehicles per day, and the activity is in conformity with federal

FIFTY-SECOND DAY, March 1, 2006

law. The operator must be a licensed driver and at least eighteen years old. For the purposes of this section, "tram" also means a vehicle, or combination of vehicles linked together with a single mode of propulsion, used to transport persons from one location to another;

(h) "Special highway construction equipment" defined as follows: Any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (i) are in excess of the legal width, or (ii) which, because of their length, height, or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (iii) which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface.

Exclusions:

"Special highway construction equipment" does not include any of the following:

Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(6) The following vehicles, whether operated solo or in combination, are exempt from license registration and displaying license plates as required by this chapter:

(a) A converter gear used to convert a semitrailer into a trailer or a two-axle truck or tractor into a three or more axle truck or tractor or used in any other manner to increase the number of axles of a vehicle. Converter gear includes an auxiliary axle, booster axle, dolly, and jeep axle.

(b) A tow dolly that is used for towing a motor vehicle behind another motor vehicle. The front or rear wheels of the towed vehicle are secured to and rest on the tow dolly that is attached to the towing vehicle by a tow bar.

(c) An off-road vehicle operated on a street, road, or highway as authorized under RCW 46.09.180.

(7)(a) A motor vehicle subject to initial or renewal registration under this section shall not be registered to a natural person unless the person at time of application:

(i) Presents an unexpired Washington state driver's license;

or

(ii) Certifies that he or she is:

(A) A Washington resident who does not operate a motor vehicle on public roads; or

(B) Exempt from the requirement to obtain a Washington state driver's license under RCW 46.20.025.

(b) For shared or joint ownership, the department will set up procedures to verify that all owners meet the requirements of this subsection.

2006 REGULAR SESSION

(c) A person falsifying residency is guilty of a gross misdemeanor punishable only by a fine of five hundred twenty-nine dollars.

(d) The department may adopt rules necessary to implement this subsection, including rules under which a natural person applying for registration may be exempt from the requirements of this subsection where the person provides evidence satisfactory to the department that he or she has a valid and compelling reason for not being able to meet the requirements of this subsection.

Sec. 2. RCW 46.09.115 and 2005 c 213 s 4 are each amended to read as follows:

(1) Except as otherwise provided in this section, it is lawful to operate an off-road vehicle upon:

(a) A nonhighway road and in parking areas serving designated off-road vehicle areas if the state, federal, local, or private authority responsible for the management of the nonhighway road authorizes the use of off-road vehicles; and

(b) A street, road, or highway as authorized under RCW 46.09.180.

(2) Operations of an off-road vehicle on a nonhighway road, or on a street, road, or highway as authorized under RCW 46.09.180, under this section is exempt from licensing requirements of RCW 46.16.010 and vehicle lighting and equipment requirements of chapter 46.37 RCW.

(3) It is unlawful to operate an off-road vehicle upon a private nonhighway road if the road owner has not authorized the use of off-road vehicles.

(4) Nothing in this section authorizes trespass on private property.

Sec. 3. RCW 46.09.120 and 2005 c 213 s 3 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, it is a traffic infraction for any person to operate any nonhighway vehicle:

(a) In such a manner as to endanger the property of another;

(b) On lands not owned by the operator or owner of the nonhighway vehicle without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others regardless of ownership;

(c) On lands not owned by the operator or owner of the nonhighway vehicle without an adequate braking device or when otherwise required for the safety of others regardless of ownership;

(d) Without a spark arrester approved by the department of natural resources;

(e) Without an adequate, and operating, muffling device which effectively limits vehicle noise to no more than eighty-six decibels on the "A" scale at fifty feet as measured by the Society of Automotive Engineers (SAE) test procedure J 331a, except that a maximum noise level of one hundred and five decibels on the "A" scale at a distance of twenty inches from the exhaust outlet shall be an acceptable substitute in lieu of the Society of Automotive Engineers test procedure J 331a when measured:

(i) At a forty-five degree angle at a distance of twenty inches from the exhaust outlet;

(ii) With the vehicle stationary and the engine running at a steady speed equal to one-half of the manufacturer's maximum allowable ("red line") engine speed or where the manufacturer's maximum allowable engine speed is not known the test speed in revolutions per minute calculated as sixty percent of the speed at which maximum horsepower is developed; and

(iii) With the microphone placed ten inches from the side of the vehicle, one-half way between the lowest part of the vehicle body and the ground plane, and in the same lateral plane as the rearmost exhaust outlet where the outlet of the exhaust pipe is under the vehicle;

(f) On lands not owned by the operator or owner of the nonhighway vehicle upon the shoulder or inside bank or slope of any nonhighway road or highway, or upon the median of any divided highway;

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

(g) On lands not owned by the operator or owner of the nonhighway vehicle in any area or in such a manner so as to unreasonably expose the underlying soil, or to create an erosion condition, or to injure, damage, or destroy trees, growing crops, or other vegetation;

(h) On lands not owned by the operator or owner of the nonhighway vehicle or on any nonhighway road or trail, when these are restricted to pedestrian or animal travel;

(i) On any public lands in violation of rules and regulations of the agency administering such lands; and

(j) On a private nonhighway road in violation of RCW 46.09.115(3).

(2) It is a misdemeanor for any person to operate any nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance.

(3)(a) Except for an off-road vehicle equipped with seat belts and roll bars or an enclosed passenger compartment, it is a traffic infraction for any person to operate or ride an off-road vehicle on a nonhighway road without wearing upon his or her head a motorcycle helmet fastened securely while in motion. For purposes of this section, "motorcycle helmet" has the same meaning as provided in RCW 46.37.530.

(b) Subsection (3)(a) of this section does not apply to an off-road vehicle operator operating on his or her own land.

(c) Subsection (3)(a) of this section does not apply to an off-road vehicle operator operating on agricultural lands owned or leased by the off-road vehicle operator or the operator's employer.

(4) It is not a traffic infraction to operate an off-road vehicle on a street, road, or highway as authorized under RCW 46.09.180.

Sec. 4. RCW 46.09.180 and 1977 ex.s. c 220 s 15 are each amended to read as follows:

Notwithstanding any of the provisions of this chapter, any city, county, or other political subdivision of this state, or any state agency, may regulate the operation of nonhighway vehicles on public lands, waters, and other properties under its jurisdiction, and on streets, roads, or highways within its boundaries by adopting regulations or ordinances of its governing body, provided such regulations are not less stringent than the provisions of this chapter. However, the legislative body of a city with a population of less than three thousand persons may, by ordinance, designate a street or highway within its boundaries to be suitable for use by off-road vehicles. The legislative body of a county may, by ordinance, designate a road or highway within its boundaries to be suitable for use by off-road vehicles if the road or highway is a direct connection between a city with a population of less than three thousand persons and an off-road vehicle recreation facility.

Sec. 5. RCW 46.37.010 and 2005 c 213 s 7 are each amended to read as follows:

(1) It is a traffic infraction for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter or in regulations issued by the chief of the Washington state patrol, or which is equipped in any manner in violation of this chapter or the state patrol's regulations, or for any person to do any act forbidden or fail to perform any act required under this chapter or the state patrol's regulations.

(2) Nothing contained in this chapter or the state patrol's regulations shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter or the state patrol's regulations.

(3) The provisions of the chapter and the state patrol's regulations with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

(4) No owner or operator of a farm tractor, self-propelled unit of farm equipment, or implement of husbandry shall be guilty of a crime or subject to penalty for violation of RCW 46.37.160 as now or hereafter amended unless such violation occurs on a public highway.

(5) It is a traffic infraction for any person to sell or offer for sale vehicle equipment which is required to be approved by the state patrol as prescribed in RCW 46.37.005 unless it has been approved by the state patrol.

(6) The provisions of this chapter with respect to equipment required on vehicles shall not apply to motorcycles or motor-driven cycles except as herein made applicable.

(7) This chapter does not apply to off-road vehicles used on nonhighway roads or used on streets, roads, or highways as authorized under RCW 46.09.180.

(8) This chapter does not apply to vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks.

(9) Notices of traffic infraction issued to commercial drivers under the provisions of this chapter with respect to equipment required on commercial motor vehicles shall not be considered for driver improvement purposes under chapter 46.20 RCW.

(10) Whenever a traffic infraction is chargeable to the owner or lessee of a vehicle under subsection (1) of this section, the driver shall not be arrested or issued a notice of traffic infraction unless the vehicle is registered in a jurisdiction other than Washington state, or unless the infraction is for an offense that is clearly within the responsibility of the driver.

(11) Whenever the owner or lessee is issued a notice of traffic infraction under this section the court may, on the request of the owner or lessee, take appropriate steps to make the driver of the vehicle, or any other person who directs the loading, maintenance, or operation of the vehicle, a codefendant. If the codefendant is held solely responsible and is found to have committed the traffic infraction, the court may dismiss the notice against the owner or lessee."

Senator Haugen spoke in favor of adoption of the striking amendment.

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Haugen to the striking amendment be adopted.

On page 5, after line 14 of the amendment, insert the following:

"(5) The provisions of RCW 4.24.210(5) shall apply to public landowners who allow members of the public to use public facilities accessed by a highway, street, or nonhighway road for recreational off-road vehicle use."

On page 9, after line 5 of the amendment, insert the following:

"Sec. 6. RCW 4.24.210 and 2003 c 39 s 2 and 2003 c 16 s 2 are each reenacted and amended to read as follows:

(1) Except as otherwise provided in subsection (3) or (4) of this section, any public or private landowners or others in lawful possession and control of any lands whether designated resource, rural, or urban, or water areas or channels and lands adjacent to such areas or channels, who allow members of the public to use them for the purposes of outdoor recreation, which term includes, but is not limited to, the cutting, gathering, and removing of firewood by private persons for their personal use without purchasing the firewood from the landowner, hunting, fishing, camping, picnicking, swimming, hiking, bicycling, skateboarding or other nonmotorized wheel-based activities, hanggliding, paragliding, rock climbing, the riding of horses or other animals, clam digging, pleasure driving of off-road vehicles, snowmobiles, and other vehicles, boating, nature

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

study, winter or water sports, viewing or enjoying historical, archaeological, scenic, or scientific sites, without charging a fee of any kind therefor, shall not be liable for unintentional injuries to such users.

(2) Except as otherwise provided in subsection (3) or (4) of this section, any public or private landowner or others in lawful possession and control of any lands whether rural or urban, or water areas or channels and lands adjacent to such areas or channels, who offer or allow such land to be used for purposes of a fish or wildlife cooperative project, or allow access to such land for cleanup of litter or other solid waste, shall not be liable for unintentional injuries to any volunteer group or to any other users.

(3) Any public or private landowner, or others in lawful possession and control of the land, may charge an administrative fee of up to twenty-five dollars for the cutting, gathering, and removing of firewood from the land.

(4) Nothing in this section shall prevent the liability of a landowner or others in lawful possession and control for injuries sustained to users by reason of a known dangerous artificial latent condition for which warning signs have not been conspicuously posted. A fixed anchor used in rock climbing and put in place by someone other than a landowner is not a known dangerous artificial latent condition and a landowner under subsection (1) of this section shall not be liable for unintentional injuries resulting from the condition or use of such an anchor. Nothing in RCW 4.24.200 and ~~((4.24.210))~~ this section limits or expands in any way the doctrine of attractive nuisance. Usage by members of the public, volunteer groups, or other users is permissive and does not support any claim of adverse possession.

(5) For purposes of this section, the following are not fees:

(a) A license or permit issued for statewide use under authority of chapter 79A.05 RCW or Title 77 RCW ((is not a fee)); and

(b) A daily charge not to exceed twenty dollars per person, per day, for access to a publicly owned ORV sports park, as defined in RCW 46.09.020, or other public facility accessed by a highway, street, or nonhighway road for the purposes of off-road vehicle use."

Senator Hargrove spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Haugen on page 5, line 14 to the striking amendment to House Bill No. 2617.

The motion by Senator Hargrove carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen and Swecker as amended to House Bill No. 2617.

The motion by Senator Haugen carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 2 of the title, after "roads;" strike the remainder of the title and insert "amending RCW 46.09.115, 46.09.120, 46.09.180, and 46.37.010; and reenacting and amending RCW 46.16.010."

On page 9, line 8 of the title amendment, after "46.16.010" insert "and 4.24.210"

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 2617 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2617 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2617 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators McCaslin, Oke and Schmidt - 3

HOUSE BILL NO. 2617 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Fairley that amendment number 288 is beyond the scope and object of the underlying bill, the President finds and rules as follows:

The underlying bill contains one discrete change to the parenting plan statutes, requiring that a court consider the cultural heritage and religious beliefs of the child when establishing a parenting plan. The amendment proposed by Senator Kastama includes this language, but also mandates a presumption of shared parental responsibility, which it further defines as including shared decision-making authority and residential placement of at least one-third of a year with each parent. While Senator Kastama is correct that such a presumption could reasonably be considered necessary to effectively maintain the cultural heritage and religious beliefs of the child, these presumptions go beyond simply adding additional criterion for a court's consideration. The mandates relating to shared parental responsibility have application beyond the cultural heritage and religious beliefs criteria added by the underlying bill.

For these reasons, Senator Fairley's point is well-taken. The amendment is beyond the scope and object of the bill and is not properly before us."

MOTION

On motion of Senator Eide, further consideration of Substitute House Bill No. 2979 was deferred and the bill held its place on the second reading calendar.

SECOND READING

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2871, by House Committee on Transportation (originally sponsored by Representatives Murray, Dickerson, Appleton and Simpson)

Creating a regional transportation commission. Revised for 1st Substitute: Creating a regional transportation commission. (REVISED FOR ENGROSSED: Modifying regional transportation governance provisions.)

The measure was read the second time.

MOTION

Senator Haugen moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that effective transportation planning in urbanized regions requires stronger and clearer lines of responsibility and accountability.

The legislature further finds that integrated, multimodal transportation planning will help reduce transportation congestion and improve safety, and that streamlined decision making will help reduce political congestion.

The legislature further finds that coordinated planning of, investment in, and operation of transportation systems will have significant benefit to the citizens of Washington, and that it is the will of the people to fund regional transportation solutions, including improving transit service in urbanized areas and among existing, fragmented transit agencies in the region. Although equity considerations must be respected, transportation problems are broader and deeper than the sum of geographic subareas.

It is therefore the policy of the state of Washington to create a regional transportation commission to develop a proposal for a regional transportation governing entity more directly accountable to the public, and to develop a comprehensive regional transportation finance plan for the citizens of the Puget Sound metropolitan region.

NEW SECTION. Sec. 2. (1) The regional transportation commission is established.

(2) The commission shall consist of seven voting commissioners. The commissioners shall be appointed by the governor by June 1, 2006. In addition, the secretary of transportation or the secretary's designee shall serve as a nonvoting member. Appointments of commissioners shall reflect geographical balance and diversity of populations within the central Puget Sound region and, to the extent possible, include commissioners with special expertise in relevant fields such as funding, planning, and construction of transportation improvement projects, structural reorganizations, and operation of transportation systems. Appointees must be citizen members who do not hold public office. Vacancies for any appointed commission seat shall be filled in the same manner as the original appointments were made.

(3) The term of office for a commissioner begins seven days following appointment by the governor. A commissioner must be a qualified elector under the state Constitution when his or her term of office begins.

(4) The commission chair presides over the commission and sets the commission agenda subject to general rules established by the commission. Except as provided otherwise in this act, the commission chair appoints all members of the committees, councils, and boards created by the rules of the commission. The commission chair shall be designated by the governor from

among the commissioners appointed under subsection (2) of this section.

(5) Each member of the commission is eligible to receive compensation in an amount not to exceed two hundred fifty dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chair. A commissioner may be compensated under this subsection only if the compensation is necessarily incurred in the course of authorized business, consistent with the responsibilities of the commission established by this act.

(6) The commission may be entitled to state funding, as appropriated by the legislature, to pay for expenses incurred by the commission and the department of transportation and through contracts in carrying out the duties authorized in this act.

(7) The department of transportation shall provide staff support to the commission and, upon request of the commission, contract with other parties for staff support to the commission.

NEW SECTION. Sec. 3. The regional transportation commission has the following duties:

(1) Evaluate transportation governance in the central Puget Sound area within the jurisdiction of the Puget Sound regional council. This evaluation must include an assessment of the current roles of regional transportation agencies, including regional transportation and metropolitan planning organizations, the regional transit authority, regional transportation investment districts, county and municipal agencies operating transit services, and cities, counties, and other public agencies providing transportation services or facilities. The commission shall assess and develop recommendations for what steps should be taken to:

(a) Consolidate governance among agencies, including changes in institutional powers, structures, and relationships and governance needed to improve accountability for transportation decisions, while enhancing the regional focus for transportation decisions and maintaining equity among citizens in the region;

(b) Improve coordination in the planning of transportation investments and services;

(c) Improve investment strategies;

(d) Coordinate transportation planning and investments with adopted land use policies within the region;

(e) Enhance efficiency and coordination in the delivery of services provided;

(f) Adjust boundaries for agencies or functions within the region to address existing and future transportation and land use issues; and

(g) Improve coordination between regional investments and federal funds, and state funding, including those administered by the transportation improvement board, the county road administration board, and the freight mobility strategic investment board;

(2) Develop options for a regional transportation governance proposal that include, at a minimum, an option providing for the formation of a regional transportation governing entity, of which all or a majority of its members must be directly elected, the revenue sources that will be available to such entity, and the scope of planning authority of such entity;

(3) Publicize the commission's proposal referenced in subsection (2) of this section by November 15, 2006, and provide at least fifteen days for public comment;

(4) Adopt the proposal referenced in subsection (2) of this section and submit it to the legislature by January 1, 2007, after which time the commission shall dissolve; and

(5) Conduct public meetings to assure active public participation in the development of the recommendations, proposal, and finance plan under this section.

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

Sec. 4. RCW 36.120.020 and 2002 c 56 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the governing body of a regional transportation investment district.

(2) "Department" means the Washington state department of transportation.

(3) "Highway of statewide significance" means an existing or proposed state route or federal interstate designated as a highway of statewide significance by the transportation commission, its successor entity, or the legislature.

(4) "Lead agency" means a public agency that by law can plan, design, and build a transportation project and has been so designated by the district.

(5) "Regional transportation investment district" or "district" means a municipal corporation (~~whose boundaries are coextensive with two or more contiguous counties and~~) that has been created by county legislative authorities and a vote of the people under this chapter to implement a regional transportation investment plan.

(6) "Regional transportation investment district planning committee" or "planning committee" means the advisory committee created under RCW 36.120.030 to create and propose to county legislative authorities a regional transportation investment plan to develop, finance, and construct transportation projects.

(7) "Regional transportation investment plan" or "plan" means a plan to develop, construct, and finance a transportation project or projects.

(8) "Transportation project" means:

(a) A capital improvement or improvements to a highway that has been designated, in whole or in part, as a highway of statewide significance, including an extension, that:

(i) Adds a lane or new lanes to an existing state or federal highway; or

(ii) Repairs or replaces a lane or lanes damaged by an event declared an emergency by the governor before January 1, 2002.

(b) A capital improvement or improvements to all or a portion of a highway of statewide significance, including an extension, and may include the following associated multimodal capital improvements:

(i) Approaches to highways of statewide significance;

(ii) High-occupancy vehicle lanes;

(iii) Flyover ramps;

(iv) Park and ride lots;

(v) Bus pullouts;

(vi) Vans for vanpools;

(vii) Buses; and

(viii) Signalization, ramp metering, and other transportation system management improvements.

(c) A capital improvement or improvements to all or a portion of a city street, county road, or existing highway or the creation of a new highway that intersects with a highway of statewide significance, if all of the following conditions are met:

(i) The project is included in a plan that makes highway improvement projects that add capacity to a highway or highways of statewide significance;

(ii) The secretary of transportation determines that the project would better relieve traffic congestion than investing that same money in adding capacity to a highway of statewide significance;

(iii) Matching money equal to (~~one-third~~) fifteen percent of the total cost of the project is provided by local entities, including but not limited to a metropolitan planning organization, county, city, port, or private entity in which a

county participating in a plan is located. Local entities may use federal grants to meet this matching requirement;

(iv) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed ten percent of the revenues generated by the district;

(v) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed one billion dollars; and

(vi) The specific projects are included within the plan and submitted as part of the plan to a vote of the people.

(d) Operations, preservation, and maintenance are excluded from this definition and may not be included in a regional transportation investment plan. However, operations, preservation, and maintenance for the following purposes are expressly authorized and may be included in a regional transportation investment plan:

(i) Tolled facilities where toll revenues have been pledged for the payment of contracts. The authority under this subsection includes operational expenses for toll enforcement;

(ii) Operational expenses for traffic mitigation provided solely for transportation project construction mitigation directly related to specific projects as outlined in the plan; and

(iii) Passenger-only ferry service supported by the taxes authorized under RCW 82.14.430.

(9) "Weighted vote" means a vote that reflects the population each board or planning committee member represents relative to the population represented by the total membership of the board or planning committee. Population will be determined using the federal 2000 census or subsequent federal census data.

Sec. 5. RCW 36.120.030 and 2002 c 56 s 103 are each amended to read as follows:

Regional transportation investment district planning committees are advisory entities that are created, convened, and empowered as follows:

(1) A county with a population over one million five hundred thousand persons and any adjoining counties with a population over five hundred thousand persons may create a regional transportation investment district and shall convene a regional transportation investment district planning committee.

(a) The boundaries of the district should include at least the contiguous areas within the regional transit authority serving the counties. The boundaries must be proposed by the planning committee and approved by the county legislative authorities before or in conjunction with approval of a regional transportation investment plan. Boundaries must follow complete parcels of land. However, any portion of a county that is located on a peninsula shall be exempt from a regional transportation investment district in which more than one county is included if (i) the portion of the county located on the peninsula is connected to the other portion of the county by a bridge improved under chapter 47.46 RCW, and (ii) the county has a national park and a population of more than five hundred thousand persons, but less than one million five hundred thousand persons.

(b) After voters within the district boundaries have approved a plan under RCW 36.120.070, elections to add areas to the district boundaries may be called by a resolution of the board, after consultation with the regional transportation planning organization and affected transit agencies and with the concurrence of the legislative authority of the city or town if the area is incorporated or with the concurrence of the county legislative authority if the area is unincorporated. The election may include a single ballot measure providing annexation to the district, approval of the plan, and approval of revenue sources necessary to finance the plan. The electorate are the voters

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

voting within the proposed area to be annexed. A simple majority of the persons voting on the single ballot measure is required for approval of the measure. This option for annexation applies to areas within the counties initially establishing a district and also to areas within a county having a population over two hundred thirty thousand persons and whose boundaries abut three counties eligible to form a district under this subsection.

(2) The members of the legislative authorities participating in planning under this chapter shall serve as the district planning committee. Members of the planning committee receive no compensation, but may be reimbursed for travel and incidental expenses as the planning committee deems appropriate.

The secretary of transportation, or the appropriate regional administrator of the department, as named by the secretary, shall serve on the committee as a nonvoting member.

(3) A regional transportation investment district planning committee may be entitled to state funding, as appropriated by the legislature, for start-up funding to pay for salaries, expenses, overhead, supplies, and similar expenses ordinarily and necessarily incurred in selecting transportation projects and funding for those transportation projects under this chapter. Upon creation of a regional transportation investment district, the district shall within one year reimburse the state for any sums advanced for these start-up costs from the state.

(4) The planning committee shall conduct its affairs and formulate a regional transportation investment plan as provided under RCW 36.120.040, except that it shall elect an executive board of seven members to discharge the duties of the planning committee and formulate a regional transportation investment plan, subject to the approval of the full committee.

(5) At its first meeting, a regional transportation investment district planning committee may elect officers and provide for the adoption of rules and other operating procedures.

(6) Governance of and decisions by a regional transportation investment district planning committee must be by a sixty-percent weighted majority vote of the total membership.

(7) The planning committee may dissolve itself at any time by a two-thirds weighted majority vote of the total membership of the planning committee.

(8) If a multicounty regional transportation investment district is not formed by December 1, 2007, through approval by the voters voting on a regional transportation investment plan, then the authority under this chapter to create a district, and to fund and construct transportation projects, shall be available to each of the eligible counties described in subsection (1) of this section on an individual and independent basis.

Sec. 6. RCW 36.120.040 and 2003 c 194 s 1 are each amended to read as follows:

(1) A regional transportation investment district planning committee shall adopt a regional transportation investment plan providing for the development, construction, and financing of transportation projects. The planning committee may consider the following factors in formulating its plan:

(a) Land use planning criteria;

(b) The input of cities located within a participating county; and

(c) The input of regional transportation planning organizations ~~((m))~~ of which a participating county is ~~((located))~~ a member. A regional transportation planning organization in which a participating county is located shall review its adopted regional transportation plan and submit, for the planning committee's consideration, its list of transportation improvement priorities.

(2) The planning committee may coordinate its activities with the department, which shall provide services, data, and personnel to assist in this planning as desired by the planning

committee. In addition, the planning committee may coordinate its activities with affected cities, towns, and other local governments, including any regional transit authority existing within the participating counties' boundaries, that engage in transportation planning.

(3) The planning committee shall:

(a) Conduct public meetings that are needed to assure active public participation in the development of the plan;

(b) Adopt a plan proposing the:

(i) Creation of a regional transportation investment district, including district boundaries; and

(ii) Construction of transportation projects to improve mobility within each county and within the region. Operations, maintenance, and preservation of facilities or systems may not be part of the plan, except for the limited purposes provided under RCW 36.120.020(8)(d); and

(c) Recommend sources of revenue authorized by RCW 36.120.050 and a financing plan to fund selected transportation projects. The overall plan of the district must leverage the district's financial contributions so that the federal, state, local, and other revenue sources continue to fund major congestion relief and transportation capacity improvement projects in each county and the district. A combination of local, state, and federal revenues may be necessary to pay for transportation projects, and the planning committee shall consider all of these revenue sources in developing a plan.

(4) The plan must use tax revenues and related debt for projects that generally benefit a participating county in proportion to the general level of tax revenues generated within that participating county. This equity principle applies to all modifications to the plan, appropriation of contingency funds not identified within the project estimate, and future phases of the plan. During implementation of the plan, the board shall retain the flexibility to manage distribution of revenues, debt, and project schedules so that the district may effectively implement the plan. Nothing in this section should be interpreted to prevent the district from pledging district-wide tax revenues for payment of any contract or debt entered into under RCW 36.120.130.

(5) Before adopting the plan, the planning committee, with assistance from the department, shall work with the lead agency to develop accurate cost forecasts for transportation projects. This project costing methodology must be integrated with revenue forecasts in developing the plan and must at a minimum include estimated project costs in constant dollars as well as year of expenditure dollars, the range of project costs reflected by the level of project design, project contingencies, identification of mitigation costs, the range of revenue forecasts, and project and plan cash flow and bond analysis. The plan submitted to the voters must provide cost estimates for each project, including reasonable contingency costs. Plans submitted to the voters must provide that the maximum amount possible of the funds raised will be used to fund projects in the plan, including environmental improvements and mitigation, and that administrative costs be minimized. If actual revenue exceeds actual plan costs, the excess revenues must be used to retire any outstanding debt associated with the plan.

(6) If a county opts not to adopt the plan or participate in the regional transportation investment district, but two or more contiguous counties do choose to continue to participate, then the planning committee may, within ninety days, redefine the regional transportation investment plan and the ballot measure to be submitted to the people to reflect elimination of the county, and submit the redefined plan to the legislative authorities of the remaining counties for their decision as to whether to continue to adopt the redefined plan and participate.

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

This action must be completed within sixty days after receipt of the redefined plan.

(7) Once adopted by the planning committee, the plan must be forwarded to the participating county legislative authorities to initiate the election process under RCW 36.120.070. The planning committee shall at the same time provide notice to each city and town within the district, the governor, the chairs of the transportation committees of the legislature, the secretary of transportation, and each legislator whose legislative district is partially or wholly within the boundaries of the district.

(8) If the ballot measure is not approved, the planning committee may redefine the selected transportation projects, financing plan, and the ballot measure. The county legislative authorities may approve the new plan and ballot measure, and may then submit the revised proposition to the voters at the next election or a special election. If no ballot measure is approved by the voters by the third vote, the planning committee is dissolved.

Sec. 7. RCW 36.120.070 and 2002 c 56 s 107 are each amended to read as follows:

(1) Two or more contiguous county legislative authorities, upon receipt of the regional transportation investment plan under RCW 36.120.040, may ~~((certify the plan to the ballot, including identification of the tax options))~~ submit to the voters of the proposed district a single ballot measure that approves formation of the district, approves the regional transportation investment plan, and approves the revenue sources necessary to ~~((fund))~~ finance the plan. ~~((County legislative authorities))~~ The planning committee may draft ~~((a ballot title,))~~ the ballot measure on behalf of the county legislative authorities, and the county legislative authorities may give notice as required by law for ballot measures, and perform other duties as required to ~~((put the plan before))~~ submit the measure to the voters of the proposed district for their approval or rejection ~~((as a single ballot measure that both approves formation of the district and approves the plan))~~. Counties may negotiate interlocal agreements necessary to implement the plan. The electorate will be the voters voting within the boundaries of the ~~((participating counties))~~ proposed district. A simple majority of the total persons voting on the single ballot measure ~~((to approve the plan, establish the district, and approve the taxes and fees))~~ is required for approval.

(2) In conjunction with RCW 81.112.030(10), prior to December 1, 2007, the plan must be submitted to the voters on the same ballot along with a proposition to support additional implementation phases of a regional transit authority's system and financing plan.

Sec. 8. RCW 29A.36.071 and 2004 c 271 s 169 are each amended to read as follows:

(1) Except as provided to the contrary in RCW 82.14.036, 82.46.021, or 82.80.090, the ballot title of any referendum filed on an enactment or portion of an enactment of a local government and any other question submitted to the voters of a local government consists of three elements: (a) An identification of the enacting legislative body and a statement of the subject matter; (b) a concise description of the measure; and (c) a question. The ballot title must conform with the requirements and be displayed substantially as provided under RCW 29A.72.050, except that the concise description must not exceed seventy-five words; however, a concise description submitted on behalf of a proposed or existing regional transportation investment district may exceed seventy-five words. If the local governmental unit is a city or a town, the concise statement shall be prepared by the city or town attorney. If the local governmental unit is a county, the concise statement shall be prepared by the prosecuting attorney of the county. If the unit is a unit of local government other than a city, town, or

county, the concise statement shall be prepared by the prosecuting attorney of the county within which the majority area of the unit is located.

(2) A referendum measure on the enactment of a unit of local government shall be advertised in the manner provided for nominees for elective office.

(3) Subsection (1) of this section does not apply if another provision of law specifies the ballot title for a specific type of ballot question or proposition.

Sec. 9. RCW 36.120.080 and 2002 c 56 s 108 are each amended to read as follows:

If the voters approve the plan, including creation of a regional transportation investment district and imposition of taxes and fees, the district will be declared formed. The county election officials of participating counties shall, within fifteen days of the final certification of the election results, publish a notice in a newspaper or newspapers of general circulation in the district declaring the district formed, and mail copies of the notice to the governor, the secretary of transportation, the executive director of the regional transit authority in which any part of the district is located, and the executive director of the regional transportation planning organization in which any part of the district is located. A party challenging the procedure or the formation of a voter-approved district must file the challenge in writing by serving the prosecuting attorney of the participating counties and the attorney general within thirty days after the final certification of the election. Failure to challenge within that time forever bars further challenge of the district's valid formation.

Sec. 10. RCW 36.120.110 and 2002 c 56 s 111 are each amended to read as follows:

(1) The governing board of the district is responsible for the execution of the voter-approved plan. The board shall:

(a) Impose taxes and fees authorized by district voters;

(b) Enter into agreements with state, local, and regional agencies and departments as necessary to accomplish district purposes and protect the district's investment in transportation projects;

(c) Accept gifts, grants, or other contributions of funds that will support the purposes and programs of the district;

(d) Monitor and audit the progress and execution of transportation projects to protect the investment of the public and annually make public its findings;

(e) Pay for services and enter into leases and contracts, including professional service contracts;

(f) Hire no more than ten employees, including a director or executive officer, a treasurer or financial officer, a project manager or engineer, a project permit coordinator, and clerical staff; and

(g) Coordinate its activities with affected cities, towns, and other local governments, including any regional transit authority existing either partially or entirely within the district area, that engage in transportation planning; and

(h) Exercise other powers and duties as may be reasonable to carry out the purposes of the district.

(2) It is the intent of the legislature that existing staff resources of lead agencies be used in implementing this chapter. A district may coordinate its activities with the department, which shall provide services, data, and personnel to assist as desired by the regional transportation investment district. Lead agencies for transportation projects that are not state facilities shall also provide staff support for the board.

(3) A district may not acquire, hold, or dispose of real property.

(4) Except for the limited purposes provided under RCW 36.120.020(8)(d), a district may not own, operate, or maintain an ongoing facility, road, or transportation system.

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

(5) A district may accept and expend or use gifts, grants, or donations.

(6) It is the intent of the legislature that administrative and overhead costs of a regional transportation investment district be minimized. For transportation projects costing up to fifty million dollars, administrative and overhead costs may not exceed three percent of the total construction and design project costs per year. For transportation projects costing more than fifty million dollars, administrative and overhead costs may not exceed three percent of the first fifty million dollars in costs, plus an additional one-tenth of one percent of each additional dollar above fifty million. These limitations apply only to the district, and do not limit the administration or expenditures of the department.

(7) A district may use the design-build procedure for transportation projects developed by it. As used in this section "design-build procedure" means a method of contracting under which the district contracts with another party for that party to both design and build the structures, facilities, and other items specified in the contract. The requirements and limitations of RCW 47.20.780 and 47.20.785 do not apply to the transportation projects under this chapter.

Sec. 11. RCW 81.112.030 and 1994 c 44 s 1 are each amended to read as follows:

Two or more contiguous counties each having a population of four hundred thousand persons or more may establish a regional transit authority to develop and operate a high capacity transportation system as defined in chapter 81.104 RCW.

The authority shall be formed in the following manner:

(1) The joint regional policy committee created pursuant to RCW 81.104.040 shall adopt a system and financing plan, including the definition of the service area. This action shall be completed by September 1, 1992, contingent upon satisfactory completion of the planning process defined in RCW 81.104.100. The final system plan shall be adopted no later than June 30, 1993. In addition to the requirements of RCW 81.104.100, the plan for the proposed system shall provide explicitly for a minimum portion of new tax revenues to be allocated to local transit agencies for interim express services. Upon adoption the joint regional policy committee shall immediately transmit the plan to the county legislative authorities within the adopted service area.

(2) The legislative authorities of the counties within the service area shall decide by resolution whether to participate in the authority. This action shall be completed within forty-five days following receipt of the adopted plan or by August 13, 1993, whichever comes first.

(3) Each county that chooses to participate in the authority shall appoint its board members as set forth in RCW 81.112.040 and shall submit its list of members to the secretary of the Washington state department of transportation. These actions must be completed within thirty days following each county's decision to participate in the authority.

(4) The secretary shall call the first meeting of the authority, to be held within thirty days following receipt of the appointments. At its first meeting, the authority shall elect officers and provide for the adoption of rules and other operating procedures.

(5) The authority is formally constituted at its first meeting and the board shall begin taking steps toward implementation of the system and financing plan adopted by the joint regional policy committee. If the joint regional policy committee fails to adopt a plan by June 30, 1993, the authority shall proceed to do so based on the work completed by that date by the joint regional policy committee. Upon formation of the authority, the joint regional policy committee shall cease to exist. The authority may make minor modifications to the plan as deemed

necessary and shall at a minimum review local transit agencies' plans to ensure feeder service/high capacity transit service integration, ensure fare integration, and ensure avoidance of parallel competitive services. The authority shall also conduct a minimum thirty-day public comment period.

(6) If the authority determines that major modifications to the plan are necessary before the initial ballot proposition is submitted to the voters, the authority may make those modifications with a favorable vote of two-thirds of the entire membership. Any such modification shall be subject to the review process set forth in RCW 81.104.110. The modified plan shall be transmitted to the legislative authorities of the participating counties. The legislative authorities shall have forty-five days following receipt to act by motion or ordinance to confirm or rescind their continued participation in the authority.

(7) If any county opts to not participate in the authority, but two or more contiguous counties do choose to continue to participate, the authority's board shall be revised accordingly. The authority shall, within forty-five days, redefine the system and financing plan to reflect elimination of one or more counties, and submit the redefined plan to the legislative authorities of the remaining counties for their decision as to whether to continue to participate. This action shall be completed within forty-five days following receipt of the redefined plan.

(8) The authority shall place on the ballot within two years of the authority's formation, a single ballot proposition to authorize the imposition of taxes to support the implementation of an appropriate phase of the plan within its service area. In addition to the system plan requirements contained in RCW 81.104.100(2)(d), the system plan approved by the authority's board before the submittal of a proposition to the voters shall contain an equity element which:

(a) Identifies revenues anticipated to be generated by corridor and by county within the authority's boundaries;

(b) Identifies the phasing of construction and operation of high capacity system facilities, services, and benefits in each corridor. Phasing decisions should give priority to jurisdictions which have adopted transit-supportive land use plans; and

(c) Identifies the degree to which revenues generated within each county will benefit the residents of that county, and identifies when such benefits will accrue.

A simple majority of those voting within the boundaries of the authority is required for approval. If the vote is affirmative, the authority shall begin implementation of the projects identified in the proposition. However, the authority may not submit any authorizing proposition for voter-approved taxes prior to July 1, 1993; nor may the authority issue bonds or form any local improvement district prior to July 1, 1993.

(9) If the vote on a proposition fails, the board may redefine the proposition, make changes to the authority boundaries, and make corresponding changes to the composition of the board. If the composition of the board is changed, the participating counties shall revise the membership of the board accordingly. The board may then submit the revised proposition or a different proposition to the voters. No single proposition may be submitted to the voters more than twice.

(10) The authority may place additional propositions on the ballot to impose taxes to support additional phases of plan implementation. In conjunction with RCW 36.120.070, prior to December 1, 2007, the proposition must be submitted to the voters on the same ballot along with a proposed regional transportation investment plan.

(11) If the authority is unable to achieve a positive vote on a proposition within two years from the date of the first election on a proposition, the board may, by resolution, reconstitute the

FIFTY-SECOND DAY, March 1, 2006

authority as a single-county body. With a two-thirds vote of the entire membership of the voting members, the board may also dissolve the authority.

Sec. 12. RCW 36.120.050 and 2003 c 350 s 4 are each amended to read as follows:

(1) A regional transportation investment district planning committee may, as part of a regional transportation investment plan, recommend the imposition of some or all of the following revenue sources, which a regional transportation investment district may impose upon approval of the voters as provided in this chapter:

(a) A regional sales and use tax, as specified in RCW 82.14.430, of up to 0.5 percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax, upon the occurrence of any taxable event in the regional transportation investment district;

(b) A local option vehicle license fee, as specified under RCW 82.80.100, of up to one hundred dollars per vehicle registered in the district. As used in this subsection, "vehicle" means motor vehicle as defined in RCW 46.04.320. Certain classes of vehicles, as defined under chapter 46.04 RCW, may be exempted from this fee;

(c) A parking tax under RCW 82.80.030;

(d) A local motor vehicle excise tax under RCW 81.100.060 (~~and chapter 81.104 RCW~~);

(e) A local option fuel tax under RCW 82.80.120;

(f) An employer excise tax under RCW 81.100.030; and

(g) Vehicle tolls on new or reconstructed (~~facilities~~) local or regional arterials or state or federal highways within the boundaries of the district, if the following conditions are met:

(i) Any such toll must be approved by the state transportation commission or its successor;

(ii) The regional transportation investment plan must identify the facilities that may be tolled; and

(iii) Unless otherwise specified by law, the department shall administer the collection of vehicle tolls on designated facilities, and the state transportation commission, or its successor, shall be the tolling authority.

(2) Taxes, fees, and tolls may not be imposed without an affirmative vote of the majority of the voters within the boundaries of the district voting on a ballot proposition as set forth in RCW 36.120.070. Revenues from these taxes and fees may be used only to implement the plan as set forth in this chapter. A district may contract with the state department of revenue or other appropriate entities for administration and collection of any of the taxes or fees authorized in this section.

(3) Existing statewide motor vehicle fuel and special fuel taxes, at the distribution rates in effect on January 1, 2001, are not intended to be altered by this chapter.

Sec. 13. RCW 81.100.080 and 1990 c 43 s 19 are each amended to read as follows:

Funds collected under RCW 81.100.030 or 81.100.060 and any investment earnings accruing thereon shall be used by the county or the regional transportation investment district in a manner consistent with the regional transportation plan only for costs of collection, costs of preparing, adopting, and enforcing agreements under RCW 81.100.030(3), for construction of high occupancy vehicle lanes and related facilities, mitigation of environmental concerns that result from construction or use of high occupancy vehicle lanes and related facilities, by an investment district for projects contained in a plan developed under chapter 36.120 RCW, payment of principal and interest on bonds issued for the purposes of this section, for high occupancy vehicle programs as defined in RCW 81.100.020(5), and for commuter rail projects in accordance with RCW 81.104.120. Except for funds raised by an investment district, no funds collected under RCW 81.100.030 or 81.100.060 after

June 30, 2000, may be pledged for the payment or security of the principal or interest on any bonds issued for the purposes of this section. Not more than ten percent of the funds may be used for transit agency high occupancy vehicle programs.

Priorities for construction of high occupancy vehicle lanes and related facilities shall be as follows:

(1)(a) To accelerate construction of high occupancy vehicle lanes on the interstate highway system, as well as related facilities;

(b) To finance or accelerate construction of high occupancy vehicle lanes on the noninterstate state highway system, as well as related facilities.

(2) To finance construction of high occupancy vehicle lanes on local arterials, as well as related facilities.

Moneys received by (~~an agency~~) a county under this chapter shall be used in addition to, and not as a substitute for, moneys currently used by the (~~agency~~) county for the purposes specified in this section.

Counties and investment districts may contract with cities or the state department of transportation for construction of high occupancy vehicle lanes and related facilities, and may issue general obligation bonds to fund such construction and use funds received under this chapter to pay the principal and interest on such bonds.

Sec. 14. RCW 81.100.060 and 2002 c 56 s 411 are each amended to read as follows:

A county with a population of one million or more and a county with a population of from two hundred ten thousand to less than one million that is adjoining a county with a population of one million or more, having within their boundaries existing or planned high-occupancy vehicle lanes on the state highway system, or a regional transportation investment district (~~for capital improvements~~), but only to the extent that the surcharge has not already been imposed by the county, may, with voter approval, impose a local surcharge of not more than three-tenths of one percent in the case of a county, or eight-tenths of one percent in the case of a regional transportation investment district, of the value on vehicles registered to a person residing within the county or investment district and not more than 13.64 percent on the state sales and use taxes paid under the rate in RCW 82.08.020(2) on retail car rentals within the county or investment district. A county may impose the surcharge only to the extent that it has not been imposed by the district. No surcharge may be imposed on vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16.079, 46.16.085, or 46.16.090.

Counties or investment districts imposing a (~~tax~~) surcharge under this section shall contract, before the effective date of the resolution or ordinance imposing a surcharge, administration and collection to the state department of licensing, and department of revenue, as appropriate, which shall deduct (~~an~~) a percentage amount, as provided by contract, not to exceed two percent of the taxes, for administration and collection expenses incurred by the department. All administrative provisions in chapters 82.03, 82.32, and 82.44 RCW shall, insofar as they are applicable to motor vehicle excise taxes, be applicable to surcharges imposed under this section. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW shall, insofar as they are applicable to state sales and use taxes, be applicable to surcharges imposed under this section. A surcharge imposed under this section, or a change to the surcharge, shall take effect no sooner than seventy-five days after the department of licensing or the department of revenue receives notice of the surcharge or change to the surcharge, and shall take effect only on the first day of January, April, July, or October. Unless waived by the department of licensing or the

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

department of revenue, notice includes providing the appropriate department with digital mapping and legal descriptions of areas in which the tax will be collected.

If the tax authorized in RCW 81.100.030 is also imposed, the total proceeds from tax sources imposed under this section and RCW 81.100.030 each year shall not exceed the maximum amount which could be collected under this section.

Sec. 15. RCW 82.14.0455 and 2005 c 336 s 15 are each amended to read as follows:

(1) Subject to the provisions in RCW 36.73.065, a transportation benefit district under chapter 36.73 RCW may fix and impose a sales and use tax in accordance with the terms of this chapter. The tax authorized in this section is in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the boundaries of the district. The rate of tax shall not exceed two-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax. The tax may not be imposed for a period exceeding ten years. This tax may be extended for a period not exceeding ten years with an affirmative vote of the voters voting at the election.

(2) Money received from the tax imposed under this section must be spent in accordance with the requirements of chapter 36.73 RCW.

~~((3) A district may only levy the tax under this section if the district is comprised of boundaries coextensive with the boundaries of a county, counties, city or cities, a county transportation authority or authorities, a public transportation benefit area or areas, or any combination of these jurisdictions.))~~

Sec. 16. RCW 82.14.430 and 2002 c 56 s 405 are each amended to read as follows:

(1) If approved by the majority of the voters within its boundaries voting on the ballot proposition, a regional transportation investment district may impose a sales and use tax of up to 0.5 percent of the selling price or value of the article used in the case of a use tax. The tax authorized by this section is in addition to the tax authorized by RCW 82.14.030 and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district. Motor vehicles are exempt from the sales and use tax imposed under this subsection. In addition to being used for projects in a regional transportation investment plan under chapter 36.120 RCW, proceeds from the taxes under this section may be used for passenger-only ferry service.

(2) If approved by the majority of the voters within its boundaries voting on the ballot proposition, a regional transportation investment district may impose a tax on the use of a motor vehicle within a regional transportation investment district. The tax applies to those persons who reside within the regional transportation investment district. The rate of the tax may not exceed ~~((0.5))~~ 0.1 percent of the value of the motor vehicle. The tax authorized by this subsection is in addition to the tax authorized under RCW 82.14.030 and must be imposed and collected at the time a taxable event under RCW 82.08.020(1) or 82.12.020 takes place. All revenue received under this subsection must be deposited in the local sales and use tax account and distributed to the regional transportation investment district according to RCW 82.14.050. The following provisions apply to the use tax in this subsection:

(a) Where persons are taxable under chapter 82.08 RCW, the seller shall collect the use tax from the buyer using the collection provisions of RCW 82.08.050.

(b) Where persons are taxable under chapter 82.12 RCW, the use tax must be collected using the provisions of RCW 82.12.045.

(c) "Motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

(d) "Person" has the meaning given in RCW 82.04.030.

(e) The value of a motor vehicle must be determined under RCW 82.12.010.

(f) Except as specifically stated in this subsection (2), chapters 82.12 and 82.32 RCW apply to the use tax. The use tax is a local tax imposed under the authority of chapter 82.14 RCW, and chapter 82.14 RCW applies fully to the use tax.

(3) In addition to fulfilling the notice requirements under RCW 82.14.055(1), and unless waived by the department, a regional transportation investment district shall provide the department of revenue with digital mapping and legal descriptions of areas in which the tax will be collected.

NEW SECTION. Sec. 17. A new section is added to chapter 36.120 RCW to read as follows:

A regional transportation investment district may adopt system-wide pricing policies and an implementation plan for the regional transportation system within its boundaries. "System-wide pricing" includes the tolling authority provided in RCW 36.120.050, network value-pricing authority provided in section 19 of this act, the authority to set regional transit fares as provided in RCW 81.112.080(4), and other system pricing tools as determined by the district governing board. System-wide pricing charges authorized by this act may be imposed to improve performance of the regional transportation system, improve integration of transportation modes, finance transportation improvements, and measure needed investments. Pricing charges may vary for type of vehicle, time of day, traffic conditions, and other factors. System-wide pricing policies under this section are subject to the approval of the state transportation commission or its statutory successor.

Sec. 18. RCW 82.80.120 and 2003 c 350 s 3 are each amended to read as follows:

(1) For purposes of this section:

(a) "Distributor" means every person who imports, refines, manufactures, produces, or compounds motor vehicle fuel and special fuel as defined in RCW 82.36.010 and 82.38.020, respectively, and sells or distributes the fuel into a county;

(b) "Person" has the same meaning as in RCW 82.04.030;

(c) "District" means a regional transportation investment district under chapter 36.120 RCW.

(2) A regional transportation investment district under chapter 36.120 RCW, subject to the conditions of this section, may levy additional excise taxes equal to ten percent of the statewide motor vehicle fuel tax rate under RCW 82.36.025 on each gallon of motor vehicle fuel as defined in RCW 82.36.010 and on each gallon of special fuel as defined in RCW 82.38.020 sold within the boundaries of the district. The additional excise tax is subject to the approval of a majority of the voters within the district boundaries. Vehicles paying an annual license fee under RCW 82.38.075 are exempt from the district's fuel excise tax. The additional excise taxes are subject to the same exceptions and rights of refund as applicable to other motor vehicle fuel and special fuel excise taxes levied under chapters 82.36 and 82.38 RCW. The proposed tax may not be levied less than one month from the date the election results are certified. The commencement date for the levy of any tax under this section will be the first day of January, April, July, or October.

(3) The local option motor vehicle fuel tax on each gallon of motor vehicle fuel and on each gallon of special fuel is imposed upon the distributor of the fuel.

(4) A taxable event for the purposes of this section occurs upon the first distribution of the fuel within the boundaries of the district to a retail outlet, bulk fuel user, or ultimate user of the fuel.

(5) All administrative provisions in chapters 82.01, 82.03, and 82.32 RCW, insofar as they are applicable, apply to local option fuel taxes imposed under this section.

(6) Before the effective date of the imposition of the fuel taxes under this section, a district shall contract with the department of revenue for the administration and collection of the taxes. The contract must provide that a percentage amount, not to exceed one percent of the taxes imposed under this section, will be deposited into the local tax administration account created in the custody of the state treasurer. The department of revenue may spend money from this account, upon appropriation, for the administration of the local taxes imposed under this section.

(7) The state treasurer shall distribute monthly to the district levying the tax as part of the regional transportation investment district plan, after the deductions for payments and expenditures as provided in RCW 46.68.090(1) (a) and (b).

(8) The proceeds of the additional taxes levied by a district in this section, to be used as a part of a regional transportation investment district plan, must be used in accordance with chapter 36.120 RCW, but only for those areas that are considered "highway purposes" as that term is construed in Article II, section 40 of the state Constitution.

(9) A district may only levy the tax under this section if the district is comprised of boundaries identical to the boundaries of a county or counties. A district may not levy the tax in this section if a member county is levying the tax in RCW 82.80.010 or 82.80.110.

NEW SECTION. Sec. 19. A new section is added to chapter 36.120 RCW to read as follows:

(1) A regional transportation investment district may impose a network value-pricing charge based upon vehicle travel. This charge may be, but is not limited to, a charge upon the vehicle miles traveled within the district by a vehicle, or upon vehicle miles traveled within certain corridors in the district, or upon total vehicle miles traveled by a vehicle registered to a person whose legal residence is within the district. Network value-pricing charges imposed may vary by type of vehicle, time of day, traffic conditions, and other factors.

(2) Charges imposed may be collected either periodically in a manner prescribed by the district governing board or annually by the department of licensing upon renewal of the vehicle license. The district governing board may identify categories of miles driven that are subject to or exempt from the charge including, but not limited to, travel outside the district, travel in specified corridors, time of travel, or exempt or maximum mileage charges.

(3) The mileage charge under this section is subject to the approval of the state transportation commission or its statutory successor.

(4) A district governing board imposing a mileage charge collected annually by the state department of licensing upon renewal of the vehicle license shall enter into a contract with the department of licensing. The contract must contain provisions that fully recover the costs to the department of licensing for collection and administration of the charge. The district governing board imposing this charge or initiating an exemption process shall provide at least six months' notice to the department of licensing before the implementation of any changes in registration amounts or exemptions.

Sec. 20. RCW 47.56.076 and 2005 c 335 s 3 are each amended to read as follows:

Upon approval of a majority of the voters within its boundaries voting on the ballot proposition, and ~~((only for the purposes authorized in RCW 36.120.050(1)(g)))~~ with the approval of the state transportation commission or its successor, a regional transportation investment district may authorize vehicle tolls on a local or regional arterial or a state ~~((routes where improvements financed in whole or in part by a regional transportation investment district add additional lanes to, or reconstruct lanes on, a highway of statewide significance))~~ or federal highway within the boundaries of the district. The department shall administer the collection of vehicle tolls authorized on designated facilities unless otherwise specified in law or by contract, and the ~~((state transportation))~~ commission(¿) or its successor(¿) shall ~~((be the tolling authority))~~ set and impose the tolls in amounts sufficient to implement the regional transportation investment plan under RCW 36.120.020.

NEW SECTION. Sec. 21. A new section is added to chapter 47.56 RCW to read as follows:

Notwithstanding any provision to the contrary in this chapter, a regional transportation investment district may authorize vehicle tolls on either Lake Washington bridge within its boundaries to implement a regional transportation investment plan as authorized in chapter 36.120 RCW and RCW 47.56.076.

Sec. 22. RCW 43.79A.040 and 2005 c 424 s 18, 2005 c 402 s 8, 2005 c 215 s 10, and 2005 c 16 s 2 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and fire fighters' plan 2 expense fund, the

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

local tourism promotion account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), and the life sciences discovery fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 23. RCW 43.84.092 and 2005 c 514 s 1105, 2005 c 353 s 3, 2005 c 339 s 22, 2005 c 314 s 109, 2005 c 312 s 7, and 2005 c 94 s 1 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the Puyallup tribal settlement account, the real estate appraiser commission account, ~~((the regional transportation investment district account,))~~ the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 24. RCW 43.84.092 and 2005 c 514 s 1106, 2005 c 353 s 4, 2005 c 339 s 23, 2005 c 314 s 110, 2005 c 312 s 8, and 2005 c 94 s 2 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for

payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, ~~((the regional transportation investment district account,))~~ the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 25. RCW 36.73.015 and 2005 c 336 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "District" means a transportation benefit district created under this chapter.

(2) "City" means a city or town.

(3) "Transportation improvement" means a project contained in the transportation plan of the state or a regional transportation planning organization (~~that is of statewide or regional significance~~). A project may include investment in new or existing highways of statewide significance, principal arterials of regional significance, high-capacity transportation, public transportation, and other transportation projects and programs of regional or statewide significance including transportation demand management. Projects may also include the operation, preservation, and maintenance of these facilities or programs. (~~Not more than forty percent of the revenues generated by a district may be expended on city streets, county roads, existing highways other than highways of statewide significance, and the creation of a new highway that intersects with a highway of statewide significance.~~)

Sec. 26. RCW 36.73.020 and 2005 c 336 s 3 are each amended to read as follows:

(1) The legislative authority of a county or city may establish a transportation benefit district within the county or city area or within the area specified in subsection (2) of this section, for the purpose of acquiring, constructing, improving, providing, and funding a transportation improvement within the district that is consistent with any existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels. The transportation improvements shall be owned by the county of jurisdiction if located in an unincorporated area, by the city of jurisdiction if located in an incorporated area, or by the state in cases where the transportation improvement is or becomes a state highway. However, if deemed appropriate by the governing body of the transportation benefit district, a transportation improvement may be owned by a participating port district or transit district, unless otherwise prohibited by law. Transportation improvements shall be administered and maintained as other public streets, roads, highways, and transportation improvements. To the extent practicable, the district shall consider the following criteria when selecting transportation improvements:

- (a) Reduced risk of transportation facility failure and improved safety;
- (b) Improved travel time;
- (c) Improved air quality;
- (d) Increases in daily and peak period trip capacity;
- (e) Improved modal connectivity;
- (f) Improved freight mobility;
- (g) Cost-effectiveness of the investment;
- (h) Optimal performance of the system through time; and
- (i) Other criteria, as adopted by the governing body.

(2) (~~Subject to subsection (6) of this section,~~) The district may include area within more than one county, city, port district, county transportation authority, or public transportation benefit area, if the legislative authority of each participating jurisdiction has agreed to the inclusion as provided in an interlocal agreement adopted pursuant to chapter 39.34 RCW. However, the boundaries of the district (~~shall~~) need not include all territory within the boundaries of the participating jurisdictions comprising the district.

(3) The members of the legislative authority proposing to establish the district, acting ex officio and independently, shall constitute the governing body of the district: PROVIDED, That where a district includes area within more than one jurisdiction under subsection (2) of this section, the district shall be governed under an interlocal agreement adopted pursuant to chapter 39.34 RCW. However, the governing body shall be composed of at least five members including at least one elected official from the legislative authority of each participating jurisdiction.

(4) The treasurer of the jurisdiction proposing to establish the district shall act as the ex officio treasurer of the district, unless an interlocal agreement states otherwise.

(5) The electors of the district shall all be registered voters residing within the district.

~~((6) The authority under this section, regarding the establishment of or the participation in a district, shall not apply to:~~

- ~~— (a) Counties with a population greater than one million five hundred thousand persons and any adjoining counties with a population greater than five hundred thousand persons;~~
- ~~— (b) Cities with any area within the counties under (a) of this subsection; and~~
- ~~— (c) Other jurisdictions with any area within the counties under (a) of this subsection.~~)

NEW SECTION. Sec. 27. A new section is added to chapter 47.01 RCW to read as follows:

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

The department shall not commence construction on any part of the state route number 520 bridge replacement and HOV project until agreements have been reached with the incorporated towns or cities directly affected by the project. The agreements must provide reasonable assurance that any degradation in the citizens' current use and enjoyment of their properties as a result of repairs and improvements made to the state route number 520 bridge and its connecting roadways will be addressed through engineering design choices, mitigation measures, or a combination of both.

NEW SECTION. Sec. 28. A new section is added to chapter 36.120 RCW to read as follows:

(1) Prior to a regional transportation public vote conducted under this chapter, the department of transportation must complete all of the following requirements for both the Alaskan Way viaduct and Seattle Seawall replacement project, and the state route number 520 bridge replacement and HOV project: (a) In accordance with the national environmental policy act, the department must designate the preferred alternative, prepare a substantial project mitigation plan, and complete a comprehensive cost estimate review using the department's cost estimate validation process, for each project; (b) in accordance with all applicable federal highway administration planning and project management requirements, the department must prepare a project finance plan for each project that clearly identifies secured and anticipated fund sources, cash flow timing requirements, and project staging and phasing plans if applicable; and (c) the department must report these results for each project to the joint transportation committee.

(2) The requirements of this section shall not apply to (a) utility relocation work, and related activities, on the Alaskan Way viaduct and Seattle Seawall replacement project and (b) off-site pontoon construction, and related activities, supporting the state route number 520 bridge replacement and HOV project.

Sec. 29. RCW 81.112.050 and 1998 c 192 s 1 are each amended to read as follows:

(1) At the time of formation, the area to be included within the boundary of the authority shall be that area set forth in the system plan adopted by the joint regional policy committee. Prior to submitting the system and financing plan to the voters, the authority may make adjustments to the boundaries as deemed appropriate but must assure that, to the extent possible, the boundaries: (a) Include the largest-population urban growth area designated by each county under chapter 36.70A RCW; and (b) follow election precinct boundaries. If a portion of any city is determined to be within the service area, the entire city must be included within the boundaries of the authority.

(2) After voters within the authority boundaries have approved the system and financing plan, elections to add areas contiguous to the authority boundaries may be called by resolution of the regional transit authority, after consultation with affected transit agencies and with the concurrence of the legislative authority of the city or town if the area is incorporated, or with the concurrence of the county legislative authority if the area is unincorporated. Only those areas that would benefit from the services provided by the authority may be included and services or projects proposed for the area must be consistent with the regional transportation plan. The election may include a single ballot proposition providing for annexation to the authority boundaries and imposition of the taxes at rates already imposed within the authority boundaries. Alternatively, the annexation proposition may be submitted as part of a proposition to support additional implementation phases of the authority's system and financing plan as provided in RCW 81.112.030(10), in which case a simple majority of the combined electorate, voting within the existing boundaries and

the proposed area to be annexed, is required to approve the annexation, along with approval of the plan and the revenue sources necessary to finance the plan.

(3) Upon receipt of a resolution requesting exclusion from the boundaries of the authority from a city whose municipal boundaries cross the boundaries of an authority and thereby result in only a portion of the city being subject to local option taxes imposed by the authority under chapters 81.104 and 81.112 RCW in order to implement a high-capacity transit plan, and where the vote to approve the city's incorporation occurred simultaneously with an election approving the local option taxes, then upon a two-thirds majority vote of the governing board of the authority, the governing board shall redraw the boundaries of the authority to exclude that portion of the city that is located within the authority's boundaries, and the excluded area is no longer subject to local option taxes imposed by the authority. This subsection expires December 31, 1998.

NEW SECTION. Sec. 30. Section 23 of this act expires July 1, 2006.

NEW SECTION. Sec. 31. Section 24 of this act takes effect July 1, 2006."

Senator Haugen spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Finkbeiner moved that the following amendment by Senator Finkbeiner to the committee striking amendment be adopted.

On page 18, line 23 of the amendment, after "36.120.070." insert "Taxes, fees, and tolls may be imposed only if a regional transit authority, with area partially or entirely within the district's boundaries, is imposing taxes at a rate higher than that imposed by the authority as of January 1, 2006."

On page 39, after line 13 of the amendment, insert the following:

"Sec. 30. RCW 81.104.150 and 1992 c 101 s 26 are each amended to read as follows:

Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, public transportation benefit areas, and regional transit authorities may submit an authorizing proposition to the voters and if approved may impose an excise tax of up to two dollars per month per employee on all employers located within the agency's jurisdiction, measured by the number of full-time equivalent employees, solely for the purpose of providing high capacity transportation service. The rate of tax shall be approved by the voters. This tax may not be imposed by: (1) A transit agency when the county within which it is located is imposing an excise tax pursuant to RCW 81.100.030; ~~((or))~~ (2) a regional transit authority when any county within the authority's boundaries is imposing an excise tax pursuant to RCW 81.100.030; or (3) a regional transit authority unless a regional transportation investment district, with area partially or entirely within the authority's boundaries, is imposing taxes, fees, charges, or tolls authorized under RCW 36.120.050. The agency imposing the tax authorized in this section may provide for exemptions from the tax to such educational, cultural, health, charitable, or religious organizations as it deems appropriate.

Sec. 31. RCW 81.104.160 and 2003 c 1 s 6 are each amended to read as follows:

An agency may impose a sales and use tax solely for the purpose of providing high capacity transportation service, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within the agency's jurisdiction that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax shall not exceed 2.172 percent. The base of the tax shall be the

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

selling price in the case of a sales tax or the rental value of the vehicle used in the case of a use tax. However, a regional transit authority may impose this tax only if a regional transportation investment district, with area partially or entirely within the authority's boundaries, is imposing taxes, fees, charges, or tolls authorized under RCW 36.120.050.

Any motor vehicle excise tax previously imposed under the provisions of RCW 81.104.160(1) shall be repealed, terminated and expire on December 5, 2002.

Sec. 32. RCW 81.104.170 and 1997 c 450 s 5 are each amended to read as follows:

(1) Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, public transportation benefit areas, and regional transit authorities may submit an authorizing proposition to the voters and if approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter, solely for the purpose of providing high capacity transportation service.

(2) The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district. The maximum rate of such tax shall be approved by the voters and shall not exceed one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The maximum rate of such tax that may be imposed shall not exceed nine-tenths of one percent in any county that imposes a tax under RCW 82.14.340, or within a regional transit authority if any county within the authority imposes a tax under RCW 82.14.340. The exemptions in RCW 82.08.820 and 82.12.820 are for the state portion of the sales and use tax and do not extend to the tax authorized in this section.

(3) A regional transit authority may impose the tax authorized under this section at a rate higher than that imposed by the authority as of January 1, 2006, only if a regional transportation investment district, with area partially or entirely within the authority's boundaries, is imposing taxes, fees, charges, or tolls authorized under RCW 36.120.050."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 39, line 22 of the title amendment, strike "and 81.112.050" and insert "81.112.050, 81.104.150, 81.104.160, and 81.104.170"

Senators Finkbeiner and Pflug spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Haugen spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Finkbeiner on page 18, line 23 to the committee striking amendment to Engrossed Substitute House Bill No. 2871.

The motion by Senator Finkbeiner failed and the amendment to the committee striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Engrossed Substitute House Bill No. 2871.

The motion by Senator Haugen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "governance;" strike the remainder of the title and insert "amending RCW 36.120.020, 36.120.030, 36.120.040, 36.120.070, 29A.36.071, 36.120.080, 36.120.110, 81.112.030, 36.120.050, 81.100.080, 81.100.060, 82.14.0455, 82.14.430, 82.80.120, 47.56.076, 36.73.015, 36.73.020, and 81.112.050; reenacting and amending RCW 43.79A.040, 43.84.092, and 43.84.092; adding new sections to chapter 36.120 RCW; adding a new section to chapter 47.56 RCW; adding a new section to chapter 47.01 RCW; creating new sections; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 2871 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Benson, Finkbeiner, Jacobsen, Benton, Pflug and Shin spoke in favor of passage of the bill.

Senator Mulliken spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2871 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2871 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 36; Nays, 10; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 36

Voting nay: Senators Carrell, Esser, Honeyford, Kohl-Welles, Morton, Mulliken, Parlette, Roach, Schoesler and Stevens - 10

Excused: Senators McCaslin, Oke and Schmidt - 3

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2871 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 3277, by Representatives O'Brien, Rodne, Kirby, Williams, Darneille, Sells, Kessler, Lovick, Ericks, Simpson, Kilmer, Lantz, Anderson, Takko, Green, Moeller, Campbell, Morris, Hunt, Conway, Fromhold, Chase and Woods

Authorizing special verdicts for specified sex offenses against children and vulnerable adults.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9.94A RCW to read as follows:

(1) In a prosecution for rape of a child in the first degree, rape of a child in the second degree, or child molestation in the first degree, the prosecuting attorney shall file a special allegation that the offense was predatory whenever sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding by a reasonable and objective fact-finder that the offense was predatory, unless the prosecuting attorney determines, after consulting with a victim, that filing a special allegation under this section is likely to interfere with the ability to obtain a conviction.

(2) Once a special allegation has been made under this section, the state has the burden to prove beyond a reasonable doubt that the offense was predatory. If a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether the offense was predatory. If no jury is had, the court shall make a finding of fact as to whether the offense was predatory.

(3) The prosecuting attorney shall not withdraw a special allegation filed under this section without the approval of the court through an order of dismissal of the allegation. The court may not dismiss the special allegation unless it finds that the order is necessary to correct an error in the initial charging decision or that there are evidentiary problems that make proving the special allegation doubtful.

NEW SECTION. Sec. 2. A new section is added to chapter 9.94A RCW to read as follows:

(1) In a prosecution for rape in the first degree, rape in the second degree, indecent liberties by forcible compulsion, or kidnapping in the first degree with sexual motivation, the prosecuting attorney shall file a special allegation that the victim of the offense was under fifteen years of age at the time of the offense whenever sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding by a reasonable and objective fact-finder that the victim was under fifteen years of age at the time of the offense, unless the prosecuting attorney determines, after consulting with a victim, that filing a special allegation under this section is likely to interfere with the ability to obtain a conviction.

(2) Once a special allegation has been made under this section, the state has the burden to prove beyond a reasonable doubt that the victim was under fifteen years of age at the time of the offense. If a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether the victim was under the age of fifteen at the time of the offense. If no jury is had, the court shall make a finding of fact as to whether the victim was under the age of fifteen at the time of the offense.

(3) The prosecuting attorney shall not withdraw a special allegation filed under this section without the approval of the court through an order of dismissal of the allegation. The court may not dismiss the special allegation unless it finds that the order is necessary to correct an error in the initial charging decision or that there are evidentiary problems that make proving the special allegation doubtful.

NEW SECTION. Sec. 3. A new section is added to chapter 9.94A RCW to read as follows:

(1) In a prosecution for rape in the first degree, rape in the second degree with forcible compulsion, indecent liberties with forcible compulsion, or kidnapping in the first degree with sexual motivation, the prosecuting attorney shall file a special allegation that the victim of the offense was, at the time of the

offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult, whenever sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding by a reasonable and objective fact-finder that the victim was, at the time of the offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult, unless the prosecuting attorney determines, after consulting with a victim, that filing a special allegation under this section is likely to interfere with the ability to obtain a conviction.

(2) Once a special allegation has been made under this section, the state has the burden to prove beyond a reasonable doubt that the victim was, at the time of the offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult. If a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether the victim was, at the time of the offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult. If no jury is had, the court shall make a finding of fact as to whether the victim was, at the time of the offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult.

(3) The prosecuting attorney shall not withdraw a special allegation filed under this section without the approval of the court through an order of dismissal of the allegation. The court may not dismiss the special allegation unless it finds that the order is necessary to correct an error in the initial charging decision or that there are evidentiary problems that make proving the special allegation doubtful.

(4) For purposes of this section, "developmentally disabled," "mentally disordered," and "frail elder or vulnerable adult" have the same meaning as in RCW 9A.44.010.

Sec. 4. RCW 9.94A.712 and 2005 c 436 s 2 are each amended to read as follows:

(1) An offender who is not a persistent offender shall be sentenced under this section if the offender:

(a) Is convicted of:

(i) Rape in the first degree, rape in the second degree, rape of a child in the first degree, child molestation in the first degree, rape of a child in the second degree, or indecent liberties by forcible compulsion;

(ii) Any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree; or

(iii) An attempt to commit any crime listed in this subsection (1)(a); committed on or after September 1, 2001; or

(b) Has a prior conviction for an offense listed in RCW 9.94A.030(33)(b), and is convicted of any sex offense which was committed after September 1, 2001.

For purposes of this subsection (1)(b), failure to register is not a sex offense.

(2) An offender convicted of rape of a child in the first or second degree or child molestation in the first degree who was seventeen years of age or younger at the time of the offense shall not be sentenced under this section.

(3)(a) Upon a finding that the offender is subject to sentencing under this section, the court shall impose a sentence to a maximum term (~~consisting of the statutory maximum sentence for the offense~~) and a minimum term (~~either within the standard sentence range for the offense, or outside the standard sentence range pursuant to RCW 9.94A.535, if the offender is otherwise eligible for such a sentence~~).

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

(b) The maximum term shall consist of the statutory maximum sentence for the offense.

(c)(i) Except as provided in (c)(ii) of this subsection, the minimum term shall be either within the standard sentence range for the offense, or outside the standard sentence range pursuant to RCW 9.94A.535, if the offender is otherwise eligible for such a sentence.

(ii) If the offense that caused the offender to be sentenced under this section was rape of a child in the first degree, rape of a child in the second degree, or child molestation in the first degree, and there has been a finding that the offense was predatory under section 1 of this act, the minimum term shall be either the maximum of the standard sentence range for the offense or twenty-five years, whichever is greater. If the offense that caused the offender to be sentenced under this section was rape in the first degree, rape in the second degree, indecent liberties by forcible compulsion, or kidnapping in the first degree with sexual motivation, and there has been a finding that the victim was under the age of fifteen at the time of the offense under section 2 of this act, the minimum term shall be either the maximum of the standard sentence range for the offense or twenty-five years, whichever is greater. If the offense that caused the offender to be sentenced under this section is rape in the first degree, rape in the second degree with forcible compulsion, indecent liberties with forcible compulsion, or kidnapping in the first degree with sexual motivation, and there has been a finding under section 3 of this act that the victim was, at the time of the offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult, the minimum sentence shall be either the maximum of the standard sentence range for the offense or twenty-five years, whichever is greater.

(d) The minimum terms in (c)(ii) of this subsection do not apply to a juvenile tried as an adult pursuant to RCW 13.04.030(1)(e)(i) or (v). The minimum term for such a juvenile shall be imposed under (c)(i) of this subsection.

(4) A person sentenced under subsection (3) of this section shall serve the sentence in a facility or institution operated, or utilized under contract, by the state.

(5) When a court sentences a person to the custody of the department under this section, the court shall, in addition to the other terms of the sentence, sentence the offender to community custody under the supervision of the department and the authority of the board for any period of time the person is released from total confinement before the expiration of the maximum sentence.

(6)(a)(i) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in RCW 9.94A.700(4). The conditions may also include those provided for in RCW 9.94A.700(5). The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department and the board shall enforce such conditions pursuant to RCW 9.94A.713, 9.95.425, and 9.95.430.

(ii) If the offense that caused the offender to be sentenced under this section was an offense listed in subsection (1)(a) of this section and the victim of the offense was under eighteen years of age at the time of the offense, the court shall, as a condition of community custody, prohibit the offender from residing in a community protection zone.

(b) As part of any sentence under this section, the court shall also require the offender to comply with any conditions imposed by the board under RCW 9.94A.713 and 9.95.420 through 9.95.435.

Sec. 5. RCW 9.94A.712 and 2004 c 176 s 3 are each amended to read as follows:

(1) An offender who is not a persistent offender shall be sentenced under this section if the offender:

(a) Is convicted of:

(i) Rape in the first degree, rape in the second degree, rape of a child in the first degree, child molestation in the first degree, rape of a child in the second degree, or indecent liberties by forcible compulsion;

(ii) Any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree; or

(iii) An attempt to commit any crime listed in this subsection (1)(a); committed on or after September 1, 2001; or

(b) Has a prior conviction for an offense listed in RCW 9.94A.030(32)(b), and is convicted of any sex offense which was committed after September 1, 2001.

For purposes of this subsection (1)(b), failure to register is not a sex offense.

(2) An offender convicted of rape of a child in the first or second degree or child molestation in the first degree who was seventeen years of age or younger at the time of the offense shall not be sentenced under this section.

(3)(a) Upon a finding that the offender is subject to sentencing under this section, the court shall impose a sentence to a maximum term (~~consisting of the statutory maximum sentence for the offense~~) and a minimum term (~~either within the standard sentence range for the offense, or outside the standard sentence range pursuant to RCW 9.94A.535, if the offender is otherwise eligible for such a sentence~~).

(b) The maximum term shall consist of the statutory maximum sentence for the offense.

(c)(i) Except as provided in (c)(ii) of this subsection, the minimum term shall be either within the standard sentence range for the offense, or outside the standard sentence range pursuant to RCW 9.94A.535, if the offender is otherwise eligible for such a sentence.

(ii) If the offense that caused the offender to be sentenced under this section was rape of a child in the first degree, rape of a child in the second degree, or child molestation in the first degree, and there has been a finding that the offense was predatory under section 1 of this act, the minimum term shall be either the maximum of the standard sentence range for the offense or twenty-five years, whichever is greater. If the offense that caused the offender to be sentenced under this section was rape in the first degree, rape in the second degree, indecent liberties by forcible compulsion, or kidnapping in the first degree with sexual motivation, and there has been a finding that the victim was under the age of fifteen at the time of the offense under section 2 of this act, the minimum term shall be either the maximum of the standard sentence range for the offense or twenty-five years, whichever is greater. If the offense that caused the offender to be sentenced under this section is rape in the first degree, rape in the second degree with forcible compulsion, indecent liberties with forcible compulsion, or kidnapping in the first degree with sexual motivation, and there has been a finding under section 3 of this act that the victim was, at the time of the offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult, the minimum sentence shall be either the maximum of the standard sentence range for the offense or twenty-five years, whichever is greater.

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

(d) The minimum terms in (c)(ii) of this subsection do not apply to a juvenile tried as an adult pursuant to RCW 13.04.030(1)(e)(i) or (v). The minimum term for such a juvenile shall be imposed under (c)(i) of this subsection.

(4) A person sentenced under subsection (3) of this section shall serve the sentence in a facility or institution operated, or utilized under contract, by the state.

(5) When a court sentences a person to the custody of the department under this section, the court shall, in addition to the other terms of the sentence, sentence the offender to community custody under the supervision of the department and the authority of the board for any period of time the person is released from total confinement before the expiration of the maximum sentence.

(6)(a) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in RCW 9.94A.700(4). The conditions may also include those provided for in RCW 9.94A.700(5). The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department and the board shall enforce such conditions pursuant to RCW 9.94A.713, 9.95.425, and 9.95.430.

(b) As part of any sentence under this section, the court shall also require the offender to comply with any conditions imposed by the board under RCW 9.94A.713 and 9.95.420 through 9.95.435.

Sec. 6. RCW 9.94A.030 and 2005 c 436 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670, 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(6) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.850, for crimes committed on or after July 1, 2000.

(7) "Community placement" means that period during which the offender is subject to the conditions of community custody

and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(8) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(9) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(10) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(11) "Confinement" means total or partial confinement.

(12) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(13) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(14) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinative sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(21) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(22) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(23) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(24) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(25) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(26) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(27) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(28) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is

assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(29) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.

(30) "Nonviolent offense" means an offense which is not a violent offense.

(31) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under

FIFTY-SECOND DAY, March 1, 2006

superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(32) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

(33) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (33)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(34) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(35) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; or (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority.

~~(36)~~ (36) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

~~(37)~~ (37) "Public school" has the same meaning as in RCW 28A.150.010.

~~(38)~~ (38) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

~~(39)~~ (39) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

~~(40)~~ (40) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~(41)~~ (41) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~(42)~~ (42) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(11);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.070 or 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~(43)~~ (43) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~(44)~~ (44) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~(45)~~ (45) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

~~((45))~~ (46) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

~~(47)~~ (47) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((46))~~ (48) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

~~((47))~~ (49) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((48))~~ (50) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((49))~~ (51) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

~~((50))~~ (52) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

~~((51))~~ (53) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 7. RCW 9.94A.030 and 2003 c 53 s 55 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670, 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(6) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.850, for crimes committed on or after July 1, 2000.

(7) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(8) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(9) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(10) "Confinement" means total or partial confinement.

(11) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(12) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to

FIFTY-SECOND DAY, March 1, 2006

otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(13) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(14) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(15) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(16) "Department" means the department of corrections.

(17) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(18) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(19) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(20) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(21) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(22) "Escape" means:

2006 REGULAR SESSION

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(23) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(24) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(25) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(26) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(27) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(28) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.

(29) "Nonviolent offense" means an offense which is not a violent offense.

(30) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(31) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

(32) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the

second degree, assault of a child in the first degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (32)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(33) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(34) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; or (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority.

(35) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

~~((35))~~ (36) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

~~((36))~~ (37) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((37))~~ (38) "Serious violent offense" is a subcategory of violent offense and means:

- (a)(i) Murder in the first degree;
- (ii) Homicide by abuse;
- (iii) Murder in the second degree;
- (iv) Manslaughter in the first degree;
- (v) Assault in the first degree;
- (vi) Kidnapping in the first degree;
- (vii) Rape in the first degree;

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

(viii) Assault of a child in the first degree; or
 (ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((38))~~ (39) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(11);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.070 or 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((39))~~ (40) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~((40))~~ (41) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((41))~~ (42) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

~~((42))~~ (43) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

(44) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((43))~~ (45) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

~~((44))~~ (46) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((45))~~ (47) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((46))~~ (48) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

~~((47))~~ (49) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

~~((48))~~ (50) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

NEW SECTION. Sec. 8. Sections 4 and 6 of this act expire July 1, 2006.

NEW SECTION. Sec. 9. Sections 5 and 7 of this act take effect July 1, 2006.

NEW SECTION. Sec. 10. Sections 1 through 4 and 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Senators Hargrove and Carrell spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to House Bill No. 3277.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 2, line 2 of the title, after "RCW 9.94A.515;" strike the remainder of the title and insert "amending RCW 9.94A.712, 9.94A.712, 9.94A.030, and 9.94A.030; adding new sections to chapter 9.94A RCW; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Hargrove, the rules were suspended, House Bill No. 3277 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

FIFTY-SECOND DAY, March 1, 2006

2006 REGULAR SESSION

The President declared the question before the Senate to be the final passage of House Bill No. 3277 as amended by the Senate.

MESSAGE FROM THE HOUSE

March 1, 2006

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3277 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senator Pridemore - 1

Excused: Senators McCaslin, Oke and Schmidt - 3

HOUSE BILL NO. 3277 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Kastama on the scope and object of House Bill No. 2520, the President finds and rules as follows. First the President would like to remind the body once again that the rule on scope and object is not concerned with the title of the bill. The President finds that the original bill makes recodifying changes, technical corrections and clarifying amendments to existing RCW sections that all deal with information that is exempt from disclosure under the public disclosure laws. The bill addresses only exemptions from disclosure.

Amendment No. 216 by Senator Benton would add a totally new substantive change to public disclosure law requiring the disclosure of information not currently regulated under the Public Disclosure Act. The amendment mandates new disclosure requirements and has nothing to do with existing exemptions from disclosure.

The President, therefore, finds that the amendment does change the scope and object of the bill and the point of order is well taken.

The Senate resumed consideration of House Bill No. 2520 which was deferred earlier in the day.

MOTION

On motion of Senator Kastama, the rules were suspended, House Bill No. 2520 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Eide, further consideration of House Bill No. 2520 was deferred and the bill held its place on the third reading calendar.

MOTION

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

MR. PRESIDENT:

The House has passed the following bill(s):

SUBSTITUTE SENATE BILL NO. 6185,

SENATE BILL NO. 6411,

SUBSTITUTE SENATE BILL NO. 6417,

SENATE BILL NO. 6766,

SENATE BILL NO. 6861,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

At 9:06 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Thursday, March 2, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 2, 2006

The Senate was called to order at 9:00 a.m. by President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Finkbeiner, Johnson, Mulliken, Oke, Pflug, Swecker and Thibaudeau.

The Sergeant at Arms Color Guard consisting of Pages Jennifer Williams and Alex Freeman, presented the Colors. Pastor Mark Reitan of the Trinity Luthern Church offered the prayer.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

March 2, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DOUG MACDONALD, appointed February 22, 2006, for the term ending at the governor's pleasure, as Secretary of the Department of Transportation.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

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

MESSAGE FROM THE HOUSE

February 28, 2006

MR. PRESIDENT:

The House has passed the following bill(s):

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3316 and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

ESHB 3316 by House Committee on Capital Budget (originally sponsored by Representatives Dunshee, Linville, Grant and Kessler)

AN ACT Relating to authorizing state general obligation bonds for correctional facilities, Hood Canal and Puget Sound rehabilitation, and the Columbia river basin water supply development program; adding new chapters to Title 43 RCW; and declaring an emergency.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report, Engrossed Substitute House Bill No. 3316, was held at the desk.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

THIRD READING

HOUSE BILL NO. 2520, by Representative Nixon.

Recodifying and making technical corrections to public disclosure law.

The bill was read on Third Reading.

Senator Kastama spoke in favor of passage of the bill.

MOTION

On motion of Senator Esser, Senators Hewitt, Roach, Schoesler, Stevens and Mulliken were excused.

MOTION

On motion of Senator Regala, Senator Brown was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2520.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2520 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 6; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Weinstein and Zarelli - 42

Absent: Senators Finkbeiner, Johnson, Oke, Pflug, Swecker and Thibaudeau - 6

Excused: Senator Mulliken - 1

HOUSE BILL NO. 2520, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

MOTION

On motion of Senator Eide, Senator Thibaudeau was excused.

MOTION

On motion of Senator Schoesler, Senators Finkbeiner, Johnson, Oke, Pflug, Swecker and Parlette were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3137, by House Committee on Transportation (originally sponsored by Representatives Lovick, Curtis, Clements, Hunt, Grant, Ericks, Conway, Morrell, Simpson and Kenney)

Determining benefits for surviving spouses of disabled Washington state patrol officers.

The measure was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 3137 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Zarelli spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 3137.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3137 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 43

Excused: Senators Finkbeiner, Mulliken, Oke, Parlette, Pflug and Swecker - 6

SUBSTITUTE HOUSE BILL NO. 3137, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 3134, by Representatives Conway, Wood, Chase and Kenney

Determining the amount of compensation for temporary or permanent total disability.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 3134 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Honeyford spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 3134.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3134 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Finkbeiner, Mulliken, Oke, Parlette and Pflug - 5

HOUSE BILL NO. 3134, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2713, by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Simpson, Woods and Hunt)

Clarifying that state and local governing bodies may support or oppose ballot propositions.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 2713 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, Haugen, Jacobsen and Spanel spoke in favor of passage of the bill.

Senators Benton, Johnson and Roach spoke against passage of the bill.

MOTION

On motion of Senator Weinstein, Senator Hargrove was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2713.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2713 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 27

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Keiser, McCaslin, Morton, Mulliken, Parlette, Roach, Schoesler, Stevens, Swecker and Zarelli - 20

Excused: Senators Hargrove and Pflug - 2

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 2713, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senators Brown and Hargrove were excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2479, by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Haigh, Nixon, Green, Hunt, Haler, Morrell and Uptegrove)

Ensuring equipment accessibility for voters with visual impairments. Revised for 1st Substitute: Ensuring equipment accessibility for voters with visual impairments. (REVISED FOR ENGROSSED: Modifying provisions on voting equipment.)

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute House Bill No. 2479 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2479.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2479 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Fraser - 1

Excused: Senators Brown and Hargrove - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2479, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2726, by House Committee on Appropriations (originally sponsored by Representatives Chase, Skinner, Kessler, Haler, Kilmer, Grant, Chandler, Blake, Clements, Linville, Newhouse, McCoy, Kristiansen, Kenney and Wallace)

Creating Washington manufacturing services in statute.

The measure was read the second time.

MOTION

On motion of Senator Shin, the rules were suspended, Substitute House Bill No. 2726 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2726.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2726 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Brown and Hargrove - 2

SUBSTITUTE HOUSE BILL NO. 2726, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2431, by House Committee on Appropriations (originally sponsored by Representatives Campbell, Morrell, Ericks, Moeller, Springer, B. Sullivan, Simpson, Green, Sells, O'Brien and Lantz)

Requiring background checks on persons licensed as health care professionals.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** 2005 c 452 s 1 (uncodified) is reenacted and amended to read as follows:

(1) A joint task force on criminal background check processes is established. The joint task force shall consist of the following members:

(a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) The chief of the Washington state patrol, or the chief's designee;

(d) The secretary of the department of social and health services, or the secretary's designee;

(e) The secretary of the department of health, or the secretary's designee;

(f) The state superintendent of public instruction, or the superintendent's designee;

~~((f))~~ (g) An elected sheriff or police chief, selected by the Washington association of sheriffs and police chiefs; and

~~((g))~~ (h) The following ~~(eleven)~~ twelve members, jointly appointed by the speaker of the house of representatives and the president of the senate:

(i) A representative from a nonprofit service organization that serves primarily children under sixteen years of age;

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

- (ii) A health care provider as defined in RCW 7.70.020;
- (iii) A representative from a business or organization that primarily serves persons with a developmental disability;
- (iv) A representative from a local youth athletic association;
- (v) A representative from the insurance industry;
- (vi) A representative of the Washington association of criminal defense lawyers;
- (vii) Two representatives from a local parks and recreation program; one member shall be selected by the association of Washington cities and one member shall be selected by the Washington association of counties;
- ~~((viii))~~ (viii) A representative from a for-profit entity that primarily serves children;
- ~~((viiii))~~ (ix) A representative from a business or organization that primarily serves vulnerable adults;
- ~~((ix))~~ (x) A representative selected by the state's long-term care ombudsman; and
- ~~((x))~~ (xi) As a nonvoting ex officio member, a representative of an organization that serves as a clearinghouse for other nonprofit organizations in the state and that recruits volunteers and trains nonprofit boards of directors.

(2) The task force shall choose two cochairs from among its membership.

(3) The task force shall review and make recommendations to the legislature and the governor regarding criminal background check policy in Washington state. In preparing the recommendations, the committee shall, at a minimum, review the following issues:

- (a) What state and federal statutes require regarding criminal background checks, and determine whether any changes should be made;
- (b) What criminal offenses are currently reportable through the criminal background check program, and determine whether any changes should be made;
- (c) What information is available through the Washington state patrol and the federal bureau of investigation criminal background check systems, and determine whether any changes should be made;
- (d) What are the best practices among organizations for obtaining criminal background checks on their employees and volunteers;
- (e) What is the feasibility and costs for businesses and organizations to do periodic background checks;
- (f) What is the feasibility of requiring all businesses and organizations, including nonprofit entities, to conduct criminal background checks for all employees, contractors, agents, and volunteers who have regularly scheduled supervised or unsupervised access to children, persons with a developmental disability, or vulnerable adults;
- (g) What is the feasibility of establishing a state registration program for private youth sports coaches under which some or all of such persons are required to obtain and disclose to prospective clients and employers a copy of the results of their fingerprint-based criminal background checks;

(h) What is the feasibility of requiring the department of health to conduct background checks on all applicants for initial licenses to practice a health profession;

(i) What is the feasibility of requiring the department of health to review federal health care provider data banks for any actions taken against health care providers licensed in Washington;

(j) A review of the practices of the department of social and health services with respect to checking the backgrounds of its employees, applicants for employment, and candidates for promotion; and

~~((j))~~ (k) A review of the benefits and obstacles of implementing a criminal history record information background check program created by the national child protection act of 1993. The national child protection act of 1993 increases the availability of criminal history record information background

checks for employers who have employees or volunteers who work with children, elderly persons, or persons with disabilities.

(4) The task force, where feasible, may consult with individuals from the public and private sector.

(5) The task force shall use legislative facilities and staff from senate committee services and the house office of program research.

(6) The task force shall report its findings and recommendations to the legislature by December 31, ~~((2005))~~ 2006.

NEW SECTION. Sec.2. This act expires January 31, 2007."

Senators Keiser and Brandland spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to Substitute House Bill No. 2431.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "checks;" strike the remainder of the title and insert "reenacting and amending 2005 c 452 s 1 (uncodified); and providing an expiration date."

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 2431 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2431 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2431 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Brown and Hargrove - 2

SUBSTITUTE HOUSE BILL NO. 2431 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2409, by Representatives O'Brien, Rodne, Ericks, Lovick, Anderson, Jarrett, Nixon, McDonald, Williams, Dameille, Buck, Conway, P. Sullivan, Tom, Takko, Lantz, Kilmer, Fromhold, B. Sullivan, Morrell, Simpson, Springer, Green, Miloscia, Sells and Ormsby

Changing the provisions relating to sex and kidnapping offender registration.

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

The measure was read the second time.

MOTION

Senator Regala moved that the following committee amendment by the Committee on Human Services & Corrections be adopted.

On page 5, line 34, after "within" strike "~~((thirty days))~~ seventy-two hours" and insert "~~((thirty))~~ three business days"

On page 9, line 9, after "office" strike "~~((may))~~ shall" and insert "may"

On page 9, line 10, after "locations" strike ", including addresses when applicable."

On page 9, beginning on line 11, after "days" strike "and where the person plans to stay in the forthcoming seven days"

Senator Regala spoke in favor of adoption of the committee amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee amendment by the Committee on Human Services & Corrections to House Bill No. 2409.

The motion by Senator Regala carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Regala, the rules were suspended, House Bill No. 2409 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Stevens spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2409 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2409 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senator Pridemore - 1

Absent: Senator Deccio - 1

Excused: Senators Brown and Hargrove - 2

HOUSE BILL NO. 2409 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2384, by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Dickerson, Buck, Blake and B. Sullivan)

Concerning the state geological survey.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.92 RCW to read as follows:

It is the intent of the legislature that there be an effective state geological survey that can produce essential information that provides for the health, safety, and economic well-being of the citizens.

Sec. 2. RCW 43.92.010 and 1988 c 127 s 28 are each amended to read as follows:

There shall be a geological survey of the state (~~((which))~~ that shall be under the direction of the commissioner of public lands who shall have general charge of the survey, and shall appoint as supervisor of the survey a geologist of established reputation, to be known as the (~~((supervisor of geology))~~ state geologist.

Sec. 3. RCW 43.92.020 and 1965 c 8 s 43.92.020 are each amended to read as follows:

The geological survey shall have for its objects:

(1) An examination of the economic products of the state, (~~((viz))~~ including: (~~((The))~~ Gold, silver, copper, lead, and iron ores, as well as building stones, clays, coal, and all mineral substances of value;

(2) An examination and classification of (~~((the))~~ soils, and the study of their adaptability to particular crops;

(3) An investigation and report upon the water supplies, artesian wells, the water power of the state, gauging the streams, etc., with reference to their application for irrigation and other purposes;

(4) An examination and report upon the occurrence of different road building material;

(5) An examination of the physical features of the state with reference to their practical bearing upon the occupations of the people;

(6) The preparation of special geological and economic maps to illustrate the resources of the state;

(7) The preparation of special reports with necessary illustrations and maps, which shall embrace both the general and detailed description of the geology and natural resources of the state(~~((s))~~); and

(8) The consideration of (~~((such other kindred))~~ similar scientific and economic questions (~~((as))~~ that, in the judgment of the (~~((director shall be))~~ state geologist, is deemed of value to the people of the state.

NEW SECTION. Sec. 4. A new section is added to chapter 43.92 RCW to read as follows:

In addition to the objectives stated in RCW 43.92.020, the geological survey must conduct and maintain an assessment of seismic, landslide, and tsunami hazards in Washington. This assessment must include the identification and mapping of volcanic, seismic, landslide, and tsunami hazards, an estimation of potential consequences, and the likelihood of occurrence. The maintenance of this assessment must include technical assistance to state and local government agencies on the proper interpretation and application of the results of this assessment.

Sec. 5. RCW 43.92.040 and 1965 c 8 s 43.92.040 are each amended to read as follows:

(~~((The))~~ Regular and special reports of the geological survey, with proper illustrations and maps, shall be printed as (~~((the director may direct, and the))~~ directed by the state geologist. All reports shall be distributed or sold by (~~((him))~~ the department of natural resources as the interests of the state and of science demand(~~((and))~~). All money obtained by the sale of reports under this section shall be paid into the state treasury.

Sec. 6. RCW 43.92.060 and 1965 c 8 s 43.92.060 are each amended to read as follows:

The (~~((director))~~ state geologist may make provisions for topographic, geologic, and hydrographic surveys of the state in cooperation with the United States geological survey in such

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

manner as in ~~(his)~~ the opinion of the state geologist will be of the greatest benefit to the agricultural, industrial, and geological requirements of the state ~~(- PROVIDED, That)~~. However, the director of the United States geological survey ~~(agrees)~~ must first agree to expend on the part of the United States upon such surveys a sum equal to that expended by the state.

Sec. 7. RCW 43.92.070 and 1965 c 8 s 43.92.070 are each amended to read as follows:

In order to complete the topographic map of the state and for the purpose of making more extensive stream measurements, and otherwise investigating and determining the water supply of the state, the ~~(director)~~ state geologist may enter into such agreements with the director of the United States geological survey as will ~~(insure)~~ ensure that the surveys and investigations be carried on in the most economical manner, and that the maps and data be available for the use of the public as quickly as possible.

Sec. 8. RCW 43.92.080 and 1965 c 8 s 43.92.080 are each amended to read as follows:

In order to carry out the purposes of this chapter, all persons employed ~~(hereunder)~~ by the department of natural resources to carry out the duties of this chapter are authorized to enter and cross all land within the state ~~(doing thereby)~~ as long as no damage is done to private property."

Senator Jacobsen spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to Substitute House Bill No. 2384.

The motion by Senator Jacobsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "survey;" strike the remainder of the title and insert "amending RCW 43.92.010, 43.92.020, 43.92.040, 43.92.060, 43.92.070, and 43.92.080; and adding new sections to chapter 43.92 RCW."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 2384 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Oke spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2384 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2384 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Brown and Hargrove - 2

SUBSTITUTE HOUSE BILL NO. 2384 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1010, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Hudgins, Morrell, Linville, B. Sullivan, McCoy and Chase)

Concerning energy efficiency and renewable energy standards.

The measure was read the second time.

MOTION

Senator Poulsen moved that the following committee striking amendment by the Committee on Water, Energy & Environment be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to ensure an adequate supply of safe, clean, and reliable electricity at the lowest reasonable cost and risk to the utility and its ratepayers. To achieve this end, the legislature finds it essential that electric utilities in Washington develop comprehensive resource plans that explain the mix of generation and demand-side resources they plan to use to meet their customers' electricity needs in both the short term and the long term. The legislature also finds that resource planning is an important way of maintaining Washington state's commitment to a vertically integrated utility structure. The legislature further finds that many utilities in Washington have had a long and successful history of resource planning and are able to share their expertise with other utilities. The legislature also finds it essential that the utility plans be made publicly available and be aggregated and analyzed at a statewide level so the citizens of the state and their public officials have confidence that Washington's electricity supply is adequate.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the utilities and transportation commission.

(2) "Conservation and efficiency resources" means any reduction in electric power consumption that results from increases in the efficiency of energy use, production, transmission, or distribution.

(3) "Consumer-owned utility" includes a municipal electric utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, a port district formed under Title 53 RCW, or a water-sewer district formed under Title 57 RCW, that is engaged in the business of distributing electricity to one or more retail electric customers in the state.

(4) "Department" means the department of community, trade, and economic development.

(5) "Electric utility" means a consumer-owned or investor-owned utility.

(6) "Full requirements customer" means an electric utility that relies on the Bonneville power administration for all power needed to supply its total load requirement other than that served by nondispatchable generating resources totaling no more than six megawatts or renewable resources.

(7) "Governing body" means the elected board of directors, city council, commissioners, or board of any consumer-owned utility.

(8) "High efficiency cogeneration" means the sequential production of electricity and useful thermal energy from a common fuel source, where, under normal operating conditions, the facility has a useful thermal energy output of no less than thirty-three percent of the total energy output.

(9) "Integrated resource plan" means an analysis describing the mix of generating resources and conservation and efficiency resources that will meet current and projected needs at the lowest reasonable cost to the utility and its ratepayers and that complies with the requirements specified in section 3(1) of this act.

(10) "Investor-owned utility" means a corporation owned by investors that meets the definition in RCW 80.04.010 and is engaged in distributing electricity to more than one retail electric customer in the state.

(11) "Lowest reasonable cost" means the lowest cost mix of generating resources and conservation and efficiency resources determined through a detailed and consistent analysis of a wide range of commercially available resources. At a minimum, this analysis must consider resource cost, market-volatility risks, demand-side resource uncertainties, resource dispatchability, resource effect on system operation, the risks imposed on the utility and its ratepayers, public policies regarding resource preference adopted by Washington state or the federal government, and the cost of risks associated with environmental effects including emissions of carbon dioxide.

(12) "Plan" means either an "integrated resource plan" or a "resource plan."

(13) "Renewable resources" means electricity generation facilities fueled by: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) landfill gas; (f) biomass energy utilizing animal waste, solid organic fuels from wood, forest, or field residues or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; (g) byproducts of pulping or wood manufacturing processes, including but not limited to bark, wood chips, sawdust, and lignin in spent pulping liquors; (h) ocean thermal, wave, or tidal power; or (i) gas from sewage treatment facilities.

(14) "Resource plan" means an assessment that estimates electricity loads and resources over a defined period of time and complies with the requirements in section 3(2) of this act.

NEW SECTION. Sec. 3. Each electric utility must develop a plan consistent with this section.

(1) Utilities with more than twenty-five thousand customers that are not full requirements customers shall develop or update an integrated resource plan by September 1, 2008. At a minimum, progress reports reflecting changing conditions and the progress of the integrated resource plan must be produced every two years thereafter. An updated integrated resource plan must be developed at least every four years subsequent to the 2008 integrated resource plan. The integrated resource plan, at a minimum, must include:

(a) A range of forecasts, for at least the next ten years, of projected customer demand which takes into account econometric data and customer usage;

(b) An assessment of commercially available conservation and efficiency resources. Such assessment may include, as appropriate, high efficiency cogeneration, demand response and load management programs, and currently employed and new policies and programs needed to obtain the conservation and efficiency resources;

(c) An assessment of a commercially available, utility scale renewable and nonrenewable generating technologies;

(d) A comparative evaluation of renewable and nonrenewable generating resources, including transmission and distribution delivery costs, and conservation and efficiency resources using "lowest reasonable cost" as a criterion;

(e) The integration of the demand forecasts and resource evaluations into a long-range assessment describing the mix of supply side generating resources and conservation and efficiency resources that will meet current and projected needs at the lowest reasonable cost and risk to the utility and its ratepayers; and

(f) A short-term plan identifying the specific actions to be taken by the utility consistent with the long-range integrated resource plan.

(2) All other utilities may elect to develop a full integrated resource plan as set forth in subsection (1) of this section or, at a minimum, shall develop a resource plan that:

(a) Estimates loads for the next five and ten years;

(b) Enumerates the resources that will be maintained and/or acquired to serve those loads; and

(c) Explains why the resources in (b) of this subsection were chosen and, if the resources chosen are not renewable resources or conservation and efficiency resources, why such a decision was made.

(3) An electric utility that is required to develop a resource plan under this section must complete its initial plan by September 1, 2008.

(4) Resource plans developed under this section must be updated on a regular basis, at a minimum on intervals of two years.

(5) Plans shall not be a basis to bring legal action against electric utilities.

(6) Each electric utility shall publish a final integrated resource plan either as part of an annual report or as a separate document available to the public.

NEW SECTION. Sec. 4. (1) Investor-owned utilities shall submit integrated resource plans to the commission. The commission shall establish by rule the requirements for preparation and submission of integrated resource plans.

(2) The commission may adopt additional rules as necessary to clarify the requirements of section 3 of this act as they apply to investor-owned utilities.

NEW SECTION. Sec. 5. (1) The governing body of a consumer-owned utility that develops a plan under this chapter shall encourage participation of its consumers in development of the plans and progress reports and approve the plans and progress reports after it has provided public notice and hearing.

(2) Each consumer-owned utility shall transmit a copy of its plan to the department by September 1, 2008, and transmit subsequent progress reports or plans to the department at least every two years thereafter. The department shall develop, in consultation with utilities, a common cover sheet that summarizes the essential data in their plans or progress reports.

(3) Consumer-owned utilities may develop plans of a similar type jointly with other consumer-owned utilities. Data and assessments included in joint reports must be identifiable to each individual utility.

(4) To minimize duplication of effort and maximize efficient use of utility resources, in developing their plans under section 3 of this act, consumer-owned utilities are encouraged to use resource planning concepts, techniques, and information provided to and by organizations such as the United States department of energy, the Northwest planning and conservation council, Pacific Northwest utility conference committee, and other state, regional, national, and international entities, and, for the 2008 plan, as appropriate, are encouraged to use and be consistent with relevant determinations required under Title XII - Electricity; Subtitle E, Sections 1251 - 1254 of the federal energy policy act of 2005.

NEW SECTION. Sec. 6. The department shall review the plans of consumer-owned utilities and investor-owned utilities, and data available from other state, regional, and national sources, and prepare a report to the legislature aggregating the data and assessing the overall adequacy of Washington's electricity supply. The report shall include a statewide summary of utility load forecasts, load/resource balance, and utility plans

FIFTY-THIRD DAY, MARCH 2, 2006

for the development of thermal generation, renewable resources, and conservation and efficiency resources. The commission shall provide the department with data summarizing the plans of investor-owned utilities for use in the department's statewide summary. The department shall submit its report within the biennial report required under RCW 43.21F.045.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act constitute a new chapter in Title 19 RCW."

Senators Poulsen and Morton spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Water, Energy & Environment to Engrossed Substitute House Bill No. 1010.

The motion by Senator Poulsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "electric utility planning; and adding a new chapter to Title 19 RCW."

MOTION

On motion of Senator Poulsen, the rules were suspended, Engrossed Substitute House Bill No. 1010 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pflug spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1010 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1010 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Brown and Hargrove - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1010 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2366, by Representatives B. Sullivan, Appleton, Moeller, Buck, Haler, Fromhold, Ericks, Strow, Simpson, Campbell and Ormsby

Making certain communications between fire fighters and peer support group counselors privileged.

The measure was read the second time.

MOTION

2006 REGULAR SESSION

On motion of Senator Kline, the rules were suspended, House Bill No. 2366 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Johnson spoke in favor of passage of the bill.

Senator Carrell spoke on passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2366.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2366 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Parlette - 1

Excused: Senator Brown - 1

HOUSE BILL NO. 2366, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Schoesler, Senator Parlette was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2987, by House Committee on Transportation (originally sponsored by Representatives Kagi, Clibborn and Dickerson)

Increasing penalties for vehicle gross weight violations.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 2987 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Benson spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2987.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2987 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Berkey, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 39

Voting nay: Senators Benton, Brandland, Hewitt, Honeyford, Morton, Roach, Schoesler and Stevens - 8

Excused: Senators Brown and Parlette - 2

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 2987, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I voted "No" on the final passage of Substitute House Bill No. 2987, increasing penalties for vehicle gross weight violations. Due to some confusion on my part I voted in opposition to the bill, but the roll call voted was concluded before I could change my vote. I would like the record to show that I was in favor of the measure and misvoted.

PAM ROACH, 31st Legislative District

SECOND READING

HOUSE BILL NO. 2379, by Representatives Lantz, Serben and Rodne

Disposing of nonprobate assets under will.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 2379 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline, Johnson, McCaslin and Rockefeller spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2379.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2379 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Brown and Parlette - 2

HOUSE BILL NO. 2379, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Brandland: "Madam President, I was driving down the road the other day and I was listening to my radio and I heard an ad on the radio. This ad was put out by the WEA, Washington Education Association, and it basically said something to the effect that Washington ranked forty-second, forty-sixth, somewhere in the nation as it relates to the amount of money that we spend on pupils and so I started thinking a little bit and I remember I received a little book from, this one happens to be from the Association of Washington Business, Washington Research Council, Washington Roundtable and the Washington Association of Realtors. I looked in there and basically what they're saying Washington ranks sixteenth. First in capital spending, thirtieth in operating spending and I'm not saying this because I want say anything negative about either one of these bodies because I believe that they think in their

own mind that they're putting out the right information. I think that the point that I'm trying to make here is that I think a lot of people that are watching this on TV and hear about the things that we do down here perhaps think that we make decisions in a vacuum. I can tell you that many times in my brief career here, we've had to make decisions based on conflicting information and, I think this is a classic example of that. Not saying that either ones right, either ones wrong. It is difficult to get all the information in sometimes in a relatively in a short period of time and make a good decision. I just wanted to pass that point along. Thank you."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1510, by House Committee on Finance (originally sponsored by Representatives Morris, Quall, B. Sullivan and Chase)

Modifying the property taxation of nonprofit entities.

The measure was read the second time.

MOTION

Senator Spanel moved that the following committee amendment by the Committee on Ways & Means be adopted.

On page 2, line 7, after "year;" strike "and"

On page 2, line 8, after "(B)" insert "No comparable private for-profit facility exists within ten miles of the property that could be used for the same purpose for which the property is loaned or rented; and

_____(C)"

Senator Spanel spoke in favor of adoption of the committee amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to Substitute House Bill No. 1510.

The motion by Senator Spanel carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Spanel, the rules were suspended, Substitute House Bill No. 1510 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Spanel spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1510 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1510 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Brown and Parlette - 2

SUBSTITUTE HOUSE BILL NO. 1510 as amended by the Senate, having received the constitutional majority, was

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2567, by Representatives Wallace, Ericks, Morrell, Kilmer, Lovick, Campbell, Green, Lantz, Springer and Moeller

Providing provisions for methamphetamine precursors.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9.91 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Iodine matrix" means iodine at a concentration greater than two percent by weight in a matrix or solution.

(b) "Matrix" means something, as a substance, in which something else originates, develops, or is contained.

(c) "Methylsulfonylmethane" means methylsulfonylmethane in its powder form only, and does not include products containing methylsulfonylmethane in other forms such as liquids, tablets, capsules not containing methylsulfonylmethane in pure powder form, ointments, creams, cosmetics, foods, and beverages.

(2) Any person who knowingly purchases in a thirty-day period or possesses any quantity of iodine in its elemental form, an iodine matrix, or more than two pounds of methylsulfonylmethane is guilty of a gross misdemeanor, except as provided in subsection (3) of this section.

(3) Subsection (2) of this section does not apply to:

(a) A person who possesses iodine in its elemental form or an iodine matrix as a prescription drug, under a prescription issued by a licensed veterinarian, physician, or advanced registered nurse practitioner;

(b) A person who possesses iodine in its elemental form, an iodine matrix, or any quantity of methylsulfonylmethane in its powder form and is actively engaged in the practice of animal husbandry of livestock;

(c) A person who possesses iodine in its elemental form or an iodine matrix in conjunction with experiments conducted in a chemistry or chemistry-related laboratory maintained by a:

(i) Public or private secondary school;

(ii) Public or private institution of higher education that is accredited by a regional or national accrediting agency recognized by the United States department of education;

(iii) Manufacturing facility, government agency, or research facility in the course of lawful business activities;

(d) A veterinarian, physician, advanced registered nurse practitioner, pharmacist, retail distributor, wholesaler, manufacturer, warehouseman, or common carrier, or an agent of any of these persons who possesses iodine in its elemental form, an iodine matrix, or methylsulfonylmethane in its powder form in the regular course of lawful business activities; or

(e) A person working in a general hospital who possesses iodine in its elemental form or an iodine matrix in the regular course of employment at the hospital.

(4) Any person who purchases any quantity of iodine in its elemental form, an iodine matrix, or any quantity of methylsulfonylmethane must present an identification card or driver's license issued by any state in the United States or jurisdiction of another country before purchasing the item.

(5) The Washington state patrol shall develop a form to be used in recording transactions involving iodine in its elemental form, an iodine matrix, or methylsulfonylmethane. A person who sells or otherwise transfers any quantity of iodine in its elemental form, an iodine matrix, or any quantity of methylsulfonylmethane to a person for any purpose authorized in subsection (3) of this section must record each sale or transfer. The record must be made on the form developed by the Washington state patrol and must be retained by the person for at least three years. The Washington state patrol or any local law enforcement agency may request access to the records:

(a) Failure to make or retain a record required under this subsection is a misdemeanor.

(b) Failure to comply with a request for access to records required under this subsection to the Washington state patrol or a local law enforcement agency is a misdemeanor."

Senator Kline spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to House Bill No. 2567.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "precursors;" strike the remainder of the title and insert "adding a new section to chapter 9.91 RCW; and prescribing penalties."

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 2567 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Johnson spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2567 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2567 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Regala - 1

Excused: Senators Brown and Parlette - 2

HOUSE BILL NO. 2567 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3120, by House Committee on Judiciary (originally sponsored by Representatives Lantz, Priest, Kirby and Williams)

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

Concerning notice requirements for tort claims against state and local governments and their officers, employees, or volunteers.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 3120 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 3120.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3120 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Regala - 1

Excused: Senators Brown and Parlette - 2

SUBSTITUTE HOUSE BILL NO. 3120, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2596, by House Committee on Commerce & Labor (originally sponsored by Representatives Kenney, McDonald, Conway, Wood, Hasegawa, Hudgins, Rodne, McCoy, Morrell and Ormsby)

Modifying provisions for the cosmetology apprenticeship program.

The measure was read the second time

MOTION

Senator Kohl-Welles moved that the following committee striking amendment by the Committee on Labor, Commerce, Research & Development be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that direct-entry apprenticeship programs can be very beneficial to both students and employers. However, there is also concern that apprenticeship programs may reduce the number of students who enroll in traditional cosmetology school. The advisory committee is to update the legislature on the program with an updated final report by December 31, 2008, and is to include an evaluation of the effectiveness of the apprenticeship program, including but not limited to the number of apprentices who complete the program, the number of apprentices who take and pass the licensing examination, and a formal review of any impact the expansion of such an apprenticeship program may have on the enrollment of traditional cosmetology schools, including but not limited to whether the enrollment of traditional cosmetology schools is negatively impacted by the direct-entry apprenticeship programs.

Sec. 2. RCW 18.16.280 and 2003 c 400 s 1 are each amended to read as follows:

A cosmetology apprenticeship pilot program is hereby created.

(1) An advisory committee is created that may consist of representatives from individuals and businesses licensed under chapter 18.16 RCW; cosmetology, barbering, esthetics, and manicuring advisory board members; department of labor and industries; department of licensing; United States department of labor apprenticeship; and other interested parties.

(a) The advisory committee shall meet to review progress of the cosmetology apprenticeship pilot program.

(b) The department of labor and industries apprenticeship council shall coordinate the activities of the advisory committee. The advisory committee shall issue annual reports on the progress of the apprenticeship program to interested parties and shall issue a final report regarding the outcome of the apprenticeship program to be presented to the appropriate committees of the house of representatives and senate by December 31, 2005. The advisory committee shall submit an updated report, including an evaluation of the effectiveness of the apprenticeship program, to the appropriate committees of the house of representatives and senate by December 31, 2008.

(2) Up to twenty salons approved by the department of labor and industries apprenticeship council may participate in the apprenticeship program. The participating salons shall proportionately represent the geographic diversity of Washington state, including rural and urban areas, and salons located in both eastern and western Washington.

(3) The department of licensing shall adopt rules, including a mandatory requirement that apprentices complete in-classroom theory courses as a part of their training, to provide for the licensure of participants of the apprenticeship program.

(4) The cosmetology apprenticeship pilot program expires July 1, (~~2006~~) 2008."

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and Parlette to the committee striking amendment be adopted.

On page 2, line 8, after "December 31," strike "2008" and insert "2007".

Senator Kohl-Welles spoke in favor of adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles and Parlette on page 2, line 8 to the committee striking amendment to Substitute House Bill No. 2596.

The motion by Senator Kohl-Welles carried and the amendment to the committee striking amendment was adopted by voice vote.

Senator Kohl-Welles spoke in favor of the committee striking amendment as amended.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor, Commerce, Research & Development as amended to Substitute House Bill No. 2596.

The motion by Senator Kohl-Welles carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 18.16.280; and creating a new section."

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 2596 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Benton spoke in favor of passage of the bill.

MOTION

On motion of Senator Mulliken, Senator Carrell was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2596 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2596 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Brown - 1

SUBSTITUTE HOUSE BILL NO. 2596 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 3056, by Representatives Takko, Woods, Clibborn, B. Sullivan and Springer

Allowing second class cities and towns to pay claims by check or warrant.

The measure was read the second time.

MOTION

On motion of Senator Berkey, the rules were suspended, House Bill No. 3056 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 3056.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3056 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Roach - 1

Excused: Senator Brown - 1

HOUSE BILL NO. 3056, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

Senator Pflug moved adoption of the following resolution:

SENATE RESOLUTION

8721

By Senators Pflug, Johnson, Oke and Kline

WHEREAS, The students of Tahoma Senior High School in Maple Valley, Washington, enrolled in the program known as "We The People, The Citizen and Constitution," have exhibited that they have learned very well the lessons of our forefathers who wrote the Constitution of the United States. The students will be representing all of Washington State in national championship competitions; and

WHEREAS, This knowledge will enhance the lives of the students and direct their paths as they walk through life, proud in the knowledge that Americans have long stood for justice and liberty for all Americans; and

WHEREAS, Being armed with this knowledge is to the benefit of all citizens of this great country and state and will prepare the students to participate in the democracy men and women have fought so gallantly to preserve; and

WHEREAS, These energetic, knowledgeable young people will one day lead this state and country, and there may very well be in their midst a legislator, governor, senator, member of Congress, or perhaps a future President; and

WHEREAS, Their dedicated and talented teacher, Lindsey Hatch of Tahoma Senior High School, can take pride in knowing that the students enrolled in this program have the knowledge to outperform university students in every topic; and

WHEREAS, Studies have shown that eighty percent of seniors in high school participating in this program have registered to vote compared to an average of thirty-seven percent among other high school seniors, thereby proving that this program has increased the interest in politics and in participation in government; and

WHEREAS, For the twelfth consecutive year, Tahoma Senior High School has won the first place title at the state championship by answering questions using only their knowledge, memory, and reasoning, enabling its members to represent the whole State of Washington when they compete at the national competition in Washington, D.C. in April; and

WHEREAS, In 2000, Tahoma Senior High School was fourth in the nation, in 2002 they won the Western Regional Award, and in 2003 the We The People Team won the top Unit Two in the Nation Award;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor the participants in this program from Tahoma High School's first place team: Corey Allen, Griffin Bell, Kelsey Childress, Nikki Clardy, Adam Day, Josh Hansen, Jamie Huson, Sean Johnson, Danielle Judd, Jordan Kerr, Sara Kleinknecht, Jami Lukins, Jordan Michelson, Alexa Moss, Kaylene Nead, Leah Pappajohn, Keith Peck, Maria Tamaccio, Rachel Tipper, Andy Thompson, Lyle Valenzuela, Emily Wilson, and Nichole Woods; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the members of the We The People Team, their teacher Lindsey Hatch, and the principal of Tahoma Senior High School Terry Duty, to further show the respect of this

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

body for a job well done and wish them success in their endeavors.

Senators Pflug and Johnson spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8721.

The motion by Senator Pflug carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Jacobsen, Senator Doumit was excused.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

MOTION

On motion of Senator Mulliken, Senator Oke was excused.

SECOND READING

HOUSE BILL NO. 1305, by Representatives Haigh, McDonald, Eickmeyer, Holmquist, Wallace, P. Sullivan, Roach, Morrell and Sells

Authorizing background checks before an authorized emergency vehicle permit is issued.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1305 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1305.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1305 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator McAuliffe - 1

Excused: Senators Brown and Oke - 2

HOUSE BILL NO. 1305, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway and Wood)

Regulating recreational vehicle shows.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute House Bill No. 2056 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Honeyford spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2056.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2056 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 45

Absent: Senators Hargrove, McAuliffe and Thibaudeau - 3

Excused: Senator Brown - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Benton: "Thank you Madam President. I wanted to thank the Majority Leader for the candy she left on my desk this morning. I followed the instructions, it says, 'Please remove the tablet from the packet before use.' So I did. I took it out of the container and bit off a piece. I thought, I originally thought it was white chocolate and then I realized it was hard, so then occurred to me that it was a mint of some sort and so even though I removed the cover as instructed the taste was not what I expected when I took a bite of this lovely present that was left on my desk and so I just wanted to warn my colleagues before they bite into their present to be careful. Don't expect a minty taste because it's not like that at all. It's very, very different. It's kind a like you're going to take a drink of something, you think it's one thing, but it's something else. It's a very surprising thing that occurs to you when your expecting something and you get something totally different. I may have even chipped one of my teeth, I think, as I bit into this lovely present. So I wanted to thank her but at the same time I wanted to warn my colleagues to be very careful when they're taking advantage of this lovely present that the Majority Leader left for us this morning."

PERSONAL PRIVILEGE

Senator McCaslin: "Now I know why we're in the minority!"

PERSONAL PRIVILEGE

Senator Brown: "I am so sorry, Senator. Perhaps I should of put more explicit instructions. What you have here is not actually edible. Please send me the doctor bill but not the attorneys fees please. If I could avoid that, that would be great. What you have here is in light of the bill that we passed last night, related to phasing out the phosphorous in our dish washing detergent. This is a sample of the product. So this goes in your dishwasher and for those of you who passed that on to

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

your spouse, you just pass it on to her and she'll use it in the dishwasher. I just want to let you know that it does get your dishes and glasses spotless and clean. Thank you for helping me out with the bill and hope that you also find the product satisfactory."

POINT OF INQUIRY

Senator Honeyford: "Will Senator Benton yield to a question? Senator, the question is are your teeth whiter and cleaner?"

Senator Benton: "Well, the answer is yes I have noticed a remarkable change in the quality of the shininess of the teeth. I'll be careful not to smile. We wouldn't want to give anybody a sunburn."

PERSONAL PRIVILEGE

Senator Hargrove: "I thought this was a piece of candy I ate it. What is that going to do for me?"

PERSONAL PRIVILEGE

Senator Roach: "Madam President, members of the Senate. This brings up maybe a new discovery for us because if we were to eat these. Now, I don't know if there is phosphorous in people effluent but if there is, this might be something that we could all take. All of humanity and certainly do good for the ecology. What do you think of that? You've come on something."

PERSONAL PRIVILEGE

Senator Delvin: "Thank you Madam President. When did we go to the ninth order?"

PERSONAL PRIVILEGE

Senator Oke: "Thank you Madam President. I've got the arm band to prove it, but I wanted you to all know. It's hard for me to tell everybody. Yesterday I went into the VA hospital in Seattle. My red blood count was down to twenty-three. Not a good point and I got there with Judy about one. They started the first IV into me and they gave me three. At five-thirty, I started this and at two-thirty a. m. they finished with me and my lovely wife was there with me. Having people going in and going out. The good news is this morning when they took the blood sample and looked at it I'm thirty-one so. Anything over thirty is 'Praise the Lord.' Thank you for your prayers."

MOTION

At 11:58 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:42 p.m. by President Pro Tempore.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2805, by House Committee on Appropriations (originally sponsored by Representatives O'Brien, Ericks, Morrell, Miloscia and Green)

Expanding provisions relating to missing persons.

The measure was read the second time.

MOTION

On motion of Senator Brandland, the rules were suspended, Second Substitute House Bill No. 2805 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brandland spoke in favor of passage of the bill.

MOTION

On motion of Senator Weinstein, Senator McAuliffe was excused.

MOTION

On motion of Senator Schoesler, Senators Swecker, Finkbeiner, Zarelli, Stevens, Hewitt and Kline were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2805.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2805 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 44

Absent: Senator Deccio - 1

Excused: Senators Brown, Finkbeiner, Kline and Zarelli - 4

SECOND SUBSTITUTE HOUSE BILL NO. 2805, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senator Doumit was excused.

SECOND READING

HOUSE BILL NO. 1471, by Representatives Lovick, McDonald and Takko

Changing provisions relating to authentication of documents.

The measure was read the second time.

MOTION

On motion of Senator Brandland, the rules were suspended, House Bill No. 1471 was advanced to third reading, the second

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

reading considered the third and the bill was placed on final passage.

Senator Delvin spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1471.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1471 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Brown, Finkbeiner and Kline - 3

HOUSE BILL NO. 1471, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3178, by House Committee on Commerce & Labor (originally sponsored by Representatives Murray and Woods)

Concerning collective bargaining by state ferry employees.

The measure was read the second time.

MOTION

Senator Haugen moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.64.011 and 1983 c 15 s 2 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the definitions in this section shall apply.

(1) ("~~Arbitration~~" means the procedure whereby the parties involved in an impasse submit their differences to a third party for a final and binding decision or as provided in this chapter.

~~(2) "Arbitrator" means either a single arbitrator or a panel of three arbitrators as provided in RCW 47.64.240.~~

~~(3)) "Collective bargaining representative" means the persons designated by the ((secretary of transportation)) governor and employee organizations to be the exclusive representatives during collective bargaining negotiations.~~

~~((4)) (2) "Commission" means the marine employees' commission created in RCW 47.64.280.~~

~~(3) "Department of transportation" means the department as defined in RCW 47.01.021.~~

~~(4) "Employer" means the state of Washington.~~

(5) "Ferry employee" means any employee of the marine transportation division of the department of transportation who is a member of a collective bargaining unit represented by a ferry employee organization and does not include an exempt employee pursuant to RCW 41.06.079.

(6) "Ferry employee organization" means any labor organization recognized to represent a collective bargaining unit of ferry employees.

~~(7) ("~~Ferry system management~~" means those management personnel of the marine transportation division of the department of transportation who have been vested with the day-to-day management responsibilities of the Washington state ferry system by the transportation commission and who are not members of a collective bargaining unit represented by a ferry employee organization.~~

~~(8)) "Lockout" means the refusal of ((ferry system management)) the employer to furnish work to ferry employees in an effort to get ferry employee organizations to make concessions during collective bargaining, grievance, or other labor relation negotiations. Curtailment of employment of ferry employees due to lack of work resulting from a strike or work stoppage(~~as defined in subsection (11) of this section~~;) shall not be considered a lockout.~~

~~((9) "Marine employees' commission" means the commission created in RCW 47.64.280.~~

~~(10)) (8) "Office of financial management" means the office as created in RCW 43.41.050.~~

~~((11)) (9) "Strike or work stoppage" means a ferry employee's refusal, in concerted action with others, to report to duty, or his or her willful absence from his or her position, or his or her stoppage or slowdown of work, or his or her abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of his, her, or any other ferry employee's employment. A refusal, in good faith, to work under conditions which pose an endangerment to the health and safety of ferry employees or the public, as determined by the master of the vessel, shall not be considered a strike for the purposes of this chapter.~~

~~((12) "Transportation commission" means the commission as defined in RCW 47.01.021.)~~

NEW SECTION. Sec. 2. A new section is added to chapter 47.64 RCW to read as follows:

(1) For the purpose of negotiating collective bargaining agreements under this chapter, the employer shall be represented by the governor or governor's designee.

(2) Two or more ferry employee organizations may, upon agreement of the parties, negotiate, as a coalition with the employer representative as designated in subsection (1) of this section, a multiunion collective bargaining agreement on behalf of all the employees in ferry employee organization bargaining units that the exclusive bargaining representatives represent. The coalition shall bargain for a multiunion collective bargaining agreement covering all of the employees represented by the coalition. The governor's designee and the exclusive bargaining representative or representatives are authorized to enter into supplemental bargaining of bargaining unit-specific issues for inclusion in or as an addendum to the multiunion collective bargaining agreement, subject to the parties' agreement regarding the issues and procedures for supplemental bargaining. Nothing in this section impairs the right of each ferry employee organization to negotiate a collective bargaining agreement exclusive to the bargaining unit it represents.

Sec. 3. RCW 47.64.120 and 1997 c 436 s 1 are each amended to read as follows:

(1) (~~Ferry system management~~) The employer and ferry system employee organizations, through their collective bargaining representatives, shall meet at reasonable times, to negotiate in good faith with respect to wages, hours, working conditions, insurance, and health care benefits as limited by RCW 47.64.270, and other matters mutually agreed upon. Employer funded retirement benefits shall be provided under the public employees retirement system under chapter 41.40 RCW and shall not be included in the scope of collective bargaining.

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

(2) Upon ratification of bargaining agreements, ferry employees are entitled to an amount equivalent to the interest earned on retroactive compensation increases. For purposes of this section, the interest earned on retroactive compensation increases is the same monthly rate of interest that was earned on the amount of the compensation increases while held in the state treasury. The interest will be computed for each employee until the date the retroactive compensation is paid, and must be allocated in accordance with appropriation authority. The interest earned on retroactive compensation is not considered part of the ongoing compensation obligation of the state and is not compensation earnable for the purposes of chapter 41.40 RCW. Negotiations shall also include grievance procedures for resolving any questions arising under the agreement, which shall be embodied in a written agreement and signed by the parties.

(3) Except as otherwise provided in this chapter, if a conflict exists between an executive order, administrative rule, or agency policy relating to wages, hours, and terms and conditions of employment and a collective bargaining agreement negotiated under this chapter, the collective bargaining agreement shall prevail. A provision of a collective bargaining agreement that conflicts with the terms of a statute is invalid and unenforceable.

Sec. 4. RCW 47.64.130 and 1983 c 15 s 4 are each amended to read as follows:

(1) It is an unfair labor practice for ~~((ferry system management))~~ the employer or its representatives:

(a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed by this chapter;

(b) To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it ~~((PROVIDED, That))~~. However, subject to rules made by the commission pursuant to RCW 47.64.280, an employer shall not be prohibited from permitting employees to confer with it or its representatives or agents during working hours without loss of time or pay;

(c) To encourage or discourage membership in any employee organization by discrimination in regard to hiring, tenure of employment, or any term or condition of employment, but nothing contained in this subsection prevents an employer from requiring, as a condition of continued employment, payment of periodic dues and fees uniformly required to an exclusive bargaining representative pursuant to RCW 47.64.160 ~~((PROVIDED, That))~~. However, nothing prohibits ~~((ferry system management))~~ the employer from agreeing to obtain employees by referral from a lawful hiring hall operated by or participated in by a labor organization;

(d) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this chapter;

(e) To refuse to bargain collectively with the representatives of its employees.

(2) It is an unfair labor practice for an employee organization:

(a) To restrain or coerce (i) employees in the exercise of the rights guaranteed by this chapter ~~((PROVIDED, That this paragraph))~~. However, this subsection does not impair the right of an employee organization to prescribe its own rules with respect to the acquisition or retention of membership therein, or (ii) an employer in the selection of his representatives for the purposes of collective bargaining or the adjustment of grievances;

(b) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (1)(c) of this section;

(c) To refuse to bargain collectively with an employer ~~((when it is the representative of its employees subject to RCW 47.64.170))~~.

(3) The expression of any view, argument, or opinion, or the dissemination thereof to the public, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this chapter, if the expression contains no threat of reprisal or force or promise of benefit.

Sec. 5. RCW 47.64.140 and 1989 c 373 s 25 are each amended to read as follows:

(1) It is unlawful for any ferry system employee or any employee organization, directly or indirectly, to induce, instigate, encourage, authorize, ratify, or participate in a strike or work stoppage against the ferry system.

(2) It is unlawful for ~~((ferry system management))~~ the employer to authorize, consent to, or condone a strike or work stoppage; or to conduct a lockout; or to pay or agree to pay any ferry system employee for any day in which the employee participates in a strike or work stoppage; or to pay or agree to pay any increase in compensation or benefits to any ferry system employee in response to or as a result of any strike or work stoppage or any act that violates subsection (1) of this section. It is unlawful for any official, director, or representative of the ferry system to authorize, ratify, or participate in any violation of this subsection. Nothing in this subsection prevents new or renewed bargaining and agreement within the scope of negotiations as defined by this chapter, at any time. No collective bargaining agreement provision regarding suspension or modification of any court-ordered penalty provided in this section is binding on the courts.

(3) In the event of any violation or imminently threatened violation of subsection (1) or (2) of this section, any citizen domiciled within the jurisdictional boundaries of the state may petition the superior court for Thurston county for an injunction restraining the violation or imminently threatened violation. Rules of civil procedure regarding injunctions apply to the action. However, the court shall grant a temporary injunction if it appears to the court that a violation has occurred or is imminently threatened; the plaintiff need not show that the violation or threatened violation would greatly or irreparably injure him or her; and no bond may be required of the plaintiff unless the court determines that a bond is necessary in the public interest. Failure to comply with any temporary or permanent injunction granted under this section is a contempt of court as provided in chapter 7.21 RCW. The court may impose a penalty of up to ten thousand dollars for an employee organization or the ferry system, for each day during which the failure to comply continues. The sanctions for a ferry employee found to be in contempt shall be as provided in chapter 7.21 RCW. An individual or an employee organization which makes an active good faith effort to comply fully with the injunction shall not be deemed to be in contempt.

(4) The right of ferry system employees to engage in strike or work slowdown or stoppage is not granted and nothing in this chapter may be construed to grant such a right.

(5) Each of the remedies and penalties provided by this section is separate and several, and is in addition to any other legal or equitable remedy or penalty.

(6) In addition to the remedies and penalties provided by this section the successful litigant is entitled to recover reasonable attorney fees and costs incurred in the litigation.

(7) Notwithstanding the provisions of chapter 88.04 RCW and chapter 88.08 RCW, the department of transportation shall ~~((promulgate))~~ adopt rules (and regulations) allowing vessels, as defined in RCW ~~((88.04.300))~~ 88.04.015, as well as other watercraft, to engage in emergency passenger service on the

FIFTY-THIRD DAY, MARCH 2, 2006

waters of Puget Sound in the event ferry employees engage in a work slowdown or stoppage. Such emergency rules (~~and regulations~~) shall allow emergency passenger service on the waters of Puget Sound within seventy-two hours following a work slowdown or stoppage. Such rules (~~and regulations~~) that are (~~promulgated~~) adopted shall give due consideration to the needs and the health, safety, and welfare of the people of the state of Washington.

Sec. 6. RCW 47.64.170 and 1983 c 15 s 8 are each amended to read as follows:

(1) Any ferry employee organization certified as the bargaining representative shall be the exclusive representative of all ferry employees in the bargaining unit and shall represent all such employees fairly.

(2) A ferry employee organization or organizations and the (~~secretary of transportation~~) governor may each designate any individual as its representative to engage in collective bargaining negotiations.

(3) Negotiating sessions, including strategy meetings of (~~ferry system management~~) the employer or employee organizations, mediation, and the deliberative process of arbitrators are exempt from the provisions of chapter 42.30 RCW. Hearings conducted by arbitrators may be open to the public by mutual consent of the parties. (~~Any meeting of the transportation commission, during which a collective bargaining agreement is subject to ratification, shall be open to the public.~~)

(4) Terms of any collective bargaining agreement may be enforced by civil action in Thurston county superior court upon the initiative of either party.

(5) Ferry system employees or any employee organization shall not negotiate or attempt to negotiate directly with (~~a member of the transportation commission if the commission has~~) anyone other than the person who has been appointed or authorized a bargaining representative for the purpose of bargaining with the ferry employees or their representative (~~unless the member of the commission is the designated bargaining representative of the ferry system~~).

(6)(a) The negotiation of a proposed collective bargaining agreement by representatives of (~~ferry system management~~) the employer and a ferry employee organization shall commence (~~in each odd-numbered year immediately following adoption by the legislature and approval by the governor of the biennial budget~~) on or about September 1st of every odd-numbered year. However, negotiations for the 2007-2009 biennial agreements may commence at any time after the effective date of this section. Negotiations for agreements pertaining to the 2009-2011 biennium and all subsequent negotiations must conclude on or about April 1st of the year following the year in which the negotiations commence. If negotiations are not concluded by April 1st, the parties shall be deemed to be at impasse and shall proceed to mediation under RCW 47.64.230 and sections 12 through 14 of this act.

(b) For negotiations covering the 2009-2011 biennium and subsequent biennia, the time periods specified in this section, and in RCW 47.64.210 and sections 12 through 14 of this act, must ensure conclusion of all agreements on or before September 1st of the even-numbered year next preceding the biennial budget period during which the agreement should take effect. These time periods may only be altered by mutual agreement of the parties in writing. Any such agreement and any impasse procedures agreed to by the parties under RCW 47.64.200 must include an agreement regarding the new time periods that will allow final resolution by negotiations or arbitration by September 1st of each even-numbered year. Negotiations for the 2007-2009 biennium must be concluded on or before October 1, 2006.

(7) Until a new collective bargaining agreement is (~~negotiated, or until an award is made by the arbitrator~~) in effect, the terms and conditions of the previous collective bargaining agreement shall remain in force. (~~The wage and benefit provisions of any collective bargaining agreement, or arbitrator's award in lieu thereof, that is concluded after July 1st of an odd-numbered year shall be retroactive to July 1st.~~) It is the intent of this section that the collective bargaining agreement or arbitrator's award shall commence on July 1st of each odd-numbered year and shall terminate on June 30th of the next odd-numbered year to coincide with the ensuing biennial budget year, as defined by RCW 43.88.020(7), to the extent practical. It is further the intent of this section that all collective bargaining agreements be concluded by September 1st of the even-numbered year before the commencement of the biennial budget year during which the agreements are to be in effect.

(8) (~~Any ferry union contract terminating before July 1, 1983, shall, with the agreement of the parties, remain in effect until a contract can be concluded under RCW 47.64.006, 47.64.011, and 47.64.120 through 47.64.280. The contract may be retroactive to the expiration date of the prior contract, and the cost to the department of three months retroactive compensation and benefits for this 1983 contract negotiation only shall not be included in calculating the limitation imposed by RCW 47.64.180. If the parties cannot agree to contract extension, any increase agreed to for the three-month period shall be included in calculating the limit imposed by RCW 47.64.180.~~)

(9) Any ferry union contract which would terminate after July 1, 1983, may, by agreement of the parties, be terminated as of July 1, 1983, and a new contract concluded pursuant to RCW 47.64.006, 47.64.011, and 47.64.120 through 47.64.280. Any contract terminating after July 1, 1983, is subject to this chapter only upon its expiration and shall not be renewed for a period beyond July 1, 1985.) (a) The governor shall submit a request either for funds necessary to implement the collective bargaining agreements including, but not limited to, the compensation and fringe benefit provisions or for legislation necessary to implement the agreement, or both. Requests for funds necessary to implement the collective bargaining agreements shall not be submitted to the legislature by the governor unless such requests:

(i) Have been submitted to the director of the office of financial management by October 1st before the legislative session at which the requests are to be considered; and

(ii) Have been certified by the director of the office of financial management as being feasible financially for the state.

(b) The governor shall submit a request either for funds necessary to implement the arbitration awards or for legislation necessary to implement the arbitration awards, or both. Requests for funds necessary to implement the arbitration awards shall not be submitted to the legislature by the governor unless such requests have been submitted to the director of the office of financial management by October 1st before the legislative session at which the requests are to be considered.

(c) The legislature shall approve or reject the submission of the request for funds necessary to implement the collective bargaining agreements or arbitration awards as a whole for each agreement or award. The legislature shall not consider a request for funds to implement a collective bargaining agreement or arbitration award unless the request is transmitted to the legislature as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060. If the legislature rejects or fails to act on the submission, either party may reopen all or part of the agreement and award or the exclusive bargaining representative may seek to implement the procedures provided for in RCW 47.64.210 and section 12 of this act.

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

(9) If, after the compensation and fringe benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

Sec. 7. RCW 47.64.200 and 1983 c 15 s 11 are each amended to read as follows:

As the first step in the performance of their duty to bargain, ~~((ferry system management))~~ the employer and the employee organization shall endeavor to agree upon impasse procedures. ~~((The agreement shall provide for implementation of these impasse procedures not later than July 1st in each odd-numbered year following enactment of the biennial budget.))~~ Unless otherwise agreed to by the employee organization and the employer in their impasse procedures, the arbitrator or panel is limited to selecting the most reasonable offer, in its judgment, of the final offers on each impasse item submitted by the parties. The employee organization and the employer may mutually agree to the impasse procedure under which the arbitrator or panel may issue a decision it deems just and appropriate with respect to each impasse item. If the parties fail to agree upon impasse procedures under this section, the impasse procedures provided in RCW 47.64.210 ~~((through))~~ and 47.64.230 and sections 12 through 14 of this act apply. It is unlawful for either party to refuse to participate in the impasse procedures provided in RCW 47.64.210 ~~((through))~~ and 47.64.230 and sections 12 through 14 of this act.

Sec. 8. RCW 47.64.210 and 1983 c 15 s 12 are each amended to read as follows:

In the absence of an impasse agreement between the parties or the failure of either party to utilize its procedures by ~~((August))~~ April 1st in ((each odd-numbered year, the marine employees' commission shall, upon the request of either party,)) the even-numbered year preceding the biennium, either party may request the commission to appoint an impartial and disinterested person to act as mediator ((pursuant to RCW 47.64.280)). It is the function of the mediator to bring the parties together to effectuate a settlement of the dispute, but the mediator shall not compel the parties to agree.

Sec. 9. RCW 47.64.220 and 1999 c 256 s 1 are each amended to read as follows:

(1) Prior to collective bargaining and for purposes of collective bargaining and arbitration, the ((marine employees')) commission shall conduct a salary survey. The results of the survey shall be published in a report which shall be a public document comparing wages, hours, employee benefits, and conditions of employment of involved ferry employees with those of public and private sector employees in states along the west coast of the United States, including Alaska, and in British Columbia doing directly comparable but not necessarily identical work, giving consideration to factors peculiar to the area and the classifications involved. Such survey report shall be for the purpose of disclosing generally prevailing levels of compensation, benefits, and conditions of employment. It shall be used to guide generally but not to define or limit collective bargaining between the parties. ~~((The commission shall make such other findings of fact as the parties may request during bargaining or impasse.))~~

(2) ~~((Except as provided in subsection (3) of this section,))~~ Salary and employee benefit information collected from private employers that identifies a specific employer with the salary and employee benefit rates which that employer pays to its employees is not subject to public disclosure under chapter 42.17 RCW.

~~((3) A person or entity, having reason to believe that the salary survey results are inaccurate, may submit a petition to the state auditor requesting an audit of the data upon which the salary survey results are based. The state auditor shall review and analyze all data collected for the salary survey, including proprietary information, but is prohibited from disclosing the salary survey data to any other person or entity, except by court order.))~~

Sec. 10. RCW 47.64.220 and 2005 c 274 s 308 are each amended to read as follows:

(1) Prior to collective bargaining and for purposes of collective bargaining and arbitration, the ((marine employees')) commission shall conduct a salary survey. The results of the survey shall be published in a report which shall be a public document comparing wages, hours, employee benefits, and conditions of employment of involved ferry employees with those of public and private sector employees in states along the west coast of the United States, including Alaska, and in British Columbia doing directly comparable but not necessarily identical work, giving consideration to factors peculiar to the area and the classifications involved. Such survey report shall be for the purpose of disclosing generally prevailing levels of compensation, benefits, and conditions of employment. It shall be used to guide generally but not to define or limit collective bargaining between the parties. ~~((The commission shall make such other findings of fact as the parties may request during bargaining or impasse.))~~

(2) ~~((Except as provided in subsection (3) of this section,))~~ Salary and employee benefit information collected from private employers that identifies a specific employer with the salary and employee benefit rates which that employer pays to its employees is not subject to public disclosure under chapter 42.56 RCW.

~~((3) A person or entity, having reason to believe that the salary survey results are inaccurate, may submit a petition to the state auditor requesting an audit of the data upon which the salary survey results are based. The state auditor shall review and analyze all data collected for the salary survey, including proprietary information, but is prohibited from disclosing the salary survey data to any other person or entity, except by court order.))~~

Sec. 11. RCW 47.64.230 and 1983 c 15 s 14 are each amended to read as follows:

By mutual agreement, the parties may waive mediation ~~((and fact-finding, as provided for in RCW 47.64.210 and 47.64.220.))~~ and proceed with binding arbitration as provided for in ((RCW 47.64.240)) the impasse procedures agreed to under RCW 47.64.200 or in sections 12 through 14 of this act, as applicable. The waiver shall be in writing and be signed by the representatives of the parties.

NEW SECTION. **Sec. 12.** A new section is added to chapter 47.64 RCW to read as follows:

(1) If an agreement has not been reached following a reasonable period of negotiations and, when applicable, mediation, but in either event by April 15th, upon the recommendation of the assigned mediator that the parties remain at impasse, all impasse items shall be submitted to arbitration under this section. The issues for arbitration shall be limited to the issues certified by the commission.

(2) The parties may agree to submit the dispute to a single arbitrator, whose authority and duties shall be the same as those of an arbitration panel. If the parties cannot agree on the arbitrator within five working days, the selection shall be made under subsection (3) of this section. The full costs of arbitration under this section shall be shared equally by the parties to the dispute.

(3) Within seven days following the issuance of the determination of the commission, each party shall name one person to serve as its arbitrator on the arbitration panel. The two members so appointed shall meet within seven days following the appointment of the later appointed member to attempt to choose a third member to act as the neutral chair of the arbitration panel. Upon the failure of the arbitrators to select a neutral chair within seven days, either party may apply to the federal mediation and conciliation service, or the American arbitration association to provide a list of five qualified arbitrators from which the neutral chair shall be chosen. Each party shall pay the fees and expenses of its arbitrator, and the fees and expenses of the neutral chair shall be shared equally between the parties.

(4) In consultation with the parties, the arbitrator or arbitration panel shall promptly establish a date, time, and place for a hearing and shall provide reasonable notice thereof to the parties to the dispute. The parties shall exchange final positions in writing, with copies to the arbitrator or arbitration panel, with respect to every issue to be arbitrated, on a date mutually agreed upon, but in no event later than ten working days before the date set for hearing. A hearing, which shall be informal, shall be held, and each party shall have the opportunity to present evidence and make argument. No member of the arbitration panel may present the case for a party to the proceedings. The rules of evidence prevailing in judicial proceedings may be considered, but are not binding, and any oral testimony or documentary evidence or other data deemed relevant by the chair of the arbitration panel may be received in evidence. A recording of the proceedings shall be taken. The arbitration panel has the power to administer oaths, require the attendance of witnesses, and require the production of such books, papers, contracts, agreements, and documents as may be deemed by the panel to be material to a just determination of the issues in dispute. If any person refuses to obey a subpoena issued by the arbitration panel, or refuses to be sworn or to make an affirmation to testify, or any witness, party, or attorney for a party is guilty of any contempt while in attendance at any hearing held hereunder, the arbitration panel may invoke the jurisdiction of the superior court in the county where the labor dispute exists, and the court has jurisdiction to issue an appropriate order. Any failure to obey the order may be punished by the court as a contempt thereof.

(5) The neutral chair shall consult with the other members of the arbitration panel, if a panel has been created. Within thirty days following the conclusion of the hearing, the neutral chair shall make written findings of fact and a written determination of the issues in dispute, based on the evidence presented. A copy thereof shall be served on each of the other members of the arbitration panel, and on each of the parties to the dispute. That determination is final and binding upon both parties, subject to review by the superior court upon the application of either party solely upon the question of whether the decision of the panel was arbitrary or capricious.

NEW SECTION. Sec. 13. A new section is added to chapter 47.64 RCW to read as follows:

An interest arbitration proceeding under section 12 of this act exercises a state function and is, for the purposes of this chapter, functioning as a state agency. Chapter 34.05 RCW does not apply to an interest arbitration proceeding under this chapter.

NEW SECTION. Sec. 14. A new section is added to chapter 47.64 RCW to read as follows:

(1) The mediator, arbitrator, or arbitration panel may consider only matters that are subject to bargaining under this chapter.

(2) The decision of an arbitrator or arbitration panel is not binding on the legislature and, if the legislature does not approve the funds necessary to implement provisions pertaining to compensation and fringe benefit provisions of an arbitrated collective bargaining agreement, is not binding on the state, the department of transportation, or the ferry employee organization.

(3) In making its determination, the arbitrator or arbitration panel shall be mindful of the legislative purpose under RCW 47.64.005 and 47.64.006 and, as additional standards or guidelines to aid it in reaching a decision, shall take into consideration the following factors:

(a) Past collective bargaining contracts between the parties including the bargaining that led up to the contracts;

(b) The constitutional and statutory authority of the employer;

(c) Stipulations of the parties;

(d) The results of the salary survey as required in RCW 47.64.220;

(e) Comparison of wages, hours, employee benefits, and conditions of employment of the involved ferry employees with those of public and private sector employees in states along the west coast of the United States, including Alaska, and in British Columbia doing directly comparable but not necessarily identical work, giving consideration to factors peculiar to the area and the classifications involved;

(f) Changes in any of the foregoing circumstances during the pendency of the proceedings;

(g) The limitations on ferry toll increases and operating subsidies as may be imposed by the legislature; and

(h) Other factors that are normally or traditionally taken into consideration in the determination of matters that are subject to bargaining under this chapter.

NEW SECTION. Sec. 15. A new section is added to chapter 47.64 RCW to read as follows:

Collective bargaining under this act may not be for the purposes of making a collective bargaining agreement take effect before July 1, 2007. No party may engage in collective bargaining under this act to amend a collective bargaining agreement in effect on the effective date of this section. A collective bargaining agreement or amendment thereto entered into under this act shall not be effective before July 1, 2007, and may not have any retroactive effect.

NEW SECTION. Sec. 16. (1) This act applies prospectively only and not retroactively. It applies to collective bargaining agreements, the negotiations of collective bargaining agreements, mediations, arbitrations, and other actions under this act that arise or are commenced on or after the effective date of this section.

(2) This act does not apply to collective bargaining agreements, either in effect or for which the negotiations have begun, or mediations and arbitrations that arose or commenced under this chapter before the effective date of this section. Such collective bargaining agreements and related proceedings must be administered in accordance with the authorities, rules, and procedures that were established under this chapter as it existed before the effective date of this section. The repealers in section 19 of this act do not affect any existing right acquired, or liability or obligation incurred, under the statutes repealed or under any rule or order adopted under those statutes, nor do they affect any proceeding instituted under them.

Sec. 17. RCW 47.64.270 and 1995 1st sp.s. c 6 s 6 are each amended to read as follows:

Absent a collective bargaining agreement to the contrary, the department of transportation shall provide contributions to insurance and health care plans for ferry system employees and dependents, as determined by the state health care authority,

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

under chapter 41.05 RCW; and the ~~((ferry system management))~~ employer and employee organizations may collectively bargain for other insurance and health care plans, and employer contributions may exceed that of other state agencies as provided in RCW 41.05.050~~((, subject to RCW 47.64.180))~~. To the extent that ferry employees by bargaining unit have absorbed the required offset of wage increases by the amount that the employer's contribution for employees' and dependents' insurance and health care plans exceeds that of other state general government employees in the 1985-87 fiscal biennium, employees shall not be required to absorb a further offset except to the extent the differential between employer contributions for those employees and all other state general government employees increases during any subsequent fiscal biennium. If such differential increases in the 1987-89 fiscal biennium or the 1985-87 offset by bargaining unit is insufficient to meet the required deduction, the amount available for compensation shall be reduced by bargaining unit by the amount of such increase or the 1985-87 shortage in the required offset. Compensation shall include all wages and employee benefits.

Sec. 18. RCW 47.64.280 and 1984 c 287 s 95 are each amended to read as follows:

(1) There is created the marine employees' commission. The governor shall appoint the commission with the consent of the senate. The commission shall consist of three members: One member to be appointed from labor, one member from industry, and one member from the public who has significant knowledge of maritime affairs. The public member shall be ~~((chairman))~~ chair of the commission. One of the original members shall be appointed for a term of three years, one for a term of four years, and one for a term of five years. Their successors shall be appointed for terms of five years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he or she succeeds. Commission members are eligible for reappointment. Any member of the commission may be removed by the governor, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause. Commission members are not eligible for state retirement under chapter 41.40 RCW by virtue of their service on the commission. Members of the commission shall be compensated in accordance with RCW 43.03.250 and shall receive reimbursement for official travel and other expenses at the same rate and on the same terms as provided for the transportation commission by RCW 47.01.061. The payments shall be made from the Puget Sound ferry operations account.

(2) The ~~((marine employees'))~~ commission shall: (a) Adjust all complaints, grievances, and disputes between labor and management arising out of the operation of the ferry system as provided in RCW 47.64.150; (b) provide for impasse mediation as required in RCW 47.64.210; (c) ~~((conduct fact-finding and))~~ provide salary surveys as required in RCW 47.64.220; and (d) ~~((provide for the selection of an impartial arbitrator as))~~ perform those duties required in ~~((RCW 47.64.240(5)))~~ section 12 of this act.

(3)(a) In adjudicating all complaints, grievances, and disputes, the party claiming labor disputes shall, in writing, notify the ~~((marine employees'))~~ commission, which shall make careful inquiry into the cause thereof and issue an order advising the ferry employee, or the ferry employee organization representing him or her, and the department of transportation, as to the decision of the commission.

(b) The parties are entitled to offer evidence relating to disputes at all hearings conducted by the commission. The orders and awards of the commission are final and binding upon any ferry employee or employees or their representative affected thereby and upon the department.

(c) The commission shall adopt rules of procedure under chapter 34.05 RCW.

(d) The commission has the authority to subpoena any ferry employee or employees, or their representatives, and any member or representative of the department, and any witnesses. The commission may require attendance of witnesses and the production of all pertinent records at any hearings held by the commission. The subpoenas of the commission are enforceable by order of any superior court in the state of Washington for the county within which the proceeding may be pending. The commission may hire staff as necessary, appoint consultants, enter into contracts, and conduct studies as reasonably necessary to carry out this chapter.

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

(1) RCW 47.64.180 (Agreements and awards limited by appropriation) and 1983 c 15 s 9;

(2) RCW 47.64.190 (Marine employees' commission review for compliance with fiscal limitations--Effective date of agreements and arbitration orders) and 1983 c 15 s 10; and

(3) RCW 47.64.240 (Binding arbitration) and 1989 c 327 s 3 & 1983 c 15 s 15.

NEW SECTION. Sec. 20. Section 9 of this act expires July 1, 2006.

NEW SECTION. Sec. 21. Except for section 10 of this act which takes effect July 1, 2006, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Haugen spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 3178.

The motion by Senator Haugen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "employees;" strike the remainder of the title and insert "amending RCW 47.64.011, 47.64.120, 47.64.130, 47.64.140, 47.64.170, 47.64.200, 47.64.210, 47.64.220, 47.64.220, 47.64.230, 47.64.270, and 47.64.280; adding new sections to chapter 47.64 RCW; creating a new section; repealing RCW 47.64.180, 47.64.190, and 47.64.240; providing an effective date; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 3178 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Benson spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 3178 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3178 as amended by the Senate and

FIFTY-THIRD DAY, MARCH 2, 2006

the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Brown and Kline - 2

SUBSTITUTE HOUSE BILL NO. 3178 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2804, by House Committee on Finance (originally sponsored by Representatives Conway, Holmquist, Serben, McIntire, Ahern, McDermott, Rodne, Buri, McDonald, McCune and Dunn)

Modifying the property tax exemption for nonprofit schools and colleges.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2804 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

MOTION

On motion of Senator Weinstein, Senator Doumit was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2804.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2804 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Doumit and Kline - 2

SUBSTITUTE HOUSE BILL NO. 2804, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

2006 REGULAR SESSION

On motion of Senator Brandland, Senator Carrell was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2908, by House Committee on Local Government (originally sponsored by Representatives Bailey, Schindler and Strow)

Modifying the boundary provision for Island county.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 2908 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Haugen spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2908.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2908 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Carrell, Doumit and Kline - 3

SUBSTITUTE HOUSE BILL NO. 2908, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2382, by Representatives Kretz, Haler and Holmquist

Providing limited liability immunity for injuries at bovine handling facilities.

The measure was read the second time.

MOTION

Senator Rasmussen moved that the following amendment by Senators Kline and Johnson be adopted.

On page 2, line 14, after "means" strike "an" and insert "a cooperative not-for-profit"

On page 2, line 14, after "facility" insert ", such as a corral,"

On page 2, line 16, after "basis," strike "such as corrals" and insert "and does not include commercial slaughter facilities"

Senators Johnson and Kline spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Kline

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

and Johnson on page 2, line 14 to Substitute House Bill No. 2382.

The motion by Senator Rasmussen carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 2382 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senators Mulliken and Brandland were excused.

MOTION

On motion of Senator Weinstein, Senators Kastama, Hargrove and Regala were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2382 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2382 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 1; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Zarelli - 41

Voting nay: Senators McCaslin, Poulsen and Weinstein - 3

Absent: Senator Morton - 1

Excused: Senators Brandland, Hargrove, Mulliken and Regala - 4

SUBSTITUTE HOUSE BILL NO. 2382 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2380, by Representatives Serben, Lantz, Rodne, Haler and Schual-Berke

Changing the threshold age of minors under the uniform transfers to minors act.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 2380 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Johnson spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senator Morton was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2380.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2380 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senator Doumit - 1

Excused: Senators Brandland, Hargrove, Mulliken and Regala - 4

HOUSE BILL NO. 2380, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4023, by Representatives Moeller, Buck, Kessler, DeBolt, Haigh, Talcott, Morrell, Newhouse, Williams, Serben and Eickmeyer

Requesting Congress to enact the Kidney Care Quality Improvement Act of 2005.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, House Joint Memorial No. 4023 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senator Finkbeiner spoke in favor of passage of the memorial.

The President Pro Tempore declared the question before the Senate to be the final passage of House Joint Memorial No. 4023.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4023 and the resolution passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Absent: Senators Doumit and McAuliffe - 2

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

Excused: Senators Brandland, Hargrove, Mulliken and Regala - 4

ROLL CALL

HOUSE JOINT MEMORIAL NO. 4023, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Weinstein, Senators Thibaudeau, Doumit and McAuliffe were excused.

SECOND READING

HOUSE BILL NO. 2972, by Representatives Clibborn, Hinkle, Curtis, B. Sullivan, Cody, Moeller, P. Sullivan, Kenney, Kilmer and Jarrett

Determining community rates for health benefit plans.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee amendment by the Committee on Health & Long-Term Care be adopted.

On page 10, after line 35 insert the following:

"NEW SECTION. Sec. 7. No policy or contract may be solicited, or contribution collected under this act until a federal opinion is received by the insurance commissioner indicating whether the purchasing pools referenced in sections 2, 4, and 6 of this act are legal. The commissioner shall request such an opinion from the federal departments of labor, treasury, health and human services, or other appropriate federal agencies no later than August 1, 2006. Upon receipt, the commissioner shall forward the opinion to the legislature, and within 30 days, provide the legislature with a report assessing the legality and potential impact of these purchasing pools on the uninsured and insurance markets in Washington state."

Senators Keiser and Deccio spoke in favor of adoption of the committee amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee amendment by the Committee on Health & Long-Term Care to House Bill No. 2972.

The motion by Senator Keiser carried and the committee amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3, after "48.44 RCW;" strike the remainder of the title and insert "adding a new section to chapter 48.46 RCW; and creating a new section."

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 2972 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Deccio spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2972 as amended by the Senate.

The Secretary called the roll on the final passage of House Bill No. 2972 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 44

Excused: Senators Brandland, Doumit, Hargrove, Regala and Thibaudeau - 5

HOUSE BILL NO. 2972 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2579, by Representatives Upthegrove, Lantz, Dickerson, Appleton, Morrell, Hasegawa, Quall, Hunter, Haler, O'Brien, Murray, Hunt, Schual-Berke, Ormsby, Springer and Moeller

Requiring classroom-based civics assessments.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning, K-12 & Higher Education be not adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that instruction in social studies, arts, health, and fitness is important to ensure a well-rounded and complete education. In particular, the civic mission of schools is strengthened and enhanced by comprehensive civics education and assessments. The legislature finds that effective and accountable democratic government depends upon an informed and engaged citizenry, and therefore, students should learn their rights and responsibilities as citizens, where those rights and responsibilities come from, and how to exercise them.

Sec. 2. RCW 28A.230.095 and 2004 c 19 s 203 are each amended to read as follows:

(1) By the end of the 2008-09 school year, school districts shall have in place in elementary schools, middle schools, and high schools assessments or other strategies to assure that students have an opportunity to learn the essential academic learning requirements in social studies, the arts, and health and fitness. Social studies includes history, geography, civics, economics, and social studies skills. Beginning with the 2008-09 school year, school districts shall annually submit an implementation verification report to the office of the superintendent of public instruction.

(2) Beginning with the 2008-09 school year, school districts shall require students in the fourth or fifth grades, the seventh or eighth grades, and the eleventh or twelfth grades to each complete at least one classroom-based assessment in civics. The civics assessment may be selected from a list of classroom-based assessments approved by the office of the superintendent

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

of public instruction. Beginning with the 2008-09 school year, school districts shall annually submit implementation verification reports to the office of the superintendent of public instruction documenting the use of the classroom-based assessments in civics.

NEW SECTION. Sec. 3. (1) The legislature finds that the complexity of modern political life has created a demand for informed citizens who are willing not only to vote, but also to participate in the elections process.

(2) The purpose of this section is to create a pilot project to help graduate students who are better voters, better citizens, and who are ready to take an informed and responsible place in society.

(3) The office of the superintendent of public instruction shall work with selected county auditors' offices to develop an interactive high school civics curriculum to help students learn how to become informed citizens. The curriculum shall meet the requirements for the office of the superintendent of public instruction's classroom-based assessments. Staff from the office of the superintendent of public instruction shall work directly in the curriculum development.

(4) Counties shall apply to, and be selected by, the office of the superintendent of public instruction to participate in the pilot project under this section. A maximum of fifteen counties may participate.

(5) The curriculum shall include, but not be limited to:

(a) Local government organization;

(b) A discussion of ballot measures, initiatives, and referenda;

(c) The role of the precinct in defining ballots, candidates, and political activities;

(d) The roles and responsibilities of taxing jurisdictions in establishing ballot measures; and

(e) The work of conducting elections.

(6) The study may include in the curriculum civics essential academic learning requirements relating to examining representative government and citizen participation and analyzing the purposes and organization of government and laws.

(7) A curriculum guide shall be developed that will help teachers and students maximize the learning of key issues in civics, and shall include strategies for helping students develop voters' guide information for ballot issues and candidates who appear on the ballot. This guide should incorporate ideas from other Washington state civics education programs, such as "We the People" and "Project Citizen." The guide should also present ideas for sharing the results of an election with the larger community and with local government officials in productive, meaningful ways.

(8) As part of the pilot project, high school students in participating counties shall be selected who will have supervised access to the county's election reporting web site to assist the county in managing its internet election reporting system. School districts in participating counties shall select students to participate in this aspect of the pilot project. Counties shall provide technical assistance and elections expertise to participating schools, either through existing staff resources or through a county-chosen vendor.

(9) In addition to the required components of the pilot project under this section, other activities may be included in the project, such as:

(a) Conducting mock county elections at schools;

(b) Using a school version of the county's reporting and election system to conduct school elections, including, where possible, having school election results posted on the county's election web site; and

(c) Preparing an advisory issue on which the school or local community would vote, including issue preparation, conducting the election, and preparing a presentation to a local government official on the results of the advisory issue.

(10) The pilot project shall operate for the 2006-07 and 2007-08 school years.

(11) Funds for the pilot project shall be made available to the office of the superintendent of public instruction for a contract position in civics curriculum and for support costs for soliciting and implementing volunteer participation.

(12) The office of the superintendent of public instruction shall adopt rules to implement this section, including rules specifying selection criteria for counties that wish to participate.

(13) The superintendent of public instruction shall provide an interim report to appropriate committees of the legislature by December 1, 2008, and a final report by December 1, 2009, detailing the results of the project and budget recommendations for expansion, if appropriate.

(14) This section expires January 31, 2010.

NEW SECTION. Sec. 4. The office of the secretary of state shall enter into an interlocal agreement under chapter 39.34 RCW with the office of the superintendent of public instruction in which the office of the secretary of state shall pay the office of the superintendent of public instruction a minimum of four hundred forty thousand dollars, representing funds received by the office of the secretary of state under the federal help America vote act, for the purpose of curriculum development by the office of the superintendent of public instruction under this section. Initial payment of two hundred forty thousand dollars under this section shall be made no later than July 1, 2006. Funds under this section shall be used for an eighteen-month contract position at the office of the superintendent of public instruction, including seminars and follow-up costs.

NEW SECTION. Sec. 5. The office of the secretary of state shall enter into an interlocal agreement under chapter 39.34 RCW with the auditor's office in which the office of the secretary of state shall pay the auditor's office a minimum of two hundred thousand dollars, representing funds received by the office of the secretary of state under the federal help America vote act, to be made available by the auditor's office directly to participating counties for internet requirements by December 31, 2008. Funding is for the purpose of supporting the prototype project. Counties may use funds for in-house development, vendor agreements, or to support existing services. Funding priority shall be given to counties in which technology and budgeting constraints would make participating in the pilot project a funding liability.

NEW SECTION. Sec. 6. The sum of twenty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2007, from the general fund to the superintendent of public instruction. The superintendent shall use the funds to provide competitive grants to school districts for curriculum alignment, development of innovative civics projects, and other activities that support the civics assessment under this act. As a condition of grant receipt, districts shall make the products developed under the grant widely available as examples of best practices."

On page 1, line 1 of the title, after "assessments;" strike the remainder of the title and insert "amending RCW 28A.230.095; creating new sections; making an appropriation; and providing an expiration date."

Senator McAuliffe spoke in favor of not adopting the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the motion by Senator McAuliffe to not adopt the committee striking amendment by the Committee on Early

FIFTY-THIRD DAY, MARCH 2, 2006

Learning, K-12 & Higher Education to Engrossed House Bill No. 2579.

The motion by Senator McAuliffe carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator McAuliffe moved that the following striking amendment by Senator McAuliffe be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that instruction in social studies, arts, health, and fitness is important to ensure a well-rounded and complete education. In particular, the civic mission of schools is strengthened and enhanced by comprehensive civics education and assessments. The legislature finds that effective and accountable democratic government depends upon an informed and engaged citizenry, and therefore, students should learn their rights and responsibilities as citizens, where those rights and responsibilities come from, and how to exercise them.

Sec. 2. RCW 28A.230.095 and 2004 c 19 s 203 are each amended to read as follows:

(1) By the end of the 2008-09 school year, school districts shall have in place in elementary schools, middle schools, and high schools assessments or other strategies to assure that students have an opportunity to learn the essential academic learning requirements in social studies, the arts, and health and fitness. Social studies includes history, geography, civics, economics, and social studies skills. Beginning with the 2008-09 school year, school districts shall annually submit an implementation verification report to the office of the superintendent of public instruction.

(2) Beginning with the 2008-09 school year, school districts shall require students in the fourth or fifth grades, the seventh or eighth grades, and the eleventh or twelfth grades to each complete at least one classroom-based assessment in civics. The civics assessment may be selected from a list of classroom-based assessments approved by the office of the superintendent of public instruction. Beginning with the 2008-09 school year, school districts shall annually submit implementation verification reports to the office of the superintendent of public instruction documenting the use of the classroom-based assessments in civics.

NEW SECTION. Sec. 3. (1) The legislature finds that the complexity of modern political life has created a demand for informed citizens who are willing not only to vote, but also to participate in the elections process.

(2) The purpose of this section is to create a pilot project to help graduate students who are better voters, better citizens, and who are ready to take an informed and responsible place in society.

(3) The office of the superintendent of public instruction shall work with selected county auditors' offices to develop an interactive high school civics curriculum to help students learn how to become informed citizens. The curriculum shall meet the requirements for the office of the superintendent of public instruction's classroom-based assessments. Staff from the office of the superintendent of public instruction shall work directly in the curriculum development.

(4) Counties shall apply to, and be selected by, the office of the superintendent of public instruction to participate in the pilot project under this section. A maximum of fifteen counties may participate.

(5) The curriculum shall include, but not be limited to:

(a) Local government organization;

(b) A discussion of ballot measures, initiatives, and referenda;

(c) The role of the precinct in defining ballots, candidates, and political activities;

2006 REGULAR SESSION

(d) The roles and responsibilities of taxing jurisdictions in establishing ballot measures; and

(e) The work of conducting elections.

(6) The study may include in the curriculum civics essential academic learning requirements relating to examining representative government and citizen participation and analyzing the purposes and organization of government and laws.

(7) A curriculum guide shall be developed that will help teachers and students maximize the learning of key issues in civics, and shall include strategies for helping students develop voters' guide information for ballot issues and candidates who appear on the ballot. This guide should incorporate ideas from other Washington state civics education programs, such as "We the People" and "Project Citizen." The guide should also present ideas for sharing the results of an election with the larger community and with local government officials in productive, meaningful ways.

(8) In addition to the required components of the pilot project under this section, other activities may be included in the project, such as:

(a) Conducting mock county elections at schools; and

(b) Preparing an advisory issue on which the school would vote, including issue preparation, conducting the election, and preparing a presentation to a local government official on the results of the advisory issue.

(9) The pilot project shall operate for the 2006-07 and 2007-08 school years.

(10) Funds for the pilot project shall be made available to the office of the superintendent of public instruction for a contract position in civics curriculum and for support costs for soliciting and implementing volunteer participation.

(11) The office of the superintendent of public instruction shall adopt rules to implement this section, including rules specifying selection criteria for counties that wish to participate.

(12) The superintendent of public instruction shall provide an interim report to appropriate committees of the legislature by December 1, 2008, and a final report by December 1, 2009, detailing the results of the project and budget recommendations for expansion, if appropriate.

(13) This section expires January 31, 2010.

NEW SECTION. Sec. 4. The sum of twenty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2007, from the general fund to the superintendent of public instruction. The superintendent shall use the funds to provide competitive grants to school districts for curriculum alignment, development of innovative civics projects, and other activities that support the civics assessment under this act. As a condition of grant receipt, districts shall make the products developed under the grant widely available as examples of best practices."

Senator McAuliffe spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator McAuliffe to Engrossed House Bill No. 2579.

The motion by Senator McAuliffe carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "assessments;" strike the remainder of the title and insert "amending RCW 28A.230.095; creating new sections; making an appropriation; and providing an expiration date."

MOTION

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

On motion of Senator McAuliffe, the rules were suspended, Engrossed House Bill No. 2579 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Delvin and Johnson spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed House Bill No. 2579 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2579 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 44

Voting nay: Senator Roach - 1

Excused: Senators Brandland, Hargrove, Regala and Thibaudeau - 4

ENGROSSED HOUSE BILL NO. 2579 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 3154, by Representatives Condotta, Wood and Newhouse

Concerning the retail sale of beer.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 3154 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Parlette spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 3154.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3154 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 44

Voting nay: Senator Oke - 1

Excused: Senators Brandland, Hargrove, Regala and Thibaudeau - 4

HOUSE BILL NO. 3154, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3079, by House Committee on Appropriations (originally sponsored by Representatives Conway, Cody, Sells, Dickerson, Morrell, Simpson, Schual-Berke, Hasegawa, Chase and Santos)

Reporting on the employment status of recipients of medicaid and the basic health plan.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.47 RCW to read as follows:

(1) The health care authority, in coordination with the department of social and health services, shall by November 15th of each year report to the legislature:

(a) The number of basic health plan enrollees who upon enrollment or recertification had reported being employed, or who had reported being the dependent of someone who was employed, and the total cost to the state for these enrollees. The information shall be reported by employer for employers having more than fifty employees as enrollees or with dependents as enrollees. This information shall be provided for the preceding January and June of that year.

(b) The following aggregated information: (i) The number of employees who are enrollees or with dependents as enrollees by private and governmental employers; (ii) The number of employees who are enrollees or with dependents as enrollees by employer size for employers with 50 or fewer employees, 51 to 100 employees, 101 to 1000 employees, 1001 to 5,000 employees and more than 5,000 employees; and (iii) The number of employees who are enrollees or with dependents as enrollees by industry type.

For each aggregated classification, the report will include the number of hours worked and total cost to the state for these enrollees. This information shall be for each quarter of the preceding year.

NEW SECTION. Sec. 2. A new section is added to chapter 74.09 RCW to read as follows:

(1) The department of social and health services, in coordination with the health care authority, shall by November 15th of each year report to the legislature:

(a) The number of medical assistance recipients who upon enrollment or recertification had reported being employed, or who had reported being the dependent of someone who was employed; the basis for their medical assistance eligibility, including but not limited to family medical coverage, transitional medical assistance, children's medical or aged or disabled coverage; member months; and the total cost to the state for these recipients, expressed as general fund-state, health services account and general fund-federal dollars. The information shall be reported by employer for employers having more than fifty employees as recipients or with dependents as

FIFTY-THIRD DAY, MARCH 2, 2006

recipients. This information shall be provided for the preceding January and June of that year.

(b) The following aggregated information: (i) The number of employees who are recipients or with dependents as recipients by private and governmental employers; (ii) The number of employees who are recipients or with dependents as recipients by employer size for employers with 50 or fewer employees, 51 to 100 employees, 101 to 1000 employees, 1001 to 5,000 employees and more than 5,000 employees; and (iii) The number of employees who are recipients or with dependents as recipients by industry type.

For each aggregated classification, the report will include the number of hours worked, the number of department of social and health services covered lives, and the total cost to the state for these recipients. This information shall be for each quarter of the preceding year.

NEW SECTION. Sec. 3. If specific funding for the purpose of this act, referencing this act by bill or chapter number, is not provided by June 30, 2006, in the omnibus appropriations act, this act is null and void."

MOTION

Senator Keiser moved that the following amendment by Senators Keiser, Deccio and Brandland to the committee striking amendment be adopted.

On page 1, line 8 after "(a)" strike all material through "enrollees" on line 11, and insert the following:

"The number of basic health plan enrollees who: (i) upon enrollment or recertification had reported being employed, and the month and year they reported being hired; (ii) upon enrollment or recertification had reported being the dependent of someone who was employed, and the month and year they reported the employed person was hired; and (iii) the total cost to the state for these enrollees"

On page 1, line 31 after "(a)" strike all material through "employed;" on page 2, line 1, and insert the following:

"The number of medical assistance recipients who: (i) upon enrollment or recertification had reported being employed, and the month and year they reported being hired; or (ii) upon enrollment or recertification had reported being the dependent of someone who was employed, and the month and year they reported the employed person was hired. For recipients identified under (i) and (ii), the department shall report"

Senator Keiser spoke in favor of adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Keiser, Deccio and Brandland on page 1, line 8 to the committee striking amendment to Engrossed Substitute House Bill No. 3079.

Senator Keiser spoke in favor of adoption of the committee striking amendment as amended.

The motion by Senator Keiser carried and the amendment to the committee striking amendment was adopted by voice vote.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care as amended to Engrossed Substitute House Bill No. 3079.

The motion by Senator Keiser carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

2006 REGULAR SESSION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "services;" strike all material through "section" on line 3 and insert "adding a new section to chapter 70.47 RCW; adding a new section to chapter 74.09 RCW; and creating a new section."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 3079 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Deccio: "Would Senator Keiser yield to a question? Senator Keiser, is it my understanding that all employers, including governmental entities, would be included in this survey to determine how many employees are under the Basic Health Plan that work for government. Is that correct?"

Senator Keiser: "Senator Deccio, my reading of the bill and of the striking amendment both indicate that any employer is subject to identification if they have thirty or fewer employees. So, there is a little bit of exemption based on size but not whether they're government or whether they're a private sector employer."

Senator Deccio spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 3079 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 3079, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 45

Excused: Senators Brandland, Hargrove, Regala and Thibaudeau - 4

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3079 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2553, by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kirby and Morrell)

Regulating service contracts and guarantee protection products. Revised for 1st Substitute: Regulating service contracts and protection product guarantees.

The measure was read the second time.

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

MOTION

Senator Berkey moved that the following committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection be adopted.

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 48.110.010 and 1999 c 112 s 1 are each amended to read as follows:

The legislature finds that increasing numbers of businesses are selling service contracts for repair, replacement, and maintenance of motor vehicles, appliances, computers, electronic equipment, and other consumer products. There are risks that contract obligors will close or otherwise be unable to fulfill their contract obligations that could result in unnecessary and preventable losses to citizens of this state. The legislature declares that it is necessary to establish standards that will safeguard the public from possible losses arising from the conduct or cessation of the business of service contract obligors or the mismanagement of funds paid for service contracts. The purpose of this chapter is to create a legal framework within which service contracts may be sold in this state and to set forth requirements for conducting a service contract business.

Sec. 2. RCW 48.110.015 and 2000 c 208 s 1 are each amended to read as follows:

(1) The following are exempt from this title:

- (a) Warranties;
- (b) Maintenance agreements; and
- (c) Service contracts:

(i) Paid for with separate and additional consideration;

(ii) Issued at the point of sale, or within sixty days of the original purchase date of the property; and

(iii) On tangible property when the tangible property for which the service contract is sold has a purchase price of fifty dollars or less, exclusive of sales tax.

(2) This chapter does not apply to:

(a) ~~(Vehicle service contracts which are governed under chapter 48.96 RCW;~~

~~(b))~~ Vehicle mechanical breakdown insurance; and

~~((c))~~ (b) Service contracts on tangible personal property purchased by persons who are not consumers.

Sec. 3. RCW 48.110.020 and 2000 c 208 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Administrator" means the person who is responsible for the administration of the service contracts ~~((or))~~ the service contracts plan, or the protection product guarantees.

(2) "Commissioner" means the insurance commissioner of this state.

(3) "Consumer" means an individual who buys any tangible personal property that is primarily for personal, family, or household use.

(4) "Incidental costs" means expenses specified in the guarantee incurred by the protection product guarantee holder related to damages to other property caused by the failure of the protection product to perform as provided in the guarantee. "Incidental costs" may include, without limitation, insurance policy deductibles, rental vehicle charges, the difference between the actual value of the stolen vehicle at the time of theft and the cost of a replacement vehicle, sales taxes, registration fees, transaction fees, and mechanical inspection fees. Incidental costs may be paid under the provisions of the protection product guarantee in either a fixed amount specified in the protection product guarantee or sales agreement, or by the use of a formula itemizing specific incidental costs incurred by the protection product guarantee holder to be paid.

(5) "Protection product" means any product offered or sold with a guarantee to repair or replace another product or pay incidental costs upon the failure of the product to perform pursuant to the terms of the protection product guarantee.

(6) "Protection product guarantee" means a written agreement by a protection product guarantee provider to repair or replace another product or pay incidental costs upon the failure of the protection product to perform pursuant to the terms of the protection product guarantee.

(7) "Protection product guarantee provider" means a person who is contractually obligated to the protection product guarantee holder under the terms of the protection product guarantee. Protection product guarantee provider does not include an authorized insurer providing a reimbursement insurance policy.

(8) "Protection product guarantee holder" means a person who is the purchaser or permitted transferee of a protection product guarantee.

(9) "Protection product seller" means the person who sells the protection product to the consumer.

(10) "Maintenance agreement" means a contract of limited duration that provides for scheduled maintenance only.

~~((5))~~ (11) "Motor vehicle" means any vehicle subject to registration under chapter 46.16 RCW.

(12) "Person" means an individual, partnership, corporation, incorporated or unincorporated association, joint stock company, reciprocal insurer, syndicate, or any similar entity or combination of entities acting in concert.

~~((6))~~ (13) "Premium" means the consideration paid to an insurer for a reimbursement insurance policy.

~~((7))~~ (14) "Provider fee" means the consideration paid by a consumer for a service contract.

~~((8))~~ (15) "Reimbursement insurance policy" means a policy of insurance that is issued to a service contract provider or a protection product guarantee provider to provide reimbursement to the service contract provider or the protection product guarantee provider or to pay on behalf of the service contract provider or the protection product guarantee provider all contractual obligations incurred by the service contract provider or the protection product guarantee provider under the terms of the insured service contracts or protection product guarantees issued or sold by the service contract provider or the protection product guarantee provider.

~~((9))~~ (16) "Service contract" means a contract or agreement for ~~((a separately stated))~~ consideration over and above the lease or purchase price of the property for a specific duration to perform the repair, replacement, or maintenance of property or the indemnification for repair, replacement, or maintenance for operational or structural failure due to a defect in materials or workmanship, or normal wear and tear. Service contracts may provide for the repair, replacement, or maintenance of property for damage resulting from power surges and accidental damage from handling, with or without additional provision for ~~((indemnity payments for incidental damages to other property directly caused by the failure of the property which is the subject of the service contract, provided the indemnity payment per incident does not exceed the purchase price of the property that is the subject of the service contract))~~ incidental payment of indemnity under limited circumstances, including towing, rental, emergency road services, or other expenses relating to the failure of the product or of a component part thereof.

~~((10))~~ (17) "Service contract holder" or "contract holder" means a person who is the purchaser or holder of a service contract.

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

~~((+))~~ (18) "Service contract provider" means a person who is contractually obligated to the service contract holder under the terms of the service contract.

~~((+))~~ (19) "Service contract seller" means the person who sells the service contract to the consumer.

~~((+))~~ (20) "Warranty" means a warranty made solely by the manufacturer, importer, or seller of property or services without consideration; that is not negotiated or separated from the sale of the product and is incidental to the sale of the product; and that guarantees indemnity for defective parts, mechanical or electrical breakdown, labor, or other remedial measures, such as repair or replacement of the property or repetition of services.

Sec. 4. RCW 48.110.030 and 2005 c 223 s 33 are each amended to read as follows:

(1) A person may not act as, or offer to act as, or hold himself or herself out to be a service contract provider in this state, nor may a service contract be sold to a consumer in this state, unless the service contract provider has a valid registration as a service contract provider issued by the commissioner.

(2) Applicants to be a service contract provider must make an application to the commissioner upon a form to be furnished by the commissioner. The application must include or be accompanied by the following information and documents:

(a) All basic organizational documents of the service contract provider, including any articles of incorporation, articles of association, partnership agreement, trade name certificate, trust agreement, shareholder agreement, bylaws, and other applicable documents, and all amendments to those documents;

(b) The identities of the service contract provider's executive officer or officers directly responsible for the service contract provider's service contract business, and, if more than fifty percent of the service contract provider's gross revenue is derived from the sale of service contracts, the identities of the service contract provider's directors and stockholders having beneficial ownership of ten percent or more of any class of securities;

(c) Audited annual financial statements or other financial reports acceptable to the commissioner for the two most recent years which prove that the applicant is solvent and any information the commissioner may require in order to review the current financial condition of the applicant. If the service contract provider is relying on RCW 48.110.050(2) ~~((a) or)~~ (c) to assure the faithful performance of its obligations to service contract holders, then the audited financial statements of the service contract provider's parent company ~~((may be substituted for the audited financial statements of the service contract provider))~~ must also be filed;

(d) An application fee of two hundred fifty dollars, which shall be deposited into the general fund; and

(e) Any other pertinent information required by the commissioner.

(3) The applicant shall appoint the commissioner as its attorney to receive service of legal process in any action, suit, or proceeding in any court. This appointment is irrevocable and shall bind the service contract provider or any successor in interest, shall remain in effect as long as there is in force in this state any contract or any obligation arising therefrom related to residents of this state, and shall be processed in accordance with RCW 48.05.210.

(4) The commissioner may refuse to issue a registration if the commissioner determines that the service contract provider, or any individual responsible for the conduct of the affairs of the service contract provider under subsection (2)(b) of this section, is not competent, trustworthy, financially responsible, or has had

a license as a service contract provider or similar license denied or revoked for cause by any state.

(5) A registration issued under this section is valid, unless surrendered, suspended, or revoked by the commissioner, or not renewed for so long as the service contract provider continues in business in this state and remains in compliance with this chapter. A registration is subject to renewal annually on the first day of July upon application of the service contract provider and payment of a fee of two hundred dollars, which shall be deposited into the general fund. If not so renewed, the registration expires on the June 30th next preceding.

(6) A service contract provider shall keep current the information required to be disclosed in its registration under this section by reporting all material changes or additions within thirty days after the end of the month in which the change or addition occurs.

Sec. 5. RCW 48.110.040 and 2005 c 223 s 34 are each amended to read as follows:

(1) Every registered service contract provider ~~((that is assuring its faithful performance of its obligations to its service contract holders by complying with RCW 48.110.050(2)(b)))~~ must file an annual report for the preceding calendar year with the commissioner on or before March 1st of each year, or within any extension of time the commissioner for good cause may grant. The report must be in the form and contain those matters as the commissioner prescribes and shall be verified by at least two officers of the service contract provider.

(2) At the time of filing the report, the service contract provider must pay a filing fee of twenty dollars which shall be deposited into the general fund.

(3) As part of any investigation by the commissioner, the commissioner may require a service contract provider to file monthly financial reports whenever, in the commissioner's discretion, there is a need to more closely monitor the financial activities of the service contract provider. Monthly financial statements must be filed in the commissioner's office no later than the twenty-fifth day of the month following the month for which the financial report is being filed. These monthly financial reports are the internal financial statements of the service contract provider. The monthly financial reports that are filed with the commissioner constitute information that might be damaging to the service contract provider if made available to its competitors, and therefore shall be kept confidential by the commissioner. This information may not be made public or be subject to subpoena, other than by the commissioner and then only for the purpose of enforcement actions taken by the commissioner.

Sec. 6. RCW 48.110.050 and 1999 c 112 s 6 are each amended to read as follows:

(1) Service contracts shall not be issued, sold, or offered for sale in this state or sold to consumers in this state unless the service contract provider has:

(a) Provided a receipt for, or other written evidence of, the purchase of the service contract to the contract holder; and

(b) Provided a copy of the service contract to the service contract holder within a reasonable period of time from the date of purchase.

(2) In order to either demonstrate its financial responsibility or assure the faithful performance of ~~((a))~~ the service contract provider's obligations to its service contract holders, every service contract provider shall ~~((be responsible for complying))~~ comply with the requirements of one of the following:

(a) Insure all service contracts under a reimbursement insurance policy issued by an insurer holding a certificate of authority from the commissioner or a risk retention group, as defined in 15 U.S.C. Sec. 3901(a)(4), as long as that risk retention group is in full compliance with the federal liability

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

risk retention act of 1986 (15 U.S.C. Sec. 3901 et seq.), is in good standing in its domiciliary jurisdiction, and is properly registered with the commissioner under chapter 48.92 RCW. The insurance required by this subsection must meet the following requirements:

(i) The insurer or risk retention group must, at the time the policy is filed with the commissioner, and continuously thereafter, maintain surplus as to policyholders and paid-in capital of at least fifteen million dollars and annually file audited financial statements with the commissioner; and

(ii) The commissioner may authorize an insurer or risk retention group that has surplus as to policyholders and paid-in capital of less than fifteen million dollars, but at least equal to ten million dollars, to issue the insurance required by this subsection if the insurer or risk retention group demonstrates to the satisfaction of the commissioner that the company maintains a ratio of direct written premiums, wherever written, to surplus as to policyholders and paid-in capital of not more than three to one;

(b)(i) Maintain a funded reserve account for its obligations under its service contracts issued and outstanding in this state. The reserves shall not be less than forty percent of the gross consideration received, less claims paid, on the sale of the service contract for all in-force contracts. The reserve account shall be subject to examination and review by the commissioner; and

(ii) Place in trust with the commissioner a financial security deposit, having a value of not less than five percent of the gross consideration received, less claims paid, on the sale of the service contract for all service contracts issued and in force, but not less than twenty-five thousand dollars, consisting of one of the following:

(A) A surety bond issued by an insurer holding a certificate of authority from the commissioner;

(B) Securities of the type eligible for deposit by authorized insurers in this state;

(C) Cash;

(D) An evergreen letter of credit issued by a qualified financial institution; or

(E) Another form of security prescribed by rule by the commissioner; or

(c)(i) Maintain, or its parent company maintain, a net worth or stockholder's equity of at least one hundred million dollars; and

(ii) Upon request, provide the commissioner with a copy of the service contract provider's or the service contract provider's parent company's most recent form 10-K or form 20-F filed with the securities and exchange commission within the last calendar year, or if the company does not file with the securities and exchange commission, a copy of the service contract provider's or the service contract provider's parent company's audited financial statements, which shows a net worth of the service contract provider or its parent company of at least one hundred million dollars. If the service contract provider's parent company's form 10-K, form 20-F, or audited financial statements are filed with the commissioner to meet the service contract provider's financial stability requirement, then the parent company shall agree to guarantee the obligations of the service contract provider relating to service contracts sold by the service contract provider in this state. A copy of the guarantee shall be filed with the commissioner. The guarantee shall be irrevocable as long as there is in force in this state any contract or any obligation arising from service contracts guaranteed, unless the parent company has made arrangements approved by the commissioner to satisfy its obligations under the guarantee.

(3) Service contracts shall require the service contract provider to permit the service contract holder to return the

service contract within twenty days of the date the service contract was mailed to the service contract holder or within ten days of delivery if the service contract is delivered to the service contract holder at the time of sale, or within a longer time period permitted under the service contract. Upon return of the service contract to the service contract provider within the applicable period, if no claim has been made under the service contract prior to the return to the service contract provider, the service contract is void and the service contract provider shall refund to the service contract holder, or credit the account of the service contract holder with the full purchase price of the service contract. The right to void the service contract provided in this subsection is not transferable and shall apply only to the original service contract purchaser. A ten percent penalty per month shall be added to a refund of the purchase price that is not paid or credited within thirty days after return of the service contract to the service contract provider.

~~(4) ((Except for service contract providers, persons marketing, selling, or offering to sell service contracts for providers are exempt from the registration requirements of RCW 48.110.030.~~

~~—(5) The marketing, sale, offering for sale, issuance, making, proposing to make, and administration of service contracts by service contract providers and related service contract sellers, administrators, and other persons complying with this chapter are exempt from the other provisions of this title, except chapter 48.04 RCW and as otherwise provided in this chapter.)) This section does not apply to service contracts on motor vehicles or to protection product guarantees.~~

Sec. 7. RCW 48.110.060 and 1999 c 112 s 7 are each amended to read as follows:

(1) Reimbursement insurance policies insuring service contracts or protection product guarantees issued, sold, or offered for sale in this state or issued or sold to consumers in this state shall state that the insurer that issued the reimbursement insurance policy shall reimburse or pay on behalf of the service contract provider or the protection product guarantee provider all sums the service contract provider or the protection product guarantee provider is legally obligated to pay, including but not limited to the refund of the full purchase price of the service contract to the service contract holder or shall provide the service which the service contract provider or the protection product guarantee provider is legally obligated to perform according to the service contract provider's or protection product guarantee provider's contractual obligations under the service contracts or protection product guarantees issued or sold by the service contract provider or the protection product guarantee provider.

(2) The reimbursement insurance policy shall fully insure the obligations of the service contract provider or protection product guarantee provider, rather than partially insure, or insure only in the event of service contract provider or protection product guarantee provider default.

(3) The reimbursement insurance policy shall state that the service contract holder or protection product guarantee holder is entitled to apply directly to the reimbursement insurance company for payment or performance due.

Sec. 8. RCW 48.110.070 and 1999 c 112 s 8 are each amended to read as follows:

(1) Service contracts marketed, sold, offered for sale, issued, made, proposed to be made, or administered in this state or sold to residents of this state shall be written, printed, or typed in clear, understandable language that is easy to read, and disclose the requirements set forth in this section, as applicable.

(2) Service contracts insured under a reimbursement insurance policy under RCW 48.110.050(2)(a) and 48.110.060 shall not be issued, sold, or offered for sale in this state or sold

FIFTY-THIRD DAY, MARCH 2, 2006

to residents of this state unless the service contract conspicuously contains a statement in substantially the following form: "Obligations of the service contract provider under this service contract are insured under a service contract reimbursement insurance policy." The service contract shall also conspicuously state the name and address of the issuer of the reimbursement (~~((insurance))~~) insurance policy and state that the service contract holder is entitled to apply directly to the reimbursement insurance company.

(3) Service contracts not insured under a reimbursement insurance policy under RCW 48.110.050(2)(a) and 48.110.060 shall contain a statement in substantially the following form: "Obligations of the service contract provider under this contract are backed by the full faith and credit of the service contract provider."

(4) Service contracts shall state the name and address of the service contract provider and shall identify any administrator if different from the service contract provider, the service contract seller, and the service contract holder to the extent that the name of the service contract holder has been furnished by the service contract holder. The identities of such parties are not required to be preprinted on the service contract and may be added to the service contract at the time of sale.

(5) Service contracts shall state the purchase price of the service contract and the terms under which the service contract is sold. The purchase price is not required to be preprinted on the service contract and may be negotiated at the time of sale.

(6) Service contracts shall state the procedure to obtain service or to file a claim, including but not limited to the procedures for obtaining prior approval for repair work, the toll-free telephone number if prior approval is necessary for service, and the procedure for obtaining emergency repairs performed outside of normal business hours or provide for twenty-four-hour telephone assistance.

(7) Service contracts shall state the existence of any deductible amount, if applicable.

(8) Service contracts shall specify the merchandise, parts, and services to be provided and any limitations, exceptions, or exclusions.

(9) Service contracts shall state any restrictions governing the transferability of the service contract, if applicable.

(10) Service contracts shall state the terms, restrictions, or conditions governing cancellation of the service contract prior to the termination or expiration date of the service contract by either the service contract provider or by the service contract holder, which rights can be no more restrictive than provided in RCW 48.110.050(3). The service contract provider of the service contract shall mail a written notice to the service contract holder at the last known address of the service contract holder contained in the records of the service contract provider at least twenty-one days prior to cancellation by the service contract provider. The notice shall state the effective date of the cancellation and the true and actual reason for the cancellation.

(11) Service contracts shall set forth the obligations and duties of the service contract holder, including but not limited to the duty to protect against any further damage and any requirement to follow owner's manual instructions.

(12) Service contracts shall state whether or not the service contract provides for or excludes consequential damages or preexisting conditions.

(13) Service contracts shall state any exclusions of coverage.

(14) Service contracts shall not contain a provision which requires that any civil action brought in connection with the service contract must be brought in the courts of a jurisdiction other than this state. Service contracts that authorize binding arbitration to resolve claims or disputes (~~((may))~~) must allow for

2006 REGULAR SESSION

arbitration proceedings to be held at a location in closest proximity to the service contract holder's permanent residence. This section does not apply to service contracts on motor vehicles or to protection product guarantees.

Sec. 9. RCW 48.110.080 and 1999 c 112 s 9 are each amended to read as follows:

(1) A service contract provider or protection product guarantee provider shall not use in its name the words insurance, casualty, guaranty, surety, mutual, or any other words descriptive of the insurance, casualty, guaranty, or surety business; or a name deceptively similar to the name or description of any insurance or surety corporation, or to the name of any other service contract provider or protection product guarantee provider. This subsection does not apply to a company that was using any of the prohibited language in its name prior to January 1, 1999. However, a company using the prohibited language in its name shall conspicuously disclose in its service contracts or protection product guarantees the following statement: "This agreement is not an insurance contract."

(2) Every service contract provider or protection product guarantee provider shall conduct its business in its own legal name, unless the commissioner has approved the use of another name.

(3) A service contract provider or protection product guarantee provider or ~~((its))~~ their representatives shall not in ~~((its))~~ their service contracts or protection product guarantees or literature make, permit, or cause to be made any false or misleading statement, or deliberately omit any material statement that would be considered misleading if omitted.

(4) A person, such as a bank, savings and loan association, lending institution, manufacturer, or seller shall not require the purchase of a service contract or protection product as a condition of a loan or a condition for the sale of any property.

Sec. 10. RCW 48.110.090 and 1999 c 112 s 10 are each amended to read as follows:

(1) The service contract provider or protection product guarantee provider shall keep accurate accounts, books, and records concerning transactions regulated under this chapter.

(2) The service contract provider's or protection product guarantee provider's accounts, books, and records shall include the following:

(a) Copies of each type of service contract or protection product guarantees offered, issued, or sold;

(b) The name and address of each service contract holder or protection product guarantee holder, to the extent that the name and address have been furnished by the service contract holder or protection product guarantee holder;

(c) A list of the locations where the service contracts or protection products are marketed, sold, or offered for sale; and

(d) Written claim files that contain at least the dates, amounts, and descriptions of claims related to the service contracts or protection products.

(3) Except as provided in subsection (5) of this section, the service contract provider or protection product guarantee provider shall retain all records required to be maintained by subsection (1) of this section for at least six years after the specified coverage has expired.

(4) The records required under this chapter may be, but are not required to be, maintained on a computer disk or other recordkeeping technology. If the records are maintained in other than hard copy, the records shall be capable of duplication to legible hard copy.

(5) A service contract provider or protection product guarantee provider discontinuing business in this state shall maintain its records until it furnishes the commissioner satisfactory proof that it has discharged all obligations to service

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

contract holders or protection product guarantee holders in this state.

Sec. 11. RCW 48.110.100 and 1999 c 112 s 11 are each amended to read as follows:

As applicable, an insurer that issued a reimbursement insurance policy shall not terminate the policy until a notice of termination in accordance with RCW 48.18.290 has been given to the service contract provider or protection product guarantee provider and has been delivered to the commissioner. The termination of a reimbursement insurance policy does not reduce the issuer's responsibility for service contracts issued by service contract providers or protection product guarantees issued by protection product guarantee providers prior to the effective date of the termination.

Sec. 12. RCW 48.110.110 and 1999 c 112 s 12 are each amended to read as follows:

(1) Service contract providers or protection product guarantee providers are considered to be the agent of the insurer which issued the reimbursement insurance policy for purposes of obligating the insurer to service contract holders or protection product guarantee holders in accordance with the service contract or protection product guarantee holders and this chapter. Payment of the provider fee by the consumer to the service contract seller, service contract provider, or administrator or payment of consideration for the protection product to the protection product seller constitutes payment by the consumer to the service contract provider or protection product guarantee provider and to the insurer which issued the reimbursement insurance policy. In cases where a service contract provider or protection product guarantee provider is acting as an administrator and enlists other service contract providers or protection product guarantee providers, the service contract provider or protection product guarantee provider acting as the administrator shall notify the insurer of the existence and identities of the other service contract providers or protection product guarantee providers.

(2) (~~Chapter 112, Laws of 1999~~) This chapter does not prevent or limit the right of an insurer which issued a reimbursement insurance policy to seek indemnification or subrogation against a service contract provider or protection product guarantee provider if the issuer pays or is obligated to pay the service contract holder or protection product guarantee holder sums that the service contract provider or protection product guarantee provider was obligated to pay under the provisions of the service contract or protection product guarantee.

Sec. 13. RCW 48.110.120 and 1999 c 112 s 13 are each amended to read as follows:

(1) The commissioner may conduct investigations of service contract providers or protection product guarantee providers, administrators, service contract sellers or protection product sellers, insurers, and other persons to enforce this chapter and protect service contract holders or protection product guarantee holders in this state. Upon request of the commissioner, the service contract provider or protection product guarantee provider shall make all accounts, books, and records concerning service contracts or protection products offered, issued, or sold by the service contract provider or protection product guarantee provider available to the commissioner which are necessary to enable the commissioner to determine compliance or noncompliance with this chapter.

(2) The commissioner may take actions under RCW 48.02.080 or 48.04.050 which are necessary or appropriate to enforce this chapter and the commissioner's rules and orders, and to protect service contract holders or protection product guarantee holders in this state.

Sec. 14. RCW 48.110.130 and 1999 c 112 s 14 are each amended to read as follows:

(1) The commissioner may, subject to chapter 48.04 RCW, deny, suspend, or revoke the registration of a service contract provider or protection product guarantee provider if the commissioner finds that the service contract provider or protection product guarantee provider:

(a) Has violated this chapter or the commissioner's rules and orders;

(b) Has refused to be investigated or to produce its accounts, records, and files for investigation, or if any of its officers has refused to give information with respect to its affairs or refused to perform any other legal obligation as to an investigation, when required by the commissioner;

(c) Has, without just cause, refused to pay proper claims or perform services arising under its contracts or has, without just cause, caused service contract holders or protection product guarantee holders to accept less than the amount due them or caused service contract holders or protection product guarantee holders to employ attorneys or bring suit against the service contract provider or protection product guarantee provider to secure full payment or settlement of claims;

(d) Is affiliated with or under the same general management or interlocking directorate or ownership as another service contract provider or protection product guarantee provider which unlawfully transacts business in this state without having a registration;

(e) At any time fails to meet any qualification for which issuance of the registration could have been refused had such failure then existed and been known to the commissioner;

(f) Has been convicted of, or has entered a plea of guilty or nolo contendere to, a felony;

(g) Is under suspension or revocation in another state with respect to its service contract business or protection product business;

(h) Has made a material misstatement in its application for registration;

(i) Has obtained or attempted to obtain a registration through misrepresentation or fraud;

(j) Has, in the transaction of business under its registration, used fraudulent, coercive, or dishonest practices; ~~(or)~~

(k) Has failed to pay any judgment rendered against it in this state regarding a service contract or protection product guarantee within sixty days after the judgment has become final; or

(l) Has failed to respond promptly to any inquiry from the insurance commissioner relative to service contract or protection product business. A lack of response within fifteen business days from receipt of an inquiry is untimely. A response must be in writing, unless otherwise indicated in the inquiry.

(2) The commissioner may, without advance notice or hearing thereon, immediately suspend the registration of a service contract provider or protection product guarantee provider if the commissioner finds that any of the following circumstances exist:

(a) The provider is insolvent;

(b) A proceeding for receivership, conservatorship, rehabilitation, or other delinquency proceeding regarding the service contract provider or protection product guarantee provider has been commenced in any state; or

(c) The financial condition or business practices of the service contract provider or protection product guarantee provider otherwise pose an imminent threat to the public health, safety, or welfare of the residents of this state.

(3) If the commissioner finds that grounds exist for the suspension or revocation of a registration issued under this chapter, the commissioner may, in lieu of suspension or

FIFTY-THIRD DAY, MARCH 2, 2006

revocation, impose a fine upon the service contract provider or protection product guarantee provider in an amount not more than two thousand dollars per violation.

Sec. 15. RCW 48.110.140 and 1999 c 112 s 15 are each amended to read as follows:

The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Violations of this chapter are not reasonable in relation to the development and preservation of business. A violation of this chapter is an unfair or deceptive act or practice in the conduct of trade or commerce and an unfair method of competition, as specifically contemplated by RCW 19.86.020, and is a violation of the consumer protection act, chapter 19.86 RCW. Any service contract holder or protection product guarantee holder injured as a result of a violation of a provision of this chapter shall be entitled to maintain an action pursuant to chapter 19.86 RCW against the service contract provider or protection product guarantee provider and the insurer issuing the applicable service contract or protection product guarantee reimbursement (~~(insurance)~~) insurance policy and shall be entitled to all of the rights and remedies afforded by that chapter.

Sec. 16. RCW 48.110.900 and 1999 c 112 s 17 are each amended to read as follows:

This chapter applies to all service contracts, other than on motor vehicles, sold or offered for sale ninety or more days after July 25, 1999. This chapter applies to all service contracts on motor vehicles and protection products sold or offered for sale after September 30, 2006.

NEW SECTION. Sec. 17. A new section is added to chapter 48.110 RCW to read as follows:

(1) This section applies to protection product guarantee providers.

(2) A person shall not act as, or offer to act as, or hold himself or herself out to be a protection product guarantee provider in this state, nor may a protection product be sold to a consumer in this state, unless the protection product guarantee provider has:

(a) A valid registration as a protection product guarantee provider issued by the commissioner; and

(b) Either demonstrated its financial responsibility or assured the faithful performance of the protection product guarantee provider's obligations to its protection product guarantee holders by insuring all protection product guarantees under a reimbursement insurance policy issued by an insurer holding a certificate of authority from the commissioner or a risk retention group, as defined in 15 U.S.C. Sec. 3901(a)(4), as long as that risk retention group is in full compliance with the federal liability risk retention act of 1986 (15 U.S.C. Sec. 3901 et seq.), is in good standing in its domiciliary jurisdiction, and properly registered with the commissioner under chapter 48.92 RCW. The insurance required by this subsection must meet the following requirements:

(i) The insurer or risk retention group must, at the time the policy is filed with the commissioner, and continuously thereafter, maintain surplus as to policyholders and paid-in capital of at least fifteen million dollars and annually file audited financial statements with the commissioner; and

(ii) The commissioner may authorize an insurer or risk retention group that has surplus as to policyholders and paid-in capital of less than fifteen million dollars, but at least equal to ten million dollars, to issue the insurance required by this subsection if the insurer or risk retention group demonstrates to the satisfaction of the commissioner that the company maintains a ratio of direct written premiums, wherever written, to surplus

as to policyholders and paid-in capital of not more than three to one.

(3) Applicants to be a protection product guarantee provider shall make an application to the commissioner upon a form to be furnished by the commissioner. The application shall include or be accompanied by the following information and documents:

(a) The names of the protection product guarantee provider's executive officer or officers directly responsible for the protection product guarantee provider's protection product guarantee business and their biographical affidavits on a form prescribed by the commissioner;

(b) The name, address, and telephone number of any administrators designated by the protection product guarantee provider to be responsible for the administration of protection product guarantees in this state;

(c) A copy of the protection product guarantee reimbursement insurance policy or policies;

(d) A copy of each protection product guarantee the protection product guarantee provider proposes to use in this state;

(e) Any other pertinent information required by the commissioner; and

(f) A nonrefundable application fee of two hundred fifty dollars.

(4) The applicant shall appoint the commissioner as its attorney to receive service of legal process in any action, suit, or proceeding in any court. This appointment is irrevocable and shall bind the protection product guarantee provider or any successor in interest, shall remain in effect as long as there is in force in this state any protection product guarantee or any obligation arising therefrom related to residents of this state, and shall be processed in accordance with RCW 48.05.210.

(5) The commissioner may refuse to issue a registration if the commissioner determines that the protection product guarantee provider, or any individual responsible for the conduct of the affairs of the protection product guarantee provider under subsection (3)(a) of this section, is not competent, trustworthy, financially responsible, or has had a license as a protection product guarantee provider or similar license denied or revoked for cause by any state.

(6) A registration issued under this section is valid, unless surrendered, suspended, or revoked by the commissioner, or not renewed for so long as the protection product guarantee provider continues in business in this state and remains in compliance with this chapter. A registration is subject to renewal annually on the first day of July upon application of the protection product guarantee provider and payment of a fee of two hundred fifty dollars. If not so renewed, the registration expires on the June 30th next preceding.

(7) A protection product guarantee provider shall keep current the information required to be disclosed in its registration under this section by reporting all material changes or additions within thirty days after the end of the month in which the change or addition occurs.

NEW SECTION. Sec. 18. A new section is added to chapter 48.110 RCW to read as follows:

(1) This section applies to service contracts on motor vehicles.

(2) Service contracts shall not be issued, sold, or offered for sale in this state or sold to consumers in this state unless:

(a) The service contract provider has either demonstrated its financial responsibility or assured the faithful performance of the service contract provider's obligations to its service contract holders by insuring all service contracts under a reimbursement insurance policy issued by an insurer holding a certificate of authority from the commissioner or a risk retention group, as

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

defined in 15 U.S.C. Sec. 3901(a)(4), as long as that risk retention group is in full compliance with the federal liability risk retention act of 1986 (15 U.S.C. Sec. 3901 et seq.), is in good standing in its domiciliary jurisdiction, and properly registered with the commissioner under chapter 48.92 RCW. The insurance required by this subsection must meet the following requirements:

(i) The insurer or risk retention group must, at the time the policy is filed with the commissioner, and continuously thereafter, maintain surplus as to policyholders and paid-in capital of at least fifteen million dollars and annually file audited financial statements with the commissioner; and

(ii) The commissioner may authorize an insurer or risk retention group that has surplus as to policyholders and paid-in capital of less than fifteen million dollars, but at least equal to ten million dollars, to issue the insurance required by this subsection if the insurer or risk retention group demonstrates to the satisfaction of the commissioner that the company maintains a ratio of direct written premiums, wherever written, to surplus as to policyholders and paid-in capital of not more than three to one;

(b) The service contract conspicuously states that the obligations of the provider to the service contract holder are guaranteed under the reimbursement insurance policy, the name and address of the issuer of the reimbursement insurance policy, the applicable policy number, and the means by which a service contract holder may file a claim under the policy;

(c) The service contract conspicuously and unambiguously states the name and address of the service contract provider and identifies any administrator if different from the service contract provider, the service contract seller, and the service contract holder. The identity of the service contract seller and the service contract holder are not required to be preprinted on the service contract and may be added to the service contract at the time of sale;

(d) The service contract states the purchase price of the service contract and the terms under which the service contract is sold. The purchase price is not required to be preprinted on the service contract and may be negotiated at the time of sale;

(e) The contract contains a conspicuous statement that has been initialed by the service contract holder and discloses:

(i) Any material conditions that the service contract holder must meet to maintain coverage under the contract including, but not limited to, any maintenance schedule to which the service contract holder must adhere, any requirement placed on the service contract holder for documenting repair or maintenance work, any duty to protect against any further damage, and any procedure to which the service contract holder must adhere for filing claims;

(ii) The work and parts covered by the contract;

(iii) Any time or mileage limitations;

(iv) That the implied warranty of merchantability on the motor vehicle is not waived if the contract has been purchased within ninety days of the purchase date of the motor vehicle from a provider or service contract seller who also sold the motor vehicle covered by the contract;

(v) Any exclusions of coverage; and

(vi) The contract holder's right to return the contract for a refund, which right can be no more restrictive than provided for in subsection (4) of this section;

(f) The service contract states the procedure to obtain service or to file a claim, including but not limited to the procedures for obtaining prior approval for repair work, the toll-free telephone number if prior approval is necessary for service, and the procedure for obtaining emergency repairs performed outside of normal business hours or for obtaining twenty-four-hour telephone assistance;

(g) The service contract states the existence of any deductible amount, if applicable;

(h) The service contract states any restrictions governing the transferability of the service contract, if applicable; and

(i) The service contract states whether or not the service contract provides for or excludes consequential damages or preexisting conditions.

(3) Service contracts shall not contain a provision which requires that any civil action brought in connection with the service contract must be brought in the courts of a jurisdiction other than this state. Service contracts that authorize binding arbitration to resolve claims or disputes must allow for arbitration proceedings to be held at a location in closest proximity to the service contract holder's permanent residence.

(4)(a) At a minimum, every provider shall permit the service contract holder to return the contract within thirty days of its purchase if no claim has been made under the contract, and shall refund to the holder the full purchase price of the contract unless the service contract holder returns the contract ten or more days after its purchase, in which case the provider may charge a cancellation fee not exceeding twenty-five dollars.

(b) If no claim has been made and a contract holder returns the contract after thirty days, the provider shall refund the purchase price pro rata based upon either elapsed time or mileage computed from the date the contract was purchased and the mileage on that date, less a cancellation fee not exceeding twenty-five dollars.

(c) A ten percent penalty shall be added to any refund that is not paid within thirty days of return of the contract to the provider.

(d) If a contract holder returns the contract under this subsection, the contract is void from the beginning and the parties are in the same position as if no contract had been issued.

(e) If a service contract holder returns the contract in accordance with this section, the insurer issuing the reimbursement insurance policy covering the contract shall refund to the provider the full premium by the provider for the contract if canceled within thirty days or a pro rata refund if canceled after thirty days.

(5) A service contract provider shall not deny a claim for coverage based upon the service contract holder's failure to properly maintain the vehicle, unless the failure to maintain the vehicle involved the failed part or parts.

(6) A contract provider has only sixty days from the date of the sale of the service contract to the holder to determine whether or not the vehicle qualifies under the provider's program for that vehicle. After sixty days the vehicle qualifies for the service contract that was issued and the service contract provider may not cancel the contract and is fully obligated under the terms of the contract sold to the service contract holder.

NEW SECTION. Sec. 19. A new section is added to chapter 48.110 RCW to read as follows:

(1) Except for service contract providers or protection product guarantee providers, persons marketing, selling, or offering to sell service contracts or protection products for providers are exempt from the registration requirements of RCW 48.110.030.

(2) The marketing, sale, offering for sale, issuance, making, proposing to make, and administration of service contracts or protection products by service contract providers or protection product guarantee providers and related service contract or protection product sellers, administrators, and other persons complying with this chapter are exempt from the other provisions of this title, except chapters 48.04 and 48.30 RCW and as otherwise provided in this chapter.

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

NEW SECTION. Sec. 20. A new section is added to chapter 48.110 RCW to read as follows:

(1) If the service contract provider or protection product guarantee provider is using reimbursement insurance policy to satisfy the requirements of RCW 48.110.050(2)(a) or section 17(2)(b) or 18(2)(a) of this act, then the reimbursement insurance policy shall be filed with and approved by the commissioner in accordance with and pursuant to the requirements of chapter 48.18 RCW.

(2) All service contracts forms covering motor vehicles must be filed with and approved by the commissioner prior to the service contract forms being used, issued, delivered, sold, or marketed in this state or to residents of this state.

(3) All service contracts forms covering motor vehicles being used, issued, delivered, sold, or marketed in this state or to residents of this state by motor vehicle manufacturers or import distributors or wholly owned subsidiaries thereof must be filed with the commissioner for approval within sixty days after the motor vehicle manufacturer or import distributor or wholly owned subsidiary thereof begins using the service contracts forms.

(4) The commissioner shall disapprove any motor vehicle service contract form if:

(a) The form is in any respect in violation of, or does not comply with, this chapter or any applicable order or regulation of the commissioner issued under this chapter;

(b) The form contains or incorporates by reference any inconsistent, ambiguous, or misleading clauses, or exceptions and conditions;

(c) The form has any title, heading, or other indication of its provisions that is misleading; or

(d) The purchase of the contract is being solicited by deceptive advertising.

NEW SECTION. Sec. 21. (1) RCW 48.110.030 (2) (a) and (b), (3), and (4), 48.110.040, 48.110.060, 48.110.100, 48.110.110, section 18 (2)(a) and (b) and (4)(e) of this act, and section 20 (1) and (2) of this act do not apply to motor vehicle service contracts issued by a motor vehicle manufacturer or import distributor covering vehicles manufactured or imported by the motor vehicle manufacturer or import distributor.

(2) RCW 48.110.030(2)(c) does not apply to a publicly traded motor vehicle manufacturer or import distributor.

(3) RCW 48.110.030 (2) (a) through (c), (3), and (4), 48.110.040, and section 20(2) of this act do not apply to wholly owned subsidiaries of motor vehicle manufacturers or import distributors.

(4) The adoption of this act does not imply that a vehicle protection product warranty was insurance prior to October 1, 2006.

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

NEW SECTION. Sec. 23. The following acts or parts of acts are each repealed:

- (1) RCW 48.96.005 (Purpose) and 1990 c 239 s 2;
- (2) RCW 48.96.010 (Definitions) and 1987 c 99 s 1;
- (3) RCW 48.96.020 (Reimbursement policy required for sale of service contract) and 1987 c 99 s 2;
- (4) RCW 48.96.025 (Reimbursement policy--Insurer's responsibility) and 1990 c 239 s 3;
- (5) RCW 48.96.030 (Reimbursement policy--Required provisions) and 1990 c 239 s 6 & 1987 c 99 s 3;
- (6) RCW 48.96.040 (Service contract--Required statements) and 1990 c 239 s 7 & 1987 c 99 s 4;
- (7) RCW 48.96.045 (Service contract--Notice to holder) and 1990 c 239 s 4;

(8) RCW 48.96.047 (Service contract--Holder's right to return) and 1990 c 239 s 5;

(9) RCW 48.96.050 (Service contracts--Excluded parties) and 1990 c 239 s 8 & 1987 c 99 s 5;

(10) RCW 48.96.060 (Noncompliance as unfair competition, trade practice--Remedies) and 1990 c 239 s 9 & 1987 c 99 s 6;

(11) RCW 48.96.900 (Application of chapter--Date) and 1987 c 99 s 7; and

(12) RCW 48.96.901 (Effective date--1990 c 239 §§ 2-10) and 1990 c 239 s 11.

NEW SECTION. Sec. 24. This act takes effect October 1, 2006."

On page 1, line 2 of the title, after "products;" strike the remainder of the title and insert "amending RCW 48.110.010, 48.110.015, 48.110.020, 48.110.030, 48.110.040, 48.110.050, 48.110.060, 48.110.070, 48.110.080, 48.110.090, 48.110.100, 48.110.110, 48.110.120, 48.110.130, 48.110.140, and 48.110.900; adding new sections to chapter 48.110 RCW; creating a new section; repealing RCW 48.96.005, 48.96.010, 48.96.020, 48.96.025, 48.96.030, 48.96.040, 48.96.045, 48.96.047, 48.96.050, 48.96.060, 48.96.900, and 48.96.901; prescribing penalties; and providing an effective date."

Senator Berkey spoke in favor of adoption of the committee striking amendment.

MOTION

On motion of Senator Schoesler, Senator Honeyford was excused.

MOTION

On motion of Senator Eide, further consideration of Substitute House Bill No. 2553 was deferred and the bill held its place on the second reading calendar.

SECOND READING

HOUSE BILL NO. 2606, by Representatives Curtis, Takko, Orcutt, McDonald, Grant, Hinkle, Clements, Moeller, Chandler, Wallace, Tom, Kretz, Nixon, Blake, Kessler, Rodne, Haigh, B. Sullivan and Morrell

Allowing volunteer fire fighter personnel to hold elective or appointed office.

The measure was read the second time.

MOTION

Senator Zarelli moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 35.21 RCW to read as follows:

(1) Except as otherwise prohibited by law, a volunteer member of any fire department who does not serve as fire chief for the department may be:

(a) A candidate for elective public office and serve in that public office if elected; or

(b) Appointed to any public office and serve in that public office if appointed.

(2) For purposes of this section, "volunteer" means a member of any fire department who performs voluntarily any assigned or authorized duties on behalf of or at the direction of

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

the fire department without receiving compensation or consideration for performing such duties.

(3) For purposes of this section, "compensation" and "consideration" do not include any benefits the volunteer may have accrued or is accruing under chapter 41.24 RCW.

NEW SECTION. Sec. 2. A new section is added to chapter 52.30 RCW to read as follows:

(1) Except as otherwise prohibited by law, a volunteer member of any fire protection district who does not serve as fire chief for the district may be:

(a) A candidate for elective public office and serve in that public office if elected; or

(b) Appointed to any public office and serve in that public office if appointed.

(2) For purposes of this section, "volunteer" means a member of any fire protection district who performs voluntarily any assigned or authorized duties on behalf of or at the direction of the fire protection district without receiving compensation or consideration for performing such duties.

(3) For purposes of this section, "compensation" and "consideration" do not include any benefits the volunteer may have accrued or is accruing under chapter 41.24 RCW."

Senator Zarelli spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to House Bill No. 2606.

The motion by Senator Zarelli carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "office;" strike the remainder of the title and insert "adding a new section to chapter 35.21 RCW; and adding a new section to chapter 52.30 RCW."

MOTION

On motion of Senator Zarelli, the rules were suspended, House Bill No. 2606 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zarelli, Berkey and Benton spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2606 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2606 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 45

Excused: Senators Brandland, Hargrove, Regala and Thibaudeau - 4

HOUSE BILL NO. 2606 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2876, by Representatives Ericksen, Wood, Dunn, Armstrong and Ericks

Clarifying procedures for sound and video recordings by law enforcement officers.

The measure was read the second time.

MOTION

On motion of Senator Weinstein, the rules were suspended, Substitute House Bill No. 2876 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Weinstein spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2876.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2876 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 43

Absent: Senators Brown and Rockefeller - 2

Excused: Senators Brandland, Hargrove, Regala and Thibaudeau - 4

SUBSTITUTE HOUSE BILL NO. 2876, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2394, by House Committee on Children & Family Services (originally sponsored by Representatives Dickerson, Morrell, Appleton, Moeller, Lantz, Hasegawa, Williams, Darneille, Santos, Haler, Wallace, Walsh, McIntire and Simpson)

Including financial literacy in work activity provisions.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Substitute House Bill No. 2394 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

On motion of Senator Schoesler, Senators Parlette and Hewitt were excused.

Senator Regala spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2394.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2394 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 45

Excused: Senators Brandland, Hewitt, Parlette and Thibaudeau - 4

SUBSTITUTE HOUSE BILL NO. 2394, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2857, by Representatives Kenney, Sells, Cox, Rodne and Kessler

Revising terms of appointment of student regents and trustees.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 2857 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2857.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2857 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senator Brown - 1

Excused: Senators Brandland, Hewitt and Parlette - 3

HOUSE BILL NO. 2857, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2951, by House Committee on Judiciary (originally sponsored by Representatives Campbell, Morrell, McCune and Green)

Creating a firearms training certificate program for retired law enforcement officers.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute House Bill No. 2951 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Brown was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2951.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2951 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senator Kohl-Welles - 1

Excused: Senators Brandland, Brown, Hewitt and Parlette - 4

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2951, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1641, by Representatives Kretz, Blake, Ahern, Buri, Ericks, Serben, DeBolt, Schindler, Kristiansen, Condotta, Orcutt, Strow, Cox, Buck and Armstrong

Decriminalizing vessel registration violations.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 1641 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Oke spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1641.

FIFTY-THIRD DAY, MARCH 2, 2006
 ROLL CALL

2006 REGULAR SESSION

The Secretary called the roll on the final passage of House Bill No. 1641 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Absent: Senators Deccio and Kohl-Welles - 2

Excused: Senators Brandland, Brown, Hewitt and Parlette - 4

HOUSE BILL NO. 1641, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Weinstein, Senators Kohl-Welles and Rockefeller were excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1080, by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives McDonald, O'Brien and Morrell)

Protecting dependent persons.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 9A.42.010 and 1997 c 392 s 508 are each amended to read as follows:

As used in this chapter:

(1) "Basic necessities of life" means food, water, shelter, clothing, and medically necessary health care, including but not limited to health-related treatment or activities, hygiene, oxygen, and medication.

(2)(a) "Bodily injury" means physical pain or injury, illness, or an impairment of physical condition;

(b) "Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part;

(c) "Great bodily harm" means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily part or organ.

(3) "Child" means a person under eighteen years of age.

(4) "Dependent person" means a person who, because of physical or mental disability, or because of extreme advanced age, is dependent upon another person to provide the basic necessities of life. A resident of a nursing home, as defined in RCW 18.51.010, a resident of an adult family home, as defined in RCW 70.128.010, and a frail elder or vulnerable adult, as

defined in RCW 74.34.020(~~((8))~~) (13), is presumed to be a dependent person for purposes of this chapter.

(5) "Employed" means hired by a dependent person, another person acting on behalf of a dependent person, or by an organization or governmental entity, to provide to a dependent person any of the basic necessities of life. A person may be "employed" regardless of whether the person is paid for the services or, if paid, regardless of who pays for the person's services.

(6) "Parent" has its ordinary meaning and also includes a guardian and the authorized agent of a parent or guardian.

(7) "Abandons" means leaving a child or other dependent person without the means or ability to obtain one or more of the basic necessities of life.

(8) "Good samaritan" means any individual or group of individuals who: (a) Is not related to the dependent person; (b) voluntarily provides assistance or services of any type to the dependent person; (c) is not paid, given gifts, or made a beneficiary of any assets valued at five hundred dollars or more, for any reason, by the dependent person, the dependent person's family, or the dependent person's estate; and (d) does not commit or attempt to commit any other crime against the dependent person or the dependent person's estate.

Sec. 2. RCW 9A.42.020 and 1997 c 392 s 510 are each amended to read as follows:

(1) A parent of a child, the person entrusted with the physical custody of a child or dependent person, a person who has assumed the responsibility to provide to a dependent person the basic necessities of life, or a person employed to provide to the child or dependent person the basic necessities of life is guilty of criminal mistreatment in the first degree if he or she recklessly, as defined in RCW 9A.08.010, causes great bodily harm to a child or dependent person by withholding any of the basic necessities of life.

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

Sec. 3. RCW 9A.42.030 and 1997 c 392 s 511 are each amended to read as follows:

(1) A parent of a child, the person entrusted with the physical custody of a child or dependent person, a person who has assumed the responsibility to provide to a dependent person the basic necessities of life, or a person employed to provide to the child or dependent person the basic necessities of life is guilty of criminal mistreatment in the second degree if he or she recklessly, as defined in RCW 9A.08.010, either (a) creates an imminent and substantial risk of death or great bodily harm, or (b) causes substantial bodily harm by withholding any of the basic necessities of life.

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

Sec. 4. RCW 9A.42.035 and 2000 c 76 s 1 are each amended to read as follows:

(1) A person is guilty of the crime of criminal mistreatment in the third degree if the person is the parent of a child, is a person entrusted with the physical custody of a child or other dependent person, is a person who has assumed the responsibility to provide to a dependent person the basic necessities of life, or is a person employed to provide to the child or dependent person the basic necessities of life, and either:

(a) With criminal negligence, creates an imminent and substantial risk of substantial bodily harm to a child or dependent person by withholding any of the basic necessities of life; or

(b) With criminal negligence, causes substantial bodily harm to a child or dependent person by withholding any of the basic necessities of life.

(2) For purposes of this section, "a person who has assumed the responsibility to provide to a dependent person the basic necessities of life" means a person other than: (a) A government agency that regularly provides assistance or services to dependent persons, including but not limited to the department of social and health services; or (b) a good samaritan as defined in RCW 9A.42.010.

(3) Criminal mistreatment in the third degree is a gross misdemeanor.

Sec. 5. RCW 9A.42.037 and 2002 c 219 s 2 are each amended to read as follows:

(1) A person is guilty of the crime of criminal mistreatment in the fourth degree if the person is the parent of a child, is a person entrusted with the physical custody of a child or other dependent person, is a person who has assumed the responsibility to provide to a dependent person the basic necessities of life, or is a person employed to provide to the child or dependent person the basic necessities of life, and either:

(a) With criminal negligence, creates an imminent and substantial risk of bodily injury to a child or dependent person by withholding any of the basic necessities of life; or

(b) With criminal negligence, causes bodily injury or extreme emotional distress manifested by more than transient physical symptoms to a child or dependent person by withholding the basic necessities of life.

(2) For purposes of this section, "a person who has assumed the responsibility to provide to a dependent person the basic necessities of life" means a person other than: (a) A government agency that regularly provides assistance or services to dependent persons, including but not limited to the department of social and health services; or (b) a good samaritan as defined in RCW 9A.42.010.

(3) Criminal mistreatment in the fourth degree is a misdemeanor.

Sec. 6. RCW 9A.42.060 and 2002 c 331 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person is guilty of the crime of abandonment of a dependent person in the first degree if:

(a) The person is the parent of a child, a person entrusted with the physical custody of a child or other dependent person, a person who has assumed the responsibility to provide to a dependent person the basic necessities of life, or a person employed to provide to the child or other dependent person any of the basic necessities of life;

(b) The person recklessly abandons the child or other dependent person; and

(c) As a result of being abandoned, the child or other dependent person suffers great bodily harm.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location pursuant to RCW 13.34.360 is not subject to criminal liability under this section.

(3) Abandonment of a dependent person in the first degree is a class B felony.

Sec. 7. RCW 9A.42.070 and 2002 c 331 s 4 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person is guilty of the crime of abandonment of a dependent person in the second degree if:

(a) The person is the parent of a child, a person entrusted with the physical custody of a child or other dependent person, a person who has assumed the responsibility to provide to a dependent person the basic necessities of life, or a person employed to provide to the child or other dependent person any of the basic necessities of life; and

(b) The person recklessly abandons the child or other dependent person; and:

(i) As a result of being abandoned, the child or other dependent person suffers substantial bodily harm; or

(ii) Abandoning the child or other dependent person creates an imminent and substantial risk that the child or other dependent person will die or suffer great bodily harm.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location pursuant to RCW 13.34.360 is not subject to criminal liability under this section.

(3) Abandonment of a dependent person in the second degree is a class C felony.

Sec. 8. RCW 9A.42.080 and 2002 c 331 s 5 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person is guilty of the crime of abandonment of a dependent person in the third degree if:

(a) The person is the parent of a child, a person entrusted with the physical custody of a child or other dependent person, a person who has assumed the responsibility to provide to a dependent person the basic necessities of life, or a person employed to provide to the child or dependent person any of the basic necessities of life; and

(b) The person recklessly abandons the child or other dependent person; and:

(i) As a result of being abandoned, the child or other dependent person suffers bodily harm; or

(ii) Abandoning the child or other dependent person creates an imminent and substantial risk that the child or other person will suffer substantial bodily harm.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location pursuant to RCW 13.34.360 is not subject to criminal liability under this section.

(3) Abandonment of a dependent person in the third degree is a gross misdemeanor.

Sec. 9. RCW 9.94A.515 and 2005 c 458 s 2 and 2005 c 183 s 9 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055) Malicious explosion 1 (RCW 70.74.280(1)) Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050) Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2)) Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011) Assault of a Child 1 (RCW 9A.36.120) Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

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| | Rape 1 (RCW 9A.44.040) | Promoting Prostitution 1 (RCW 9A.88.070) | |
| | Rape of a Child 1 (RCW 9A.44.073) | Theft of Ammonia (RCW 69.55.010) | |
| | Trafficking 2 (RCW 9A.40.100(2)) | Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520) | |
| XI | Manslaughter 1 (RCW 9A.32.060) | VII | Burglary 1 (RCW 9A.52.020) |
| | Rape 2 (RCW 9A.44.050) | | Child Molestation 2 (RCW 9A.44.086) |
| | Rape of a Child 2 (RCW 9A.44.076) | | Civil Disorder Training (RCW 9A.48.120) |
| X | Child Molestation 1 (RCW 9A.44.083) | | Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050) |
| | Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a)) | | Drive-by Shooting (RCW 9A.36.045) |
| | Kidnapping 1 (RCW 9A.40.020) | | Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050) |
| | Leading Organized Crime (RCW 9A.82.060(1)(a)) | | Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c)) |
| | Malicious explosion 3 (RCW 70.74.280(3)) | | Introducing Contraband 1 (RCW 9A.76.140) |
| | Sexually Violent Predator Escape (RCW 9A.76.115) | | Malicious placement of an explosive 3 (RCW 70.74.270(3)) |
| IX | <u>Abandonment of Dependent Person 1 (RCW 9A.42.060)</u> | | Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675) |
| | Assault of a Child 2 (RCW 9A.36.130) | | Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060) |
| | <u>Criminal Mistreatment 1 (RCW 9A.42.020)</u> | | Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)) |
| | Explosive devices prohibited (RCW 70.74.180) | | Use of a Machine Gun in Commission of a Felony (RCW 9.41.225) |
| | Hit and Run--Death (RCW 46.52.020(4)(a)) | | Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520) |
| | Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050) | VI | Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a)) |
| | Inciting Criminal Profiteering (RCW 9A.82.060(1)(b)) | | Bribery (RCW 9A.68.010) |
| | Malicious placement of an explosive 2 (RCW 70.74.270(2)) | | Incest 1 (RCW 9A.64.020(1)) |
| | Robbery 1 (RCW 9A.56.200) | | Intimidating a Judge (RCW 9A.72.160) |
| | Sexual Exploitation (RCW 9.68A.040) | | Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130) |
| | Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520) | | Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b)) |
| VIII | Arson 1 (RCW 9A.48.020) | | |
| | Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050) | | |
| | Manslaughter 2 (RCW 9A.32.070) | | |

- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V ~~((Abandonment of dependent person 1 (RCW 9A.42.060)))~~
- Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- ~~(Criminal Mistreatment 1 (RCW 9A.42.020))~~
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hit and Run--Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Malicious Harassment (RCW 9A.36.080)
- Residential Burglary (RCW 9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(3))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Willful Failure to Return from Furlough (RCW 72.66.060)
- III ~~((Abandonment of dependent person 2 (RCW 9A.42.070)))~~
- Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Criminal Gang Intimidation (RCW 9A.46.120)
- ~~((Criminal Mistreatment 2 (RCW 9A.42.030)))~~
- Custodial Assault (RCW 9A.36.100)
- Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)
- Malicious Injury to Railroad Property (RCW 81.60.070)
- Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Computer Trespass 1 (RCW 9A.52.110)
- Counterfeiting (RCW 9.16.035(3))
- Escape from Community Custody (RCW 72.09.310)
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))
- Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))

Unlawful Practice of Law (RCW 2.48.180)

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

False Verification for Welfare (RCW 74.08.055)

Forgery (RCW 9A.60.020)

Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)

Malicious Mischief 2 (RCW 9A.48.080)

Mineral Trespass (RCW 78.44.330)

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))

Transaction of insurance business beyond the scope of licensure (RCW 48.17.063(4))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)

Unlawful Production of Payment Instruments (RCW 9A.56.320)

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Vehicle Prowl 1 (RCW 9A.52.095)"

Senator Kline spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to Engrossed Substitute House Bill No. 1080.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "person;" strike the remainder of title and insert "amending RCW 9A.42.010, 9A.42.020, 9A.42.030, 9A.42.035, 9A.42.037, 9A.42.060, 9A.42.070, and 9A.42.080; reenacting and amending RCW 9.94A.515; and prescribing penalties."

MOTION

On motion of Senator Weinstein, Senator Haugen was excused.

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute House Bill No. 1080 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Johnson spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1080 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1080 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benson, Benton, Berkey, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridmore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Excused: Senators Brandland, Brown, Haugen, Hewitt, Kohl-Welles, Parlette and Rockefeller - 7

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1080 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McCaslin, Senator Oke was excused.

MOTION

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

On motion of Senator Schoesler, Senator Johnson was excused.

ROLL CALL

SECOND READING

HOUSE BILL NO. 2690, by Representatives Crouse, Conway, Lovick, Hunt, Green, Sells, Quall, Simpson, Moeller and Morrell

Permitting members of the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, the public safety employees' retirement system, plan 1 of the law enforcement officers' and fire fighters' retirement system, and the Washington state patrol retirement system to make a one-time purchase of additional service credit.

The measure was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, House Bill No. 2690 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2690.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2690 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 9.

Voting yea: Senators Benson, Benton, Berkey, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Honeyford, Jacobsen, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 39

Absent: Senator Hargrove - 1

Excused: Senators Brandland, Brown, Haugen, Hewitt, Johnson, Kohl-Welles, Oke, Parlette and Rockefeller - 9

HOUSE BILL NO. 2690, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2932, by Representatives Darneille, Curtis, Simpson, Conway, Hinkle, Williams, Ericks, Sells, Rodne, McDonald, Kilmer and Green

Establishing a catastrophic disability allowance under the law enforcement officers' and fire fighters' retirement system, plan 2.

The measure was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, House Bill No. 2932 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2932.

The Secretary called the roll on the final passage of House Bill No. 2932 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Benson, Berkey, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Absent: Senator Benton - 1

Excused: Senators Brandland, Brown, Haugen, Hewitt, Johnson, Oke, Parlette and Rockefeller - 8

HOUSE BILL NO. 2932, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senator Hargrove was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3128, by Representatives Kenney, Hankins, Conway, Chandler, Wood, Condotta, Newhouse and Springer

Regulating the sale of wine by a society or organization.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 3128 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Honeyford spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 3128.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3128 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benson, Benton, Berkey, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Excused: Senators Brandland, Brown, Hargrove, Haugen, Oke, Parlette and Rockefeller - 7

SUBSTITUTE HOUSE BILL NO. 3128, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

ENGROSSED HOUSE BILL NO. 3192, by Representatives B. Sullivan, Ericks and Sells

Authorizing a contract extension for reimbursement by property owners for street, road, and water or sewer projects.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed House Bill No. 3192 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Finkbeiner: "Would the Senator from the Twenty--Fifth District yield to a question? Mr. Chair, is it your understanding that the notification provision in subsection 2(b) of sections one, two and three of Engrossed House Bill No. 3192 can be satisfied through publication of a notice in a local newspaper of record?"

Senator Kastama: "Yes, I agree. In fact those notifications can be satisfied through that procedure."

Senator Finkbeiner spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed House Bill No. 3192.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 3192 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Haugen, Oke, Parlette and Rockefeller - 4

ENGROSSED HOUSE BILL NO. 3192, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Schoesler, Senator Hewitt was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 3074, by Representatives Serben, Lantz, Haler, McCoy, Chase, Dunn, Green and Morrell

Concerning default judgments against service members.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed House Bill No. 3074 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Johnson spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed House Bill No. 3074.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 3074 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Haugen, Hewitt, Oke and Rockefeller - 4
ENGROSSED HOUSE BILL NO. 3074, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1841, by House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Kenney, Conway, Strow, Sells, Simpson, Hasegawa and Santos)

Revising provisions for electrical trainees.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following committee amendment by the Committee on Labor, Commerce, Research & Development be not adopted.

On page 2, line 19, after "July 1," strike "2006" and insert "2007"

The President Pro Tempore declared the question before the Senate to be the motion by Senator Kohl-Welles to not adopt the committee amendment by the Committee on Labor, Commerce, Research & Development to Substitute House Bill No. 1841.

The motion by Senator Kohl-Welles carried and the committee amendment was not adopted by voice vote.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles and Parlette be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.28.041 and 2002 c 249 s 2 are each amended to read as follows:

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

(1) It is unlawful for any person, firm, partnership, corporation, or other entity to advertise, offer to do work, submit a bid, engage in, conduct, or carry on the business of installing or maintaining wires or equipment to convey electric current, or installing or maintaining equipment to be operated by electric current as it pertains to the electrical industry, without having an unrevoked, unsuspended, and unexpired electrical contractor license, issued by the department in accordance with this chapter. All electrical contractor licenses expire twenty-four calendar months following the day of their issue. The department may issue an electrical contractors license for a period of less than twenty-four months only for the purpose of equalizing the number of electrical contractor licenses that expire each month. Application for an electrical contractor license shall be made in writing to the department, accompanied by the required fee. The application shall state:

(a) The name and address of the applicant; in case of firms or partnerships, the names of the individuals composing the firm or partnership; in case of corporations, the names of the managing officials thereof;

(b) The location of the place of business of the applicant and the name under which the business is conducted;

(c) Employer social security number;

(d) Evidence of workers' compensation coverage for the applicant's employees working in Washington, as follows:

(i) The applicant's industrial insurance account number issued by the department;

(ii) The applicant's self-insurer number issued by the department; or

(iii) For applicants domiciled in a state or province of Canada subject to an agreement entered into under RCW 51.12.120(7), as permitted by the agreement, filing a certificate of coverage issued by the agency that administers the workers' compensation law in the applicant's state or province of domicile certifying that the applicant has secured the payment of compensation under the other state's or province's workers' compensation law;

(e) Employment security department number;

(f) State excise tax registration number;

(g) Unified business identifier (UBI) account number may be substituted for the information required by (d) of this subsection if the applicant will not employ employees in Washington, and by (e) and (f) of this subsection; and

(h) Whether a general or specialty electrical contractor license is sought and, if the latter, the type of specialty. Electrical contractor specialties include, but are not limited to: Residential, pump and irrigation, limited energy system, signs, nonresidential maintenance, restricted nonresidential maintenance, appliance repair, and a combination specialty. A general electrical contractor license shall grant to the holder the right to engage in, conduct, or carry on the business of installing or maintaining wires or equipment to carry electric current, and installing or maintaining equipment, or installing or maintaining material to fasten or insulate such wires or equipment to be operated by electric current, in the state of Washington. A specialty electrical contractor license shall grant to the holder a limited right to engage in, conduct, or carry on the business of installing or maintaining wires or equipment to carry electrical current, and installing or maintaining equipment; or installing or maintaining material to fasten or insulate such wires or equipment to be operated by electric current in the state of Washington as expressly allowed by the license.

(2) The department may verify the workers' compensation coverage information provided by the applicant under subsection (1)(d) of this section, including but not limited to information regarding the coverage of an individual employee of the applicant. If coverage is provided under the laws of another state, the department may notify the other state that the applicant is employing employees in Washington.

(3) The application for an electrical contractor license shall be accompanied by a bond in the sum of four thousand dollars

with the state of Washington named as obligee in the bond, with good and sufficient surety, to be approved by the department. The bond shall at all times be kept in full force and effect, and any cancellation or revocation thereof, or withdrawal of the surety therefrom, suspends the license issued to the principal until a new bond has been filed and approved as provided in this section. Upon approval of a bond, the department shall on the next business day deposit the fee accompanying the application in the electrical license fund and shall file the bond in the office. The department shall upon request furnish to any person, firm, partnership, corporation, or other entity a certified copy of the bond upon the payment of a fee that the department shall set by rule. The fee shall cover but not exceed the cost of furnishing the certified copy. The bond shall be conditioned that in any installation or maintenance of wires or equipment to convey electrical current, and equipment to be operated by electrical current, the principal will comply with the provisions of this chapter and with any electrical ordinance, building code, or regulation of a city or town adopted pursuant to RCW 19.28.010(3) that is in effect at the time of entering into a contract. The bond shall be conditioned further that the principal will pay for all labor, including employee benefits, and material furnished or used upon the work, taxes and contributions to the state of Washington, and all damages that may be sustained by any person, firm, partnership, corporation, or other entity due to a failure of the principal to make the installation or maintenance in accordance with this chapter or any applicable ordinance, building code, or regulation of a city or town adopted pursuant to RCW 19.28.010(3). In lieu of the surety bond required by this section the license applicant may file with the department a cash deposit or other negotiable security acceptable to the department. If the license applicant has filed a cash deposit, the department shall deposit the funds in a special trust savings account in a commercial bank, mutual savings bank, or savings and loan association and shall pay annually to the depositor the interest derived from the account.

(4) The department shall issue general or specialty electrical contractor licenses to applicants meeting all of the requirements of this chapter. The provisions of this chapter relating to the licensing of any person, firm, partnership, corporation, or other entity including the requirement of a bond with the state of Washington named as obligee therein and the collection of a fee therefor, are exclusive, and no political subdivision of the state of Washington may require or issue any licenses or bonds or charge any fee for the same or a similar purpose. No person, firm, partnership, corporation, or other entity holding more than one specialty contractor license under this chapter may be required to pay an annual fee for more than one such license or to post more than one four thousand dollar bond, equivalent cash deposit, or other negotiable security.

(5) To obtain a general or specialty electrical contractor license the applicant must designate an individual who currently possesses a valid master journeyman electrician's certificate of competency, master specialty electrician's certificate of competency in the specialty for which application has been made, or administrator's certificate as a general electrical contractor administrator or as a specialty electrical contractor administrator in the specialty for which application has been made.

(6) Administrator certificate specialties include but are not limited to: Residential, pump and irrigation, limited energy system, signs, nonresidential maintenance, restricted nonresidential maintenance, appliance repair, and combination specialty. To obtain an administrator's certificate an individual must pass an examination as set forth in RCW 19.28.051 unless the applicant was a licensed electrical contractor at any time during 1974. Applicants who were electrical contractors licensed by the state of Washington at any time during 1974 are entitled to receive a general electrical contractor administrator's certificate without examination if the applicants apply prior to January 1, 1984. The board of electrical examiners shall certify

FIFTY-THIRD DAY, MARCH 2, 2006

to the department the names of all persons who are entitled to either a general or specialty electrical contractor administrator's certificate.

Sec. 2. RCW 19.28.161 and 2002 c 249 s 4 are each amended to read as follows:

(1) No person may engage in the electrical construction trade without having a valid master journeyman electrician certificate of competency, journeyman electrician certificate of competency, master specialty electrician certificate of competency, or specialty electrician certificate of competency issued by the department in accordance with this chapter. Electrician certificate of competency specialties include, but are not limited to: Residential, pump and irrigation, limited energy system, signs, nonresidential maintenance, restricted nonresidential maintenance, and appliance repair.

(2) A person who is indentured in an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade or who is learning the electrical construction trade may work in the electrical construction trade if supervised by a certified master journeyman electrician, journeyman electrician, master specialty electrician in that electrician's specialty, or specialty electrician in that electrician's specialty. All apprentices and individuals learning the electrical construction trade shall obtain an electrical training certificate from the department. The certificate shall authorize the holder to learn the electrical construction trade while under the direct supervision of a master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. The holder of the electrical training certificate shall renew the certificate biennially. At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the electrical construction industry for the previous biennial period and the number of hours worked for each employer, and proof of sixteen hours of approved classroom electrical continuing education courses covering this chapter, the national electrical code, or electrical theory, or the equivalent electrical training courses taken as part of an approved apprenticeship program under chapter 49.04 RCW or an approved electrical training program under RCW 19.28.191(1)(h). This education requirement is effective July 1, 2006. A biennial fee shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter. Apprentices and individuals learning the electrical construction trade shall have their electrical training certificates in their possession at all times that they are performing electrical work. They shall show their certificates to an authorized representative of the department at the representative's request.

(3) Any person who has been issued an electrical training certificate under this chapter may work if that person is under supervision. Supervision shall consist of a person being on the same job site and under the control of either a certified master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Either a certified master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty shall be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day unless otherwise provided in this chapter.

(4) The ratio of noncertified individuals to certified master journeymen electricians, journeymen electricians, master specialty electricians, or specialty electricians on any one job site is as follows:

(a) When working as a specialty electrician, not more than two noncertified individuals for every certified master specialty electrician working in that electrician's specialty, specialty

2006 REGULAR SESSION

electrician working in that electrician's specialty, master journeyman electrician, or journeyman electrician, except that the ratio requirements are one certified master specialty electrician working in that electrician's specialty, specialty electrician working in that electrician's specialty, master journeyman electrician, or journeyman electrician working as a specialty electrician to no more than four students enrolled in and working as part of an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited trade or technical schools licensed by the work force training and education coordinating board under chapter 28C.10 RCW. In meeting the ratio requirements for students enrolled in an electrical construction program at a trade school, a trade school may receive input and advice from the electrical board; and

(b) When working as a journeyman electrician, not more than one noncertified individual for every certified master journeyman electrician or journeyman electrician, except that the ratio requirements shall be one certified master journeyman electrician or journeyman electrician to no more than four students enrolled in and working as part of an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited trade or technical schools licensed by the work force training and education coordinating board under chapter 28C.10 RCW. In meeting the ratio requirements for students enrolled in an electrical construction program at a trade school, a trade school may receive input and advice from the electrical board.

An individual who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited technical or trade schools licensed by the work force training and education coordinating board under chapter 28C.10 RCW, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter.

(5) For the residential (as specified in WAC 296-46A-930(2)(a)), pump and irrigation (as specified in WAC 296-46A-930(2)(b)(i)), sign (as specified in WAC 296-46A-930(2)(c)), limited energy (as specified in WAC 296-46A-930(2)(e)(i)), nonresidential maintenance (as specified in WAC 296-46A-930(2)(f)(i)), restricted nonresidential maintenance as determined by the department in rule, or other new nonresidential specialties, not including appliance repair, as determined by the department in rule, either a master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty must be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day. Other specialties must meet the requirements specified in RCW 19.28.191(1)(~~(f)(ii)~~) (g)(ii). When the ratio of certified electricians to noncertified individuals on a job site is one certified electrician to three or four noncertified individuals, the certified electrician must:

(a) Directly supervise and instruct the noncertified individuals and the certified electrician may not directly make or engage in an electrical installation; and

(b) Be on the same job site as the noncertified individual for a minimum of one hundred percent of each working day.

(6) The electrical contractor shall accurately verify and attest to the electrical trainee hours worked by electrical trainees on behalf of the electrical contractor."

Senator Kohl-Welles spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Kohl-Welles and Parlette to Substitute House Bill No. 1841.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by voice vote.

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "trainees" strike the remainder of the title and insert "and contractor licenses; and amending RCW 19.28.041 and 19.28.161."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1841 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1841 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1841 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Weinstein, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senator Brown - 1

Excused: Senators Haugen, Hewitt, Oke and Rockefeller - 4

SUBSTITUTE HOUSE BILL NO. 1841 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senator Brown was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2414, by House Committee on Education (originally sponsored by Representatives Haler, Talcott and McCune)

Regarding Washington's academic assessment system. Revised for 1st Substitute: Regarding local control and flexibility in the state assessment system.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 2414 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2414.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2414 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Deccio - 1

SUBSTITUTE HOUSE BILL NO. 2414, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2670, by House Committee on Finance (originally sponsored by Representatives Kilmer, Lantz, Priest, Talcott, Green, Conway, Darneille, Cody, Hinkle, Linville, Flannigan, Miloscia and Moeller)

Authorizing hospital benefit zone financing.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2670 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice, Oke, Zarelli, Stevens, Mulliken and Deccio spoke in favor of passage of the bill.

Senator Thibaudeau spoke on passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2670.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2670 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senators Fraser and Haugen - 2

Absent: Senator Brown - 1

SUBSTITUTE HOUSE BILL NO. 2670, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Kline: "My point is, this Madam President. It's that time of year, the smoking lamp is lit they say in some quarters in Seattle. We say the espresso machine is on. This is a bipartisan espresso machine, it just helps us out a little bit. It's going to be a long night, it's going to be a long night after that

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

and then a long night after that. We have coffee over there, unfortunately no lattes. You have to take your espresso straight like we do in Seattle. I hope you'll join me over there and have a good cup. Thanks."

MOTION

On motion of Senator Regala, Senator Brown was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1504, by House Committee on Transportation (originally sponsored by Representatives Simpson, Woods and Lovick)

Adjusting notice of abandoned vehicle auctions. Revised for 1st Substitute: Changing abandoned vehicle auction notice requirements.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1504 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Benson spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1504.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1504 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaulteau, Weinstein and Zarelli - 48

Voting nay: Senator Benton - 1

SUBSTITUTE HOUSE BILL NO. 1504, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Honeyford: "Well, thank you Madam President. In our caucus, you've been come to be known as the fastest gavel in the West. That flaming gavel has been such speed it sucks the oxygen out of this chamber so we went out to Wal Mart and we purchased a gavel that has such heft that we think that it will slow it down. Anyway, this gavel's for you."

PERSONAL PRIVILEGE

Senator McCaslin: "I just would inform the body that nine percent of the sale price went for health insurance. So, those who supported the anti-Walmart bill, I hope you appreciate our purchase out there."

REMARKS BY PRESIDENT PRO TEMPORE

Senator Franklin: "This is a wonderful.....so generous. That is funny. Thank you."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1257, by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Roach, Kirby, Newhouse, Simpson, Holmquist, Haler, Uptegrove, O'Brien and Nixon)

Providing an opportunity to reject motorcycle or motor-driven cycle insurance coverage.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.22.030 and 2004 c 90 s 1 are each amended to read as follows:

(1) "Underinsured motor vehicle" means a motor vehicle with respect to the ownership, maintenance, or use of which either no bodily injury or property damage liability bond or insurance policy applies at the time of an accident, or with respect to which the sum of the limits of liability under all bodily injury or property damage liability bonds and insurance policies applicable to a covered person after an accident is less than the applicable damages which the covered person is legally entitled to recover.

(2) No new policy or renewal of an existing policy insuring against loss resulting from liability imposed by law for bodily injury, death, or property damage, suffered by any person arising out of the ownership, maintenance, or use of a motor vehicle shall be issued with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of underinsured motor vehicles, hit-and-run motor vehicles, and phantom vehicles because of bodily injury, death, or property damage, resulting therefrom, except while operating or occupying a motorcycle or motor-driven cycle, and except while operating or occupying a motor vehicle owned or available for the regular use by the named insured or any family member, and which is not insured under the liability coverage of the policy. The coverage required to be offered under this chapter is not applicable to general liability policies, commonly known as umbrella policies, or other policies which apply only as excess to the insurance directly applicable to the vehicle insured.

(3) Except as to property damage, coverage required under subsection (2) of this section shall be in the same amount as the insured's third party liability coverage unless the insured rejects all or part of the coverage as provided in subsection (4) of this section. Coverage for property damage need only be issued in conjunction with coverage for bodily injury or death. Property damage coverage required under subsection (2) of this section shall mean physical damage to the insured motor vehicle unless the policy specifically provides coverage for the contents thereof or other forms of property damage.

(4) A named insured or spouse may reject, in writing, underinsured coverage for bodily injury or death, or property

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

damage, and the requirements of subsections (2) and (3) of this section shall not apply. If a named insured or spouse has rejected underinsured coverage, such coverage shall not be included in any supplemental or renewal policy unless a named insured or spouse subsequently requests such coverage in writing. The requirement of a written rejection under this subsection shall apply only to the original issuance of policies issued after July 24, 1983, and not to any renewal or replacement policy.

(5) The limit of liability under the policy coverage may be defined as the maximum limits of liability for all damages resulting from any one accident regardless of the number of covered persons, claims made, or vehicles or premiums shown on the policy, or premiums paid, or vehicles involved in an accident.

(6) The policy may provide that if an injured person has other similar insurance available to him under other policies, the total limits of liability of all coverages shall not exceed the higher of the applicable limits of the respective coverages.

(7)(a) The policy may provide for a deductible of not more than three hundred dollars for payment for property damage when the damage is caused by a hit-and-run driver or a phantom vehicle.

(b) In all other cases of underinsured property damage coverage, the policy may provide for a deductible of not more than one hundred dollars.

(8) For the purposes of this chapter, a "phantom vehicle" shall mean a motor vehicle which causes bodily injury, death, or property damage to an insured and has no physical contact with the insured or the vehicle which the insured is occupying at the time of the accident if:

(a) The facts of the accident can be corroborated by competent evidence other than the testimony of the insured or any person having an underinsured motorist claim resulting from the accident; and

(b) The accident has been reported to the appropriate law enforcement agency within seventy-two hours of the accident.

(9) An insurer who elects to write motorcycle or motor-driven cycle insurance in this state must provide information to prospective insureds about the coverage.

(10) An insurer who elects to write motorcycle or motor-driven cycle insurance in this state must provide an opportunity for named insureds, who have purchased liability coverage for a motorcycle or motor-driven cycle, to reject underinsured coverage for that motorcycle or motor-driven cycle in writing.

Senator Fairley spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection to Substitute House Bill No. 1257.

The motion by Senator Fairley carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "coverage;" strike the remainder of the title and insert "and amending RCW 48.22.030."

MOTION

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 1257 as amended by the Senate was

advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators Hewitt and Stevens were excused.

POINT OF INQUIRY

Senator Deccio: "Would Senator Fairley yield to a question? Senator Fairley, if that's the title, 'Providing the opportunity to reject motorcycle or motor driven cycle insurance coverage, are we to take that literally or what?'"

Senator Fairley: "Not at all. What it really does is, when a guy goes in that's got a policy with an insurance company and he wants to cover his motorcycle, he can refuse, just like we can in our automobile insurance, 'he can say, 'I don't want uninsured motorist coverage! Before it was kind of well, do they have to tell everybody that who might own a motorcycle that this is available? They've decided that you have a policy already with the company."

Senator Deccio: "Senator Fairley, under present insurance I think you have to carry the minimum requirement of uninsured motorist along with the coverage that is required by law. I don't know that you can reject uninsured motorist..."

Senator Fairley: "You can reject it, a car dealer can."

Senators Roach, Benton and Mulliken spoke in favor of passage of the bill.

Senator Deccio spoke against passage of the bill.

MOTION

On motion of Senator Schoesler, Senator Zarelli was excused.

MOTION

On motion of Senator Mulliken, Senator Parlette was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1257 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1257 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker and Weinstein - 41

Voting nay: Senators Deccio, Fraser, Prentice and Thibaudeau - 4

FIFTY-THIRD DAY, MARCH 2, 2006

Absent: Senator McAuliffe - 1

Excused: Senators Hewitt, Parlette and Zarelli - 3

SUBSTITUTE HOUSE BILL NO. 1257 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senators Kohl-Welles and Brown were excused.

SECOND READING

HOUSE BILL NO. 3252, by Representatives O'Brien, Rodne, Santos, Strow, Green, Simpson, McDonald, Morrell, Ericks, Kilmer, Williams and Hasegawa

Prohibiting offenders who enter Alford pleas from receiving a special sex offender sentencing alternative.

The measure was read the second time.

MOTION

Senator Benton moved that the following striking amendment by Senator Benton be adopted:

Strike everything after the enacting clause and insert the following:

" **Sec. 1.** RCW 9.94A.030 and 2005 c 436 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670, 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(6) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.850, for crimes committed on or after July 1, 2000.

(7) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision)

2006 REGULAR SESSION

or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(8) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(9) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(10) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(11) "Confinement" means total or partial confinement.

(12) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(13) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(14) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(21) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(22) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(23) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(24) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(25) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(26) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(27) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(28) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(29) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(w) Any out-of-state conviction for a felony offense that resulted in a sentence of ten years or more.

(30) "Nonviolent offense" means an offense which is not a violent offense.

(31) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(32) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial

FIFTY-THIRD DAY, MARCH 2, 2006

confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

(33) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (33)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(34) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(35) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(36) "Public school" has the same meaning as in RCW 28A.150.010.

(37) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(38) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

(39) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(40) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(41) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(11);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.070 or 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(42) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(43) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(44) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(45) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(46) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(47) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(48) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of

FIFTY-THIRD DAY, MARCH 2, 2006

intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(49) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(50) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(51) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 2. RCW 9.94A.030 and 2003 c 53 s 55 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670, 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(6) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.850, for crimes committed on or after July 1, 2000.

(7) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may

2006 REGULAR SESSION

consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(8) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(9) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(10) "Confinement" means total or partial confinement.

(11) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(12) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(13) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(14) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(15) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(16) "Department" means the department of corrections.

(17) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(18) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-

FIFTY-THIRD DAY, MARCH 2, 2006

ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(19) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(20) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(21) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(22) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(23) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(24) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(25) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(26) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(27) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(28) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(w) Any out-of-state conviction for a felony offense that resulted in a sentence of ten years or more.

(29) "Nonviolent offense" means an offense which is not a violent offense.

(30) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(31) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

(32) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (32)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(33) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(34) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(35) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

(36) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(37) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(38) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(11);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.070 or 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(39) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(40) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(41) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(42) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(43) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(44) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(45) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

FIFTY-THIRD DAY, MARCH 2, 2006

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(46) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(47) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(48) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

NEW SECTION. Sec. 3. Section 1 of this act expires July 1, 2006.

NEW SECTION. Sec. 4. Section 2 of this act takes effect July 1, 2006.

NEW SECTION. Sec. 5. This act may be known and cited as the Chelsea Harrison act.

On page 1, line 2 of the title, after "alternative;" strike the remainder of the title and insert "amending RCW 9.94A.030 and 9.94A.030; creating a new section; providing an effective date; and providing an expiration date."

Senator Benton spoke in favor of adoption of the striking amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Benton, the striking amendment by Senator Benton to House Bill No. 3252 was withdrawn.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 3252 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 3252.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3252 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 3; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 41

Absent: Senators Deccio, Pflug and Pridemore - 3

Excused: Senators Brown, Hewitt, Kohl-Welles, Parlette and Zarelli - 5

HOUSE BILL NO. 3252, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2233, by House Committee on Higher Education & Workforce Education (originally sponsored by Representatives Kristiansen, B.

2006 REGULAR SESSION

Sullivan, Cox, Sells, Woods, Rodne, Bailey, Pearson, Strow, Campbell, Serben, O'Brien, Ahern, Kretz and Murray)

Mandating that a percentage of tuition waivers be granted to veterans. Revised for 1st Substitute: Mandating that a percentage of tuition waivers go to veterans.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning, K-12 & Higher Education be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that active military and naval veterans, reserve military and naval veterans, and national guard members called to active duty have served their country and have risked their lives to defend the lives of all Americans and the freedoms that define and distinguish our nation. The legislature intends to honor active military and naval veterans, reserve military and naval veterans, and national guard members who have served on active military or naval duty for the public service they have provided to this country by making available to all eligible admitted veterans a waiver of operating fees by a state university, a regional university, The Evergreen State College, or the community colleges as a whole, to veterans who qualify under RCW 28B.15.621.

Sec. 2. RCW 28B.15.910 and 2005 c 249 s 3 are each amended to read as follows:

(1) For the purpose of providing state general fund support to public institutions of higher education, except for revenue waived under programs listed in subsections (3) and (4) of this section, and unless otherwise expressly provided in the omnibus state appropriations act, the total amount of operating fees revenue waived, exempted, or reduced by a state university, a regional university, The Evergreen State College, or the community colleges as a whole, shall not exceed the percentage of total gross authorized operating fees revenue in this subsection. As used in this section, "gross authorized operating fees revenue" means the estimated gross operating fees revenue as estimated under RCW 82.33.020 or as revised by the office of financial management, before granting any waivers. This limitation applies to all tuition waiver programs established before or after July 1, 1992.

(a) University of Washington	21 percent
(b) Washington State University	20 percent
(c) Eastern Washington University	11 percent
(d) Central Washington University	8 percent
(e) Western Washington University	10 percent
(f) The Evergreen State College	6 percent
(g) Community colleges as a whole	35 percent

(2) The limitations in subsection (1) of this section apply to waivers, exemptions, or reductions in operating fees contained in the following:

- (a) RCW 28B.15.014;
- (b) RCW 28B.15.100;
- (c) RCW 28B.15.225;
- (d) RCW 28B.15.380;
- (e) RCW 28B.15.520;
- (f) RCW 28B.15.526;
- (g) RCW 28B.15.527;
- (h) RCW 28B.15.543;
- (i) RCW 28B.15.545;
- (j) RCW 28B.15.555;
- (k) RCW 28B.15.556;

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

- (l) RCW 28B.15.615;
- (m) RCW 28B.15.621(2);
- (n) RCW 28B.15.730;
- ~~((m))~~ (o) RCW 28B.15.740;
- ~~((n))~~ (p) RCW 28B.15.750;
- ~~((o))~~ (q) RCW 28B.15.756;
- ~~((p))~~ (r) RCW 28B.50.259; and
- ~~((q))~~ (s) RCW 28B.70.050(~~;~~ and
- ~~((r))~~ (s) RCW 28B.15.621(2)).

(3) The limitations in subsection (1) of this section do not apply to waivers, exemptions, or reductions in services and activities fees contained in the following:

- (a) RCW 28B.15.522;
- (b) RCW 28B.15.540; and
- (c) RCW 28B.15.558.

(4) The total amount of operating fees revenue waived, exempted, or reduced by institutions of higher education participating in the western interstate commission for higher education western undergraduate exchange program under RCW 28B.15.544 shall not exceed the percentage of total gross authorized operating fees revenue in this subsection.

- (a) Washington State University 1 percent
- (b) Eastern Washington University 3 percent
- (c) Central Washington University 3 percent

(5) The institutions of higher education will participate in outreach activities to increase the number of veterans who receive tuition waivers. Colleges and universities shall revise the application for admissions so that all applicants shall have the opportunity to advise the institution that they are veterans who need assistance. If a person indicates on the application for admissions that the person is a veteran who is in need of assistance, then the institution of higher education shall ask the person whether they have any funds disbursed in accordance with the Montgomery GI Bill available to them. Each institution shall encourage veterans to utilize funds available to them in accordance with the Montgomery GI Bill prior to providing the veteran a tuition waiver."

Senator McAuliffe spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning, K-12 & Higher Education to House Bill No. 2233.

The motion by Senator McAuliffe carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "veterans;" strike the remainder of the title and insert "amending RCW 28B.15.910; and creating a new section."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 2233 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Stevens spoke in favor of passage of the bill.

MOTION

On motion of Senator Mulliken, Senator Johnson was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2233 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2233 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Brown, Hewitt, Johnson, Kohl-Welles and Parlette - 5

SUBSTITUTE HOUSE BILL NO. 2233 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 2939, by House Committee on Capital Budget (originally sponsored by Representatives Grant, Dunshee, Linville, Kessler, Upthegrove, Kilmer, Ericks, Hasegawa, P. Sullivan, Santos, Green, Springer, Conway, Simpson and Hudgins)

Establishing the energy freedom program.

The measure was read the second time.

MOTION

Senator Rockefeller moved that the following committee striking amendment by the Committee on Water, Energy & Environment not be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

(1) Washington's dependence on energy supplied from outside the state and volatile global energy markets makes its economy and citizens vulnerable to unpredictable and high energy prices;

(2) Washington's dependence on petroleum-based fuels increases energy costs for citizens and businesses;

(3) Diesel soot from diesel engines ranks as the highest toxic air pollutant in Washington, leading to hundreds of premature deaths and increasing rates of asthmas and other lung diseases;

(4) The use of biodiesel results in significantly less air pollution than traditional diesel fuels;

(5) Improper disposal and treatment of organic waste from farms and livestock operations can have a significant negative impact on water quality;

(6) Washington has abundant supplies of organic wastes from farms that can be used for energy production and abundant farmland where crops could be grown to supplement or supplant petroleum-based fuels;

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

(7) The use of energy and fuel derived from these sources can help citizens and business conserve energy and reduce the use of petroleum-based fuels, would improve air and water quality in Washington, reduce environmental risks from farm wastes, create new markets for farm products, and provide new industries and jobs for Washington citizens; and

(8) The bioenergy industry is a new and developing industry that is, in part, limited by the availability of capital for the construction of facilities for converting farm and forest products into energy and fuels.

Therefore, the legislature finds that it is in the public interest to encourage the rapid adoption and use of bioenergy, to develop a viable bioenergy industry within Washington state, and to support a viable agriculture industry to grow bioenergy crops. To accomplish this, the energy freedom program is established to stimulate the construction of facilities in Washington to generate energy from farm sources or convert organic matter into fuels.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assistance" includes loans, leases, product purchases, or other forms of financial or technical assistance.

(2) "Department" means the department of agriculture.

(3) "Director" means the director of the department of agriculture.

(4) "Political subdivision" means any port district, county, city, town, special purpose district, and any other municipal corporation or quasi-municipal corporation in the state.

(5) "Project" means the construction of facilities, including the purchase of equipment, to convert farm products or wastes into electricity or gaseous and liquid fuels or other coproducts associated with such conversion. These specifically include facilities, fixed or mobile, to generate electricity or methane from the anaerobic digestion of organic matter, and facilities for the extracting oils from canola, rape, mustard, and other oilseeds. "Project" may also include the construction of facilities used to distribute and store fuels that are produced from farm products or wastes.

NEW SECTION. Sec. 3. (1) The energy freedom program is established within the department. The director, in cooperation with the department of community, trade, and economic development, may approve an application providing assistance for a project only if the director finds:

(a) The project will convert farm products or wastes directly into electricity or into gaseous or liquid fuels or other coproducts associated with such conversion;

(b) The project demonstrates technical feasibility and probable business success;

(c) The business or facility produces long-term economic benefits to the state, a region of the state, or a particular community in the state;

(d) The project does not require continuing state support;

(e) The assistance will result in new jobs, job retention, or higher incomes for citizens of the state;

(f) The assistance is accompanied by private investment;

(g) The state is provided an option under the assistance agreement to purchase a portion of the fuel or feedstock to be produced by the project, exercisable by the department of general administration;

(h) The project will increase energy independence or diversity for the state;

(i) The project will use feed stocks produced in the state, if feasible, except this criterion shall not apply to the construction of facilities used to distribute and store fuels that are produced from farm products or wastes;

(j) Any product produced by the project will be suitable for its intended use, will meet accepted national or state standards, and will be stored and distributed in a safe and environmentally sound manner;

(k) The application provides for adequate reporting or disclosure of financial and employment data to the director, and permits the director to require an annual or other periodic audit of the project books; and

(l) For applications seeking direct financial assistance, the applicant is unable to secure adequate financing from other sources.

(2) The director may approve an application for assistance up to five million dollars.

(3) The director shall enter into agreements with approved applicants to fix the terms and rates of the assistance to minimize the costs to the applicants, and to encourage establishment of a viable bioenergy industry. The agreement shall include provisions to protect the state's investment, taking into account depreciation and other circumstances or market conditions. In the event the department of general administration coordinates a biodiesel technical assistance team, the agreement shall incorporate the appropriate best management practices developed by the team.

(4) The director may defer any payments for up to twelve months or until the project starts to receive revenue from operations, whichever is sooner.

(5) Political subdivisions and private entities, including economic development councils, may participate in the program.

NEW SECTION. Sec. 4. (1) The director may establish policies and procedures necessary for processing, reviewing, and approving applications made under this section.

(2) Each application must show in detail the nature of the project, the source of the feedstock, and the technologies that will be used. Each application must contain a credit analysis of the applicant and a detailed feasibility analysis and business plan.

(3) The director shall consult with those agencies having expertise and knowledge to assess the technical and business feasibility of the project and probability of success. These agencies may include, but are not limited to, Washington State University, the University of Washington, the department of ecology, the department of community, trade, and economic development, and the Washington state conservation commission.

(4) If the total requested dollar amount of assistance exceeds the amount available in the energy freedom account created in section 5 of this act, the applications must be prioritized based upon the following criteria:

(a) The extent to which the project will help conserve energy and reduce dependence on petroleum fuels and imported energy either directly or indirectly;

(b) The extent to which the project will reduce air and water pollution either directly or indirectly;

(c) The extent to which the project will establish a viable bioenergy production capacity in Washington;

(d) The benefits to Washington's agriculture producers; and

(e) The number and quality of jobs and economic benefits created by the project.

NEW SECTION. Sec. 5. The energy freedom account is created in the state treasury. All receipts from appropriations made to the account and any loan payments of principal and interest derived from loans made under this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for assistance for projects consistent with this chapter.

FIFTY-THIRD DAY, MARCH 2, 2006

Administrative costs of the department may not exceed three percent of the total funds available for this program.

NEW SECTION. Sec. 6. The director shall report to the legislature and governor on the status of the energy freedom program created under this chapter, on or before December 1st of the years 2006, 2007, and 2009. This report must include information on the projects that have been funded, the status of these projects, and their environmental, energy savings, and job creation benefits.

Sec. 7. RCW 42.56.270 and 2005 c 274 s 407 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43-- (sections 1 through 6, 9, and 10 of this act), 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011; and

2006 REGULAR SESSION

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter.

Sec. 8. RCW 43.84.092 and 2005 c 514 s 1106, 2005 c 353 s 4, 2005 c 339 s 23, 2005 c 314 s 110, 2005 c 312 s 8, and 2005 c 94 s 2 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital

FIFTY-THIRD DAY, MARCH 2, 2006

projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, the energy freedom account, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional transportation investment district account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington

2006 REGULAR SESSION

University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. Sections 1 through 6 and 9 of this act expire June 30, 2016. Any moneys in the energy freedom account on that date and any moneys received pursuant to assistance made under this chapter must be deposited in the general fund.

NEW SECTION. Sec. 11. Sections 1 through 6, 9, 10, and 12 of this act constitute a new chapter in Title 15 RCW.

NEW SECTION. Sec. 12. This act takes effect July 1, 2006."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 42.56.270; reenacting and amending RCW 43.84.092; adding a new chapter to Title 15 RCW; providing an effective date; and providing an expiration date."

Senator Rockefeller spoke on not adopting the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Rockefeller to not adopt the committee striking amendment by the Committee on Water, Energy & Environment to Engrossed Third Substitute House Bill No. 2939.

The motion by Senator Rockefeller carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Rockefeller moved that the following striking amendment by Senators Rockefeller and Mulliken be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

(1) Washington's dependence on energy supplied from outside the state and volatile global energy markets makes its economy and citizens vulnerable to unpredictable and high energy prices;

(2) Washington's dependence on petroleum-based fuels increases energy costs for citizens and businesses;

(3) Diesel soot from diesel engines ranks as the highest toxic air pollutant in Washington, leading to hundreds of premature deaths and increasing rates of asthma and other lung diseases;

(4) The use of biodiesel results in significantly less air pollution than traditional diesel fuels;

(5) Improper disposal and treatment of organic waste from farms and livestock operations can have a significant negative impact on water quality;

(6) Washington has abundant supplies of organic wastes from farms that can be used for energy production and abundant farmland where crops could be grown to supplement or supplant petroleum-based fuels;

(7) The use of energy and fuel derived from these sources can help citizens and businesses conserve energy and reduce the use of petroleum-based fuels, would improve air and water quality in Washington, reduce environmental risks from farm wastes, create new markets for farm products, and provide new industries and jobs for Washington citizens;

(8) The bioenergy industry is a new and developing industry that is, in part, limited by the availability of capital for the construction of facilities for converting farm and forest products into energy and fuels;

(9) Instead of leaving our economy at the mercy of global events, and the policies of foreign nations, Washington state should adopt a policy of energy independence; and

(10) The energy freedom program is meant to lead Washington state towards energy independence.

Therefore, the legislature finds that it is in the public interest to encourage the rapid adoption and use of bioenergy, to develop a viable bioenergy industry within Washington state, to promote public research and development in bioenergy sources and markets, and to support a viable agriculture industry to grow bioenergy crops. To accomplish this, the energy freedom program is established to promote public research and development in bioenergy, and to stimulate the construction of facilities in Washington to generate energy from farm sources or convert organic matter into fuels.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means any political subdivision of the state, including port districts, counties, cities, towns, special purpose districts, and other municipal corporations or quasi-municipal corporations. "Applicant" may also include federally recognized tribes and state institutions of higher education with appropriate research capabilities.

(2) "Assistance" includes loans, leases, product purchases, or other forms of financial or technical assistance.

(3) "Department" means the department of agriculture.

(4) "Director" means the director of the department of agriculture.

(5) "Peer review committee" means a board, appointed by the director, that includes bioenergy specialists, energy conservation specialists, scientists, and individuals with specific recognized expertise.

(6) "Project" means the construction of facilities, including the purchase of equipment, to convert farm products or wastes into electricity or gaseous or liquid fuels or other coproducts associated with such conversion. These specifically include fixed or mobile facilities to generate electricity or methane from the anaerobic digestion of organic matter, and fixed or mobile facilities for extracting oils from canola, rape, mustard, and other oilseeds. "Project" may also include the construction of facilities associated with such conversion for the distribution and storage of such feedstocks and fuels.

(7) "Research and development project" means research and development, by an institution of higher education as defined in subsection (1) of this section, relating to:

(a) Bioenergy sources including but not limited to biomass and associated gases; or

(b) The development of markets for bioenergy coproducts.

NEW SECTION. Sec. 3. (1) The energy freedom program is established within the department. The director may establish policies and procedures necessary for processing, reviewing, and approving applications made under this chapter.

(2) When reviewing applications submitted under this program, the director shall consult with those agencies having expertise and knowledge to assess the technical and business feasibility of the project and probability of success. These agencies may include, but are not limited to, Washington State University, the University of Washington, the department of ecology, the department of community, trade, and economic development, and the Washington state conservation commission.

(3) The director, in cooperation with the department of community, trade, and economic development, may approve an application only if the director finds:

(a) The project will convert farm products or wastes directly into electricity or into gaseous or liquid fuels or other coproducts associated with such conversion;

(b) The project demonstrates technical feasibility and directly assists in moving a commercially viable project into the marketplace for use by Washington state citizens;

(c) The facility will produce long-term economic benefits to the state, a region of the state, or a particular community in the state;

(d) The project does not require continuing state support;

(e) The assistance will result in new jobs, job retention, or higher incomes for citizens of the state;

(f) The state is provided an option under the assistance agreement to purchase a portion of the fuel or feedstock to be produced by the project, exercisable by the department of general administration;

(g) The project will increase energy independence or diversity for the state;

(h) The project will use feedstocks produced in the state, if feasible, except this criterion does not apply to the construction of facilities used to distribute and store fuels that are produced from farm products or wastes;

(i) Any product produced by the project will be suitable for its intended use, will meet accepted national or state standards, and will be stored and distributed in a safe and environmentally sound manner;

(j) The application provides for adequate reporting or disclosure of financial and employment data to the director, and permits the director to require an annual or other periodic audit of the project books; and

(k) For research and development projects, the application has been independently reviewed by a peer review committee as defined in section 2 of this act and the findings delivered to the director.

(4) The director may approve an application for assistance up to five million dollars. In no circumstances shall this assistance constitute more than fifty percent of the total project cost.

(5) The director shall enter into agreements with approved applicants to fix the terms and rates of the assistance to minimize the costs to the applicants, and to encourage establishment of a viable bioenergy industry. The agreement shall include provisions to protect the state's investment, including a requirement that a successful applicant enter into contracts with any partners that may be involved in the use of any assistance provided under this program, including services, facilities, infrastructure, or equipment. Contracts with any partners shall become part of the application record.

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

(6) The director may defer any payments for up to twenty-four months or until the project starts to receive revenue from operations, whichever is sooner.

NEW SECTION. Sec. 4. (1) Upon written notice to the recipient of any assistance under this program, the director may suspend or cancel the assistance if any of the following occur:

(a) The recipient fails to make satisfactory and reasonable progress to complete the project, or the director concludes the recipient will be unable to complete the project or any portion of it; or

(b) The recipient has made misrepresentations in any information furnished to the director in connection with the project.

(2) In the event that any assistance has been awarded to the recipient under this program at the time of breach, or failure of the recipient to satisfactorily perform, the director may require that the full amount or value of the assistance, or a portion thereof, be repaid within a period specified by the director.

NEW SECTION. Sec. 5. If the total requested dollar amount of assistance exceeds the amount available in the energy freedom account created in section 6 of this act, the applications must be prioritized based upon the following criteria:

(1) The extent to which the project will help reduce dependence on petroleum fuels and imported energy either directly or indirectly;

(2) The extent to which the project will reduce air and water pollution either directly or indirectly;

(3) The extent to which the project will establish a viable bioenergy production capacity in Washington;

(4) The benefits to Washington's agricultural producers; and

(5) The number and quality of jobs and economic benefits created by the project.

NEW SECTION. Sec. 6. The energy freedom account is created in the state treasury. All receipts from appropriations made to the account and any loan payments of principal and interest derived from loans made under this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for assistance for projects consistent with this chapter. Administrative costs of the department may not exceed three percent of the total funds available for this program.

NEW SECTION. Sec. 7. The director shall report to the legislature and governor on the status of the energy freedom program created under this chapter, on or before December 1, 2006, and annually thereafter. This report must include information on the projects that have been funded, the status of these projects, and their environmental, energy savings, and job creation benefits.

Sec. 8. RCW 42.56.270 and 2005 c 274 s 407 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.-- (sections 2 through 7, 11, and 15 of this act), 43.163, 43.160, 43.330, and

43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011; and

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter.

Sec. 9. RCW 43.84.092 and 2005 c 514 s 1105, 2005 c 353 s 3, 2005 c 339 s 22, 2005 c 314 s 109, 2005 c 312 s 7, and 2005 c 94 s 1 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter

FIFTY-THIRD DAY, MARCH 2, 2006

43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, the energy freedom account, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional transportation investment district account, the resource management cost account, the rural Washington loan fund, the site closure account, the small

2006 REGULAR SESSION

city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 10. RCW 43.84.092 and 2006 c 6 s 8 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Columbia river basin water supply development account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, the energy freedom account, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional transportation investment district account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the

supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 11. Sections 1 through 7 of this act expire June 30, 2016. Any moneys in the energy freedom account on that date and any moneys received pursuant to assistance made under this chapter must be deposited in the general fund.

NEW SECTION. Sec. 12. Sections 2 through 7, 11, and 15 of this act constitute a new chapter in Title 15 RCW.

NEW SECTION. Sec. 13. Sections 8 and 10 of this act take effect July 1, 2006.

NEW SECTION. Sec. 14. Section 9 of this act expires July 1, 2006.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senators Rockefeller and Mulliken spoke in favor of adoption of the striking amendment.

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

Senator Morton spoke against adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Rockefeller and Mulliken to Engrossed Third Substitute House Bill No. 2939.

The motion by Senator Rockefeller carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 42.56.270 and 43.84.092; reenacting and amending RCW 43.84.092; adding a new chapter to Title 15 RCW; creating new sections; providing an effective date; and providing expiration dates."

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Third Substitute House Bill No. 2939 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller, Carrell and Mulliken spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Third Substitute House Bill No. 2939 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Third Substitute House Bill No. 2939 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Johnson - 1

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 2939 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4031, by Representatives Appleton, B. Sullivan, Green, Takko, McCoy, Hunt, Darneille, Flannigan, Kessler, Chase, Eickmeyer, Morris, McIntire, Murray, Woods, O'Brien, Ericks, Pettigrew, Moeller, Dunshee, Lantz, Schual-Berke, Lovick, Morrell, Kenney, Clibborn, Sommers, Walsh, Strow, Haler, Talcott, Jarrett, Wallace, Dickerson, Conway, P. Sullivan, Hasegawa, Upthegrove, Rodne, Hankins, Williams, Springer, Cody, McDermott, Sells, Miloscia, Kagi, Campbell, Simpson, Roberts and Kilmer

Preserving section 5 of the Marine Mammal Protection Act to protect Puget Sound.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, House Joint Memorial No. 4031 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senator Jacobsen spoke in favor of passage of the resolution.

MOTION

On motion of Senator Regala, Senator Haugen was excused.

MOTION

On motion of Senator Schoesler, Senator Mulliken was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of House Joint Memorial No. 4031.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4031 and the resolution passed the Senate by the following vote: Yeas, 37; Nays, 8; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 37

Voting nay: Senators Brandland, Carrell, Honeyford, McCaslin, Morton, Schoesler, Stevens and Zarelli - 8

Absent: Senator Poulsen - 1

Excused: Senators Haugen, Johnson and Mulliken - 3

HOUSE JOINT MEMORIAL NO. 4031, having received the constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 2381, by Representatives Kretz, Blake, Sump, Buri, Haler, Ericks and Holmquist

Authorizing a beaver relocation permit.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that beavers have historically played a significant role in maintaining the health of watersheds in the Pacific Northwest and act as key agents in riparian ecology. The live trapping and relocating of beavers has long been recognized as a beneficial wildlife management practice, and has been successfully utilized to restore and maintain stream ecosystems for over fifty years. The benefits of active beaver populations include reduced stream sedimentation, stream temperature moderation, higher dissolved

FIFTY-THIRD DAY, MARCH 2, 2006

oxygen levels, overall improved water quality, increased natural water storage capabilities within watersheds, and reduced stream velocities. These benefits improve and create habitat for many other species, including endangered salmon, river otters, sandhill cranes, trumpeter swans, and other riparian and aquatic species. Relocating beavers into their historic habitat provides a natural mechanism for improving the environmental conditions in Washington's riparian ecosystems without having to resort to governmental regulation or expensive publically funded engineering projects.

NEW SECTION. Sec. 2 A new section is added to chapter 77.32 RCW to read as follows:

(1) The department shall offer a beaver relocation permit that allows the holder or the holder's agent to capture live beavers in the areas of the state where elevated beaver populations are considered a nuisance, transport the beavers, and release the live beavers on property owned or managed by the permit holder. Priority of issuing permits must be based on properties in which beaver populations are considered a nuisance.

(2) The department may limit the availability of beaver relocation permits to areas of the state where:

(a) There is a low probability of released beavers becoming a nuisance;

(b) Conditions exist for released beavers to improve, maintain, or manage stream or riparian ecosystem functions; and

(c) There is evidence of historic endemic beaver populations.

(3) The department may condition beaver relocation permits to maximize the relocation's success and minimize risk. Factors that the department may condition include:

(a) Stream gradient;

(b) Sufficiency of the water supply;

(c) Stream geomorphology;

(d) Adequacy of a food source;

(e) Proper site elevation and valley width;

(f) Age of the beavers relocated;

(g) Times of year for capture and relocation;

(h) Requirements for the capture, handling, and transport of the live beavers;

(i) Minimum and maximum numbers of beavers that can be relocated in one area; and

(j) Requirements for the permit holder to initially provide supplemental food and lodge building materials.

(4) The department shall provide beaver relocation permits at no charge to the applicant.

(5) The holder of a beaver relocation permit must either obtain a trapping license under RCW 77.65.450 or employ a trapper licensed under RCW 77.65.450 to capture and transport the beavers that are to be relocated.

(6) Nothing in this section creates any liability against the state or the beaver relocation permit holder nor authorizes any private right of action for any damages subsequently caused by beavers released pursuant to a beaver relocation permit.

(7) For the purposes of this section only, beaver may be relocated from west of the crest of the Cascade mountains to areas east of the crest of the Cascade mountains, but may not be relocated to any area west of the crest of the Cascade mountains.

NEW SECTION. Sec. 3 A new section is added to chapter 77.36 RCW to read as follows:

Whenever the department undertakes the trapping of nuisance or problem-causing beavers, the department must, if the option is available, capture the beavers with a live trap and work with the holders of beaver relocation permits issued under section 2 of this act to relocate the beavers onto properties that have requested their placement."

2006 REGULAR SESSION

Senator Jacobsen spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to House Bill No. 2381.

The motion by Senator Jacobsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "species;" strike the remainder of the title and insert "adding a new section to chapter 77.32 RCW; adding a new section to chapter 77.36 RCW; and creating a new section."

MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 2381 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Oke spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2381 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2381 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senator Brown - 1

Excused: Senators Haugen, Johnson and Mulliken - 3

HOUSE BILL NO. 2381 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Schoesler, Senator Brandland was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2836, by House Committee on Appropriations (originally sponsored by Representatives Sommers, Kagi, Green and Kilmer)

Creating the reading achievement account.

The measure was read the second time.

MOTION

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:"

NEW SECTION. Sec. 1 A new section is added to chapter 43.79 RCW to read as follows:

(1) The reading achievement account is created in the custody of the state treasurer. The purposes of the account are to establish a depository for state and other funds made available for reading achievement, and to ensure that unspent amounts appropriated for reading achievement continue to be available for that purpose in future biennia.

(2) The director of early learning shall deposit in the account all appropriations to the department and nonstate moneys received by the department for reading achievement, including reading foundations and implementation of research-based reading models. Moneys deposited in the account do not lapse at the close of the fiscal period for which they were appropriated. Both during and after the fiscal period in which moneys were deposited in the account, the director may expend moneys in the account only for the purposes for which they were appropriated, and the expenditures are subject to any other conditions or limitations placed on the appropriations. (3) Expenditures from the account may be used only for reading achievement, including reading foundations, implementation of research-based reading models, and grants to school districts.

(4) Only the director of early learning or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 2 RCW 43.79A.040 and 2005 c 424 s 18, 2005 c 402 s 8, 2005 c 215 s 10, and 2005 c 16 s 2 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection

(4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined

fund drive account, the commemorative works account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and fire fighters' plan 2 expense fund, the local tourism promotion account, the produce railcar pool account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), (~~and~~) the life sciences discovery fund, and the reading achievement account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

Senator Prentice spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 2836.

The motion by Senator Prentice carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "achievement;" strike the remainder of the title and insert "reenacting and amending RCW 43.79A.040; and adding a new section to chapter 43.79 RCW."

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2836 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2836 as amended by the Senate.

ROLL CALL

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

The Secretary called the roll on the final passage of Substitute House Bill No. 2836 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Absent: Senators Brown, Poulsen and Shin - 3

Excused: Senators Haugen, Johnson and Mulliken - 3

SUBSTITUTE HOUSE BILL NO. 2836 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3127, by House Committee on Appropriations (originally sponsored by Representatives Santos, Hasegawa, McCoy, P. Sullivan, McDermott, Upthegrove, Pettigrew and Morrell)

Regarding the center for the improvement of student learning.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning, K-12 & Higher Education be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that expanding activity in educational research, educational restructuring, and educational improvement initiatives has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible. The legislature further finds that students and schools benefit from increased parental, guardian, and community knowledge of and input regarding the delivery of public education. The legislature further finds that increased knowledge of and input regarding the public education system is particularly needed in low-income and ethnic minority communities.

The legislature finds that the center for the improvement of student learning, created by the legislature in 1993 under the auspices of the superintendent of public instruction, has not been allocated funding since the 2001-2003 biennium, and in effect no longer exists. It is the intent of the legislature to reactivate the center for the improvement of student learning, and to create an educational ombudsman to serve as a resource for parents and students and as an advocate for students in the public education system.

Sec. 2. RCW 28A.300.130 and 1999 c 388 s 401 are each amended to read as follows:

(1) ~~(Expanding activity in educational research, educational restructuring, and educational improvement initiatives has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as~~

~~widely as possible.)) To facilitate access to information and materials on educational improvement and research, the superintendent of public instruction, to the extent funds are appropriated, shall establish the center for the improvement of student learning. ((The primary purpose of the center is to provide assistance and advice to parents, school board members, educators, and the public regarding strategies for assisting students in learning the essential academic learning requirements pursuant to RCW 28A.630.885-)) The center shall work in conjunction with ~~((the academic achievement and accountability commission))~~ parents, educational service districts, institutions of higher education, and education, parent, community, and business organizations.~~

(2) The center, in conjunction with other staff in the office of the superintendent of public instruction, shall:

(a) ~~((Serve as a clearinghouse for the completed work and activities of the academic achievement and accountability commission;~~

~~—(b))~~ Serve as a clearinghouse for information regarding successful educational improvement and parental involvement programs in schools and districts, and information about efforts within institutions of higher education in the state to support educational improvement initiatives in Washington schools and districts;

~~((c))~~ (b) Provide best practices research ~~((and advice))~~ that can be used to help schools develop and implement: Programs and practices to improve instruction ~~((of the essential academic learning requirements under section 701 of this act));~~ systems to analyze student assessment data, with an emphasis on systems that will combine the use of state and local data to monitor the academic progress of each and every student in the school district; comprehensive, school-wide improvement plans; school-based shared decision-making models; programs to promote lifelong learning and community involvement in education; school-to-work transition programs; programs to meet the needs of highly capable students; programs and practices to meet the diverse needs of students based on gender, racial, ethnic, economic, and special needs status; research, information, and technology systems; and other programs and practices that will assist educators in helping students learn the essential academic learning requirements;

~~((d))~~ ~~Develop and distribute, in conjunction with the academic achievement and accountability commission, parental involvement materials, including instructional guides developed to inform parents of the essential academic learning requirements. The instructional guides also shall contain actions parents may take to assist their children in meeting the requirements, and should focus on reaching parents who have not previously been involved with their children's education;~~

~~—(c)~~ Identify obstacles to greater parent and community involvement in school shared decision-making processes and recommend strategies for helping parents and community members to participate effectively in school shared decision-making processes, including understanding and respecting the roles of school building administrators and staff;

~~—(f))~~ (c) Develop and maintain an internet web site to increase the availability of information, research, and other materials;

~~((g))~~ Take other actions to increase public awareness of the importance of parental and community involvement in education;

~~—(h))~~ (d) Work with appropriate organizations to inform teachers, district and school administrators, and school directors about the waivers available and the broadened school board powers under RCW 28A.320.015;

~~((i))~~ (e) Provide training and consultation services, including conducting regional summer institutes;

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

~~((f) Address methods for improving the success rates of certain ethnic and racial student groups)) (f) Identify strategies for improving the success rates of ethnic and racial student groups with disproportionate academic achievement; and~~

~~((g)) (g) Perform other functions consistent with the purpose of the center as prescribed in subsection (1) of this section.~~

(3) The superintendent of public instruction~~((after consultation with the academic achievement and accountability commission;))~~ shall select and employ a director for the center.

(4) The superintendent may enter into contracts with individuals or organizations including but not limited to: School districts; educational service districts; educational organizations; teachers; higher education faculty; institutions of higher education; state agencies; business or community-based organizations; and other individuals and organizations to accomplish the duties and responsibilities of the center. In carrying out the duties and responsibilities of the center, the superintendent, whenever possible, shall use practitioners to assist agency staff as well as assist educators and others in schools and districts.

(5) The office of the superintendent of public instruction shall report to the legislature by September 1, 2007, and thereafter biennially, regarding the effectiveness of the center for improvement of student learning, how the services provided by the center for improvement of student learning have been used and by whom, and recommendations to improve the accessibility and application of knowledge and information that leads to improved student learning and greater family and community involvement in the public education system.

NEW SECTION. Sec. 3. (1) The state board of education shall establish an education ombudsman for all common school students in this state. The purpose of the education ombudsman is to provide information to parents, students, and others regarding their rights and responsibilities with respect to the state's public elementary and secondary education system, and to advocate on behalf of elementary and secondary students.

(2)(a) The state board of education shall conduct a request for proposals process and select the entity that will operate the education ombudsman's program. Entities eligible to apply for selection include, but are not limited:

- (i) Education service districts;
- (ii) Private, nonprofit educational organizations;
- (iii) Private, nonprofit community-based organizations; and
- (iv) Federally recognized Indian tribes.

(b) Entities not eligible to serve as the education ombudsman are school districts, schools, or the superintendent of public instruction, or any employee of a school district, school, or the superintendent of public instruction.

(3) The state board of education shall enter into a contract with the entity selected pursuant to this section to establish and operate the education ombudsman's program. The term of any contract between the state board of education and the entity selected shall not be greater than two years and may be renewed for terms of no longer than two years.

(4) The education ombudsman shall contract with educational service districts, nonprofit education or community organizations, or federally recognized tribes to provide education ombudsman services throughout the state. The education ombudsman shall delegate and certify regional education ombudsmen. The education ombudsman shall ensure that the regional ombudsmen selected are appropriate to the community in which they serve. The education ombudsman may not contract with the superintendent of public instruction, or any school, school district, or current employee of a school, school district, or the office of the superintendent of public instruction for the provision of regional ombudsman services.

NEW SECTION. Sec. 4. The education ombudsman shall have the following powers and duties:

(1) To develop parental involvement materials, including instructional guides developed to inform parents of the essential academic learning requirements required by the superintendent of public instruction. The instructional guides also shall contain actions parents may take to assist their children in meeting the requirements, and should focus on reaching parents who have not previously been involved with their children's education;

(2) To provide information to students, parents, and interested members of the public regarding this state's public elementary and secondary education system;

(3) To identify obstacles to greater parent and community involvement in school shared decision-making processes and recommend strategies for helping parents and community members to participate effectively in school shared decision-making processes, including understanding and respecting the roles of school building administrators and staff;

(4) To identify and recommend strategies for improving the success rates of ethnic and racial student groups with disproportionate academic achievement;

(5) To refer complainants and others to appropriate resources, agencies, or departments;

(6) To facilitate the resolution of complaints made by parents and students with regard to the state's public elementary and secondary education system; and

(7) To perform such other functions consistent with the purpose of the education ombudsman.

NEW SECTION. Sec. 5. (1) The education ombudsman and any regional education ombudsmen shall have training or experience or both in the following areas:

- (a) Public education law and policy in this state;
- (b) Dispute resolution or problem resolution techniques, including mediation and negotiation; and
- (c) Community outreach.

(2) The education ombudsman may not be an employee of any school district, the office of the superintendent of public education or the state board of education while serving as an education ombudsman.

NEW SECTION. Sec. 6. (1) Neither the education ombudsman nor any regional educational ombudsmen are liable for good faith performance of responsibilities under this chapter.

(2) No discriminatory, disciplinary, or retaliatory action may be taken against any student or employee of any school district, the office of the superintendent of public education, or the state board of education, for any communication made, or information given or disclosed, to aid the education ombudsman in carrying out his or her duties and responsibilities, unless the same was done without good faith or maliciously. This subsection is not intended to infringe upon the rights of a school district to supervise, discipline, or terminate an employee for other reasons or to discipline a student for other reasons.

(3) All communications by the education ombudsman or the ombudsman's staff or designee, if reasonably related to the education ombudsman's duties and responsibilities and done in good faith, are privileged and that privilege shall serve as a defense to any action in libel or slander.

NEW SECTION. Sec. 7. The education ombudsman shall treat all matters, including the identities of students, complainants, and individuals from whom information is acquired, as confidential, except as necessary to enable the education ombudsman to perform the duties of the office. Upon receipt of information that by law is confidential or privileged, the ombudsman shall maintain the confidentiality of such information and shall not further disclose or disseminate the information except as provided by applicable state or federal law.

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

NEW SECTION. Sec. 8. (1) When developing the request for proposals under section 3 of this act, the state board of education shall confer with each of the following:

- (a) The Washington state commission on Hispanic affairs;
- (b) The Washington state commission on African-American affairs;
- (c) The Washington state commission on Asian Pacific American affairs; and
- (d) The governor's office of Indian affairs.

(2) The state board of education may establish subcommittees as it desires, and may invite nonmembers to serve on these subcommittees to provide ongoing consultation to the ombudsman.

(3) Nonlegislative members of the committee shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 9. The state board of education shall advise and make recommendations to the legislature and the governor biennially. The state board of education shall provide a preliminary report to the legislature and the governor by September 1, 2007. Thereafter, the state board of education shall provide biennial reports to the legislature and the governor regarding:

(1) How the education ombudsman's services have been used and by whom;

(2) Methods for the education ombudsman to increase and enhance family and community involvement in public education;

(3) Recommendations to eliminate barriers and obstacles to meaningful family and community involvement in public education; and

(4) Strategies to improve the educational opportunities for all students in the state.

NEW SECTION. Sec. 10. Sections 3 through 9 of this act are each added to chapter 28A.300 RCW.

NEW SECTION. Sec. 11. If specific funding for the purposes of this act and section 2 of this act, referencing this act and section 2 of this act by bill or chapter number and section number, is not provided by June 30, 2006, in the omnibus appropriations act, section 2 of this act is null and void."

MOTION

Senator Roach moved that the following amendment by Senators McAuliffe and Roach to the committee striking amendment be adopted.

On page 3, line 23 of the amendment, after "achievement" insert ":

(g) Work with parents, teachers, and school districts in establishing an absentee notification procedure that will properly notify parents when their student has not attended a class or has missed a school day. The office of superintendent of public instruction shall consider various types of communication with parents, including but not limited to, electronic mail, phone, and postal mail"

Reletter the remaining subsection consecutively.

Senator Roach spoke in favor of adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Roach on page 3, line 23 to the committee striking amendment to Engrossed Substitute House Bill No. 3127.

The motion by Senator Roach carried and the amendment to the committee striking amendment was adopted by voice vote.

MOTION

Senator McAuliffe moved that the following amendment by Senator McAuliffe to the committee striking amendment be adopted.

On page 7, line 29 of the amendment, after "chapter" strike "28A.300" and insert "28A.305"

Senator McAuliffe spoke in favor of adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe on page 7, line 29 to the committee striking amendment to Engrossed Substitute House Bill No. 3127.

The motion by Senator McAuliffe carried and the amendment to the committee striking amendment was adopted by voice vote.

MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Schmidt to the committee striking amendment be adopted.

On page 7, after line 29 of the amendment, insert the following:

"NEW SECTION. Sec. 11 Sections 3 through 9 of this act expire June 30, 2008."

Renumber the remaining section consecutively.

Senator McAuliffe spoke in favor of adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Schmidt on page 7, line 29 to the committee striking amendment Engrossed Substitute House Bill No. 3127.

The motion by Senator McAuliffe carried and the amendment to the striking amendment was adopted by voice vote.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning, K-12 & Higher Education as amended to Engrossed Substitute House Bill No. 3127.

The motion by Senator McAuliffe carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.300.130; adding new sections to chapter 28A.300 RCW; and creating new sections."

On page 8, line 3 of the title amendment, after "chapter" strike "28A.300" and insert "28A.305"

On page 8, line 3 of the title amendment, after "RCW;" strike the remainder of the title amendment and insert "creating new sections; and providing an expiration date."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute House Bill No. 3127 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

FIFTY-THIRD DAY, MARCH 2, 2006

2006 REGULAR SESSION

Senators Pflug and Zarelli spoke against passage of the bill.

MOTION

On motion of Senator Schoesler, Senators Swecker and Roach were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 3127 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 3127 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 15; Absent, 1; Excused, 5.

Voting yea: Senators Benson, Berkey, Brandland, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 28

Voting nay: Senators Benton, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, McCaslin, Morton, Parlette, Pflug, Schoesler, Stevens and Zarelli - 15

Absent: Senator Brown - 1

Excused: Senators Haugen, Johnson, Mulliken, Roach and Swecker - 5

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3127 as amended by the Senate having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:43 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Friday, March 3, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 3, 2006

The Senate was called to order at 9:00 a.m. by President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senator Mulliken.

The Sergeant at Arms Color Guard consisting of Pages Arielle Weinstein and Jonathan Hrehov, presented the Colors. Reverend Irene Martin of Saint James Episcopal Church offered the prayer.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

March 3, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DAVID TROUTT, appointed January 6, 2006, for the term ending July 15, 2006, as Member of the Salmon Recovery Funding Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

March 3, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

HEYWARD WATSON, appointed May 25, 2005, for the term ending March 26, 2009, as Member of the Higher Education Facilities Authority.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2685, by House Committee on Appropriations (originally sponsored by

Representatives Fromhold, Conway, Lovick, Quall, Simpson, Ormsby and Moeller)

Making changes to general provisions in the public safety employees' retirement system.

The measure was read the second time.

MOTION

Senator Fraser moved that the following committee amendment by the Committee on Ways & Means be adopted.

On page 2, on line 14, after "means ", insert "the Washington state department of natural resources, the Washington state department of social and health services.".

Senator Fraser spoke in favor of adoption of the committee amendment.

MOTION

On motion of Senator Schoesler, Senators Stevens and Mulliken were excused.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2685.

The motion by Senator Fraser carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 2685 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Zarelli spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2685 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2685 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Haugen - 1

Excused: Senator Mulliken - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2685 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3113, by House Committee on Higher Education & Workforce Education (originally sponsored by Representatives Sells, Kenney, Strow, McCoy, Haler, Dunshee, B. Sullivan, Lovick, Roberts and Hasegawa)

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

Expanding access to higher education using the university center model.

The measure was read the second time.

The measure was read the second time.

MOTION

On motion of Senator Pridemore, the rules were suspended, Substitute House Bill No. 3113 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore, Berkey and Schmidt spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Haugen was excused.

Senator Jacobsen spoke on passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 3113.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3113 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Haugen - 1

SUBSTITUTE HOUSE BILL NO. 3113, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Shin: "On behalf of the higher education in Snohomish County, I want to express my profound appreciation for all your votes. Yes, it is true that many years when I was in the House, we try so hard to set up a four-year institution in the north of University of Washington. My aim to set up in Everett because it's half way between Seattle and Bellingham but nothing in Bothell. I think Snohomish County fast growing population and high demand for education. This is why I want to thank you for your votes and supporting for this legislation. Thank you."

MOTION

On motion of Senator Brandland, Senator Roach was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2817, by House Committee on Higher Education & Workforce Education (originally sponsored by Representatives Sells, McCoy, Strow, Dunshee, Lovick, Jarrett, Morris, Ormsby, Morrell, Haler, O'Brien, Fromhold, Ericks, Kilmer and B. Sullivan)

Establishing technology priorities for institutions of higher education. Revised for 1st Substitute: Establishing a technology emphasis for institutions of higher education.

MOTION

Senator Pridemore moved that the following committee striking amendment by the Committee on Early Learning, K-12 & Higher Education be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.10 RCW to read as follows:

(1) The legislature recognizes the vital importance to the state's economic prosperity and the economic benefit of placing a priority on enrolling and conferring degrees upon students in the fields of engineering, technology, biotechnology, science, computer science, and mathematics.

(2) The legislature has significant concerns that other countries are outpacing the United States in graduating qualified engineers, and that major corporations within Washington state are searching out-of-state and even outside the United States to find the qualified and trained employees they need.

(3) Data compiled by the technology alliance shows that Washington state ranks thirty-fourth among the fifty states in the percentage of residents who have earned a science or engineering degree, per capita.

(4) Data collected by the office of financial management indicates that between the academic years of 1993-94 and 2003-04 at public four-year institutions of higher education in Washington state:

(a) There was a twelve percent decline in the number of full-time equivalents enrolled in the fields of engineering and related technologies; and

(b) There was nearly a nine percent decline in the number of bachelor's degrees conferred in the fields of engineering and related technologies.

(5) Data collected by the office of financial management also shows that for the 2003-04 academic year, only four percent of all full-time equivalents were enrolled in engineering and related technologies and just two percent of all full-time equivalents were enrolled in computer science studies at public four-year institutions of higher education in the state.

(6) Therefore, it is the intent of the legislature to promote increased access, delivery models, enrollment slots, and degree opportunities in the fields of engineering, technology, biotechnology, sciences, computer sciences, and mathematics. It is recognized that these areas of study and training are integrally linked to ensuring that Washington state's economy can compete nationally and globally in the twenty-first century marketplace. It is also recognized that community colleges play a unique role in supporting degree attainment in the fields of science, technology, engineering, and mathematics through the development of transferable curricula and the maintenance of viable articulation agreements with both public and private universities.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.10 RCW to read as follows:

(1) A state priority is established for institutions of higher education, including community colleges, to encourage growing numbers of enrollments and degrees in the fields of engineering, technology, biotechnology, sciences, computer sciences, and mathematics.

(2) In meeting this state priority, the legislature understands and recognizes that the demands of the economic marketplace and the desires of students are not always on parallel tracks. Therefore, institutions of higher education shall determine local student demand for programs in the fields of engineering, technology, biotechnology, sciences, computer sciences, and mathematics and submit findings and proposed alternatives to meet demand to the higher education coordinating board and the legislature by November 1, 2008.

(3) While it is understood that these areas of emphasis should not be the sole focus of institutions of higher education. It is the intent of the legislature that steady progress in these areas occur. The higher education coordinating board shall track and report progress in the fields of engineering, technology,

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

biotechnology, sciences, computer sciences, and mathematics including, but not limited to, the following information:

(a) The number of students enrolled in these fields on a biennial basis;

(b) The number of associate, bachelor's, and master's degrees conferred in these fields on a biennial basis;

(c) The amount of expenditures in enrollment and degree programs in these fields; and

(d) The number and type of public-private partnerships established relating to these fields among institutions of higher education, including community colleges, and leading corporations in Washington state.

(4) Institutions of higher education, including community colleges, shall be provided discretion and flexibility in achieving the objectives under this section. Examples of the types of institutional programs that may help achieve these objectives include, but are not limited to, establishment of institutes of technology, new polytechnic-based institutions, new divisions of existing institutions, and a flexible array of delivery models, including face-to-face learning, interactive courses, internet-based offerings, and instruction on main campuses, branch campuses, and other educational centers.

(5) The legislature recognizes the global needs of the economic marketplace for technologically prepared graduates, and the relationship between technology industries and higher education. Institutions of higher education, including community colleges, are strongly urged to consider science, engineering, and technology program growth in areas of the state that exhibit a high concentration of aerospace, biotechnology, and technology industrial presence. Expanded science and technology programs can gain from the proximity of experienced and knowledgeable industry leaders, while industry can benefit from access to new sources of highly trained and educated graduates."

Senators Pridemore and Berkey spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning, K-12 & Higher Education to Substitute House Bill No. 2817.

The motion by Senator Pridemore carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 4 of the title, after "education;" strike the remainder of the title and insert "and adding new sections to chapter 28B.10 RCW."

MOTION

On motion of Senator Pridemore, the rules were suspended, Substitute House Bill No. 2817 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Spanel spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2817 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2817 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-

Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Roach - 1

SUBSTITUTE HOUSE BILL NO. 2817 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Rasmussen: "I'm going to try to be really quick, but my little grandson, Kayden is watching TVW and can I just say hi to Kayden? Hi Kayden, Grammy loves you."

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2507, by House Committee on Higher Education & Workforce Education (originally sponsored by Representatives Kenney, Shabro, Hasegawa, Morrell, Rodne, Lantz and Ormsby)

Prohibiting false or misleading college degrees.

The measure was read the second time.

MOTION

Senator Pridemore moved that the following committee striking amendment by the Committee on Early Learning, K-12 & Higher Education be adopted.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1** A new section is added to chapter 28B.85 RCW to read as follows:

(1) It is unlawful for a person to:

(a) Grant or award a false academic credential or offer to grant or award a false academic credential in violation of this section;

(b) Represent that a credit earned or granted by the person, in violation of this section, can be applied toward a credential offered by another person; or

(c) Solicit another person to seek a credential or to earn a credit that is offered in violation of this section.

(2) The definitions in section 2 of this act apply to this section.

(3) A violation of this section constitutes an unfair or deceptive act or practice in the conduct of trade or commerce under chapter 19.86 RCW.

(4) In addition to any other venue authorized by law, venue for the prosecution of an offense under this section is in the county in which an element of the offense occurs.

NEW SECTION. Sec. 2 A new section is added to chapter 9A.60 RCW to read as follows:

(1) A person is guilty of issuing a false academic credential if th person knowingly:

(a) Grants or awards a false academic credential or offers to grant or award a false academic credential in violation of this section;

(b) Represents that a credit earned or granted by the person in violation of this section can be applied toward a credential offered by another person;

(c) Grants or offers to grant a credit for which a representation as described in (b) of this subsection is made; or
(d) Solicits another person to seek a credential or to earn a credit the person knows is offered in violation of this section.

(2) A person is guilty of knowingly using a false academic credential if the person knowingly uses a false academic credential or falsely claims to have a credential issued by an institution of higher education that is accredited by an

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

accrediting association recognized as such by rule of the higher education coordinating board:

(a) In a written or oral advertisement or other promotion of a business; or

(b) With the intent to:

(i) Obtain employment;

(ii) Obtain a license or certificate to practice a trade, profession, or occupation;

(iii) Obtain a promotion, compensation or other benefit, or an increase in compensation or other benefit, in employment or in the practice of a trade, profession, or occupation;

(iv) Obtain admission to an educational program in this state; or

(v) Gain a position in government with authority over another person, regardless of whether the person receives compensation for the position.

(3) The definitions in this subsection apply throughout this section and section 1 of this act.

(a) "False academic credential" means a document that provides evidence or demonstrates completion of an academic or professional course of instruction beyond the secondary level that results in the attainment of an academic certificate, degree, or rank, and that is not issued by a person or entity that: (i) Is an entity accredited by an agency recognized as such by rule of the higher education coordinating board or has the international equivalents of such accreditation; or (ii) is an entity authorized as a degree-granting institution by the higher education coordinating board; or (iii) is an entity exempt from the requirements of authorization as a degree-granting institution by the higher education coordinating board; or (iv) is an entity that has been granted a waiver by the higher education coordinating board from the requirements of authorization by the board. Such documents include, but are not limited to, academic certificates, degrees, coursework, degree credits, transcripts, or certification of completion of a degree.

(b) "Grant" means award, bestow, confer, convey, sell, or give.

(c) "Offer," in addition to its usual meanings, means advertise, publicize, or solicit.

(d) "Operate" includes but is not limited to the following:

(i) Offering courses in person, by correspondence, or by electronic media at or to any Washington location for degree credit;

(ii) Granting or offering to grant degrees in Washington;

(iii) Maintaining or advertising a Washington location, mailing address, computer server, or telephone number, for any purpose, other than for contact with the institution's former students for any legitimate purpose related to the students having attended the institution.

(4) Issuing a false academic credential is a class C felony.

(5) Knowingly using a false academic credential is a class C felony.

Sec. 3 RCW 28B.85.020 and 2005 c 274 s 246 are each amended to read as follows:

(1) The board:

(a) Shall adopt by rule, in accordance with chapter 34.05 RCW, minimum standards for degree-granting institutions concerning granting of degrees, quality of education, unfair business practices, financial stability, and other necessary measures to protect citizens of this state against substandard, fraudulent, or deceptive practices. The rules ((may)) shall require that an institution operating in Washington:

(i) Be accredited ((or be making progress toward accreditation by an accrediting agency recognized by the United States department of education. The board shall adopt the rules in accordance with chapter 34.05 RCW));

(ii) Have applied for accreditation and such application is pending before the accrediting agency;

(iii) Have been granted a waiver by the board waiving the requirement of accreditation; or

(iv) Have been granted an exemption by the board from the requirements of this subsection (1)(a);

(b) May investigate any entity the board reasonably believes to be subject to the jurisdiction of this chapter. In connection with the investigation, the board may administer oaths and affirmations, issue subpoenas and compel attendance, take evidence, and require the production of any books, papers, correspondence, memorandums, or other records which the board deems relevant or material to the investigation. The board, including its staff and any other authorized persons, may conduct site inspections, the cost of which shall be borne by the institution, and examine records of all institutions subject to this chapter;

(c) Shall develop an interagency agreement with the work force training and education coordinating board to regulate degree-granting private vocational schools with respect to degree and nondegree programs; and

(d) Shall develop and disseminate information to the public about entities that sell or award degrees without requiring appropriate academic achievement at the postsecondary level, including but not limited to, a description of the substandard and potentially fraudulent practices of these entities, and advice about how the public can recognize and avoid the entities. To the extent feasible, the information shall include links to additional resources that may assist the public in identifying specific institutions offering substandard or fraudulent degree programs.

(2) Financial disclosures provided to the board by degree-granting private vocational schools are not subject to public disclosure under chapter 42.56 RCW.

Sec. 4 RCW 28B.85.040 and 2004 c 96 s 2 are each amended to read as follows:

(1) An institution or person shall not advertise, offer, sell, or award a degree or any other type of educational credential unless the student has enrolled in and successfully completed a prescribed program of study, as outlined in the institution's publications. This prohibition shall not apply to honorary credentials clearly designated as such on the front side of the diploma or certificate and awarded by institutions offering other educational credentials in compliance with state law.

(2) No exemption or waiver granted under this chapter is permanent. The board shall periodically review exempted degree-granting institutions and degree-granting institutions granted a waiver, and continue exemptions or waivers only if an institution meets the statutory or board requirements for exemption or waiver in effect on the date of the review.

(3) Except as provided in subsection (1) of this section, this chapter shall not apply to:

(a) Any public college, university, community college, technical college, or institute operating as part of the public higher educational system of this state;

(b) Institutions that have been accredited by an accrediting association recognized by the agency for the purposes of this chapter: PROVIDED, That those institutions meet minimum exemption standards adopted by the agency; and PROVIDED FURTHER, That an institution, branch, extension, or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association to qualify for this exemption;

(c) Institutions of a religious character, but only as to those education programs devoted exclusively to religious or theological objectives if the programs are represented in an accurate manner in institutional catalogs and other official publications;

(d) Honorary credentials clearly designated as such on the front side of the diploma or certificate awarded by institutions offering other educational credentials in compliance with state law; or

(e) Institutions not otherwise exempt which offer only workshops or seminars and institutions offering only

FIFTY-FOURTH DAY, MARCH 3, 2006

credit-bearing workshops or seminars lasting no longer than three calendar days.

NEW SECTION. Sec. 5 A new section is added to chapter 28A.405 RCW to read as follows:

A person who issues or uses a false academic credential is subject to sections 1 and 2 of this act.

NEW SECTION. Sec. 6 A new section is added to chapter 28B.50 RCW to read as follows:

A person who issues or uses a false academic credential is subject to sections 1 and 2 of this act.

NEW SECTION. Sec. 7 A new section is added to chapter 41.06 RCW to read as follows:

A person who issues or uses a false academic credential is subject to sections 1 and 2 of this act."

Senator Pridemore spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning, K-12 & Higher Education to Engrossed Substitute House Bill No. 2507.

The motion by Senator Pridemore carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.85.020 and 28B.85.040; adding a new section to chapter 28B.85 RCW; adding a new section to chapter 9A.60 RCW; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 41.06 RCW; and prescribing penalties."

MOTION

On motion of Senator Pridemore, the rules were suspended, Engrossed Substitute House Bill No. 2507 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schoesler and Pridemore spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2507 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2507 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2507 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1966, by Representatives Ericks, O'Brien, Lovick, Strow, Haler, Takko, Morrell, Nixon, Campbell, McIntire, Conway, Santos, Chase and Moeller

Classifying identity theft as a crime against persons.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1966 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Johnson spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1966.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1966 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

HOUSE BILL NO. 1966, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 3041, by Representatives Alexander, Nixon, Haigh, Darneille and P. Sullivan

Modifying voter registration timelines.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, House Bill No. 3041 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Roach spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Thibaudeau was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 3041.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3041 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel,

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

Stevens, Swecker, Weinstein and Zarelli - 48

Excused: Senator Thibaudeau - 1

HOUSE BILL NO. 3041, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2418, by House Committee on Capital Budget (originally sponsored by Representatives Springer, Miloscia, Chase, Morrell, Hasegawa, Dameille, Santos, P. Sullivan, Kagi, Green, Sells, Ormsby and O'Brien)

Increasing the availability of affordable housing.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 43.185 RCW to read as follows:

The legislature finds that Washington is experiencing an affordable housing crisis and that this crisis is growing exponentially every year as the population of the state expands and housing values increase at a rate that far exceeds most households' proportionate increase in income.

The fiscal and societal costs of the lack of adequate affordable housing are high for both the public and private sectors. Current levels of funding for affordable housing programs are inadequate to meet the housing needs of many low-income Washington households.

NEW SECTION. Sec. 2. The legislature may authorize a transfer of up to twenty-five million dollars for the fiscal year ending June 30, 2006, into the Washington housing trust fund created in RCW 43.185.030. Any portion of this act that is appropriated to the department shall be included in the calculation of annual funds available for determining the administrative costs of the department, which shall not exceed five percent of the annual funds available for the housing assistance program and the affordable housing program as authorized under RCW 43.185.030 and 43.185A.030.

NEW SECTION. Sec. 3. A new section is added to chapter 43.185 RCW to read as follows:

The application process and distribution procedure for the allocation of funds are the same as the competitive application process and distribution procedure for the housing trust fund, described in this chapter and chapter 43.185A RCW, except for the funds applied to the homeless families services fund created in RCW 43.330.167, dollars appropriated to weatherization administered through the energy matchmaker program, dollars appropriated for housing vouchers for homeless persons, victims of domestic violence, and low-income persons or seasonal farm workers, and dollars appropriated to any program to provide financial assistance for grower-provided on-farm housing for low-income migrant or seasonal farm workers.

NEW SECTION. Sec. 4. A new section is added to chapter 43.185A RCW to read as follows:

The application process and distribution procedure for the allocation of funds are the same as the competitive application process and distribution procedure described in section 3 of this act.

NEW SECTION. Sec. 5. The department must report to the appropriate committees of the legislature how appropriated funds were utilized on a county or city specific basis no later than December 31, 2007.

Sec. 6. RCW 43.185C.010 and 2005 c 484 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of community, trade, and economic development.

(2) "Director" means the director of the department of community, trade, and economic development.

(3) "Homeless person" means an individual living outside or in a building not meant for human habitation or which they have no legal right to occupy, in an emergency shelter, or in a temporary housing program which may include a transitional and supportive housing program if habitation time limits exist. This definition includes substance abusers, mentally ill people, and sex offenders who are homeless.

(4) "Washington homeless census" means an annual statewide census conducted as a collaborative effort by towns, cities, counties, community-based organizations, and state agencies, with the technical support and coordination of the department, to count and collect data on all homeless individuals in Washington.

(5) "Homeless housing account" means the state treasury account receiving the state's portion of income from revenue from the sources established by RCW 36.22.179.

(6) "Homeless housing grant program" means the vehicle by which competitive grants are awarded by the department, utilizing moneys from the homeless housing account, to local governments for programs directly related to housing homeless individuals and families, addressing the root causes of homelessness, preventing homelessness, collecting data on homeless individuals, and other efforts directly related to housing homeless persons.

(7) "Local government" means a county government in the state of Washington or a city government, if the legislative authority of the city affirmatively elects to accept the responsibility for housing homeless persons within its borders.

(8) "Housing continuum" means the progression of individuals along a housing-focused continuum with homelessness at one end and homeownership at the other.

(9) "Local homeless housing task force" means a voluntary local committee created to advise a local government on the creation of a local homeless housing plan and participate in a local homeless housing program. It must include a representative of the county, a representative of the largest city located within the county, at least one homeless or formerly homeless person, such other members as may be required to maintain eligibility for federal funding related to housing programs and services and if feasible, a representative of a private nonprofit organization with experience in low-income housing.

(10) "Long-term private or public housing" means subsidized and unsubsidized rental or owner-occupied housing in which there is no established time limit for habitation of less than two years.

(11) "Interagency council on homelessness" means a committee appointed by the governor and consisting of, at least, ~~((the director of))~~ policy level representatives of the following entities: (a) The department of community, trade, and economic development; (b) the ~~((secretary of the))~~ department of corrections; (c) the ~~((secretary of the))~~ department of social and health services; (d) the ~~((director of the))~~ department of veterans affairs; and (e) the ~~((secretary of the))~~ department of health.

(12) "Performance measurement" means the process of comparing specific measures of success against ultimate and interim goals.

(13) "Community action agency" means a nonprofit private or public organization established under the economic opportunity act of 1964.

(14) "Housing authority" means any of the public corporations created by chapter 35.82 RCW.

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

(15) "Homeless housing program" means the program authorized under this chapter as administered by the department at the state level and by the local government or its designated subcontractor at the local level.

(16) "Homeless housing plan" means the ten-year plan developed by the county or other local government to address housing for homeless persons.

(17) "Homeless housing strategic plan" means the ten-year plan developed by the department, in consultation with the interagency council on homelessness and the affordable housing advisory board.

(18) "Washington homeless client management information system" means a data base of information about homeless individuals in the state used to coordinate resources to assist homeless clients to obtain and retain housing and reach greater levels of self-sufficiency or economic independence when appropriate, depending upon their individual situations.

NEW SECTION. Sec. 7. A new section is added to chapter 43.185C RCW to read as follows:

(1) The interagency council on homelessness, as defined in RCW 43.185C.010, shall be convened not later than August 31, 2006, and shall meet at least two times each year and report to the appropriate committees of the legislature annually by December 31st on its activities.

(2) The interagency council on homelessness shall work to create greater levels of interagency coordination and to coordinate state agency efforts with the efforts of state and local entities addressing homelessness.

(3) The interagency council shall seek to:

(a) Align homeless-related housing and supportive service policies among state agencies;

(b) Identify ways in which providing housing with appropriate services can contribute to cost savings for state agencies;

(c) Identify policies and actions that may contribute to homelessness or interfere with its reduction;

(d) Review and improve strategies for discharge from state institutions that contribute to homelessness;

(e) Recommend policies to either improve practices or align resources, or both, including those policies requested by the affordable housing advisory board or through state and local housing plans; and

(f) Ensure that the housing status of people served by state programs is collected in consistent formats available for analysis.

Sec. 8. RCW 43.63A.655 and 1999 c 267 s 4 are each amended to read as follows:

(1) In order to improve services for the homeless, the department, within amounts appropriated by the legislature for this specific purpose, shall implement ~~((a))~~ the Washington homeless client management information system for the ongoing collection and ~~((analysis of))~~ updates of information about all homeless individuals in the state.

(2) Information about homeless individuals for the Washington homeless client management information system shall come from the Washington homeless census and from state agencies and community organizations providing services to homeless individuals and families. Personally identifying information about homeless individuals for the Washington homeless client management system may only be collected after having obtained informed, reasonably time limited written consent from the homeless individual to whom the information relates. Data collection shall be done in a manner consistent with federally informed consent guidelines regarding human research which, at a minimum, require that individuals be informed about the expected duration of their participation, an explanation of whom to contact for answers to pertinent questions about the data collection and their rights regarding their personal identifying information, an explanation regarding whom to contact in the event of injury to the individual related to the homeless client survey, a description of any reasonably

foreseeable risks to the homeless individual, and a statement describing the extent to which confidentiality of records identifying the individual will be maintained.

(3) The Washington homeless client management information system shall serve as an online information and referral system to enable local governments and providers to connect homeless persons in the data base with available housing and other support services. Local governments shall develop a capacity for continuous case management, including independent living plans, when appropriate, to assist homeless persons.

(4) The information in the Washington homeless client management information system will also provide the department with the information to consolidate and analyze data about the extent and nature of homelessness in Washington state, giving emphasis to information about the extent and nature of homelessness in Washington state among families with children.

(5) The system may be merged with other data gathering and reporting systems and shall:

(a) Protect the right of privacy of individuals;

(b) Provide for consultation and collaboration with all relevant state agencies including the department of social and health services, experts, and community organizations involved in the delivery of services to homeless persons; and

(c) Include related information held or gathered by other state agencies.

~~((2))~~ (6) Within amounts appropriated by the legislature, for this specific purpose, the department shall evaluate the information gathered and disseminate the analysis and the evaluation broadly, using appropriate computer networks as well as written reports.

(7) The Washington homeless client management information system shall be implemented by December 31, 2009, and updated with new homeless client information at least annually.

NEW SECTION. Sec. 9. (1) The department of community, trade, and economic development shall conduct a study to evaluate the potential development of a voluntary statewide, low-income household housing waiting list data base that would include information on all low-income households requesting housing assistance for the purpose of connecting such households with appropriate housing opportunities. The study shall investigate and evaluate the following:

(a) The anticipated benefits of such a statewide waiting list to low-income households and low-income housing providers;

(b) The cost of implementing and maintaining the data base; and

(c) Best practices from other states or from counties in other states that currently have a similar data base.

The department shall report the results of this study to the appropriate committees of the legislature by December 31, 2007.

(2) This section expires December 31, 2007.

NEW SECTION. Sec. 10. A new section is added to chapter 43.185A RCW to read as follows:

(1) The department shall create or purchase, and implement by December 31, 2009, a master affordable housing data base that includes specific information about existing affordable rental housing stock in the state of Washington. The data base shall be maintained and continually updated by the department, and the department may cross-reference and exchange information between this data base and other existing state housing data bases.

(2) The data base shall include information on all rental units that meet the affordable housing definition and have received or continue to receive funding from the federal, state, or local government, or other nonprofit organization or financing through the Washington housing finance commission. The department shall encourage private landlords to voluntarily submit information about private rental units that are affordable for low-income households to be included in the data base.

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

(3) The data base shall include information about rental units that shall be determined by the department. However, the data base must include, at a minimum, measures for quality, cost, safety, and size.

(4) Other state agencies, local governments, local public agencies, including water and sewer districts, housing authorities, and other housing organizations shall cooperate with the department to create and update the affordable housing data base by providing to the department any requested existing information about rental housing units within the jurisdiction.

(5) The data base shall be searchable by the department, local governments, community housing organizations, including housing authorities, and the public according to housing characteristics determined by the department including, at a minimum, location, cost, and size. The data base will be utilized for data collection about Washington's affordable rental housing stock and will also serve as a low-income housing referral system to connect low-income households seeking housing with appropriate and available units.

NEW SECTION. Sec. 11. A new section is added to chapter 43.185A RCW to read as follows:

The department, the housing finance commission, the affordable housing advisory board, and all local governments, housing authorities, and other nonprofits receiving state housing funds or financing through the housing finance commission shall, by December 31, 2006, and annually thereafter, review current housing reporting requirements related to housing programs and services and give recommendations to streamline and simplify all planning and reporting requirements to the department of community, trade, and economic development, which will compile and present the recommendations annually to the legislature. The entities listed in this section shall also give recommendations for additional legislative actions that could promote affordable housing and end homelessness.

NEW SECTION. Sec. 12. A new section is added to chapter 35.82 RCW to read as follows:

A joint housing authority may be dissolved pursuant to substantially identical resolutions or ordinances of the legislative authority of each of the counties or cities that previously authorized that joint housing authority. These resolutions or ordinances may authorize the execution of an agreement among the counties, cities, and the joint housing authority that provides for the timing, distribution of assets, obligations and liabilities, and other matters deemed necessary or appropriate by the legislative authorities.

(2) Each resolution or ordinance dissolving a joint housing authority shall provide for the following:

(a) Activation or reactivation of a housing authority or joint housing authority by each of the cities and counties that previously authorized the joint housing authority and any additional cities or counties that are then to be added. This activation or reactivation takes effect upon the dissolution of the joint housing authority or at an earlier time provided in the resolutions or ordinances dissolving the joint housing authority; and

(b) Distribution of all assets, obligations, and liabilities of the joint housing authority to the housing authorities activated or reactivated under (a) of this subsection. Distribution of assets, obligations, and liabilities may be based on any, or a combination of any of, the following considerations:

(i) The population within the boundaries of each of the housing authorities activated or reactivated under (a) of this subsection;

(ii) The number of housing units owned by the joint housing authority within the boundaries of each of the housing authorities activated or reactivated under (a) of this subsection;

(iii) The number of low-income residents within the boundaries of each of the housing authorities activated or reactivated under (a) of this subsection;

(iv) The effect of the proposed distribution on the viability of the housing authorities activated or reactivated under (a) of this subsection; or

(v) Any other reasonable criteria to determine the distribution of assets, obligations, and liabilities.

(3) Each activated or reactivated housing authority shall be responsible for debt service on bonds or other obligations issued or incurred to finance the acquisition, construction, or improvement of the projects, properties, and other assets that have been distributed to them under the dissolution. However, if an outstanding bond issue is secured in whole or in part by the general revenues of the joint housing authority being dissolved, each housing authority activated or reactivated under subsection (2)(a) of this section shall remain jointly and severally liable for retirement of debt service through repayment of those outstanding bonds and other obligations of the joint housing authority until paid or defeased, from general revenues of each of the activated or reactivated housing authorities, and from any other revenues and accounts that had been expressly pledged by the joint housing authority to the payment of those bonds or other obligations. As used in this subsection, "general revenues" means all revenues of a housing authority from any source, but only to the extent that those revenues are available to pay debt service on bonds or other obligations and are not then or thereafter pledged or restricted by law, regulation, contract, covenant, resolution, deed of trust, or otherwise, solely to another particular purpose.

NEW SECTION. Sec. 13. RCW 43.63A.655 is recodified as a section in chapter 43.185C RCW.

NEW SECTION. Sec. 14. If specific funding is not transferred from the general fund to the Washington housing trust fund for the purposes of this act, referencing this act by bill or chapter number, by June 30, 2006, in the omnibus appropriations act, this act is null and void."

Senator Fairley spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 2418.

The motion by Senator Fairley carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "housing;" strike the remainder of the title and insert "amending RCW 43.185C.010 and 43.63A.655; adding new sections to chapter 43.185 RCW; adding new sections to chapter 43.185A RCW; adding new sections to chapter 43.185C RCW; adding a new section to chapter 35.82 RCW; creating new sections; recodifying RCW 43.63A.655; and providing an expiration date."

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Second Substitute House Bill No. 2418 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Benton spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2418 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2418 as amended

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Voting nay: Senator Schoesler - 1

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2418 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2424, by Representatives Grant, Kessler, Williams, Morrell, Condotta, Clibborn, Linville, Cox, Hunt, Buck, Conway, Haigh, Sump, P. Sullivan, Walsh, Springer, Buri, Haler, Newhouse, Ericksen, Morris, Ericks, Kretz, Strow, B. Sullivan, Dunn, Upthegrove, Ormsby, McDermott, Holmquist and Takko

Providing sales and use tax exemptions for users of farm fuel.

The measure was read the second time.

MOTION

Senator Rasmussen moved that the following committee amendment by the Committee on Ways & Means be adopted.

On page 1, line 8, after "diesel fuel" insert ", or aircraft fuel as defined in RCW 82.42.010(5),"

On page 2, line 4, after "diesel fuel" insert ", or aircraft fuel as defined in RCW 82.42.010(5),"

Senator Rasmussen spoke in favor of adoption of the committee amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to House Bill No. 2424.

The motion by Senator Rasmussen carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 2424 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen, Schoesler, Honeyford, Mulliken and Hewitt spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2424 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2424 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller,

Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker and Zarelli - 44

Voting nay: Senators Kohl-Welles, Pridemore, Thibaudeau and Weinstein - 4

Absent: Senator Schmidt - 1

HOUSE BILL NO. 2424 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, House Bill No. 2424 was immediately transmitted to the House of Representatives.

STATEMENT FOR THE JOURNAL

Though present, I inadvertently missed the vote on final passage for House Bill No. 2424, which exempts from the sales and use tax certain fuels purchased by a farm fuel user. I would like the journal to reflect that I support this measure and would have voted for the bill on final passage.

DAVE SCHMIDT, 44th Legislative District

SECOND READING

FOURTH SUBSTITUTE HOUSE BILL NO. 1483, by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, McDonald, Moeller, Darneille, Jarrett, Simpson, Morrell, Sommers, Kenney, McDermott, Kagi, Chase and Clibborn)

Creating an "investing in youth program." Revised for 4th Substitute: Establishing a reinvesting in youth program.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Fourth Substitute House Bill No. 1483 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove, Stevens, Esser and Kohl-Welles spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Fourth Substitute House Bill No. 1483.

ROLL CALL

The Secretary called the roll on the final passage of Fourth Substitute House Bill No. 1483 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47.

Absent: Senators Fraser and Roach - 2.

FOURTH SUBSTITUTE HOUSE BILL NO. 1483, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

Senator Jacobsen: "If, with permission of the body I would like to ask the clerk to read a letter from the Director of the Department of Fish & Wildlife."

PERSONAL PRIVILEGE

March 2, 2006

State of Washington
Department of Fish and Wildlife

The Honorable Bob Oke
P. O. Box 40426
Olympia, WA 98504-0426

Dear Senator Oke,

It is with great pride that I offer my heart-felt appreciation for your service to the citizens and natural resources of the state of Washington. Your efforts within the state Legislature have resulted in dramatic, long-term impacts on our fish and wildlife management programs and your contributions as a sportsman have made positive impressions on the lives of the many people who have known and worked with you.

I know that an important focus for you has always been to encourage youth to recreate outdoors. Special youth seasons for upland birds have been created under your guidance on both sides of the state. Your philosophy of getting kids outdoors to engage in clean, healthy activities is expanding and is strongly supported by many.

Your keen interest in pheasants has expanded the emphasis and the attention that the state pays to pheasant hunting recreation. You are the primary reason that the eastern Washington pheasant enhancement program was instituted to address hunting opportunity and habitat improvement. In addition, your leadership helped save the western Washington pheasant program during fiscal challenges faced by the Department of Fish and Wildlife. Since that time, pheasant production has been consolidated into one facility that has been modernized into a state-of-the-art game farm that produces the same number of pheasants that two farms with twice the staff raised in the early 1990s. These programs continue to improve recreational hunting opportunities.

I would also like to acknowledge all of your efforts to secure funding for the Puget Sound recreational salmon and marine fish enhancement program. You played a leading role in the early 1990s in the crafting of the Puget Sound Recreational Salmon and Marine Fisheries Enhancement Program that culminated with the passage of Engrossed Substitute House Bill No. 2055 in 1993 that provided the necessary funding stability for this program. Your efforts and support of this program during the last 13 years has led to productive recreational fisheries throughout Puget Sound. The popular Blackmouth Program has produced approximately 1.7 million delayed release fall chinook per year and countless hours of fishing opportunity across Puget Sound. In addition, this program has provided significant economic benefits to Washington State.

Your other accomplishments in support of hunters and fishers are numerous and are deeply embedded in the fabric of Washington's fish and wildlife management programs. I am honored to have had the opportunity to work together and it is my sincere belief that citizens of the State of Washington, and Washington's fish and wildlife resources will always be indebted to you for your service.

In recognition for your work on behalf of the hunters and fishers of the state, I am pleased to announce that the Centralia Game Farm will be renamed, in your honor, the Bob Oke Game Farm.

Sincerely,
JEFF KOENINGS, PH. D., Director

Senator Hargrove: "Thank you Madam President. I just wanted to say what a real pleasure, Bob, to know you personally as a friend. I know you said you might retire or you said you might come back if certain bills didn't pass to which I responded, 'I'm going to go and make sure those bills don't pass. I would like to see Bob back. He is going to be missed if he does retire because he is such a fine Christian gentleman. He has always had a smile for us, a comforting tap on the shoulder. I can not remember an angry word out Bob Oke even when the sampling bill was getting killed in the House. Over, over, over and over. How many times? Sixty times? Ok, a lot of times. It's been a real pleasure to know you and count you as my friend. Thank you Bob."

PERSONAL PRIVILEGE

Senator Swecker: "Thank you Madam President. Well, this is a real honor. This game farm is located in my district in Centralia. In fact it's located right out behind my church where I go to church on Sunday. So I have two ways to drive to church and I know which way I am going to be driving now because I want to be able to look at this sign when I go by. You may all remember Bob for Bob's bridge, but I'm going to remember him for Bob's Game Farm."

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Mrs. Judy Oke, the wife of Senator Bob Oke, who was seated at the rostrum, Pages from Senator Okes district; Spencer Ethan Minshull; Travis Lee Stephens; Daniel Lee Hageman and David James Hageman who were also seated on the rostrum were also recognized.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Ron Antill, Supervisor of the Centralia Game Bird Farm; Dr. Jeff Koenings, Director of the Department of Fish & Wildlife; Mr. Larry Peck, Assistant Director who presented Senator Oke with a mock up of the "Bob Oke Game Farm" sign at the bar of the Senate

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcome and introduced the Department of Fish and Wildlife staff who were seated in the Gallery.

PERSONAL PRIVILEGE

Senator Oke: "Thank you and another big shock. I mean I can't tell you how many days I've been so honored, I didn't have to reach so hard for the Kleenex. Most of you probably don't know, I do love hunting pheasants but more importantly I do love seeing families hunt pheasants and young people. It just makes them better people and it did with me. Over the years maybe I shouldn't say this on the floor, but the capital budget been moving a little money into the pheasant in Centralia. Just after I was elected it was the only farm. We had one on Whidbey and closed it down, but now we only one pheasant farm in the State of Washington. We used to have about nine I think. That farm that we have in Centralia, I would invite all of you to come down Ron and his wife Darlene run the farm. They are there twenty-four hours a day, all through the year. It's just great to go down when the little chicks are all out and running around. I think it's the best pheasant farm in the United States and it's distributing pheasants for people to hunt up and down the west side. Those folks couldn't hunt anymore because it's

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

too expensive to go to the other side but I've had folks a lot older than I, in their eighties. The only thing they have left in life is this dog they love dearly and that the fact that they can get out to a place and maybe, and most times, get at least a shot at a rooster. It's a wonderful program and thank you all of you for honoring me. I don't feel like I deserve any honor but I just love that rooster. Thank you."

PERSONAL PRIVILEGE

Senator Hewitt: "Thank you Madam President. Bob, when I met you six years I didn't know what a guzzler was and today I know what a guzzler is. If you don't know guzzler is, it is a little thing they put on the ground out in pheasant territory, captures the water so the pheasant can drink. You know, I can't remember a day ever seeing you with a suit on that you didn't have that pheasant on the lapel. What I really want to say is the last six years that I got to know you, you're one of the finest gentlemen that I have ever met in my entire life and I'm hoping that you're over in my territory this fall doing exactly what you told me you wanted to do. Two things, pheasant hunt and work for the people. Thank you Robert. We all love you."

PERSONAL PRIVILEGE

Senator Rasmussen: "Thank you Madam President. Well, I would also like to rise to a point of personal privilege and also be able to say thank you to Bob Oke, to Senator Oke. I'm going to say this on behalf of all the youth. Our Tacoma sportsman club is a marvelous, wonderful club but we really dedicate a lot to the youth and especially in our programs hunters safety and all the other issues. They, I know, would want me to tell you thank you for all you've done for our young people. Hunting, fishing is a chance for our young people to can go out with their moms and dads and be able to recreate. Get a long better. It is a tremendous program. I know my little granddaughter finished hunter safety and we were so proud of her because this is what it should be about. You know, our young people with their moms and dads. Thank you so much for working for the pheasants, for the fish and for all of our hunting programs and recreation programs throughout our state because it is for the youth and it is for their relationship with their parents, with their grandpas and grandmas and I just want to tell you thank you from the bottom of my heart."

PERSONAL PRIVILEGE

Senator Deccio: "Bob, the thing I like about you is, once you set your sights on something you never give up until the deal is done. I can think of three issues that you were involved in and I want to tell you I like that because I like to think maybe I do the same thing. That's the way you get things done around here, you got to be patient. You got to set your sights. You got to keep moving till you get there and even if it takes five or six years, Bob's a good example of that and I admire you for it."

SECOND READING

HOUSE BILL NO. 2501, by Representatives Schual-Berke, Cody and Morrell

Regulating group health benefit plan coverage of mental health services.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 2501 was advanced to third reading, the second

reading considered the third and the bill was placed on final passage.

Senators Keiser and Deccio spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Doumit and Pridemore were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2501.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2501 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senators Haugen and Mulliken - 2

Excused: Senator Pridemore - 1

HOUSE BILL NO. 2501, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2573, by House Committee on Health Care (originally sponsored by Representatives Morrell, Wallace, Clibborn, Cody, Flannigan, Simpson, Green, Ormsby, Springer, Kilmer, Moeller, Kagi and Conway)

Adopting health information technology to improve quality of care.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee amendment by the Committee on Health & Long-Term Care be adopted.

On page 6, after line 27, insert the following:

"NEW SECTION. **Sec. 4.** (1) The department of corrections shall create a demonstration project with one county jail system, one city jail system in the same county as the county jail system, and one state prison to demonstrate an integrated electronic health records system to facilitate and expedite the transfer of inmate health information between state and local correctional facilities.

(a) The demonstration project shall at a minimum be partially operational prior to September 1, 2006.

(b) The demonstration project data shall be available to the legislature by December 31, 2006.

(c) If specific funding is not provided for this subsection, the department is not required to complete the demonstration project.

(2) The department of corrections, in consultation with the Washington state health care authority, the Washington association of sheriffs and police chiefs, the Washington association of county officials, the Washington state association of counties, and the association of Washington cities shall prepare a recommendation to the 2007 legislature on how to

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

implement a statewide integrated electronic health records system to facilitate and expedite the transfer of inmate health information between state and local correctional facilities. The recommendation shall include data from similar demonstration projects, the cost necessary to implement the statewide program, anticipated savings created to state and local governments, the benefits of such a system, any relevant data from other states that have implemented similar statewide programs, and whether any statutory changes are necessary to implement a statewide system. The recommendations shall be presented to the legislature by December 31, 2006."

Senator Keiser spoke in favor of adoption of the committee amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee amendment by the Committee on Health & Long-Term Care to Substitute House Bill No. 2573.

The motion by Senator Keiser carried and the committee amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, strike "a new section" and insert "new sections"

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 2573 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Deccio spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2573 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2573 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 2; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senators McCaslin and Morton - 2

Absent: Senators Haugen and Mulliken - 2

SUBSTITUTE HOUSE BILL NO. 2573 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2342, by House Committee on Appropriations (originally sponsored by Representatives Moeller, Appleton, Nixon, Hunt, Curtis, Lantz, Morrell, Springer, Wallace, Fromhold, Kagi, Roberts, Cody, Ericks, Green and Ormsby)

Establishing a health care declarations registry.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Second Substitute House Bill No. 2342 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Deccio spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senator Mulliken was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2342.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2342 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senator Mulliken - 1

Absent: Senator Spanel - 1

SECOND SUBSTITUTE HOUSE BILL NO. 2342, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Hudgins and B. Sullivan)

Modifying net metering provisions.

The measure was read the second time.

MOTION

Senator Poulsen moved that the following committee striking amendment by the Committee on Water, Energy & Environment be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 80.60.010 and 2000 c 158 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Commission" means the utilities and transportation commission.

(2) "Customer-generator" means a user of a net metering system.

(3) "Electrical company" means a company owned by investors that meets the definition of RCW 80.04.010.

(4) "Electric cooperative" means a cooperative or association organized under chapter 23.86 or 24.06 RCW.

(5) "Electric utility" means any electrical company, public utility district, irrigation district, port district, electric cooperative, or municipal electric utility that is engaged in the

FIFTY-FOURTH DAY, MARCH 3, 2006

business of distributing electricity to retail electric customers in the state.

(6) "Irrigation district" means an irrigation district under chapter 87.03 RCW.

(7) "Municipal electric utility" means a city or town that owns or operates an electric utility authorized by chapter 35.92 RCW.

(8) "Net metering" means measuring the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator (~~(that is fed back to the electric utility)~~) over the applicable billing period.

(9) "Net metering system" means a fuel cell ~~((or)), a facility that produces electricity and used and useful thermal energy from a common fuel source, or a facility for the production of electrical energy that generates renewable energy, and that:~~

~~((a)) (Uses as its fuel either solar, wind, or hydropower;~~
~~((b)) Has ((a)) an electrical generating capacity of not more than ((twenty-five)) one hundred kilowatts;~~

~~((c)) (b) Is located on the customer-generator's premises;~~

~~((d)) (c) Operates in parallel with the electric utility's transmission and distribution facilities; and~~

~~((e)) (d) Is intended primarily to offset part or all of the customer-generator's requirements for electricity.~~

(10) "Port district" means a port district within which an industrial development district has been established as authorized by Title 53 RCW.

(11) "Public utility district" means a district authorized by chapter 54.04 RCW.

(12) "Renewable energy" means energy generated by a facility that uses water, wind, solar energy, or biogas from animal waste as a fuel.

Sec. 2. RCW 80.60.020 and 2000 c 158 s 2 are each amended to read as follows:

An electric utility:

(1) Shall offer to make net metering available to eligible customers-generators on a first-come, first-served basis until the cumulative generating capacity of net metering systems equals ~~((0.1)) 0.25~~ percent of the utility's peak demand during 1996 ~~(of which not less than 0.05 percent shall be attributable to net metering systems that use as its fuel either solar, wind, or hydropower))~~. On January 1, 2014, the cumulative generating capacity available to net metering systems will equal 0.5 percent of the utility's peak demand during 1996. Not less than one-half of the utility's 1996 peak demand available for net metering systems shall be reserved for the cumulative generating capacity attributable to net metering systems that generate renewable energy;

(2) Shall allow net metering systems to be interconnected using a standard kilowatt-hour meter capable of registering the flow of electricity in two directions, unless the commission, in the case of an electrical company, or the appropriate governing body, in the case of other electric utilities, determines, after appropriate notice and opportunity for comment:

(a) That the use of additional metering equipment to monitor the flow of electricity in each direction is necessary and appropriate for the interconnection of net metering systems, after taking into account the benefits and costs of purchasing and installing additional metering equipment; and

(b) How the cost of purchasing and installing an additional meter is to be allocated between the customer-generator and the utility;

(3) Shall charge the customer-generator a minimum monthly fee that is the same as other customers of the electric utility in the same rate class, but shall not charge the customer-generator any additional standby, capacity, interconnection, or other fee or charge unless the commission, in the case of an electrical company, or the appropriate governing body, in the case of other electric utilities, determines, after appropriate notice and opportunity for comment that:

(a) The electric utility will incur direct costs associated with interconnecting or administering net metering systems that

exceed any offsetting benefits associated with these systems; and

(b) Public policy is best served by imposing these costs on the customer-generator rather than allocating these costs among the utility's entire customer base.

Sec. 3. RCW 80.60.030 and 1998 c 318 s 4 are each amended to read as follows:

Consistent with the other provisions of this chapter, the net energy measurement must be calculated in the following manner:

(1) The electric utility shall measure the net electricity produced or consumed during the billing period, in accordance with normal metering practices.

(2) If the electricity supplied by the electric utility exceeds the electricity generated by the customer-generator and fed back to the electric utility during the billing period, the customer-generator shall be billed for the net electricity supplied by the electric utility, in accordance with normal metering practices.

(3) If electricity generated by the customer-generator exceeds the electricity supplied by the electric utility, the customer-generator:

(a) Shall be billed for the appropriate customer charges for that billing period, in accordance with RCW 80.60.020; and

(b) Shall be credited for the excess kilowatt-hours generated during the billing period, with this kilowatt-hour credit appearing on the bill for the following billing period.

~~((At the beginning))~~ On April 30th of each calendar year, any remaining unused kilowatt-hour credit accumulated during the previous year shall be granted to the electric utility, without any compensation to the customer-generator.

Sec. 4. RCW 80.60.040 and 2000 c 158 s 3 are each amended to read as follows:

(1) A net metering system used by a customer-generator shall include, at the customer-generator's own expense, all equipment necessary to meet applicable safety, power quality, and interconnection requirements established by the national electrical code, national electrical safety code, the institute of electrical and electronics engineers, and underwriters laboratories.

(2) The commission, in the case of an electrical company, or the appropriate governing body, in the case of other electric utilities, after appropriate notice and opportunity for comment, may adopt by regulation additional safety, power quality, and interconnection requirements for customer-generators, including limitations on the number of customer-generators and total capacity of net metering systems that may be interconnected to any distribution feeder line, circuit, or network that the commission or governing body determines are necessary to protect public safety and system reliability.

(3) An electric utility may not require a customer-generator whose net metering system meets the standards in subsections (1) and (2) of this section to comply with additional safety or performance standards, perform or pay for additional tests, or purchase additional liability insurance. However, an electric utility shall not be liable directly or indirectly for permitting or continuing to allow an attachment of a net metering system, or for the acts or omissions of the customer-generator that cause loss or injury, including death, to any third party."

Senator Poulsen spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Water, Energy & Environment to Engrossed Substitute House Bill No. 2352.

The motion by Senator Poulsen carried and the committee striking amendment was adopted by voice vote.

MOTION

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "metering;" strike the remainder of the title and insert "and amending RCW 80.60.010, 80.60.020, 80.60.030, and 80.60.040."

MOTION

On motion of Senator Poulsen, the rules were suspended, Engrossed Substitute House Bill No. 2352 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Morton spoke in favor of passage of the bill.

MOTION

On motion of Senator Weinstein, Senator Doumit was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2352 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2352 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senator Delvin - 1

Absent: Senator Hargrove - 1

Excused: Senator Doumit - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2446, by House Committee on Local Government (originally sponsored by Representatives Buri, Sump and Haler)

Permitting certain school district substitute employee contracts.

The measure was read the second time.

MOTION

On motion of Senator Weinstein, the rules were suspended, Substitute House Bill No. 2446 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Weinstein and Schoesler spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

POINT OF INQUIRY

Senator Benton: "Would Senator Schoesler yield to a question? Senator Schoesler, for a number of years, we've had some concerns in the legislature over the retire-rehire situation where people retire and their contracted back. Is this bill tight enough to where it only applies to very small rural districts and does the retire-rehire issue really present itself in this legislation?"

Senator Schoesler: "Thank you for your concern Senator Benton. This bill requires a district to declare a shortage of substitute teachers. It applies only to districts of under two-hundred total students and does not reference retire-rehire anywhere in any of the new language."

Senator Benton spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2446.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2446 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Doumit and Fairley - 2

SUBSTITUTE HOUSE BILL NO. 2446, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1650, by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives O'Brien, Newhouse, Lovick and Rodne)

Addressing the failure to respond to citations and notices of infractions. Revised for 1st Substitute: Decriminalizing refusal to sign citations and notices of infractions issued electronically or by mail.

The measure was read the second time.

MOTION

Senator Brandland moved that the following striking amendment by Senators Kline and Johnson be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.61.021 and 1997 1st sp.s. c 1 s 1 are each amended to read as follows:

(1) Any person requested or signaled to stop by a law enforcement officer for a traffic infraction has a duty to stop.

(2) Whenever any person is stopped for a traffic infraction, the officer may detain that person for a reasonable period of time necessary to identify the person, check for outstanding warrants, check the status of the person's license, insurance identification card, and the vehicle's registration, and complete and issue a notice of traffic infraction.

(3) Any person requested to identify himself or herself to a law enforcement officer pursuant to an investigation of a traffic infraction has a duty to identify himself or herself(=) and give his or her current address(= and sign an acknowledgement of receipt of the notice of infraction)).

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

Sec. 2. RCW 46.63.060 and 1993 c 501 s 9 are each amended to read as follows:

(1) A notice of traffic infraction represents a determination that an infraction has been committed. The determination will be final unless contested as provided in this chapter.

(2) The form for the notice of traffic infraction shall be prescribed by rule of the supreme court and shall include the following:

(a) A statement that the notice represents a determination that a traffic infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;

(b) A statement that a traffic infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction; that the penalty for a traffic infraction may include sanctions against the person's driver's license including suspension, revocation, or denial; that the penalty for a traffic infraction related to standing, stopping, or parking may include nonrenewal of the vehicle license;

(c) A statement of the specific traffic infraction for which the notice was issued;

(d) A statement of the monetary penalty established for the traffic infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that at any hearing to contest the determination the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses including the officer who issued the notice of infraction;

(g) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the infraction the person will be deemed to have committed the infraction and may not subpoena witnesses;

(h) A statement that the person must respond to the notice as provided in this chapter within fifteen days or the person's driver's license or driving privilege will be suspended by the department until any penalties imposed pursuant to this chapter have been satisfied; and

(i) A statement that failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in the suspension of the person's driver's license or driving privilege, or in the case of a standing, stopping, or parking violation, refusal of the department to renew the vehicle license, until any penalties imposed pursuant to this chapter have been satisfied; ~~(j) A statement, which the person shall sign, that the person promises to respond to the notice of infraction in one of the ways provided in this chapter).~~

~~(j) A statement, which the person shall sign, that the person promises to respond to the notice of infraction in one of the ways provided in this chapter).~~

Sec. 3. RCW 46.64.015 and 2004 c 43 s 5 are each amended to read as follows:

Whenever any person is arrested for any violation of the traffic laws or regulations which is punishable as a misdemeanor or by imposition of a fine, the arresting officer may serve upon him or her a traffic citation and notice to appear in court. Such citation and notice shall conform to the requirements of RCW 46.64.010, and in addition, shall include spaces for the name and address of the person arrested, the license number of the vehicle involved, the driver's license number of such person, if any, the offense or violation charged, and the time and place where such person shall appear in court ~~(, and a place where the person arrested may sign)~~. Such spaces shall be filled with the appropriate information by the arresting officer. ~~(The arrested person, in order to secure release, and when permitted by the arresting officer, must give his or her written promise to appear in court as required by the citation and notice by signing in the appropriate place the written or electronic citation and notice served by the arresting officer, and if the arrested person is a nonresident of the state, shall also post a bond, cash security, or bail as required under RCW 46.64.035.)~~ An officer may not serve or issue any traffic citation or notice for any offense or violation except either when the offense or violation is committed in his or her presence or when a person may be arrested pursuant to RCW 10.31.100, as now or hereafter

amended. The detention arising from an arrest under this section may not be for a period of time longer than is reasonably necessary to issue and serve a citation and notice, except that the time limitation does not apply under any of the following circumstances:

(1) ~~(Where the arrested person refuses to sign a written promise to appear in court as required by the citation and notice provisions of this section;~~

~~(2))~~ Where the arresting officer has probable cause to believe that the arrested person has committed any of the offenses enumerated in RCW 10.31.100(3) ~~(, as now or hereafter amended)~~;

~~(3))~~ (2) When the arrested person is a nonresident and is being detained for a hearing under RCW 46.64.035.

Sec. 4. RCW 46.64.025 and 1999 c 86 s 7 are each amended to read as follows:

Whenever any person ~~(violates his or her written promise to appear in court, or)~~ served with a traffic citation willfully fails to appear for a scheduled court hearing, the court in which the defendant failed to appear shall promptly give notice of such fact to the department of licensing. Whenever thereafter the case in which the defendant failed to appear is adjudicated, the court hearing the case shall promptly file with the department a certificate showing that the case has been adjudicated.

Sec. 5. RCW 7.80.070 and 1987 c 456 s 15 are each amended to read as follows:

(1) A notice of civil infraction represents a determination that a civil infraction has been committed. The determination is final unless contested as provided in this chapter.

(2) The form for the notice of civil infraction shall be prescribed by rule of the supreme court and shall include the following:

(a) A statement that the notice represents a determination that a civil infraction has been committed by the person named in the notice and that the determination is final unless contested as provided in this chapter;

(b) A statement that a civil infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction;

(c) A statement of the specific civil infraction for which the notice was issued;

(d) A statement of the monetary penalty established for the civil infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that at any hearing to contest the determination the state has the burden of proving, by a preponderance of the evidence, that the civil infraction was committed and that the person may subpoena witnesses including the enforcement officer who issued the notice of civil infraction;

(g) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the civil infraction, the person will be deemed to have committed the civil infraction and may not subpoena witnesses;

(h) A statement that the person must respond to the notice as provided in this chapter within fifteen days;

(i) A statement that failure to respond to the notice or a failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in a default judgment against the person in the amount of the penalty and that this failure may be referred to the prosecuting attorney for criminal prosecution for failure to respond or appear;

~~(j) (A statement, which the person shall sign, that the person promises to respond to the notice of civil infraction in one of the ways provided in this chapter;~~

~~(k))~~ (A statement that failure to respond to a notice of civil infraction ~~(as promised)~~ or to appear at a requested hearing is a misdemeanor and may be punished by a fine or imprisonment in jail.

Sec. 6. RCW 7.80.160 and 2002 c 175 s 2 are each amended to read as follows:

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

(1) ~~((A person who fails to sign a notice of civil infraction is guilty of a misdemeanor.~~

~~—(2)) Any person ((willfully violating his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of civil infraction)) who, after receiving a statement of the options provided in this chapter for responding to the notice of civil infraction and the procedures necessary to exercise these options, fails to exercise one of the options in a timely manner is guilty of a misdemeanor regardless of the disposition of the notice of civil infraction. A ((written promise to appear in court or a written promise to respond to a)) notice of civil infraction may be complied with by an appearance by counsel.~~

~~((3))~~ (2) A person who willfully fails to pay a monetary penalty or to perform community restitution as required by a court under this chapter may be found in contempt of court as provided in chapter 7.21 RCW.

Sec. 7. RCW 7.84.050 and 1987 c 380 s 5 are each amended to read as follows:

(1) A notice of infraction represents a determination that an infraction has been committed. The determination shall be final unless contested as provided in this chapter.

(2) The form for the notice of infraction shall be prescribed by rule of the supreme court and shall include the following:

(a) A statement that the notice represents a determination that an infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;

(b) A statement that an infraction is a noncriminal offense for which imprisonment will not be imposed as a sanction;

(c) A statement of the specific infraction for which the notice was issued;

(d) A statement of the monetary penalty established for the infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that at any hearing to contest the determination, the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses including the officer who issued the notice of infraction;

(g) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the infraction the person shall be deemed to have committed the infraction and shall not subpoena witnesses;

(h) A statement that failure to respond to a notice of infraction within fifteen days is a misdemeanor and may be punished by fine or imprisonment; and

(i) A statement that failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances is a misdemeanor and may be punished by fine or imprisonment(~~;~~ and

~~—(j) A statement, which the person shall sign, that the person promises to respond to the notice of infraction in one of the ways provided in this chapter)).~~

Sec. 8. RCW 18.27.240 and 1986 c 197 s 4 are each amended to read as follows:

The form of the notice of infraction issued under this chapter shall include the following:

(1) A statement that the notice represents a determination that the infraction has been committed by the contractor named in the notice and that the determination shall be final unless contested as provided in this chapter;

(2) A statement that the infraction is a noncriminal offense for which imprisonment shall not be imposed as a sanction;

(3) A statement of the specific violation which necessitated issuance of the infraction;

(4) A statement of penalty involved if the infraction is established;

(5) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(6) A statement that at any hearing to contest the notice of infraction the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the contractor may subpoena witnesses, including the compliance inspector of the department who issued and served the notice of infraction;

(7) A statement(~~(, which the person who has been served with the notice of infraction shall sign,)) that the contractor ((promises to)) must respond to the notice of infraction in one of the ways provided in this chapter; and~~

~~(8) ((A statement that refusal to sign the infraction as directed in subsection (7) of this section is a misdemeanor and may be punished by a fine or imprisonment in jail; and~~

~~—(9)) A statement that a contractor's failure to ((respond to a notice of infraction as promised)) timely select one of the options for responding to the notice of infraction after receiving a statement of the options provided in this chapter for responding to the notice of infraction and the procedures necessary to exercise these options is guilty of a misdemeanor and may be punished by a fine or imprisonment in jail.~~

Sec. 9. RCW 18.106.190 and 1994 c 174 s 4 are each amended to read as follows:

The form of the notice of infraction issued under this chapter shall include the following:

(1) A statement that the notice represents a determination that the infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;

(2) A statement that the infraction is a noncriminal offense for which imprisonment shall not be imposed as a sanction;

(3) A statement of the specific infraction for which the notice was issued;

(4) A statement of the monetary penalty that has been established for the infraction;

(5) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(6) A statement that at any hearing to contest the determination the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses, including the authorized representative of the department who issued and served the notice of infraction; and

(7) A statement(~~(, which the person shall sign,)) that the person ((promises to)) must respond to the notice of infraction in one of the ways provided in this chapter(~~;~~ and~~

~~((8) A statement that refusal to sign the infraction as directed in subsection (7) of this section is a misdemeanor; and~~

~~—(9)) A statement that failure to ((respond to a notice of infraction as promised)) timely select one of the options for responding to the notice of civil infraction after receiving a statement of the options provided in this chapter for responding to the notice of infraction and the procedures necessary to exercise these options is a misdemeanor and may be punished by a fine or imprisonment in jail.~~

Sec. 10. RCW 20.01.482 and 2004 c 43 s 3 are each amended to read as follows:

(1) The director shall have the authority to issue a notice of civil infraction if an infraction is committed in his or her presence or, if after investigation, the director has reasonable cause to believe an infraction has been committed.

(2) It is a misdemeanor for any person to refuse to properly identify himself or herself for the purpose of issuance of a notice of infraction (~~(or to refuse to sign the written or electronic promise to appear or respond to a notice of infraction)).~~

(3) Any person willfully (~~(violating a written or electronic and signed promise)) failing to respond to a notice of infraction is guilty of a misdemeanor regardless of the disposition of the notice of infraction.~~

Sec. 11. RCW 43.63B.140 and 1994 c 284 s 26 are each amended to read as follows:

(1) The department shall prescribe the form of the notice of infraction issued under this chapter.

(2) The notice of infraction shall include the following:

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

(a) A statement that the notice represents a determination that the infraction has been committed by the person named in the notice and that the determination is final unless contested as provided in this chapter;

(b) A statement that the infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction;

(c) A statement of the specific infraction for which the notice was issued;

(d) A statement of a monetary penalty that has been established for the infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that, at a hearing to contest the determination, the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed, and that the person may subpoena witnesses including the authorized representative who issued and served the notice of the infraction; and

~~(g) (A statement, that the person shall sign, that the person promises to respond to the notice of infraction in one of the ways provided in this chapter;~~

~~(h) A statement that refusal to sign the infraction as directed in (g) of this subsection is a misdemeanor; and~~

~~(i)) A statement that failure to respond to a notice of infraction ((as promised)) is a misdemeanor and may be punished by a fine or imprisonment in jail.~~

Sec. 12. RCW 81.112.230 and 1999 c 20 s 5 are each amended to read as follows:

Nothing in RCW 81.112.020 and 81.112.210 through 81.112.230 shall be deemed to prevent law enforcement authorities from prosecuting for theft, trespass, or other charges by any individual who:

(1) Fails to pay the required fare on more than one occasion within a twelve-month period;

(2) Fails to ~~((sign a notice of civil infraction))~~ timely select one of the options for responding to the notice of civil infraction after receiving a statement of the options provided in this chapter for responding to the notice of infraction and the procedures necessary to exercise these options; or

(3) Fails to depart the train, including but not limited to commuter trains and light rail trains, when requested to do so by a person designated to monitor fare payment.

NEW SECTION. **Sec. 13.** RCW 18.27.280 (Notice--Penalty for person refusing to promise to respond) and 1983 1st ex.s. c 2 s 10 are each repealed."

Senator Kline spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Kline and Johnson to Substitute House Bill No. 1650.

The motion by Senator Brandland carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "infractions;" strike the remainder of the title and insert "amending RCW 46.61.021, 46.63.060, 46.64.015, 46.64.025, 7.80.070, 7.80.160, 7.84.050, 18.27.240, 18.106.190, 20.01.482, 43.63B.140, and 81.112.230; repealing RCW 18.27.280; and prescribing penalties."

MOTION

On motion of Senator Brandland, the rules were suspended, Substitute House Bill No. 1650 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brandland and Kline spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1650 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1650 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Doumit - 1

SUBSTITUTE HOUSE BILL NO. 1650 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2812, by House Committee on Appropriations (originally sponsored by Representatives Hunter, Rodne, Quall, Nixon, P. Sullivan, Jarrett, Clibborn, Tom, Morrell, Fromhold, Roberts, Schual-Berke, Simpson, Anderson and Kagi)

Modifying school district levy provisions. Revised for 1st Substitute: Increasing the levy base for school districts.

The measure was read the second time.

MOTION

Senator Schoesler moved that the following amendment by Senators Schoesler and Morton be adopted.

On page 1, after line 3, insert the following:

"**Sec. 1.** RCW 28A.500.030 and 2005 c 518 s 914 are each amended to read as follows:

Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(1) Funds raised by the district through maintenance and operation levies shall be matched with state funds using the following ratio of state funds to levy funds:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; to

(b) The statewide average twelve percent levy rate.

(2) The maximum amount of state matching funds for districts eligible for local effort assistance shall be the district's twelve percent levy amount, multiplied by the following percentage:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; divided by

(b) The district's twelve percent levy rate.

(3) Calendar year 2003 allocations and maximum eligibility under this chapter shall be multiplied by 0.99.

(4) From January 1, 2004, to December 31, 2005, allocations and maximum eligibility under this chapter shall be multiplied by 0.937.

(5) From January 1, 2006, to ~~((June 30, 2007))~~ December 31, 2006, allocations and maximum eligibility under this chapter shall be multiplied by 0.9563. Beginning with calendar year 2007, allocations and maximum eligibility under this chapter shall be fully funded at one hundred percent and shall not be reduced."

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

Renumber the sections consecutively and correct any internal references accordingly.

Senators Schoesler and Weinstein spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Schoesler and Morton on page 1, line 3 to Substitute House Bill No. 2812.

The motion by Senator Schoesler carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "RCW" insert "28A.500.030 and"

MOTION

On motion of Senator Weinstein, the rules were suspended, Substitute House Bill No. 2812 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Weinstein, Esser, Rockefeller and Schmidt spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2812 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2812 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Doumit - 1

SUBSTITUTE HOUSE BILL NO. 2812 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Schoesler, Senator Parlette was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2848, by House Committee on Judiciary (originally sponsored by Representatives Lantz, Ericks, Santos, Williams, Rodne, Priest, Hudgins, Darneille, Morrell, Kessler, McDonald, Roberts, McCoy, Kenney, Campbell, P. Sullivan, Wallace, Hasegawa, Kilmer, Green, Simpson, Wood, Ormsby and Springer)

Protecting confidentiality of domestic violence information.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute House Bill No. 2848 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Johnson spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2848.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2848 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Deccio - 1

Excused: Senator Parlette - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2848, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2974, by House Committee on Health Care (originally sponsored by Representatives Cody, Morrell and Moeller)

Modifying provisions with respect to disciplining health professions.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.130.060 and 2001 c 101 s 1 are each amended to read as follows:

In addition to the authority specified in RCW 18.130.050, the secretary has the following additional authority:

(1) To employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter;

(2) Upon the request of a board, to appoint pro tem members to participate as members of a panel of the board in connection with proceedings specifically identified in the request. Individuals so appointed must meet the same minimum qualifications as regular members of the board. Pro tem members appointed for matters under this chapter are appointed for a term of no more than one year. No pro tem member may serve more than four one-year terms. While serving as board members pro tem, persons so appointed have all the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of regular members of the board. The chairperson of a panel shall be a regular member of the board appointed by the board chairperson. Panels have authority to act as directed by the board with respect to all matters concerning the review, investigation, and adjudication of all complaints,

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

allegations, charges, and matters subject to the jurisdiction of the board. The authority to act through panels does not restrict the authority of the board to act as a single body at any phase of proceedings within the board's jurisdiction. Board panels may make interim orders and issue final decisions with respect to matters and cases delegated to the panel by the board. Final decisions may be appealed as provided in chapter 34.05 RCW, the administrative procedure act;

(3) To establish fees to be paid for witnesses, expert witnesses, and consultants used in any investigation and to establish fees to witnesses in any agency adjudicative proceeding as authorized by RCW 34.05.446;

(4) To conduct investigations and practice reviews at the direction of the disciplining authority and to issue subpoenas, administer oaths, and take depositions in the course of conducting those investigations and practice reviews at the direction of the disciplining authority;

(5) To have the health professions regulatory program establish a system to recruit potential public members, to review the qualifications of such potential members, and to provide orientation to those public members appointed pursuant to law by the governor or the secretary to the boards and commissions specified in RCW 18.130.040(2)(b), and to the advisory committees and councils for professions specified in RCW 18.130.040(2)(a); and

(6) To adopt rules, in consultation with the disciplining authorities, requiring every license holder to report information identified in RCW 18.130.070.

Sec. 2. RCW 18.130.070 and 2005 c 470 s 2 are each amended to read as follows:

(1)(a) ~~The ((disciplining authority may)) secretary shall adopt rules requiring ((any person, including, but not limited to, licensees, corporations, organizations, health care facilities, impaired practitioner programs, or voluntary substance abuse monitoring programs approved by the disciplining authority and state or local governmental agencies;)) every license holder to report to the appropriate disciplining authority any conviction, determination, or finding that ((a)) another license holder has committed an act which constitutes unprofessional conduct, or to report information to the disciplining authority, an impaired practitioner program, or voluntary substance abuse monitoring program approved by the disciplining authority, which indicates that the other license holder may not be able to practice his or her profession with reasonable skill and safety to consumers as a result of a mental or physical condition.~~

(b) The secretary may adopt rules to require other persons, including corporations, organizations, health care facilities, impaired practitioner programs, or voluntary substance abuse monitoring programs approved by a disciplining authority, and state or local government agencies to report;

(i) Any conviction, determination, or finding that a license holder has committed an act which constitutes unprofessional conduct; or

(ii) Information to the disciplining authority, an impaired practitioner program, or voluntary substance abuse monitoring program approved by the disciplining authority, which indicates that the license holder may not be able to practice his or her profession with reasonable skill and safety to consumers as a result of a mental or physical condition.

(c) If a report has been made by a hospital to the department pursuant to RCW 70.41.210, a report to the disciplining authority is not required. To facilitate meeting the intent of this section, the cooperation of agencies of the federal government is requested by reporting any conviction, determination, or finding that a federal employee or contractor regulated by the disciplining authorities enumerated in this chapter has committed an act which constituted unprofessional conduct and reporting any information which indicates that a federal employee or contractor regulated by the disciplining authorities enumerated in this chapter may not be able to practice his or her

profession with reasonable skill and safety as a result of a mental or physical condition.

(d) Reporting under this section is not required by:

(i) Any entity with a peer review committee, quality improvement committee or other similarly designated professional review committee, or by a license holder who is a member of such committee, during the investigative phase of the respective committee's operations if the investigation is completed in a timely manner; or

(ii) An impaired practitioner program or voluntary substance abuse monitoring program approved by a disciplining authority under RCW 18.130.175 if the license holder is currently enrolled in the treatment program, so long as the license holder actively participates in the treatment program and the license holder's impairment does not constitute a clear and present danger to the public health, safety, or welfare.

(2) If a person fails to furnish a required report, the disciplining authority may petition the superior court of the county in which the person resides or is found, and the court shall issue to the person an order to furnish the required report. A failure to obey the order is a contempt of court as provided in chapter 7.21 RCW.

(3) A person is immune from civil liability, whether direct or derivative, for providing information to the disciplining authority pursuant to the rules adopted under subsection (1) of this section.

(4)(a) The holder of a license subject to the jurisdiction of this chapter shall report to the disciplining authority:

(i) Any conviction, determination, or finding that ((the licensee)) he or she has committed unprofessional conduct or is unable to practice with reasonable skill or safety; and

(ii) Any disqualification from participation in the federal medicare program, under Title XVIII of the federal social security act or the federal medicaid program, under Title XIX of the federal social security act.

(b) Failure to report within thirty days of notice of the conviction, determination, ((or)) finding, or disqualification constitutes grounds for disciplinary action.

NEW SECTION. Sec. 3. A new section is added to chapter 18.130 RCW to read as follows:

Any individual who applies for a license or temporary practice permit or holds a license or temporary practice permit and is prohibited from practicing a health care profession in another state because of an act of unprofessional conduct that is substantially equivalent to an act of unprofessional conduct prohibited by this chapter or any of the chapters specified in RCW 18.130.040 is prohibited from practicing a health care profession in this state until proceedings of the appropriate disciplining authority have been completed under RCW 18.130.050.

Sec. 4. RCW 18.130.050 and 1995 c 336 s 4 are each amended to read as follows:

The disciplining authority has the following authority:

(1) To adopt, amend, and rescind such rules as are deemed necessary to carry out this chapter;

(2) To investigate all complaints or reports of unprofessional conduct as defined in this chapter and to hold hearings as provided in this chapter;

(3) To issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this chapter;

(4) To take or cause depositions to be taken and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;

(5) To compel attendance of witnesses at hearings;

(6) In the course of investigating a complaint or report of unprofessional conduct, to conduct practice reviews;

(7) To take emergency action ordering summary suspension of a license, or restriction or limitation of the ~~((licensee's))~~ license holder's practice pending proceedings by the disciplining authority. Consistent with section 3 of this act, a disciplining

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

authority shall issue a summary suspension of the license or temporary practice permit of a license holder prohibited from practicing a health care profession in another state, federal, or foreign jurisdiction because of an act of unprofessional conduct that is substantially equivalent to an act of unprofessional conduct prohibited by this chapter or any of the chapters specified in RCW 18.130.040. The summary suspension remains in effect until proceedings by the Washington disciplining authority have been completed;

(8) To use a presiding officer as authorized in RCW 18.130.095(3) or the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings. The disciplining authority shall make the final decision regarding disposition of the license unless the disciplining authority elects to delegate in writing the final decision to the presiding officer;

(9) To use individual members of the boards to direct investigations. However, the member of the board shall not subsequently participate in the hearing of the case;

(10) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(11) To contract with licensees or other persons or organizations to provide services necessary for the monitoring and supervision of licensees who are placed on probation, whose professional activities are restricted, or who are for any authorized purpose subject to monitoring by the disciplining authority;

(12) To adopt standards of professional conduct or practice;

(13) To grant or deny license applications, and in the event of a finding of unprofessional conduct by an applicant or license holder, to impose any sanction against a license applicant or license holder provided by this chapter;

(14) To designate individuals authorized to sign subpoenas and statements of charges;

(15) To establish panels consisting of three or more members of the board to perform any duty or authority within the board's jurisdiction under this chapter;

(16) To review and audit the records of licensed health facilities' or services' quality assurance committee decisions in which a licensee's practice privilege or employment is terminated or restricted. Each health facility or service shall produce and make accessible to the disciplining authority the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to discovery or introduction into evidence in any civil action pursuant to RCW 70.41.200(3).

Sec. 5. RCW 18.130.080 and 1998 c 132 s 9 are each amended to read as follows:

(1) A person, including but not limited to consumers, licensees, corporations, organizations, health care facilities, impaired practitioner programs, or voluntary substance abuse monitoring programs approved by disciplining authorities, and state and local governmental agencies, may submit a written complaint to the disciplining authority charging a license holder or applicant with unprofessional conduct and specifying the grounds therefor or to report information to the disciplining authority, or voluntary substance abuse monitoring program, or an impaired practitioner program approved by the disciplining authority, which indicates that the license holder may not be able to practice his or her profession with reasonable skill and safety to consumers as a result of a mental or physical condition. If the disciplining authority determines that the complaint merits investigation, or if the disciplining authority has reason to believe, without a formal complaint, that a license holder or applicant may have engaged in unprofessional conduct, the disciplining authority shall investigate to determine whether there has been unprofessional conduct. In determining whether or not to investigate, the disciplining authority shall consider any prior complaints received by the disciplining authority, any prior findings of fact under RCW 18.130.110, any stipulations

to informal disposition under RCW 18.130.172, and any comparable action taken by other state disciplining authorities.

(2) Notwithstanding subsection (1) of this section, the disciplining authority shall initiate an investigation in every instance where the disciplining authority receives information that a health care provider has been disqualified from participating in the federal medicare program, under Title XVIII of the federal social security act, or the federal medicaid program, under Title XIX of the federal social security act.

(3) A person who files a complaint or reports information under this section in good faith is immune from suit in any civil action related to the filing or contents of the complaint.

Sec. 6. RCW 18.130.160 and 2001 c 195 s 1 are each amended to read as follows:

Upon a finding, after hearing, that a license holder or applicant has committed unprofessional conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition, the disciplining authority may issue an order providing for one or any combination of the following:

(1) Revocation of the license;

(2) Suspension of the license for a fixed or indefinite term;

(3) Restriction or limitation of the practice;

(4) Requiring the satisfactory completion of a specific program of remedial education or treatment;

(5) The monitoring of the practice by a supervisor approved by the disciplining authority;

(6) Censure or reprimand;

(7) Compliance with conditions of probation for a designated period of time;

(8) Payment of a fine for each violation of this chapter, not to exceed five thousand dollars per violation. Funds received shall be placed in the health professions account;

(9) Denial of the license request;

(10) Corrective action;

(11) Refund of fees billed to and collected from the consumer;

(12) A surrender of the practitioner's license in lieu of other sanctions, which must be reported to the federal data bank.

Any of the actions under this section may be totally or partly stayed by the disciplining authority. Safeguarding the public's health and safety is the paramount responsibility of every disciplining authority and in determining what action is appropriate, the disciplining authority must first consider what sanctions are necessary to protect or compensate the public. Only after such provisions have been made may the disciplining authority consider and include in the order requirements designed to rehabilitate the license holder or applicant. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

The licensee or applicant may enter into a stipulated disposition of charges that includes one or more of the sanctions of this section, but only after a statement of charges has been issued and the licensee has been afforded the opportunity for a hearing and has elected on the record to forego such a hearing. The stipulation shall either contain one or more specific findings of unprofessional conduct or inability to practice, or a statement by the licensee acknowledging that evidence is sufficient to justify one or more specified findings of unprofessional conduct or inability to practice. The stipulation entered into pursuant to this subsection shall be considered formal disciplinary action for all purposes.

Sec. 7. RCW 18.130.175 and 2005 c 274 s 233 are each amended to read as follows:

(1) In lieu of disciplinary action under RCW 18.130.160 and if the disciplining authority determines that the unprofessional conduct may be the result of substance abuse, the disciplining authority may refer the license holder to a voluntary substance abuse monitoring program approved by the disciplining authority.

The cost of the treatment shall be the responsibility of the license holder, but the responsibility does not preclude payment

by an employer, existing insurance coverage, or other sources. Primary alcoholism or other drug addiction treatment shall be provided by approved treatment programs under RCW 70.96A.020 or by any other provider approved by the entity or the commission. However, nothing shall prohibit the disciplining authority from approving additional services and programs as an adjunct to primary alcoholism or other drug addiction treatment. The disciplining authority may also approve the use of out-of-state programs. Referral of the license holder to the program shall be done only with the consent of the license holder. Referral to the program may also include probationary conditions for a designated period of time. If the license holder does not consent to be referred to the program or does not successfully complete the program, the disciplining authority may take appropriate action under RCW 18.130.160 which includes suspension of the license unless or until the disciplining authority, in consultation with the director of the voluntary substance abuse monitoring program, determines the license holder is able to practice safely. The secretary shall adopt uniform rules for the evaluation by the disciplinary authority of a relapse or program violation on the part of a license holder in the substance abuse monitoring program. The evaluation shall encourage program participation with additional conditions, in lieu of disciplinary action, when the disciplinary authority determines that the license holder is able to continue to practice with reasonable skill and safety.

(2) In addition to approving substance abuse monitoring programs that may receive referrals from the disciplining authority, the disciplining authority may establish by rule requirements for participation of license holders who are not being investigated or monitored by the disciplining authority for substance abuse. License holders voluntarily participating in the approved programs without being referred by the disciplining authority shall not be subject to disciplinary action under RCW 18.130.160 for their substance abuse, and shall not have their participation made known to the disciplining authority, if they meet the requirements of this section and the program in which they are participating.

(3) The license holder shall sign a waiver allowing the program to release information to the disciplining authority if the licensee does not comply with the requirements of this section or is unable to practice with reasonable skill or safety. The substance abuse program shall report to the disciplining authority any license holder who fails to comply with the requirements of this section or the program or who, in the opinion of the program, is unable to practice with reasonable skill or safety. License holders shall report to the disciplining authority if they fail to comply with this section or do not complete the program's requirements. License holders may, upon the agreement of the program and disciplining authority, reenter the program if they have previously failed to comply with this section.

(4) The treatment and pretreatment records of license holders referred to or voluntarily participating in approved programs shall be confidential, shall be exempt from chapter 42.56 RCW, and shall not be subject to discovery by subpoena or admissible as evidence except for monitoring records reported to the disciplining authority for cause as defined in subsection (3) of this section. Monitoring records relating to license holders referred to the program by the disciplining authority or relating to license holders reported to the disciplining authority by the program for cause, shall be released to the disciplining authority at the request of the disciplining authority. Records held by the disciplining authority under this section shall be exempt from chapter 42.56 RCW and shall not be subject to discovery by subpoena except by the license holder.

(5) "Substance abuse," as used in this section, means the impairment, as determined by the disciplining authority, of a license holder's professional services by an addiction to, a

dependency on, or the use of alcohol, legend drugs, or controlled substances.

(6) This section does not affect an employer's right or ability to make employment-related decisions regarding a license holder. This section does not restrict the authority of the disciplining authority to take disciplinary action for any other unprofessional conduct.

(7) A person who, in good faith, reports information or takes action in connection with this section is immune from civil liability for reporting information or taking the action.

(a) The immunity from civil liability provided by this section shall be liberally construed to accomplish the purposes of this section and the persons entitled to immunity shall include:

(i) An approved monitoring treatment program;

(ii) The professional association operating the program;

(iii) Members, employees, or agents of the program or association;

(iv) Persons reporting a license holder as being possibly impaired or providing information about the license holder's impairment; and

(v) Professionals supervising or monitoring the course of the impaired license holder's treatment or rehabilitation.

(b) The courts are strongly encouraged to impose sanctions on clients and their attorneys whose allegations under this subsection are not made in good faith and are without either reasonable objective, substantive grounds, or both.

(c) The immunity provided in this section is in addition to any other immunity provided by law.

NEW SECTION. Sec. 8. A new section is added to chapter 43.43 RCW to read as follows:

(1) Upon a guilty plea or conviction of a person for any felony crime involving homicide under chapter 9A.32 RCW, assault under chapter 9A.36 RCW, kidnapping under chapter 9A.40 RCW, or sex offenses under chapter 9A.44 RCW, the prosecuting attorney shall notify the state patrol of such guilty pleas or convictions.

(2) When the state patrol receives information that a person has pled guilty to or been convicted of one of the felony crimes under subsection (1) of this section, the state patrol shall transmit that information to the department of health. It is the duty of the department of health to identify whether the person holds a credential issued by a disciplining authority listed under RCW 18.130.040, and provide this information to the disciplining authority that issued the credential to the person who pled guilty or was convicted of a crime listed in subsection (1) of this section.

NEW SECTION. Sec. 9. A new section is added to chapter 18.130 RCW to read as follows:

(1) When developing its biennial budget request for appropriation of the health professions account created in RCW 43.70.320, beginning in the 2007-2009 budget and continuing in subsequent biennia, the department shall specify the number of full-time employees designated as investigators and attorneys and the costs associated with supporting their activities. The department shall also specify the additional full-time employees designated as investigators and attorneys that are required to achieve a staffing level that is able to respond promptly, competently, and appropriately to the workload associated with health professions disciplinary activities and the costs associated with supporting disciplinary activities. In identifying the need for additional staff, the department shall develop a formula based on its prior experience with staff levels compared to the number of providers, complaints, investigations, and other criteria that the department determines is relevant to staffing level decisions. The department must request additional funds for activities that most critically impact public health and safety. The budget request must specify the methodology used for each biennium.

(2) The joint legislative audit and review committee, in consultation with the department, shall report to the legislature

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

by December 1, 2010, with recommendations for formulas for determining appropriate staffing levels for investigators and attorneys at the department of health involved in the health professions disciplinary process to achieve prompt, competent, and appropriate responses to complaints of unprofessional conduct. The report must be based upon the department's prior experience with staff levels compared to the number of providers, complaints, investigations, and other criteria that the department finds are relevant to determining appropriate staffing levels.

(3) This section expires July 1, 2011.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

(1) RCW 18.57.174 (Duty to report unprofessional conduct--Exceptions) and 2000 c 171 s 20 & 1986 c 300 s 9; and
(2) RCW 18.71.0193 (Duty to report unprofessional conduct--Exceptions) and 1994 sp.s. c 9 s 327 & 1986 c 300 s 5.

NEW SECTION. Sec. 11. Section 7 of this act takes effect July 1, 2006."

Senators Keiser and Deccio spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to Substitute House Bill No. 2974.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "discipline;" strike the remainder of the title and insert "amending RCW 18.130.060, 18.130.070, 18.130.050, 18.130.080, 18.130.160, and 18.130.175; adding new sections to chapter 18.130 RCW; adding a new section to chapter 43.43 RCW; repealing RCW 18.57.174 and 18.71.0193; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 2974 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Deccio spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2974 as amended by the Senate

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2974 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senators Honeyford, McCaslin and Morton - 3
Absent: Senator Hewitt - 1

SUBSTITUTE HOUSE BILL NO. 2974 as amended by the Senate, having received the constitutional majority, was

declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 3310, by Representatives Bailey, Linville, Kessler, Morrell, Clibborn and Morris

Reviewing existing health care coverage statutory requirements.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.20 RCW to read as follows:

Any disability insurance contract that provides coverage for a subscriber's dependent must offer the option of covering his or her unmarried dependent: (1) Under the age of twenty-five; or (2) under the age of thirty and a veteran, as defined in RCW 41.04.007, regardless of whether the dependent is enrolled in an educational institution.

NEW SECTION. Sec. 2. A new section is added to chapter 48.21 RCW to read as follows:

Any group disability insurance contract or blanket disability insurance contract that provides coverage for a participating member's dependent must offer each participating member the option of covering his or her unmarried dependent: (1) Under the age of twenty-five; or (2) under the age of thirty and a veteran, as defined in RCW 41.04.007, regardless of whether the dependent is enrolled in an educational institution.

NEW SECTION. Sec. 3. A new section is added to chapter 48.44 RCW to read as follows:

(1) Any individual health care service plan contract that provides coverage for a subscriber's dependent must offer the option of covering his or her unmarried dependent: (a) Under the age of twenty-five; or (b) under the age of thirty and a veteran, as defined in RCW 41.04.007, regardless of whether the dependent is enrolled in an educational institution.

(2) Any group health care service plan contract that provides coverage for a participating member's dependent must offer each participating member the option of covering his or her unmarried dependent: (a) Under the age of twenty-five; or (b) under the age of thirty and a veteran, as defined in RCW 41.04.007, regardless of whether the dependent is enrolled in an educational institution.

NEW SECTION. Sec. 4. A new section is added to chapter 48.46 RCW to read as follows:

(1) Any individual health maintenance agreement that provides coverage for a subscriber's dependent must offer the option of covering his or her unmarried dependent: (a) Under the age of twenty-five; or (b) under the age of thirty and a veteran, as defined in RCW 41.04.007, regardless of whether the dependent is enrolled in an educational institution.

(2) Any group health maintenance agreement that provides coverage for a participating member's dependent must offer each participating member the option of covering his or her unmarried dependent: (a) Under the age of twenty-five; or (b) under the age of thirty and a veteran, as defined in RCW 41.04.007, regardless of whether the dependent is enrolled in an educational institution.

NEW SECTION. Sec. 5. By December 1, 2006, the insurance commissioner, shall provide a report to the legislature to include:

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

(1) A listing of all coverage, service, administrative, and provider requirements of all health carriers doing business in the state of Washington. The requirements for both individual and group markets should be listed. Requirements should include both statutory and regulatory requirements;

(2) A listing of those coverage, service, administrative, and provider requirements in the individual and group market that are not requirements in at least twenty-six other states;

(3) An assessment of whether market demand has already resulted in inclusion of a majority of these mandates or requirements in a significant number of health benefit plans in states that do not have the same requirements; and

(4) A listing of all health carriers doing business in the small group market in Washington state and the number of plans available compared to the number of carriers and plans available in other states.

NEW SECTION. Sec. 6. Sections 1 through 4 of this act take effect January 1, 2007."

MOTION

Senator Keiser moved that the following amendment by Senator Keiser to the committee striking amendment be adopted.

On page 1, line 14 after "contract" insert ", except those entered into under RCW 41.05.075,"

On page 2, line 1 after "contract" insert ", except those entered into under RCW 41.05.075,"

On page 2, line 15 after "agreement" insert ", except those entered into under RCW 41.05.075,"

Senator Keiser spoke in favor of adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Keiser on page 1, line 14 to the committee striking amendment to Engrossed House Bill No. 3310.

The motion by Senator Keiser carried and the amendment to the committee striking amendment was adopted by voice vote.

MOTION

Senator Deccio moved that the following amendment by Senator Deccio to the committee striking amendment be adopted.

On page 2, line 27, strike “;” and insert “. The report shall include an assessment of the cost of each listed requirement and the impact that covering the requirement has on the utilization of other health services, expressed as a net premium cost or savings per member per month.

(2) A listing of all statutory and regulatory requirements of all health carriers doing business in Washington that prohibit discrimination between health care provider groups who deliver services that are included in a health benefit plan. The report shall include an assessment of the cost of each listed requirement and the impact that covering the requirement has on the utilization of other health services, expressed as a net premium cost or savings per member per month.”

Renumber the sections consecutively and correct any internal references accordingly.

Senator Deccio spoke in favor of adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Deccio on page 2, line 27 to the committee striking amendment to Engrossed House Bill No. 3310.

The motion by Senator Deccio carried and the amendment to the committee striking amendment was adopted by voice vote.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking committee amendment by the Committee on Health & Long-Term Care as amended to Engrossed House Bill No. 3310.

Senators Keiser and Deccio spoke in favor of adoption of the committee striking amendment.

The motion by Senator Keiser carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "requirements;" strike the remainder of the title and insert "adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; creating a new section; and providing an effective date."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed House Bill No. 3310 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Pflug and Parlette spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed House Bill No. 3310 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 3310 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

ENGROSSED HOUSE BILL NO. 3310, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Substitute House Bill No. 2553 which had been deferred the previous day.

Senator Fairley spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee amendment by the Committee on Financial Institutions, Housing & Consumer Protection to Substitute House Bill No. 2553.

The motion by Senator Berkey carried and the committee amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "products;" strike the remainder of the title and insert "amending RCW 48.110.010, 48.110.015, 48.110.020, 48.110.030, 48.110.040, 48.110.050, 48.110.060, 48.110.070, 48.110.080, 48.110.090, 48.110.100, 48.110.110, 48.110.120, 48.110.130, 48.110.140, and

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

48.110.900; adding new sections to chapter 48.110 RCW; creating a new section; repealing RCW 48.96.005, 48.96.010, 48.96.020, 48.96.025, 48.96.030, 48.96.040, 48.96.045, 48.96.047, 48.96.050, 48.96.060, 48.96.900, and 48.96.901; prescribing penalties; and providing an effective date."

MOTION

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 2553 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley, Benton and Delvin spoke in favor of passage of the bill.

MOTION

On motion of Senator Morton, Senator McCaslin was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2553 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2553 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator McCaslin - 1

SUBSTITUTE HOUSE BILL NO. 2553 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2465, by Representatives Lovick, Kessler, P. Sullivan, Haler and O'Brien

Modifying vehicle equipment standards related to original equipment installed.

The measure was read the second time.

MOTION

Senator Benson moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.37.010 and 2005 c 213 s 7 are each amended to read as follows:

(1) It is a traffic infraction for any person to drive or move, or for ~~((the))~~ a vehicle owner to cause or knowingly permit to be driven or moved, on any highway any vehicle or combination of vehicles ~~((which))~~ that:

(a) Is in such unsafe condition as to endanger any person ~~((or which does not contain those parts or))~~;

(b) Is not at all times equipped with such lamps and other equipment in proper working condition and adjustment as required ~~((in))~~ by this chapter or ~~((in regulations))~~ by rules

issued by ~~((the chief of))~~ the Washington state patrol ~~((or which is equipped in any manner))~~;

(c) Contains any parts in violation of this chapter or ((the state patrol's regulations, or)) rules issued by the Washington state patrol.

(2) It is a traffic infraction for any person to do any act forbidden or fail to perform any act required under this chapter or ~~((the state patrol's regulations))~~ rules issued by the Washington state patrol.

~~((2))~~ (3) Nothing contained in this chapter or the state patrol's regulations shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter or the state patrol's regulations.

~~((3))~~ (4) The provisions of the chapter and the state patrol's regulations with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

~~((4))~~ (5) No owner or operator of a farm tractor, self-propelled unit of farm equipment, or implement of husbandry shall be guilty of a crime or subject to penalty for violation of RCW 46.37.160 as now or hereafter amended unless such violation occurs on a public highway.

~~((5))~~ (6) It is a traffic infraction for any person to sell or offer for sale vehicle equipment which is required to be approved by the state patrol as prescribed in RCW 46.37.005 unless it has been approved by the state patrol.

~~((6))~~ (7) The provisions of this chapter with respect to equipment required on vehicles shall not apply to motorcycles or motor-driven cycles except as herein made applicable.

~~((7))~~ (8) This chapter does not apply to off-road vehicles used on nonhighway roads.

~~((8))~~ (9) This chapter does not apply to vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks.

~~((9))~~ (10) Notices of traffic infraction issued to commercial drivers under the provisions of this chapter with respect to equipment required on commercial motor vehicles shall not be considered for driver improvement purposes under chapter 46.20 RCW.

~~((10))~~ (11) Whenever a traffic infraction is chargeable to the owner or lessee of a vehicle under subsection (1) of this section, the driver shall not be arrested or issued a notice of traffic infraction unless the vehicle is registered in a jurisdiction other than Washington state, or unless the infraction is for an offense that is clearly within the responsibility of the driver.

~~((11))~~ (12) Whenever the owner or lessee is issued a notice of traffic infraction under this section the court may, on the request of the owner or lessee, take appropriate steps to make the driver of the vehicle, or any other person who directs the loading, maintenance, or operation of the vehicle, a codefendant. If the codefendant is held solely responsible and is found to have committed the traffic infraction, the court may dismiss the notice against the owner or lessee.

Sec. 2. RCW 46.37.070 and 1977 ex.s. c 355 s 7 are each amended to read as follows:

(1) After January 1, 1964, every motor vehicle, trailer, semitrailer, and pole trailer shall be equipped with two or more stop lamps meeting the requirements of RCW 46.37.200, except that passenger cars manufactured or assembled prior to January 1, 1964, shall be equipped with at least one such stop lamp. On a combination of vehicles, only the stop lamps on the rearmost vehicle need actually be seen from the distance specified in RCW 46.37.200(1).

(2) After January 1, 1960, every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with electric turn signal lamps meeting the requirements of RCW 46.37.200(2), except that passenger cars, trailers, semitrailers, pole trailers, and trucks less than eighty inches in width, manufactured or

FIFTY-FOURTH DAY, MARCH 3, 2006

assembled prior to January 1, 1953, need not be equipped with electric turn signal lamps.

(3) Every passenger car manufactured or assembled after September 1, 1985; and every passenger truck, passenger van, or passenger sports utility vehicle manufactured or assembled after September 1, 1993, must be equipped with a rear center high-mounted stop lamp meeting the requirements of RCW 46.37.200(3).

Sec. 3. RCW 46.37.200 and 1977 ex.s. c 355 s 17 are each amended to read as follows:

(1) Any vehicle may be equipped and when required under this chapter shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet and on any vehicle manufactured or assembled after January 1, 1964, three hundred feet to the rear in normal sunlight, and which shall be actuated upon application of a service brake, and which may but need not be incorporated with one or more other rear lamps.

(2) Any vehicle may be equipped and when required under RCW 46.37.070(2) shall be equipped with electric turn signals which shall indicate an intention to turn by flashing lights showing to the front and rear of a vehicle or on a combination of vehicles on the side of the vehicle or combination toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit amber light: PROVIDED, That on any vehicle manufactured prior to January 1, 1969, the lamps showing to the front may emit white or amber light, or any shade of light between white and amber. The lamp showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable, and, when signaling, shall emit a red or amber light, or any shade of color between red and amber. Turn signal lamps shall be visible from a distance of not less than five hundred feet to the front and rear in normal sunlight. Turn signal lamps may, but need not be, incorporated in other lamps on the vehicle.

(3) Any vehicle may be equipped and when required under this chapter shall be equipped with a center high-mounted stop lamp mounted on the center line of the rear of the vehicle. These stop lamps shall display a red light visible from a distance of not less than three hundred feet to the rear in normal sunlight, and shall be actuated upon application of a service brake, and may not be incorporated with any other rear lamps.

Sec. 4. RCW 46.37.390 and 2001 c 293 s 1 are each amended to read as follows:

(1) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cut-out, bypass, or similar device upon a motor vehicle on a highway.

(2)(a) No motor vehicle first sold and registered as a new motor vehicle on or after January 1, 1971, shall discharge into the atmosphere at elevations of less than three thousand feet any air contaminant for a period of more than ten seconds which is:

(i) As dark as or darker than the shade designated as No. 1 on the Ringelmann chart, as published by the United States bureau of mines; or

(ii) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a)(i) above.

(b) No motor vehicle first sold and registered prior to January 1, 1971, shall discharge into the atmosphere at elevations of less than three thousand feet any air contaminant for a period of more than ten seconds which is:

(i) As dark as or darker than the shade designated as No. 2 on the Ringelmann chart, as published by the United States bureau of mines; or

(ii) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (b)(i) above.

(c) For the purposes of this subsection the following definitions shall apply:

(i) "Opacity" means the degree to which an emission reduces the transmission of light and obscures the view of an object in the background;

(ii) "Ringelmann chart" means the Ringelmann smoke chart with instructions for use as published by the United States bureau of mines in May 1967 and as thereafter amended, information circular 7718.

(3) No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the engine of such vehicle above that emitted by the muffler originally installed on the vehicle, and it shall be unlawful for any person to operate a motor vehicle not equipped as required by this subsection, or which has been amplified as prohibited by this subsection (~~so that the vehicle's exhaust noise exceeds ninety-five decibels as measured by the Society of Automotive Engineers (SAE) test procedure J1169 (May, 1998). It is not a violation of this subsection unless proven by proper authorities that the exhaust system modification results in noise amplification in excess of ninety-five decibels under the prescribed SAE test standard~~). A court may dismiss an infraction notice for a violation of this subsection if there is reasonable grounds to believe that the vehicle was not operated in violation of this subsection.

This subsection (3) does not apply to vehicles twenty-five or more years old or to passenger vehicles being operated off the highways in an organized racing or competitive event conducted by a recognized sanctioning body."

Senator Benson spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to House Bill No. 2465.

The motion by Senator Benson carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "installed;" strike the remainder of the title and insert "and amending RCW 46.37.010, 46.37.070, 46.37.200, and 46.37.390."

MOTION

On motion of Senator Benson, the rules were suspended, House Bill No. 2465 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benson spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Roach was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2465 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2465 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley,

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Brown - 1

Excused: Senators McCaslin and Roach - 2

HOUSE BILL NO. 2465 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2867, by House Committee on Appropriations (originally sponsored by Representatives Kenney, Haler, Grant, Hankins, Cox, Sells, Roberts, Fromhold, Armstrong, Walsh, Skinner and Newhouse)

Regarding expansion of WSU Tri-Cities into a four-year institution.

The measure was read the second time.

MOTION

Senator Delvin moved that the following committee striking amendment by the Committee on Ways & Means be not adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 28B.45.030 and 2005 c 258 s 4 are each amended to read as follows:

(1) Washington State University is responsible for providing baccalaureate and graduate level higher education programs to the citizens of the Tri-Cities area, under rules or guidelines adopted by the higher education coordinating board and in accordance with proportionality agreements emphasizing access for transfer students developed with the state board for community and technical colleges. Washington State University shall meet that responsibility through the operation of a branch campus in the Tri-Cities area. The branch campus shall replace and supersede the Tri-Cities university center. All land, facilities, equipment, and personnel of the Tri-Cities university center shall be transferred from the University of Washington to Washington State University.

(2) Washington State University Tri-Cities shall continue providing innovative coadmission and coenrollment options with Columbia Basin College, and expand its upper division capacity for transfer students and graduate capacity and programs. The campus shall also seek additional opportunities to collaborate with the Pacific Northwest national laboratory. ~~((Beginning in the fall of 2006, the campus may offer lower division courses linked to specific majors in fields not addressed at local community colleges. The campus may admit lower division students through coadmission or coenrollment agreements with a community college, or through direct transfer for students who have accumulated approximately one year of transferable college credits. In addition to offering lower division courses linked to specific majors as addressed above, the campus may also directly admit freshmen and sophomores for a bachelor's degree program in biotechnology subject to approval by the higher education coordinating board. The campus may not directly admit freshmen and sophomores for degree programs other than biotechnology, however this topic shall be the subject of further study and recommendations by the higher education coordinating board.))~~

(3) Beginning in the fall of 2006, the campus may admit lower division students directly, while continuing to work closely with Columbia Basin College providing innovative

coadmission, coenrollment, and program options as articulated in the Columbia Basin College and Washington State University Tri-Cities Coordinated Bachelors agreement. By simultaneously admitting freshmen and sophomores, increasing transfer enrollment, coadmitting transfer students, and expanding graduate and professional programs, the campus shall develop into a four-year institution of higher education serving the Tri-Cities region."

On page 1, line 2 of the title, after "Tri-Cities;" strike the remainder of the title and insert "and amending RCW 28B.45.030."

Senator Delvin spoke in favor of not adopting the committee striking amendment.

The President Pro Tempore declared the question before the Senate to motion by Senator Delvin to not adopt the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 2867.

The motion by Senator Delvin carried and the committee striking amendment was not adopted by voice vote.

MOTION

On motion of Senator Delvin, the rules were suspended, Substitute House Bill No. 2867 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Delvin, Pridemore and Hewitt spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senators Schmidt, Honeyford and Stevens were excused.

MOTION

On motion of Senator Regala, Senator Brown was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2867.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2867 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Brown, Honeyford, McCaslin, Schmidt and Stevens - 5

SUBSTITUTE HOUSE BILL NO. 2867, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Delvin: "Thank you Madam President. I would just like to thank the Floor Leader and also the Majority Leader for their help on this one. Keeping me in line in order to get this bill down there and not erupt and say something I shouldn't say on the floor. I really appreciate that. Thank you Madam President."

MOTION

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

On motion of Senator Schoesler, Senators Mulliken and Hewitt were excused.

MOTION

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

MOTION

Senator Fraser moved adoption of the following resolution:

SENATE RESOLUTION
8730

By Senator Fraser

WHEREAS, Dr. Kenneth J. Minnaert is the only president South Puget Sound Community College has ever known; and

WHEREAS, Dr. Minnaert has been president since 1980, serving longer than any other higher education president in Washington; and

WHEREAS, After 30 years of service to the school, Dr. Minnaert is retiring at the end of the 2006 academic year; and

WHEREAS, Dr. Minnaert's leadership, hard work, and innovation has transformed South Puget Sound Community College into a well-respected institution of higher education; and

WHEREAS, Dr. Minnaert began his service in 1975 as director of instruction when the school was a small institution known as Olympia Vocational Technical Institute; and

WHEREAS, Dr. Minnaert has guided the South Puget Sound Community College's transformation from a small vocational and technical school to a wide-reaching community college that provides a first class, comprehensive education; and

WHEREAS, Through Dr. Minnaert's dedicated stewardship, the college has grown in size and stature, growing from 56 acres when he started in 1975, to the current 101 acres, which includes the Hawk's Prairie Center satellite campus and the recently dedicated Dr. Kenneth J. Minnaert Center for the Arts; and

WHEREAS, With Dr. Minnaert's support, South Puget Sound Community College's technical programs have doubled, its enrollment has multiplied nearly twenty-fold, and its faculty has nearly tripled; and

WHEREAS, Dr. Minnaert has fostered relationships between South Puget Sound Community College and local hospitals and area schools, as well as sister colleges in New Zealand, Mexico, Ireland, and China; and

WHEREAS, Dr. Minnaert is an accomplished leader who is respected for his unwavering dedication to the college and community;

NOW, THEREFORE, BE IT RESOLVED, That the Senate offer its gratitude and commendation to Dr. Kenneth J. Minnaert for his commitment to higher education and the community; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Dr. Kenneth J. Minnaert and his family, and South Puget Sound Community College.

Senators Fraser, Swecker and Rockefeller spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8730.

The motion by Senator Fraser carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Dr. Kenneth J. Minnaert and his wife who were seated in the gallery.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

At 12:36 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:37 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

March 3, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:
SENATE BILL NO. 6453,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:
SECOND SUBSTITUTE SENATE BILL NO. 6823,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:
SUBSTITUTE SENATE BILL NO. 5236,
SUBSTITUTE SENATE BILL NO. 6246,
SUBSTITUTE SENATE BILL NO. 6320,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 6459,
SUBSTITUTE SENATE BILL NO. 6613,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 1, 2006

MR. PRESIDENT:

The Speaker has signed:
THIRD SUBSTITUTE HOUSE BILL NO. 1458,
HOUSE BILL NO. 2338,
ENGROSSED HOUSE BILL NO. 2340,
SUBSTITUTE HOUSE BILL NO. 2344,
HOUSE BILL NO. 2367,

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 2372,
SUBSTITUTE HOUSE BILL NO. 2376,
HOUSE BILL NO. 2406,
HOUSE BILL NO. 2454,
SUBSTITUTE HOUSE BILL NO. 2497,
SUBSTITUTE HOUSE BILL NO. 2538,
SUBSTITUTE HOUSE BILL NO. 2608,
HOUSE BILL NO. 2676,
SUBSTITUTE HOUSE BILL NO. 2684,

HOUSE BILL NO. 2829,
HOUSE BILL NO. 2897,
ENGROSSED HOUSE BILL NO. 2910,
HOUSE BILL NO. 3019,
SUBSTITUTE HOUSE BILL NO. 3024,
SUBSTITUTE HOUSE BILL NO. 3150,
SUBSTITUTE HOUSE BILL NO. 3190,
HOUSE BILL NO. 3266,
HOUSE JOINT MEMORIAL NO. 4038,

and the same are herewith transmitted.

SIGNED BY THE PRESIDENT

RICHARD NAFZIGER, Chief Clerk

The President signed.
SECOND SUBSTITUTE HOUSE BILL NO. 2292,

MESSAGE FROM THE HOUSE

SIGNED BY THE PRESIDENT

March 1, 2006

MR. PRESIDENT:

The President signed:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 2715,
SUBSTITUTE HOUSE BILL NO. 2759,
SUBSTITUTE HOUSE BILL NO. 2776,
HOUSE BILL NO. 2829,
HOUSE BILL NO. 2897,
ENGROSSED HOUSE BILL NO. 2910,
HOUSE BILL NO. 3019,
SUBSTITUTE HOUSE BILL NO. 3024,
SUBSTITUTE HOUSE BILL NO. 3150,
SUBSTITUTE HOUSE BILL NO. 3190,
HOUSE BILL NO. 3266,
HOUSE JOINT MEMORIAL NO. 4038,

SENATE BILL NO. 5439,
ENGROSSED SENATE BILL NO. 6152,
SENATE BILL NO. 6159,
ENGROSSED SENATE BILL NO. 6169,
SUBSTITUTE SENATE BILL NO. 6185,
SENATE BILL NO. 6208,
ENGROSSED SENATE BILL NO. 6236,
SENATE BILL NO. 6338,
SUBSTITUTE SENATE BILL NO. 6359,
SUBSTITUTE SENATE BILL NO. 6406,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 6480,
ENGROSSED SENATE BILL NO. 6537,
SENATE BILL NO. 6549,
SENATE BILL NO. 6576,
SENATE BILL NO. 6596,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

MESSAGE FROM THE HOUSE

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

March 1, 2006

MR. PRESIDENT:

SECOND READING

The Speaker has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 2292,
and the same is herewith transmitted.

HOUSE BILL NO. 2991, by Representatives Darneille, Walsh, Springer and Simpson

RICHARD NAFZIGER, Chief Clerk

Concerning background checks of metropolitan park district employees.

SIGNED BY THE PRESIDENT

The measure was read the second time.

The President signed.

MOTION

THIRD SUBSTITUTE HOUSE BILL NO. 1458,
HOUSE BILL NO. 2338,
ENGROSSED HOUSE BILL NO. 2340,
SUBSTITUTE HOUSE BILL NO. 2344,
HOUSE BILL NO. 2367,
SUBSTITUTE HOUSE BILL NO. 2372,
SUBSTITUTE HOUSE BILL NO. 2376,
HOUSE BILL NO. 2406,
HOUSE BILL NO. 2454,
SUBSTITUTE HOUSE BILL NO. 2497,
SUBSTITUTE HOUSE BILL NO. 2538,
SUBSTITUTE HOUSE BILL NO. 2608,
HOUSE BILL NO. 2676,
SUBSTITUTE HOUSE BILL NO. 2684,

Senator Kastama moved that the following striking amendment by Senator Kastama be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.61.130 and 1969 c 54 s 1 are each amended to read as follows:

(1) A metropolitan park district has the right of eminent domain, and may purchase, acquire and condemn lands lying within or without the boundaries of said park district, for public parks, parkways, boulevards, aviation landings and playgrounds, and may condemn such lands to widen, alter and extend streets, avenues, boulevards, parkways, aviation landings and playgrounds, to enlarge and extend existing parks, and to acquire lands for the establishment of new parks, boulevards, parkways, aviation landings and playgrounds. The right of eminent domain shall be exercised and instituted pursuant to resolution of the board of park commissioners and conducted in the same manner and under the same procedure as is or may be

SIGNED BY THE PRESIDENT

The President signed.

SUBSTITUTE HOUSE BILL NO. 2715,
SUBSTITUTE HOUSE BILL NO. 2759,
SUBSTITUTE HOUSE BILL NO. 2776,

FIFTY-FOURTH DAY, MARCH 3, 2006

provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the state of Washington in the acquisition of property rights: PROVIDED, HOWEVER, Funds to pay for condemnation allowed by this section shall be raised only as specified in this chapter.

(2) The board of park commissioners shall have power to employ counsel, and to regulate, manage and control the parks, parkways, boulevards, streets, avenues, aviation landings and playgrounds under its control, and to provide for park ~~((police))~~ police, for a secretary of the board of park commissioners and for all necessary employees, to fix their salaries and duties.

(3) The board of park commissioners shall have power to improve, acquire, extend and maintain, open and lay out, parks, parkways, boulevards, avenues, aviation landings and playgrounds, within or without the park district, and to authorize, conduct and manage the letting of boats, or other amusement apparatus, the operation of bath houses, the purchase and sale of foodstuffs or other merchandise, the giving of vocal or instrumental concerts or other entertainments, the establishment and maintenance of aviation landings and playgrounds, and generally the management and conduct of such forms of recreation or business as it shall judge desirable or beneficial for the public, or for the production of revenue for expenditure for park purposes; and may pay out moneys for the maintenance and improvement of any such parks, parkways, boulevards, avenues, aviation landings and playgrounds as now exist, or may hereafter be acquired, within or without the limits of said city and for the purchase of lands within or without the limits of said city, whenever it deems the purchase to be for the benefit of the public and for the interest of the park district, and for the maintenance and improvement thereof and for all expenses incidental to its duties: PROVIDED, That all parks, boulevards, parkways, aviation landings and playgrounds shall be subject to the police regulations of the city within whose limits they lie.

(4) For all employees, volunteers, or independent contractors, who may, in the course of their work or volunteer activity with the park district, have unsupervised access to children or vulnerable adults, or be responsible for collecting or disbursing cash or processing credit/debit card transactions, park districts shall establish by resolution the requirements for a record check through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and through the federal bureau of investigation, including a fingerprint check using a complete Washington state criminal identification fingerprint card. The park district shall provide a copy of the record report to the employee, volunteer, or independent contractor. When necessary, as determined by the park district, prospective employees, volunteers, or independent contractors may be employed on a conditional basis pending completion of the investigation. If the prospective employee, volunteer, or independent contractor has had a record check within the previous twelve months, the park district may waive the requirement upon receiving a copy of the record. The park district may in its discretion require that the prospective employee, volunteer, or independent contractor pay the costs associated with the record check."

Senators Kastama and Honeyford spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kastama to House Bill No. 2991.

The motion by Senator Kastama carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

2006 REGULAR SESSION

On page 1, line 2 of the title, after "contractors;" strike the remainder of the title and insert "and amending RCW 35.61.130."

MOTION

On motion of Senator Kastama, the rules were suspended, House Bill No. 2991 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2991 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2991 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senators Deccio and Kline - 2

HOUSE BILL NO. 2991 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2386, by Representatives B. Sullivan and Chase

Modifying provisions related to the commercial harvest of geoduck clams.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 2386 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Oke spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2386.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2386 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland,

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

HOUSE BILL NO. 2386, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2345, by House Committee on Local Government (originally sponsored by Representatives Simpson, Rodne, Appleton and Haler)

Addressing regional fire protection service authorities.

The measure was read the second time.

MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Government Operations & Elections not be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 52.26.020 and 2004 c 129 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the governing body of a regional fire protection service authority.

(2) "Regional fire protection service authority" or "authority" means a municipal corporation, an independent taxing authority within the meaning of Article VII, section 1 of the state Constitution, and a taxing district within the meaning of Article VII, section 2 of the state Constitution, whose boundaries are coextensive with two or more adjacent fire protection jurisdictions and that has been created by a vote of the people under this chapter to implement a regional fire protection service authority plan.

(3) "Regional fire protection service authority planning committee" or "planning committee" means the advisory committee created under RCW 52.26.030 to create and propose to fire protection jurisdictions a regional fire protection service authority plan to design, finance, and develop fire protection and emergency service projects.

(4) "Regional fire protection service authority plan" or "plan" means a plan to develop and finance a fire protection service authority project or projects, including, but not limited to, specific capital projects, fire operations and emergency service operations pursuant to RCW 52.26.040(3)(b), and preservation and maintenance of existing or future facilities.

(5) "Fire protection jurisdiction" means a fire district, city, town, port district, or Indian tribe.

(6) "Regular property taxes" has the same meaning as in RCW 84.04.140.

"**Sec. 2.** RCW 52.26.040 and 2004 c 129 s 4 are each amended to read as follows:

(1) A regional fire protection service authority planning committee shall adopt a regional fire protection service authority plan providing for the design, financing, and development of fire protection and emergency services. The planning committee may consider the following factors in formulating its plan:

(a) Land use planning criteria; and

(b) The input of cities and counties located within, or partially within, a participating fire protection jurisdiction.

(2) The planning committee may coordinate its activities with neighboring cities, towns, and other local governments that engage in fire protection planning.

(3) The planning committee shall:

(a) Create opportunities for public input in the development of the plan;

(b) Adopt a plan proposing the creation of a regional fire protection service authority and recommending design, financing, and development of fire protection and emergency service facilities and operations, including maintenance and preservation of facilities or systems (~~(- except that no)~~). The plan may authorize the authority to provide ambulance service ((may be recommended unless the regional fire protection service)), directly or by contract after call for bids, only after the board of the authority determines that the participating fire protection jurisdictions ((that are members of the authority)) are not adequately served by existing private ambulance service ((in which case the authority may provide for the establishment of a system of ambulance service to be operated by the authority or operated by contract after a call for bids)); and

(c) In the plan, recommend sources of revenue authorized by RCW 52.26.050, identify the portions of the plan that may be amended by the board of the authority without voter approval, consistent with RCW 52.26.050, and recommend a financing plan to fund selected fire protection ((service)) and emergency services and projects.

(4) Once adopted, the plan must be forwarded to the participating fire protection jurisdictions' governing bodies to initiate the election process under RCW 52.26.060.

(5) If the ballot measure is not approved, the planning committee may redefine the selected regional fire protection service authority projects, financing plan, and the ballot measure. The fire protection jurisdictions' governing bodies may approve the new plan and ballot measure, and may then submit the revised proposition to the voters at a subsequent election or a special election. If a ballot measure is not approved by the voters by the third vote, the planning committee is dissolved.

"**Sec. 3.** RCW 52.26.050 and 2004 c 129 s 5 are each amended to read as follows:

(1) A regional fire protection service authority planning committee may, as part of a regional fire protection service authority plan, recommend the imposition of some or all of the following revenue sources, which a regional fire protection service authority may impose upon approval of the voters as provided in this chapter:

(a) Benefit charges under RCW 52.26.180 through 52.26.270;

(b) Property taxes under RCW 52.26.140 through 52.26.170 and 84.52.044 and RCW 84.09.030, 84.52.010, 84.52.052, and 84.52.069; or

(c) Both (a) and (b) of this subsection.

(2) The authority may impose taxes and benefit charges ((may not be imposed unless they are identified)) as set forth in the regional fire protection service authority plan ((and the plan is)) upon creation of the authority, or as provided for in this chapter after creation of the authority. If the plan authorizes the authority to impose benefit charges or sixty percent voter approved taxes, the plan and creation of the authority must be approved by an affirmative vote of sixty percent of the voters within the boundaries of the authority voting on a ballot proposition as set forth in RCW 52.26.060. However, if the plan provides for alternative sources of revenue that become effective if the plan and creation of the authority is approved

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

only by a majority vote, then the plan with alternative sources of revenue and creation of the authority may be approved by an affirmative vote of the majority of those voters. If the plan does not authorize the authority to impose benefit charges or sixty percent voter approved taxes, the plan and creation of the authority must be approved by an affirmative vote of the majority of the voters within the boundaries of the authority voting on a ballot proposition as set forth in RCW 52.26.060. ((The voter approval requirement)) Except as provided in this section ((is in addition to any)), all other voter approval requirements under law for the levying of property taxes or the imposition of benefit charges apply. Revenues from these taxes and benefit charges may be used only to implement the plan as set forth in this chapter.

Sec. 4. RCW 52.26.060 and 2004 c 129 s 6 are each amended to read as follows:

The governing bodies of two or more adjacent fire protection jurisdictions, upon receipt of the regional fire protection service authority plan under RCW 52.26.040, may certify the plan to the ballot, including identification of the ((tax)) revenue options ((necessary)) specified to fund the plan. The governing bodies of the fire protection jurisdictions may draft a ballot title, give notice as required by law for ballot measures, and perform other duties as required to put the plan before the voters of the proposed authority for their approval or rejection as a single ballot measure that both approves formation of the authority and approves the plan. Authorities may negotiate interlocal agreements necessary to implement the plan. The electorate is the voters voting within the boundaries of the proposed regional fire protection service authority. A simple majority of the total persons voting on the single ballot measure to approve the plan((s)) and establish the authority((and approve the taxes)) is required for approval. However, if the plan authorizes the authority to impose benefit charges or sixty percent voter approved taxes, then the percentage of total persons voting on the single ballot measure to approve the plan and establish the authority is the same as in RCW 52.26.050. The authority must act in accordance with the general election laws of the state. The authority is liable for its proportionate share of the costs when the elections are held under RCW ((29A.04.320)) 29A.04.321 and 29A.04.330.

Sec. 5. RCW 52.26.070 and 2004 c 129 s 7 are each amended to read as follows:

If the voters approve the plan, including creation of a regional fire protection service authority and imposition of taxes and benefit charges, if any, the authority is formed on the next January 1st or July 1st, whichever occurs first. The appropriate county election officials shall, within fifteen days of the final certification of the election results, publish a notice in a newspaper or newspapers of general circulation in the authority declaring the authority formed. A party challenging the procedure or the formation of a voter-approved authority must file the challenge in writing by serving the prosecuting attorney of each county within, or partially within, the regional fire protection service authority and the attorney general within thirty days after the final certification of the election. Failure to challenge within that time forever bars further challenge of the authority's valid formation.

Sec. 6. RCW 52.26.090 and 2004 c 129 s 9 are each amended to read as follows:

(1) The governing board of the authority is responsible for the execution of the voter-approved plan. Participating jurisdictions shall review the plan every ten years. The board ((shall)) may:

(a) Levy ((and impose)) taxes and impose benefit charges as authorized in the plan and approved by authority voters;

(b) Enter into agreements with federal, state, local, and regional entities and departments as necessary to accomplish authority purposes and protect the authority's investments;

(c) Accept gifts, grants, or other contributions of funds that will support the purposes and programs of the authority;

(d) Monitor and audit the progress and execution of fire protection and emergency service projects to protect the investment of the public and annually make public its findings;

(e) Pay for services and enter into leases and contracts, including professional service contracts;

(f) Hire, manage, and terminate employees; and

(g) Exercise ((other)) powers and perform duties as ((may be reasonable)) the board determines necessary to carry out the purposes, functions, and projects of the authority in accordance with Title 52 RCW if one of the fire protection jurisdictions is a fire district, unless provided otherwise in the regional fire protection service authority plan, or in accordance with the statutes identified in the plan if none of the fire protection jurisdictions is a fire district.

~~(2) ((An authority may acquire, hold, or dispose of real property:~~

~~(3) An authority may exercise the powers of eminent domain:~~

~~(4)) An authority may enforce fire codes as provided under chapter 19.27 RCW.~~

Sec. 7. RCW 52.26.100 and 2004 c 129 s 10 are each amended to read as follows:

(1) Except as otherwise provided in the regional fire protection service authority plan, all powers, duties, and functions of a participating fire protection jurisdiction pertaining to ((providing)) fire protection and emergency services ((may)) shall be transferred((by resolution,)) to the regional fire protection service authority on its creation date.

(2)(a) Except as otherwise provided in the regional fire protection service authority plan, and on the creation date of the regional fire protection service authority, all reports, documents, surveys, books, records, files, papers, or written material in the possession of the participating fire protection jurisdiction pertaining to ((the)) fire protection and emergency services powers, functions, and duties ((transferred)) shall be delivered to the ((custody of the)) regional fire protection service authority((-)); all real property and personal property including cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the participating fire protection jurisdiction in carrying out the fire protection and emergency services powers, functions, and duties ((transferred)) shall be ((made available)) transferred to the regional fire protection service authority((-); and all funds, credits, or other assets held by the participating fire protection jurisdiction in connection with the fire protection and emergency services powers, functions, and duties ((transferred)) shall be ((assigned)) transferred and credited to the regional fire protection service authority.

(b) Except as otherwise provided in the regional fire protection service authority plan, any appropriations made to the participating fire protection jurisdiction for carrying out the fire protection and emergency services powers, functions, and duties ((transferred)) shall((- on the effective date of the resolution,)) be transferred and credited to the regional fire protection service authority.

(c) Except as otherwise provided in the regional fire protection service authority plan, whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the governing body of the

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

participating fire protection jurisdiction shall make a determination as to the proper allocation.

(3) Except as otherwise provided in the regional fire protection service authority plan, all rules and all pending business before the participating fire protection jurisdiction pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the regional fire protection service authority(=), and all existing contracts and obligations shall remain in full force and shall be performed by the regional fire protection service authority.

(4) The transfer of the powers, duties, functions, and personnel of the participating fire protection jurisdiction shall not affect the validity of any act performed before ~~((the effective date of the resolution))~~ creation of the regional fire protection service authority.

(5) If apportionments of budgeted funds are required because of the transfers ~~((directed by the resolution)),~~ the treasurer ~~((under RCW 52.26.170))~~ for the authority shall certify the apportionments.

(6) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified as provided by law. RCW ~~((35.13.215 through 35.13.235))~~ 52.06.110 through 52.06.130 apply to the transfer of employees under this section.

NEW SECTION. Sec. 8. A new section is added to chapter 52.26 RCW to read as follows:

Territory that is annexed to a participating jurisdiction is annexed to the authority as of the effective date of the annexation. The statutes regarding transfer of assets and employees do not apply to the participating jurisdictions in the annexation.

Sec. 9. RCW 52.26.130 and 2004 c 129 s 14 are each amended to read as follows:

~~((Unless contrary to this section, chapter 39.42 RCW applies to debt and bonding under this section. The authority may borrow money, but may not issue any debt of its own for more than ten years' duration.))~~ An authority may incur general indebtedness for authority purposes, issue bonds, notes, or other evidences of indebtedness ((with a maturity of not more than twenty years. An authority may, when authorized by the plan, enter into agreements with the state to pledge taxes or other revenues of the authority for the purpose of paying in part or whole principal and interest on bonds issued by the authority)) not to exceed an amount, together with any outstanding nonvoter approved general obligation debt, equal to three-fourths of one percent of the value of the taxable property within the authority. The maximum term of the obligations may not exceed twenty years. The obligations may pledge benefit charges and may pledge payments to an authority from the state, the federal government, or any fire protection jurisdiction under an interlocal contract. The interlocal contracts pledging revenues and taxes are binding for ((the)) a term ((of the agreement, but)) not to exceed twenty-five years, and ((no tax)) taxes or other revenue pledged by an ((agreement)) interlocal contract may not be eliminated or modified if it would impair the pledge of the ((agreement)) contract. An authority may also issue general obligation bonds for capital purposes not to exceed an amount, together with any outstanding general obligation debt, equal to one and one-half percent of the value of the taxable property within the authority, and to provide for the retirement thereof by excess property tax levies, when the voters of the authority have approved a proposition authorizing indebtedness and levies by an affirmative vote of three-fifths of those voting on the proposition at an election, at which election the total number of persons voting constitutes not less than forty

percent of the voters in the authority who voted at the last preceding general state election. The maximum term of the bonds may not exceed twenty-five years. Elections shall be held as provided in RCW 39.36.050. Obligations of an authority shall be issued and sold in accordance with chapters 39.46 and 39.50 RCW, as applicable.

Sec. 10. RCW 52.26.140 and 2004 c 129 s 15 are each amended to read as follows:

(1) To carry out the purposes for which a regional fire protection service authority is created, as authorized in the plan and approved by the voters, the governing board of an authority may annually levy the following taxes:

(a) An ad valorem tax on all taxable property located within the authority not to exceed fifty cents per thousand dollars of assessed value;

(b) An ad valorem tax on all property located within the authority not to exceed fifty cents per thousand dollars of assessed value and which will not cause the combined levies to exceed the constitutional or statutory limitations. This levy, or any portion of this levy, may also be made when dollar rates of other taxing units are released by agreement with the other taxing units from their authorized levies; and

(c) An ad valorem tax on all taxable property located within the authority not to exceed fifty cents per thousand dollars of assessed value if the authority has at least one full-time, paid employee, or contracts with another municipal corporation for the services of at least one full-time, paid employee. This levy may be made only if it will not affect dollar rates which other taxing districts may lawfully claim nor cause the combined levies to exceed the constitutional or statutory limitations or both.

(2) Levies in excess of the amounts provided in subsection (1) of this section or in excess of the aggregate dollar rate limitations or both may be made for any authority purpose when so authorized at a special election under RCW 84.52.052. Any such tax when levied must be certified to the proper county officials for the collection of the tax as for other general taxes. The taxes when collected shall be placed in the appropriate authority fund or funds as provided by law, and must be paid out on warrants of the auditor of the county in which all, or the largest portion of, the authority is located, upon authorization of the governing board of the authority.

(3) ~~((Authorities are additionally authorized to incur general indebtedness and to issue general obligation bonds for capital purposes as provided in RCW 52.26.130.))~~ Authorities may provide for the retirement of general indebtedness by excess property tax levies((= when the voters of the authority have approved a proposition authorizing such indebtedness and levies by an affirmative vote of three-fifths of those voting on the proposition at such an election, at which election the total number of persons voting shall constitute not less than forty percent of the voters in the authority who voted at the last preceding state general election. Elections must be held as provided in RCW 39.36.050. The maximum term of any bonds issued under the authority of this section may not exceed ten years and must be issued and sold in accordance with chapter 39.46 RCW)) as set forth in RCW 52.26.130.

(4) For purposes of this ~~((section))~~ chapter, the term "value of the taxable property" has the same meaning as in RCW 39.36.015.

Sec. 11. RCW 52.26.220 and 2004 c 129 s 28 are each amended to read as follows:

(1) Notwithstanding any other provision in this chapter to the contrary, any benefit charge authorized by this chapter is not effective unless a proposition to impose the benefit charge is approved by a sixty percent majority of the voters of the regional fire protection service authority voting at a general

election or at a special election called by the authority for that purpose, held within the authority. A ballot measure that contains an authorization to impose benefit charges and that is approved by the voters pursuant to RCW 52.26.060 meets the proposition approval requirement of this section. An election held under this section must be held not more than twelve months prior to the date on which the first charge is to be assessed. A benefit charge approved at an election expires in six years or fewer as authorized by the voters, unless subsequently reapproved by the voters.

(2) The ballot must be submitted so as to enable the voters favoring the authorization of a regional fire protection service authority benefit charge to vote "Yes" and those opposed to vote "No." The ballot question is as follows:

"Shall the regional fire protection service authority composed of (insert the participating fire protection jurisdictions) be authorized to impose benefit charges each year for (insert number of years not to exceed six) years, not to exceed an amount equal to sixty percent of its operating budget, and be prohibited from imposing an additional property tax under RCW 52.26.140(1)(c)?

YES NO

(3) Authorities renewing the benefit charge may elect to use the following alternative ballot:

"Shall the regional fire protection service authority composed of (insert the participating fire protection jurisdictions) be authorized to continue voter-authorized benefit charges each year for (insert number of years not to exceed six) years, not to exceed an amount equal to sixty percent of its operating budget, and be prohibited from imposing an additional property tax under RCW 52.26.140(1)(c)?

YES NO

On page 1, line 1 of the title, after "authorities;" strike the remainder of the title and insert "amending RCW 52.26.020, 52.26.040, 52.26.050, 52.26.060, 52.26.070, 52.26.090, 52.26.100, 52.26.130, 52.26.140, and 52.26.220; and adding a new section to chapter 52.26 RCW."

The President declared the question before the Senate to be the motion by Senator Kastama to not adopt the committee striking amendment by the Committee on Government Operations & Elections to Substitute House Bill No. 2345.

The motion by Senator Kastama carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Kastama moved that the following striking amendment by Senator Kastama be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 52.26.020 and 2004 c 129 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the governing body of a regional fire protection service authority.

(2) "Regional fire protection service authority" or "authority" means a municipal corporation, an independent taxing authority within the meaning of Article VII, section 1 of the state Constitution, and a taxing district within the meaning of Article VII, section 2 of the state Constitution, whose boundaries are coextensive with two or more adjacent fire protection jurisdictions and that has been created by a vote of the people under this chapter to implement a regional fire protection service authority plan.

(3) "Regional fire protection service authority planning committee" or "planning committee" means the advisory committee created under RCW 52.26.030 to create and propose to fire protection jurisdictions a regional fire protection service authority plan to design, finance, and develop fire protection and emergency service projects.

(4) "Regional fire protection service authority plan" or "plan" means a plan to develop and finance a fire protection service authority project or projects, including, but not limited to, specific capital projects, fire operations and emergency service operations pursuant to RCW 52.26.040(3)(b), and preservation and maintenance of existing or future facilities.

(5) "Fire protection jurisdiction" means a fire district, city, town, port district, or Indian tribe.

(6) "Regular property taxes" has the same meaning as in RCW 84.04.140.

Sec. 2. RCW 52.26.040 and 2004 c 129 s 4 are each amended to read as follows:

(1) A regional fire protection service authority planning committee shall adopt a regional fire protection service authority plan providing for the design, financing, and development of fire protection and emergency services. The planning committee may consider the following factors in formulating its plan:

- (a) Land use planning criteria; and
- (b) The input of cities and counties located within, or partially within, a participating fire protection jurisdiction.

(2) The planning committee may coordinate its activities with neighboring cities, towns, and other local governments that engage in fire protection planning.

- (3) The planning committee shall:
 - (a) Create opportunities for public input in the development of the plan;
 - (b) Adopt a plan proposing the creation of a regional fire protection service authority and recommending design, financing, and development of fire protection and emergency service facilities and operations, including maintenance and preservation of facilities or systems (~~except that no ambulance service may be recommended unless the regional fire protection service authority determines that the fire protection jurisdictions that are members of the authority are not adequately served by existing private ambulance service in which case the authority may provide for the establishment of a system of ambulance service to be operated by the authority or operated by contract after a call for bids~~).

The plan may authorize the authority to establish a system of ambulance service to be operated by the authority or operated by contract after a call for bids. However, the authority shall not provide for the establishment of an ambulance service that would compete with any existing private ambulance service, unless the authority determines that the region served by the authority, or a substantial portion of the region served by the authority, is not adequately served by an existing private ambulance service. In determining the adequacy of an existing private ambulance service, the authority shall take into consideration objective generally accepted medical standards and reasonable levels of service which must be published by the authority. Following the preliminary conclusion by the authority that the existing private ambulance service is inadequate, and before establishing an ambulance service or issuing a call for bids, the authority shall allow a minimum of sixty days for the private ambulance service to meet the generally accepted medical standards and accepted levels of service. In the event of a second preliminary conclusion of inadequacy within a twenty-four-month period, the authority may immediately issue a call for bids or establish its own ambulance service and is not required to afford the private ambulance service another sixty-day period to meet the generally accepted medical standards and reasonable levels of service. A private ambulance service that is not licensed by the department of health or whose license is denied, suspended, or revoked is not entitled to a sixty-day period within which to

FIFTY-FOURTH DAY, MARCH 3, 2006

demonstrate adequacy and the authority may immediately issue a call for bids or establish an ambulance service; and

(c) In the plan, recommend sources of revenue authorized by RCW 52.26.050, identify the portions of the plan that may be amended by the board of the authority without voter approval, consistent with RCW 52.26.050, and recommend a financing plan to fund selected fire protection ((service)) and emergency services and projects.

(4) Once adopted, the plan must be forwarded to the participating fire protection jurisdictions' governing bodies to initiate the election process under RCW 52.26.060.

(5) If the ballot measure is not approved, the planning committee may redefine the selected regional fire protection service authority projects, financing plan, and the ballot measure. The fire protection jurisdictions' governing bodies may approve the new plan and ballot measure, and may then submit the revised proposition to the voters at a subsequent election or a special election. If a ballot measure is not approved by the voters by the third vote, the planning committee is dissolved.

Sec. 3. RCW 52.26.050 and 2004 c 129 s 5 are each amended to read as follows:

(1) A regional fire protection service authority planning committee may, as part of a regional fire protection service authority plan, recommend the imposition of some or all of the following revenue sources, which a regional fire protection service authority may impose upon approval of the voters as provided in this chapter:

(a) Benefit charges under RCW 52.26.180 through 52.26.270;

(b) Property taxes under RCW 52.26.140 through 52.26.170 and 84.52.044 and RCW 84.09.030, 84.52.010, 84.52.052, and 84.52.069; or

(c) Both (a) and (b) of this subsection.

(2) The authority may impose taxes and benefit charges ((may not be imposed unless they are identified)) as set forth in the regional fire protection service authority plan ((and the plan is)) upon creation of the authority, or as provided for in this chapter after creation of the authority. If the plan authorizes the authority to impose benefit charges or sixty percent voter approved taxes, the plan and creation of the authority must be approved by an affirmative vote of sixty percent of the voters within the boundaries of the authority voting on a ballot proposition as set forth in RCW 52.26.060. However, if the plan provides for alternative sources of revenue that become effective if the plan and creation of the authority is approved only by a majority vote, then the plan with alternative sources of revenue and creation of the authority may be approved by an affirmative vote of the majority of those voters. If the plan does not authorize the authority to impose benefit charges or sixty percent voter approved taxes, the plan and creation of the authority must be approved by an affirmative vote of the majority of the voters within the boundaries of the authority voting on a ballot proposition as set forth in RCW 52.26.060. ((The voter approval requirement)) Except as provided in this section ((is in addition to any)), all other voter approval requirements under law for the levying of property taxes or the imposition of benefit charges apply. Revenues from these taxes and benefit charges may be used only to implement the plan as set forth in this chapter.

Sec. 4. RCW 52.26.060 and 2004 c 129 s 6 are each amended to read as follows:

The governing bodies of two or more adjacent fire protection jurisdictions, upon receipt of the regional fire protection service authority plan under RCW 52.26.040, may certify the plan to the ballot, including identification of the ((tax)) revenue options ((necessary)) specified to fund the plan. The governing bodies of the fire protection jurisdictions may draft a ballot title, give notice as required by law for ballot measures, and perform other duties as required to put the plan before the voters of the proposed authority for their approval or

2006 REGULAR SESSION

rejection as a single ballot measure that both approves formation of the authority and approves the plan. Authorities may negotiate interlocal agreements necessary to implement the plan. The electorate is the voters voting within the boundaries of the proposed regional fire protection service authority. A simple majority of the total persons voting on the single ballot measure to approve the plan((;)) and establish the authority((; and approve the taxes)) is required for approval. However, if the plan authorizes the authority to impose benefit charges or sixty percent voter approved taxes, then the percentage of total persons voting on the single ballot measure to approve the plan and establish the authority is the same as in RCW 52.26.050. The authority must act in accordance with the general election laws of the state. The authority is liable for its proportionate share of the costs when the elections are held under RCW ((29A.04.320)) 29A.04.321 and 29A.04.330.

Sec. 5. RCW 52.26.070 and 2004 c 129 s 7 are each amended to read as follows:

If the voters approve the plan, including creation of a regional fire protection service authority and imposition of taxes and benefit charges, if any, the authority is formed on the next January 1st or July 1st, whichever occurs first. The appropriate county election officials shall, within fifteen days of the final certification of the election results, publish a notice in a newspaper or newspapers of general circulation in the authority declaring the authority formed. A party challenging the procedure or the formation of a voter-approved authority must file the challenge in writing by serving the prosecuting attorney of each county within, or partially within, the regional fire protection service authority and the attorney general within thirty days after the final certification of the election. Failure to challenge within that time forever bars further challenge of the authority's valid formation.

Sec. 6. RCW 52.26.090 and 2004 c 129 s 9 are each amended to read as follows:

(1) The governing board of the authority is responsible for the execution of the voter-approved plan. Participating jurisdictions shall review the plan every ten years. The board ~~((shall))~~ may:

(a) Levy ~~((and impose))~~ taxes and impose benefit charges as authorized in the plan and approved by authority voters;

(b) Enter into agreements with federal, state, local, and regional entities and departments as necessary to accomplish authority purposes and protect the authority's investments;

(c) Accept gifts, grants, or other contributions of funds that will support the purposes and programs of the authority;

(d) Monitor and audit the progress and execution of fire protection and emergency service projects to protect the investment of the public and annually make public its findings;

(e) Pay for services and enter into leases and contracts, including professional service contracts;

(f) Hire, manage, and terminate employees; and

(g) Exercise ~~((other))~~ powers and perform duties as ~~((may be reasonable))~~ the board determines necessary to carry out the purposes, functions, and projects of the authority in accordance with Title 52 RCW if one of the fire protection jurisdictions is a fire district, unless provided otherwise in the regional fire protection service authority plan, or in accordance with the statutes identified in the plan if none of the fire protection jurisdictions is a fire district.

~~(2) ((An authority may acquire, hold, or dispose of real property.~~

~~(3) An authority may exercise the powers of eminent domain.~~

~~(4))~~ An authority may enforce fire codes as provided under chapter 19.27 RCW.

Sec. 7. RCW 52.26.100 and 2004 c 129 s 10 are each amended to read as follows:

(1) Except as otherwise provided in the regional fire protection service authority plan, all powers, duties, and functions of a participating fire protection jurisdiction pertaining

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

to ~~((providing))~~ fire protection and emergency services ~~((may))~~ shall be transferred ~~((by resolution))~~ to the regional fire protection service authority on its creation date.

(2)(a) Except as otherwise provided in the regional fire protection service authority plan, and on the creation date of the regional fire protection service authority, all reports, documents, surveys, books, records, files, papers, or written material in the possession of the participating fire protection jurisdiction pertaining to ~~((the))~~ fire protection and emergency services powers, functions, and duties ~~((transferred))~~ shall be delivered to the ~~((custody of the))~~ regional fire protection service authority~~((:));~~ all real property and personal property including cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the participating fire protection jurisdiction in carrying out the fire protection and emergency services powers, functions, and duties ~~((transferred))~~ shall be ~~((made available))~~ transferred to the regional fire protection service authority~~((:));~~ and all funds, credits, or other assets held by the participating fire protection jurisdiction in connection with the fire protection and emergency services powers, functions, and duties ~~((transferred))~~ shall be ~~((assigned))~~ transferred and credited to the regional fire protection service authority.

(b) Except as otherwise provided in the regional fire protection service authority plan, any appropriations made to the participating fire protection jurisdiction for carrying out the fire protection and emergency services powers, functions, and duties ~~((transferred))~~ shall ~~((on the effective date of the resolution))~~ be transferred and credited to the regional fire protection service authority.

(c) Except as otherwise provided in the regional fire protection service authority plan, whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the governing body of the participating fire protection jurisdiction shall make a determination as to the proper allocation.

(3) Except as otherwise provided in the regional fire protection service authority plan, all rules and all pending business before the participating fire protection jurisdiction pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the regional fire protection service authority~~((:));~~ and all existing contracts and obligations shall remain in full force and shall be performed by the regional fire protection service authority.

(4) The transfer of the powers, duties, functions, and personnel of the participating fire protection jurisdiction shall not affect the validity of any act performed before ~~((the effective date of the resolution))~~ creation of the regional fire protection service authority.

(5) If apportionments of budgeted funds are required because of the transfers ~~((directed by the resolution))~~, the treasurer ~~((under RCW 52.26.170))~~ for the authority shall certify the apportionments.

(6)(a) Subject to (c) of this subsection, all employees of the participating fire protection jurisdictions are transferred to the jurisdiction of the regional fire protection service authority on its creation date. Upon transfer, unless an agreement for different terms of transfer is reached between the collective bargaining representatives of the transferring employees and the participating fire protection jurisdictions, an employee is entitled to the employee rights, benefits, and privileges to which he or she would have been entitled as an employee of a participating fire protection jurisdiction, including rights to:

- (i) Compensation at least equal to the level at the time of transfer;
- (ii) Retirement, vacation, sick leave, and any other accrued benefit;
- (iii) Promotion and service time accrual; and

(iv) The length or terms of probationary periods, including no requirement for an additional probationary period if one had been completed before the transfer date.

(b) If any or all of the participating fire protection jurisdictions provide for civil service in their fire departments, the collective bargaining representatives of the transferring employees and the participating fire protection jurisdictions must negotiate regarding the establishment of a civil service system within the authority. This subsection does not apply if none of the participating fire protection districts provide for civil service.

(c) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified as provided by law. ~~((RCW 35.13.215 through 35.13.235 apply to the transfer of employees under this section.))~~

NEW SECTION. Sec. 8. A new section is added to chapter 52.26 RCW to read as follows:

(1) Subject to subsection (2) of this section, a regional fire protection service authority may, by resolution of its board, provide for civil service for its employees in the same manner, with the same powers, and with the same force and effect as provided by chapter 41.08 RCW for cities, towns, and municipalities, including restrictions against the discharge of an employee because of residence outside the limits of the regional fire protection service authority.

(2) If an agreement is reached to provide for civil service under RCW 52.26.100(6), the regional fire protection service authority shall establish such a system as is required by the agreement.

NEW SECTION. Sec. 9. A new section is added to chapter 52.26 RCW to read as follows:

Territory that is annexed to a participating jurisdiction is annexed to the authority as of the effective date of the annexation. The statutes regarding transfer of assets and employees do not apply to the participating jurisdictions in the annexation.

Sec. 10. RCW 52.26.130 and 2004 c 129 s 14 are each amended to read as follows:

~~((Unless contrary to this section, chapter 39.42 RCW applies to debt and bonding under this section. The authority may borrow money, but may not issue any debt of its own for more than ten years' duration. An authority may issue notes or other evidences of indebtedness with a maturity of not more than twenty years. An authority may, when authorized by the plan, enter into agreements with the state to pledge taxes or other revenues of the authority for the purpose of paying in part or whole principal and interest on bonds issued by the authority. The contracts pledging revenues and taxes are binding for the term of the agreement, but not to exceed twenty-five years, and no tax pledged by an agreement may be eliminated or modified if it would impair the pledge of the agreement.))~~ (1) An authority may incur general indebtedness for authority purposes, issue bonds, notes, or other evidences of indebtedness not to exceed an amount, together with any outstanding nonvoter approved general obligation debt, equal to three-fourths of one percent of the value of the taxable property within the authority. The maximum term of the obligations may not exceed twenty years. The obligations may pledge benefit charges and may pledge payments to an authority from the state, the federal government, or any fire protection jurisdiction under an interlocal contract. The interlocal contracts pledging revenues and taxes are binding for a term not to exceed twenty-five years, and taxes or other revenue pledged by an interlocal contract may not be eliminated or modified if it would impair the pledge of the contract.

(2) An authority may also issue general obligation bonds for capital purposes not to exceed an amount, together with any outstanding general obligation debt, equal to one and one-half

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

percent of the value of the taxable property within the authority. The authority may provide for the retirement of the bonds by excess property tax levies. The voters of the authority must approve a proposition authorizing the bonds and levies by an affirmative vote of three-fifths of those voting on the proposition at an election. At the election, the total number of persons voting must constitute not less than forty percent of the voters in the authority who voted at the last preceding general state election. The maximum term of the bonds may not exceed twenty-five years. Elections shall be held as provided in RCW 39.36.050.

(3) Obligations of an authority shall be issued and sold in accordance with chapters 39.46 and 39.50 RCW, as applicable.

Sec. 11. RCW 52.26.140 and 2004 c 129 s 15 are each amended to read as follows:

(1) To carry out the purposes for which a regional fire protection service authority is created, as authorized in the plan and approved by the voters, the governing board of an authority may annually levy the following taxes:

(a) An ad valorem tax on all taxable property located within the authority not to exceed fifty cents per thousand dollars of assessed value;

(b) An ad valorem tax on all property located within the authority not to exceed fifty cents per thousand dollars of assessed value and which will not cause the combined levies to exceed the constitutional or statutory limitations. This levy, or any portion of this levy, may also be made when dollar rates of other taxing units are released by agreement with the other taxing units from their authorized levies; and

(c) An ad valorem tax on all taxable property located within the authority not to exceed fifty cents per thousand dollars of assessed value if the authority has at least one full-time, paid employee, or contracts with another municipal corporation for the services of at least one full-time, paid employee. This levy may be made only if it will not affect dollar rates which other taxing districts may lawfully claim nor cause the combined levies to exceed the constitutional or statutory limitations or both.

(2) Levies in excess of the amounts provided in subsection (1) of this section or in excess of the aggregate dollar rate limitations or both may be made for any authority purpose when so authorized at a special election under RCW 84.52.052. Any such tax when levied must be certified to the proper county officials for the collection of the tax as for other general taxes. The taxes when collected shall be placed in the appropriate authority fund or funds as provided by law, and must be paid out on warrants of the auditor of the county in which all, or the largest portion of, the authority is located, upon authorization of the governing board of the authority.

~~(3) (Authorities are additionally authorized to incur general indebtedness and to issue general obligation bonds for capital purposes as provided in RCW 52.26.130.) Authorities may provide for the retirement of general indebtedness by excess property tax levies (when the voters of the authority have approved a proposition authorizing such indebtedness and levies by an affirmative vote of three-fifths of those voting on the proposition at such an election, at which election the total number of persons voting shall constitute not less than forty percent of the voters in the authority who voted at the last preceding state general election. Elections must be held as provided in RCW 39.36.050. The maximum term of any bonds issued under the authority of this section may not exceed ten years and must be issued and sold in accordance with chapter 39.46 RCW) as set forth in RCW 52.26.130.~~

(4) For purposes of this ~~(section)~~ chapter, the term "value of the taxable property" has the same meaning as in RCW 39.36.015.

Sec. 12. RCW 52.26.220 and 2004 c 129 s 28 are each amended to read as follows:

(1) Notwithstanding any other provision in this chapter to the contrary, any benefit charge authorized by this chapter is not

effective unless a proposition to impose the benefit charge is approved by a sixty percent majority of the voters of the regional fire protection service authority voting at a general election or at a special election called by the authority for that purpose, held within the authority. A ballot measure that contains an authorization to impose benefit charges and that is approved by the voters pursuant to RCW 52.26.060 meets the proposition approval requirement of this section. An election held under this section must be held not more than twelve months prior to the date on which the first charge is to be assessed. A benefit charge approved at an election expires in six years or fewer as authorized by the voters, unless subsequently reapproved by the voters.

(2) The ballot must be submitted so as to enable the voters favoring the authorization of a regional fire protection service authority benefit charge to vote "Yes" and those opposed to vote "No." The ballot question is as follows:

"Shall the regional fire protection service authority composed of (insert the participating fire protection jurisdictions) be authorized to impose benefit charges each year for (insert number of years not to exceed six) years, not to exceed an amount equal to sixty percent of its operating budget, and be prohibited from imposing an additional property tax under RCW 52.26.140(1)(c)?

YES NO

(3) Authorities renewing the benefit charge may elect to use the following alternative ballot:

"Shall the regional fire protection service authority composed of (insert the participating fire protection jurisdictions) be authorized to continue voter-authorized benefit charges each year for (insert number of years not to exceed six) years, not to exceed an amount equal to sixty percent of its operating budget, and be prohibited from imposing an additional property tax under RCW 52.26.140(1)(c)?

YES NO

Senator Kastama spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kastama to Substitute House Bill No. 2345.

The motion by Senator Kastama carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "authorities;" strike the remainder of the title and insert "amending RCW 52.26.020, 52.26.040, 52.26.050, 52.26.060, 52.26.070, 52.26.090, 52.26.100, 52.26.130, 52.26.140, and 52.26.220; and adding new sections to chapter 52.26 RCW."

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 2345 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Roach spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Thibaudeau was excused.

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2345 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2345 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 48

Excused: Senator Thibaudeau - 1

SUBSTITUTE HOUSE BILL NO. 2345 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1439, by Representatives Green, Nixon, Haigh, Upthegrove, Chase and Dunn

Allowing the state purchasing and material control director to receive electronic and web-based bids.

The measure was read the second time.

MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.19.1906 and 2002 c 332 s 4 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids, and a formal sealed, electronic, or web-based bid procedure, subject to RCW 43.19.1911, shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director and under the powers granted by RCW 43.19.190 through 43.19.1939. This requirement also applies to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190 or under RCW 28B.10.029. However, formal sealed, electronic, or web-based competitive bidding is not necessary for:

(1) Emergency purchases made pursuant to RCW 43.19.200 if the sealed bidding procedure would prevent or hinder the emergency from being met appropriately;

(2) Purchases not exceeding thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management: PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the thirty-five thousand dollar bid limitation, or subsequent bid limitations as calculated by the office of financial management: PROVIDED FURTHER, That

the state purchasing and material control director is authorized to reduce the formal sealed bid limits of thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, to a lower dollar amount for purchases by individual state agencies if considered necessary to maintain full disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in purchasing and material control. Quotations from three thousand dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. The agency shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. A record of competition for all such purchases from three thousand dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be documented for audit purposes. Purchases up to three thousand dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost;

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation;

(4) Purchases of insurance and bonds by the risk management division under RCW 43.41.310;

(5) Purchases and contracts for vocational rehabilitation clients of the department of social and health services: PROVIDED, That this exemption is effective only when the state purchasing and material control director, after consultation with the director of the division of vocational rehabilitation and appropriate department of social and health services procurement personnel, declares that such purchases may be best executed through direct negotiation with one or more suppliers in order to expeditiously meet the special needs of the state's vocational rehabilitation clients;

(6) Purchases by universities for hospital operation or biomedical teaching or research purposes and by the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, made by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations;

(7) Purchases for resale by institutions of higher education to other than public agencies when such purchases are for the express purpose of supporting instructional programs and may best be executed through direct negotiation with one or more suppliers in order to meet the special needs of the institution;

(8) Purchases by institutions of higher education not exceeding thirty-five thousand dollars: PROVIDED, That for purchases between three thousand dollars and thirty-five thousand dollars quotations shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. For purchases between three thousand dollars and thirty-five thousand dollars, each institution of higher education shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. A record of competition for all such purchases made from three thousand to thirty-five thousand dollars shall be documented for audit purposes; and

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

(9) Negotiation of a contract by the department of transportation, valid until June 30, 2001, with registered tow truck operators to provide roving service patrols in one or more Washington state patrol tow zones whereby those registered tow truck operators wishing to participate would cooperatively, with the department of transportation, develop a demonstration project upon terms and conditions negotiated by the parties.

Beginning on July 1, 1995, and on July 1 of each succeeding odd-numbered year, the dollar limits specified in this section shall be adjusted as follows: The office of financial management shall calculate such limits by adjusting the previous biennium's limits by the appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest one hundred dollars. However, the three thousand dollar figure in subsections (2) and (8) of this section may not be adjusted to exceed five thousand dollars.

Sec. 2. RCW 43.19.1908 and 1994 c 300 s 2 are each amended to read as follows:

Competitive bidding required by RCW 43.19.190 through 43.19.1939 shall be solicited by public notice, and through the sending of notices by mail, electronic transmission, or other means to bidders on the appropriate list of bidders who shall have qualified by application to the division of purchasing. Bids may be solicited by the purchasing division from any source thought to be of advantage to the state. All bids shall be in ~~((writing))~~ written or electronic form and conform to rules of the division of purchasing.

Sec. 3. RCW 43.19.1911 and 2005 c 204 s 5 are each amended to read as follows:

(1) Preservation of the integrity of the competitive bid system dictates that after competitive bids have been opened, award must be made to that responsible bidder who submitted the lowest responsive bid pursuant to subsections (7) and (9) of this section, unless there is a compelling reason to reject all bids and cancel the solicitation.

(2) Every effort shall be made to anticipate changes in a requirement before the date of opening and to provide reasonable notice to all prospective bidders of any resulting modification or cancellation. If, in the opinion of the purchasing agency, division, or department head, it is not possible to provide reasonable notice, the published date for receipt of bids may be postponed and all known bidders notified. This will permit bidders to change their bids and prevent unnecessary exposure of bid prices. In addition, every effort shall be made to include realistic, achievable requirements in a solicitation.

(3) After the opening of bids, a solicitation may not be canceled and resolicited solely because of an increase in requirements for the items being acquired. Award may be made on the initial solicitation and an increase in requirements may be treated as a new acquisition.

(4) A solicitation may be canceled and all bids rejected before award but after bid opening only when, consistent with subsection (1) of this section, the purchasing agency, division, or department head determines in writing that:

(a) Unavailable, inadequate, ambiguous specifications, terms, conditions, or requirements were cited in the solicitation;

(b) Specifications, terms, conditions, or requirements have been revised;

(c) The supplies or services being contracted for are no longer required;

(d) The solicitation did not provide for consideration of all factors of cost to the agency;

(e) Bids received indicate that the needs of the agency can be satisfied by a less expensive article differing from that for which the bids were invited;

(f) All otherwise acceptable bids received are at unreasonable prices or only one bid is received and the agency cannot determine the reasonableness of the bid price;

(g) No responsive bid has been received from a responsible bidder; or

(h) The bid process was not fair or equitable.

(5) The agency, division, or department head may not delegate his or her authority under this section.

(6) After the opening of bids, an agency may not reject all bids and enter into direct negotiations to complete the planned acquisition. However, the agency can enter into negotiations exclusively with the lowest responsible bidder in order to determine if the lowest responsible bid may be improved. Until December 31, 2009, for purchases requiring a formal bid process the agency shall also enter into negotiations with and may consider for award the lowest responsible bidder that is a vendor in good standing, as defined in RCW 43.19.525. An agency shall not use this negotiation opportunity to permit a bidder to change a nonresponsive bid into a responsive bid.

(7) In determining the lowest responsible bidder, the agency shall consider any preferences provided by law to Washington products and vendors and to RCW 43.19.704, and further, may take into consideration the quality of the articles proposed to be supplied, their conformity with specifications, the purposes for which required, and the times of delivery.

(8) Each bid with the name of the bidder shall be entered of record and each record, with the successful bid indicated, shall, after letting of the contract, be open to public inspection. Bid prices shall not be disclosed during electronic or web-based bidding before the letting of the contract.

(9) In determining "lowest responsible bidder", in addition to price, the following elements shall be given consideration:

(a) The ability, capacity, and skill of the bidder to perform the contract or provide the service required;

(b) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;

(c) Whether the bidder can perform the contract within the time specified;

(d) The quality of performance of previous contracts or services;

(e) The previous and existing compliance by the bidder with laws relating to the contract or services;

(f) Such other information as may be secured having a bearing on the decision to award the contract: PROVIDED, That in considering bids for purchase, manufacture, or lease, and in determining the "lowest responsible bidder," whenever there is reason to believe that applying the "life cycle costing" technique to bid evaluation would result in lowest total cost to the state, first consideration shall be given by state purchasing activities to the bid with the lowest life cycle cost which complies with specifications. "Life cycle cost" means the total cost of an item to the state over its estimated useful life, including costs of selection, acquisition, operation, maintenance, and where applicable, disposal, as far as these costs can reasonably be determined, minus the salvage value at the end of its estimated useful life. The "estimated useful life" of an item means the estimated time from the date of acquisition to the date of replacement or disposal, determined in any reasonable manner. Nothing in this section shall prohibit any state agency, department, board, commission, committee, or other state-level entity from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

NEW SECTION. **Sec. 4.** A new section is added to chapter 39.04 RCW to read as follows:

(1) Any state agency, city with a population greater than one hundred thousand, or counties with a population greater than

FIFTY-FOURTH DAY, MARCH 3, 2006

five hundred thousand executing public works using a competitive bidding process cannot reject all bids after opening unless there is a compelling reason.

(2) Every effort shall be made to anticipate changes in a requirement before the date of opening and to provide reasonable notice to all prospective bidders of any resulting modification or cancellation. If, in the opinion of the director or agency head or the appropriate city or county contract authority, it is not possible to provide reasonable notice, the published date for receipt of bids may be postponed and all known bidders notified. This will permit bidders to change their bids and prevent unnecessary exposure of bid prices. In addition, every effort shall be made to include realistic, achievable requirements in a bid solicitation.

(3) After the opening of bids, a solicitation may not be canceled and resolicited solely because of an increase in requirements for the items being acquired. Award may be made on the initial solicitation and an increase in requirements may be treated as a new acquisition.

(4) A solicitation may be canceled and all bids rejected before award but after bid opening only when, consistent with subsection (1) of this section, the state, city, or county determines in writing that:

(a) Unavailable, inadequate, ambiguous specifications, terms, conditions, or requirements were cited in the solicitation;

(b) Specifications, terms, conditions, or requirements have been revised;

(c) The services being contracted for are no longer required;

(d) The solicitation did not provide for consideration of all factors of cost to the agency, city, or county;

(e) Bids received indicate that the needs of the state, city, or county can be satisfied by a less expensive article differing from that for which the bids were invited;

(f) All otherwise acceptable bids received are at unreasonable prices or only one bid is received and the agency, city, or county cannot determine the reasonableness of the bid price;

(g) No responsive bid has been received from a responsible bidder; or

(h) The bid process was not fair or equitable.

(5) The state agency head or city or county contract authority may not delegate his or her authority under this section.

NEW SECTION. Sec. 5. A new section is added to chapter 39.29 RCW to read as follows:

(1) Any agency or institution of state government procuring personal services using a competitive solicitation process cannot reject all solicitations after opening unless there is a compelling reason.

(2) Every effort shall be made to anticipate changes in a requirement before the date of opening and to provide reasonable notice to all prospective bidders of any resulting modification or cancellation. If, in the opinion of the director or agency head, it is not possible to provide reasonable notice, the published date for receipt of bids may be postponed and all known bidders notified. This will permit bidders to change their bids and prevent unnecessary exposure of bid prices. In addition, every effort shall be made to include realistic, achievable requirements in a solicitation.

(3) After the opening of bids, a solicitation may not be canceled and resolicited solely because of an increase in requirements for the items being acquired. Award may be made on the initial solicitation and an increase in requirements may be treated as a new acquisition.

(4) A solicitation may be canceled and all bids rejected before award but after bid opening only when, consistent with

subsection (1) of this section, the agency determines in writing that:

(a) Unavailable, inadequate, ambiguous specifications, terms, conditions, or requirements were cited in the solicitation;

(b) Specifications, terms, conditions, or requirements have been revised;

(c) The services being contracted for are no longer required;

(d) The solicitation did not provide for consideration of all factors of cost to the agency;

(e) Bids received indicate that the needs of the agency can be satisfied by a less expensive article differing from that for which the bids were invited;

(f) All otherwise acceptable bids received are at unreasonable prices or only one bid is received and the agency cannot determine the reasonableness of the bid price;

(g) No responsive bid has been received from a responsible bidder; or

(h) The bid process was not fair or equitable.

(5) The agency head may not delegate his or her authority under this section.

NEW SECTION. Sec. 6. A new section is added to chapter 43.105 RCW to read as follows:

(1) The board, or other agencies and institutions of state government the board delegates authority to, when purchasing, leasing, renting, or otherwise acquiring, disposing of, or maintaining equipment, proprietary software, or purchased services using a competitive bidding process cannot reject all bids and cancel the solicitation after the bid opening unless there is a compelling reason.

(2) Every effort shall be made to anticipate changes in a requirement before the date of opening and to provide reasonable notice to all prospective bidders of any resulting modification or cancellation. If, in the opinion of the director or purchasing agency head, it is not possible to provide reasonable notice, the published date for receipt of bids may be postponed and all known bidders notified. This will permit bidders to change their bids and prevent unnecessary exposure of bid prices. In addition, every effort shall be made to include realistic, achievable requirements in a solicitation.

(3) After the opening of bids, a solicitation may not be canceled and resolicited solely because of an increase in requirements for the items being acquired. Award may be made on the initial solicitation and an increase in requirements may be treated as a new acquisition.

(4) A solicitation may be canceled and all bids rejected before award but after bid opening only when, consistent with subsection (1) of this section, the board or purchasing agency, determines in writing that:

(a) Unavailable, inadequate, ambiguous specifications, terms, conditions, or requirements were cited in the solicitation;

(b) Specifications, terms, conditions, or requirements have been revised;

(c) The supplies or services being contracted for are no longer required;

(d) The solicitation did not provide for consideration of all factors of cost to the board or agency;

(e) Bids received indicate that the needs of the board or agency can be satisfied by a less expensive article differing from that for which the bids were invited;

(f) All otherwise acceptable bids received are at unreasonable prices or only one bid is received and the board or agency cannot determine the reasonableness of the bid price;

(g) No responsive bid has been received from a responsible bidder; or

(h) The bid process was not fair or equitable.

(5) The agency head may not delegate his or her authority under this section."

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

Senators Kastama and Roach spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to House Bill No. 1439.

The motion by Senator Kastama carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "bidding;" strike the remainder of the title and insert "amending RCW 43.19.1906, 43.19.1908, and 43.19.1911; adding a new section to chapter 39.04 RCW; adding a new section to chapter 39.29 RCW; and adding a new section to chapter 43.105 RCW."

MOTION

On motion of Senator Kastama, the rules were suspended, House Bill No. 1439 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1439 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1439 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 48

Excused: Senator Thibaudeau - 1

HOUSE BILL NO. 1439 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Deccio: "This morning we had the great privilege of honoring one of our members who has showed great courage and determination through difficult circumstances yet there is another one among us who's shown great courage, great patience with a great sense of humor and understanding. I would like for us to give a standing ovation to Senator Darlene Fairley."

PERSONAL PRIVILEGE

Senator Oke: "Senator Fairley, you are my hero. You know that and I don't care if she gets mad at me or not over this one. She's dropped eighty-five pounds and she looks like a doll."

PERSONAL PRIVILEGE

Senator Stevens: "I have admired Darlene for many years. We've served together on committee here some years ago and I have watched as she has been a demonstration to all of us that get up and go attitude that many of us would of given up a long time ago. I so admire her strength, her sense of humor and her courage. It has been an inspiration to me over all these years and the mornings I don't feel like getting up and coming in here which are very, very many, I just think of Darlene Fairley and what she goes through to get here. It gives me the strength to keep going. Thanks Darlene."

PERSONAL PRIVILEGE

Senator Benton: "Well, I too want to commend the Chairman of the Committee that I am the Ranking Member on. I work extremely well with Darlene. We have a good time in that committee. We respect each other's opinions and I do remember the first day of session this year where she said that her ordeal over the interim had caused her to have some hearing problems and to go deaf in her right ear. I always thought she was deaf in her right ear because I set on the right hand side of her and never listened to anything that I said anyway so it was news to me that this was a new development. I always thought there was a problem hearing from that side, from the right side, so that was news to me. But, none-the-less, we get along swell and we work very good together. We work the policies of the issues in that committee and it's a great relationship and I really appreciate her and I appreciate her hard work and I appreciate the mutual respect that we're able to give each other in that committee and I thank you very much Darlene for that."

SECOND READING

HOUSE BILL NO. 3205, by Representatives O'Brien, Clements, Pettigrew, Santos, McDermott, Ericks, Sells, Kilmer, Green and Morrell

Clarifying the authority to apprehend conditionally released persons.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, House Bill No. 3205 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 3205.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3205 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator McAuliffe - 1

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

HOUSE BILL NO. 3205, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2958, by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives B. Sullivan, Buck, Kessler, Orcutt, Blake, Kretz, Hunt, Chandler, Upthegrove and Dickerson)

Penalizing persons who violate rules concerning the use of nontoxic shot.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 2958 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

Senator Morton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2958.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2958 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 39

Voting nay: Senators Carrell, Deccio, Delvin, Hewitt, Honeyford, McCaslin, Morton, Mulliken, Schoesler and Stevens - 10

SUBSTITUTE HOUSE BILL NO. 2958, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2426, by House Committee on Technology, Energy & Communications (originally sponsored by Representative Morris)

Modifying utilities and transportation commission provisions.

The measure was read the second time.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 3, line 24, after "commissioners" insert ", and with the consent of the affected parties,"

Senator Honeyford spoke in favor of adoption of the amendment.

Senators Kline and Johnson spoke against adoption of the

amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 3, line 24 to Substitute House Bill No. 2426.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Poulsen, the rules were suspended, Substitute House Bill No. 2426 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Poulsen spoke in favor of passage of the bill.

Senator Morton spoke against passage of the bill.

MOTION

On motion of Senator Weinstein, Senator Rockefeller was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2426.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2426 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Voting nay: Senators Delvin, Honeyford, McCaslin, Morton, Mulliken, Parlette, Pflug, Schmidt and Schoesler - 9

SUBSTITUTE HOUSE BILL NO. 2426, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

March 3, 2006

SB 6793 Prime Sponsor, Hargrove: Specifying roles and responsibilities with respect to the treatment of persons with mental disorders. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6793 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

Passed to Committee on Rules for second reading.

March 3, 2006

FIFTY-FOURTH DAY, MARCH 3, 2006

E2SHB 2575 Prime Sponsor, Committee on Appropriations: Establishing a health technology assessment program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler and Thibaudeau

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, the rules were suspended and the measures listed on the Standing Committee Report were placed on the second reading calendar.

MOTION

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

SECOND READING

HOUSE BILL NO. 2477, by Representatives Green, Nixon, Haigh, Hunt, Moeller and Rodne

Making technical changes to election laws.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, House Bill No. 2477 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2477.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2477 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Eide - 1

HOUSE BILL NO. 2477, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2537, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Condotta, McCoy, Hudgins and B. Sullivan)

Establishing a pilot program to allow employers to assist

employees in completing applications for industrial insurance benefits.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 2537 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Parlette: "Would the Senator from the Thirty-Sixth District yield to a question? Senator Kohl-Welles, what is the Department of Labor & Industries going to require of employers who volunteer for the employer reporting pilot project?"

Senator Kohl-Welles: "Based upon the letter, which is before you on your desk, that I mentioned, the department intends to establish requirements that employers meet certain minimum criteria such as, maintaining their labor & industries account in good standing, having an acceptable WISHA citation record and being in business for a specified period of time."

Senator Parlette: "Does Labor & Industry plan to enter into any agreements with the employers who volunteer for the pilot project?"

Senator Kohl-Welles: "Yes, they do. The department plans to enter into written agreements with each employer who participates in the pilot. The agreements would include the following requirements: that the employers provide all workers with written materials to explain the pilots and the rights of workers under the workers comp laws; that employers provide the department with logs of their on the job incidents; that they also provide workers with written confirmation that the worker has initiated the filing of the workers comp claim; through the employer; that employers agree to meet the department's expectations for prompt filing of the workers comp claim and that they assist the department in periodic surveys of employees; and, also, that employers provide information needed by the department to complete the report to the legislature."

Senators Parlette and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2537.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2537 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 2; Excused, 0.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senators McCaslin and Morton - 2

Absent: Senators Benton and McAuliffe - 2

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 2537, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2695, by Representatives Haigh, Sump and McDermott

Modifying absentee or provisional ballot notice requirements.

The measure was read the second time.

MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.60.165 and 2005 c 243 s 8 are each amended to read as follows:

(1) If the voter neglects to sign the outside envelope of an absentee or provisional ballot, the auditor shall notify the voter by ~~((telephone))~~ first class mail and advise the voter of the correct procedures for completing the unsigned affidavit. ~~((If the auditor is not able to provide the information personally to the voter by telephone, then the voter must be contacted by first class mail and advised of the correct procedures for completing the unsigned affidavit. Leaving a voice mail message for the voter is not to be considered as personally contacting the voter.))~~ If the absentee ballot is received within three business days of the final meeting of the canvassing board, or the voter has been notified by first class mail and has not responded at least three business days before the final meeting of the canvassing board, then the auditor shall attempt to notify the voter by telephone, using the voter registration record information. In order for the ballot to be counted, the voter must either:

(a) Appear in person and sign the envelope no later than the day before the certification of the primary or election; or

(b) Sign a copy of the envelope provided by the auditor, and return it to the auditor no later than the day before the certification of the primary or election.

(2)(a) If the handwriting of the signature on an absentee or provisional ballot envelope is not the same as the handwriting of the signature on the registration file, the auditor shall notify the voter by ~~((telephone))~~ first class mail, enclosing a voter registration form, and advise the voter of the correct procedures for updating his or her signature on the voter registration file. ~~((If the auditor is not able to provide the information personally to the voter by telephone, then the voter must be contacted by first class mail and advised of the correct procedures for completing the unsigned affidavit. Leaving a voice mail message for the voter is not to be considered as personally contacting the voter.))~~ If the absentee ballot is received within three business days of the final meeting of the canvassing board, or the voter has been notified by first class mail and has not responded at least three business days before the final meeting of the canvassing board, then the auditor shall attempt to notify the voter by telephone, using the voter registration record information. In order for the ballot to be counted, the voter must ~~((either:~~

~~—(i) Appear in person and sign))~~ provide a new registration form no later than the day before the certification of the primary or election~~((or~~

~~—(ii) Sign a copy of the affidavit provided by the auditor and return it to the auditor no later than the day before the certification of the primary or election. If the signature on the copy of the affidavit does not match the signature on file, the voter must appear in person and sign a new registration form no later than the day before the certification of the primary or election in order for the ballot to be counted)).~~

(b) If the signature on an absentee or provisional ballot envelope is not the same as the signature on the registration file because the name is different, the ballot may be counted as long as the handwriting is clearly the same. The auditor shall send the voter a change-of-name form under RCW 29A.08.440 and direct the voter to complete the form.

(c) If the signature on an absentee or provisional ballot envelope is not the same as the signature on the registration file because the voter used initials or a common nickname, the ballot may be counted as long as the surname and handwriting are clearly the same.

(3) A voter may not cure a missing or mismatched signature for purposes of counting the ballot in a recount.

(4) A record must be kept of all ballots with missing and mismatched signatures. The record must contain the date on which the voter was contacted or the notice was mailed, as well as the date on which the voter signed the envelope, a copy of the envelope, a new registration form, or a change-of-name form. That record is a public record under chapter 42.17 RCW and may be disclosed to interested parties on written request."

Senator Kastama spoke in favor of adoption of the committee striking amendment.

POINT OF INQUIRY

Senator Benton: "Would Senator Kastama yield to a question? Senator Kastama, we've had a number of different versions of this concept and we made a lot of changes to it. I need just a little clarification. Does this bill take away the requirement that the voter in question turn up in person down at the Auditor's office?"

Senator Kastama: "Yes it does."

Senator Benton: "So they don't have to go down there anymore. What do they verify it by phone or.....?"

Senator Kastama: "By mail. They have to as if they were reregistering and this was a request by another member on our committee who lives in the Islands and had a personal incident with their family member."

Senator Benton: "So they no longer go down in person to show up?"

Senator Kastama: "Correct."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to Substitute House Bill No. 2695.

The motion by Senator Kastama carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "requirements;" strike the remainder of the title and insert "and amending RCW 29A.60.165."

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 2695 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Roach: "Would the Senator from the Twenty-Sixth District yield to a question? Many of you know that last elections cycle, one of my children had a ballot with a funny signature. He didn't sign his name right, you know, so it didn't match up. He got a phone call from King County Elections saying, you know, Is this really you? So, my understanding of the bill might be that we're changing that. I prefer that there be every effort made and made as soon as possible. So, how does this bill affect what existing law is and the situation today as it is where a voter is called immediately and told that there's a potential that their signature will not be validated. Could you address that please?"

Senator Kastama: "Yes, it right now it will be done by, actually the mail is how they will notify them. If they can not be notified by mail it's then at that point they go to by phone call so it's kind of a combination of both but they start out, however, by mail. I believe the amendment that we put on this was by request. It was my understanding it was going to address a need that you had and I hope that that does."

Senator Johnson spoke against the passage of the bill.

MOTION

On motion of Senator Weinstein, Senator Pridemore was excused.

Senators Haugen and Kohl-Welles spoke in favor of passage of the bill.

Senator Roach spoke against passage of the bill.

MOTION

Senator Eide demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

The motion by Senator Eide that the previous question be put was sustained by voice vote.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2695 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2695 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Oke, Poulsen, Prentice,

Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 35

Voting nay: Senators Benton, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Pflug, Roach, Schoesler, Stevens and Zarelli - 14

SUBSTITUTE HOUSE BILL NO. 2695 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 3261, by Representatives O'Brien, Rodne, Dickerson, Clements, Haigh, Simpson, Pearson, McDonald, Ericks, Kilmer and Williams

Strengthening the review process by the indeterminate sentence review board.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.95.003 and 1997 c 350 s 2 are each amended to read as follows:

The board shall consist of a (~~chairman~~) chair, a vice-chair, and ((two)) three other members, each of whom shall be appointed by the governor with the consent of the senate. Each member shall hold office for a term of five years, and until his or her successor is appointed and qualified. The terms shall expire on April 15th of the expiration year. Vacancies in the membership of the board shall be filled by appointment by the governor with the consent of the senate. In the event of the inability of any member to act, the governor shall appoint some competent person to act in his stead during the continuance of such inability. The members shall not be removable during their respective terms except for cause determined by the superior court of Thurston county. The governor in appointing the members shall designate one of them to serve as chairman at the governor's pleasure.

The members of the board and its officers and employees shall not engage in any other business or profession or hold any other public office without the prior approval of the executive ethics board indicating compliance with RCW 42.52.020, 42.52.030, 42.52.040 and 42.52.120; nor shall they, at the time of appointment or employment or during their incumbency, serve as the representative of any political party on an executive committee or other governing body thereof, or as an executive officer or employee of any political committee or association. The members of the board shall each severally receive salaries fixed by the governor in accordance with the provisions of RCW 43.03.040, and in addition shall receive travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060.

The board may employ, and fix, with the approval of the governor, the compensation of and prescribe the duties of a secretary and such officers, employees, and assistants as may be necessary, and provide necessary quarters, supplies, and equipment.

Sec. 2. RCW 9.95.420 and 2002 c 174 s 1 are each amended to read as follows:

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

(1)(a) Except as provided in (c) of this subsection, before the expiration of the minimum term, as part of the end of sentence review process under RCW 72.09.340, 72.09.345, and where appropriate, 72.09.370, the department shall conduct, and the offender shall participate in, an examination of the offender, incorporating methodologies that are recognized by experts in the prediction of sexual dangerousness, and including a prediction of the probability that the offender will engage in sex offenses if released.

(b) The board may contract for an additional, independent examination, subject to the standards in this section.

(c) If at the time the sentence is imposed by the superior court the offender's minimum term has expired or will expire within one hundred twenty days of the sentencing hearing, the department shall conduct, within ninety days of the offender's arrival at a department of corrections facility, and the offender shall participate in, an examination of the offender, incorporating methodologies that are recognized by experts in the prediction of sexual dangerousness, and including a prediction of the probability that the offender will engage in sex offenses if released.

(2) The board shall impose the conditions and instructions provided for in RCW 9.94A.720. The board shall consider the department's recommendations and may impose conditions in addition to those recommended by the department. The board may impose or modify conditions of community custody following notice to the offender.

(3)(a) Except as provided in (b) of this subsection, no later than ninety days before expiration of the minimum term, but after the board receives the results from the end of sentence review process and the recommendations for additional or modified conditions of community custody from the department, the board shall conduct a hearing to determine whether it is more likely than not that the offender will engage in sex offenses if released on conditions to be set by the board. The board may consider an offender's failure to participate in an evaluation under subsection (1) of this section in determining whether to release the offender. The board shall order the offender released, under such affirmative and other conditions as the board determines appropriate, unless the board determines by a preponderance of the evidence that, despite such conditions, it is more likely than not that the offender will commit sex offenses if released. If the board does not order the offender released, the board shall establish a new minimum term, not to exceed an additional two years.

(b) If at the time the offender's minimum term has expired or will expire within one hundred twenty days of the offender's arrival at a department of correction's facility, then no later than one hundred twenty days after the offender's arrival at a department of corrections facility, but after the board receives the results from the end of sentence review process and the recommendations for additional or modified conditions of community custody from the department, the board shall conduct a hearing to determine whether it is more likely than not that the offender will engage in sex offenses if released on conditions to be set by the board. The board may consider an offender's failure to participate in an evaluation under subsection (1) of this section in determining whether to release the offender. The board shall order the offender released, under such affirmative and other conditions as the board determines appropriate, unless the board determines by a preponderance of the evidence that, despite such conditions, it is more likely than not that the offender will commit sex offenses if released. If the board does not order the offender released, the board shall establish a new minimum term, not to exceed an additional two years.

(4) In a hearing conducted under subsection (3) of this section, the board shall provide opportunities for the victims of any crimes for which the offender has been convicted to present oral, video, written, or in-person testimony to the board. The procedures for victim input shall be developed by rule. To facilitate victim involvement, county prosecutor's offices shall ensure that any victim impact statements and known contact information for victims of record are forwarded as part of the judgment and sentence.

NEW SECTION. Sec. 3. Section 1 of this act takes effect April 15, 2007. Section 2 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Hargrove spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed House Bill No. 3261.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 4 of the title, after "9.94A.712;" strike the remainder of the title and insert "amending RCW 9.95.003 and 9.95.420; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed House Bill No. 3261 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 3261 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 3261 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

ENGROSSED HOUSE BILL NO. 3261 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2654, by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Darneille, Strow, O'Brien, Lantz,

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

Rodne, Simpson, Clibborn, McDonald, Conway, Miloscia, B. Sullivan and Ericks)

Prohibiting sex offender treatment by treatment providers who are sex offenders. Revised for 1st Substitute: Prohibiting certification of sex offenders as sex offender treatment providers.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 2654 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

MOTION

On motion of Senator Mulliken, Senator Hewitt was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2654.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2654 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Pridemore - 1

Excused: Senator Hewitt - 1

SUBSTITUTE HOUSE BILL NO. 2654, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2575, by House Committee on Appropriations (originally sponsored by Representatives Cody, Morrell and Moeller)

Establishing a health technology assessment program.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 70.14 RCW to read as follows:

DEFINITIONS. The definitions in this section apply throughout sections 2 through 7 of this act unless the context clearly requires otherwise.

(1) "Administrator" means the administrator of the Washington state health care authority under chapter 41.05 RCW.

(2) "Advisory group" means a group established under section 4(2)(c) of this act.

(3) "Committee" means the health technology clinical committee established under section 2 of this act.

(4) "Coverage determination" means a determination of the circumstances, if any, under which a health technology will be included as a covered benefit in a state purchased health care program.

(5) "Health technology" means medical and surgical devices and procedures, medical equipment, and diagnostic tests. Health technologies does not include prescription drugs governed by RCW 70.14.050.

(6) "Participating agency" means the department of social and health services, the state health care authority, and the department of labor and industries.

(7) "Reimbursement determination" means a determination to provide or deny reimbursement for a health technology included as a covered benefit in a specific circumstance for an individual patient who is eligible to receive health care services from the state purchased health care program making the determination.

NEW SECTION. Sec. 2 A new section is added to chapter 70.14 RCW to read as follows:

HEALTH TECHNOLOGY COMMITTEE ESTABLISHED. (1) A health technology clinical committee is established, to include the following eleven members appointed by the administrator in consultation with participating state agencies:

(a) Six practicing physicians licensed under chapter 18.57 or 18.71 RCW; and

(b) Five other practicing licensed health professionals who use health technology in their scope of practice.

At least two members of the committee must have professional experience treating women, children, elderly persons, and people with diverse ethnic and racial backgrounds.

(2) Members of the committee:

(a) Shall not contract with or be employed by a health technology manufacturer or a participating agency during their term or for eighteen months before their appointment. As a condition of appointment, each person shall agree to the terms and conditions imposed by the administrator regarding conflicts of interest;

(b) Are immune from civil liability for any official acts performed in good faith as members of the committee; and

(c) Shall be compensated for participation in the work of the committee in accordance with a personal services contract to be executed after appointment and before commencement of activities related to the work of the committee.

(3) Meetings of the committee and any advisory group are subject to chapter 42.30 RCW, the open public meetings act, including RCW 42.30.110(1)(I), which authorizes an executive session during a regular or special meeting to consider proprietary or confidential nonpublished information.

(4) Neither the committee nor any advisory group is an agency for purposes of chapter 34.05 RCW.

(5) The health care authority shall provide administrative support to the committee and any advisory group, and may adopt rules governing their operation.

NEW SECTION. Sec. 3 A new section is added to chapter 70.14 RCW to read as follows:

TECHNOLOGY SELECTION AND ASSESSMENT. (1) The administrator, in consultation with participating agencies and the committee, shall select the health technologies to be reviewed by the committee under section 4 of this act. Up to six

FIFTY-FOURTH DAY, MARCH 3, 2006

may be selected for review in the first year after the effective date of this act, and up to eight may be selected in the second year after the effective date of this act. In making the selection, priority shall be given to any technology for which:

(a) There are concerns about its safety, efficacy, or cost-effectiveness, especially relative to existing alternatives, or significant variations in its use;

(b) Actual or expected state expenditures are high, due to demand for the technology, its cost, or both; and

(c) There is adequate evidence available to conduct the complete review.

(2) A health technology for which the committee has made a determination under section 4 of this act shall be considered for rereview at least once every eighteen months, beginning the date the determination is made. The administrator, in consultation with participating agencies and the committee, shall select the technology for rereview if he or she decides that evidence has since become available that could change a previous determination. Upon rereview, consideration shall be given only to evidence made available since the previous determination.

(3) Pursuant to a petition submitted by an interested party, the health technology clinical committee may select health technologies for review that have not otherwise been selected by the administrator under subsection (1) or (2) of this section.

(4) Upon the selection of a health technology for review, the administrator shall contract for a systematic evidence-based assessment of the technology's safety, efficacy, and cost-effectiveness. The contract shall:

(a) Be with an evidence-based practice center designated as such by the federal agency for health care research and quality, or other appropriate entity;

(b) Require the assessment be initiated no sooner than thirty days after notice of the selection of the health technology for review is posted on the internet under section 7 of this act;

(c) Require, in addition to other information considered as part of the assessment, consideration of: (i) Safety, health outcome, and cost data submitted by a participating agency; and (ii) evidence submitted by any interested party; and

(d) Require the assessment to: (i) Give the greatest weight to the evidence determined, based on objective indicators, to be the most valid and reliable, considering the nature and source of the evidence, the empirical characteristic of the studies or trials upon which the evidence is based, and the consistency of the outcome with comparable studies; and (ii) take into account any unique impacts of the technology on specific populations based upon factors such as sex, age, ethnicity, race, or disability.

NEW SECTION. Sec. 4 A new section is added to chapter 70.14 RCW to read as follows:

HEALTH TECHNOLOGY COMMITTEE DETERMINATIONS. (1) The committee shall determine, for each health technology selected for review under section 3 of this act: (a) The conditions, if any, under which the health technology will be included as a covered benefit in health care programs of participating agencies; and (b) if covered, the criteria which the participating agency administering the program must use to decide whether the technology is medically necessary, or proper and necessary treatment.

(2) In making a determination under subsection (1) of this section, the committee:

(a) Shall consider, in an open and transparent process, evidence regarding the safety, efficacy, and cost-effectiveness of the technology as set forth in the systematic assessment conducted under section 3(4) of this act;

(b) Shall provide an opportunity for public comment; and

(c) May establish ad hoc temporary advisory groups if specialized expertise is needed to review a particular health technology or group of health technologies, or to seek input

from enrollees or clients of state purchased health care programs. Advisory group members are immune from civil liability for any official act performed in good faith as a member of the group. As a condition of appointment, each person shall agree to the terms and conditions imposed by the administrator regarding conflicts of interest.

(3) Determinations of the committee under subsection (1) of this section shall be consistent with decisions made under the federal medicare program and in expert treatment guidelines, including those from specialty physician organizations and patient advocacy organizations, unless the committee concludes, based on its review of the systematic assessment, that substantial evidence regarding the safety, efficacy, and cost-effectiveness of the technology supports a contrary determination.

NEW SECTION. Sec. 5 A new section is added to chapter 70.14 RCW to read as follows:

COMPLIANCE BY STATE AGENCIES. (1) A participating agency shall comply with a determination of the committee under section 4 of this act unless:

(a) The determination conflicts with an applicable federal statute or regulation, or applicable state statute; or

(b) Reimbursement is provided under an agency policy regarding experimental or investigational treatment, services under a clinical investigation approved by an institutional review board, or health technologies that have a humanitarian device exemption from the federal food and drug administration.

(2) For a health technology not selected for review under section 3 of this act, a participating agency may use its existing statutory and administrative authority to make coverage and reimbursement determinations. Such determinations shall be shared among agencies, with a goal of maximizing each agency's understanding of the basis for the other's decisions and providing opportunities for agency collaboration.

(3) A health technology not included as a covered benefit under a state purchased health care program pursuant to a determination of the health technology clinical committee under section 4 of this act, or for which a condition of coverage established by the committee is not met, shall not be subject to a determination in the case of an individual patient as to whether it is medically necessary, or proper and necessary treatment.

(4) Nothing in this act diminishes an individual's right under existing law to appeal an action or decision of a participating agency regarding a state purchased health care program. Appeals shall be governed by state and federal law applicable to participating agency decisions.

NEW SECTION. Sec. 6 A new section is added to chapter 70.14 RCW to read as follows:

APPEAL PROCESS. The administrator shall establish an open, independent, transparent, and timely process to enable patients, providers, and other stakeholders to appeal the determinations of the health technology clinical committee made under section 4 of this act.

NEW SECTION. Sec. 7 A new section is added to chapter 70.14 RCW to read as follows:

PUBLIC NOTICE. (1) The administrator shall develop a centralized, internet-based communication tool that provides, at a minimum:

(a) Notification when a health technology is selected for review under section 3 of this act, indicating when the review will be initiated and how an interested party may submit evidence, or provide public comment, for consideration during the review;

(b) Notification of any determination made by the committee under section 4(1) of this act, its effective date, and an explanation of the basis for the determination; and

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

(c) Access to the systematic assessment completed under section 3(4) of this act, and reports completed under subsection (2) of this section.

(2) Participating agencies shall develop methods to report on the implementation of this section and sections 1 through 6 of this act with respect to health care outcomes, frequency of exceptions, cost outcomes, and other matters deemed appropriate by the administrator.

Sec. 8 RCW 41.05.013 and 2005 c 462 s 3 are each amended to read as follows:

(1) The authority shall coordinate state agency efforts to develop and implement uniform policies across state purchased health care programs that will ensure prudent, cost-effective health services purchasing, maximize efficiencies in administration of state purchased health care programs, improve the quality of care provided through state purchased health care programs, and reduce administrative burdens on health care providers participating in state purchased health care programs. The policies adopted should be based, to the extent possible, upon the best available scientific and medical evidence and shall endeavor to address:

(a) Methods of formal assessment, such as a health technology assessment under sections 1 through 7 of this act. Consideration of the best available scientific evidence does not preclude consideration of experimental or investigational treatment or services under a clinical investigation approved by an institutional review board;

(b) Monitoring of health outcomes, adverse events, quality, and cost-effectiveness of health services;

(c) Development of a common definition of medical necessity; and

(d) Exploration of common strategies for disease management and demand management programs, including asthma, diabetes, heart disease, and similar common chronic diseases. Strategies to be explored include individual asthma management plans. On January 1, 2007, and January 1, 2009, the authority shall issue a status report to the legislature summarizing any results it attains in exploring and coordinating strategies for asthma, diabetes, heart disease, and other chronic diseases.

(2) The administrator may invite health care provider organizations, carriers, other health care purchasers, and consumers to participate in efforts undertaken under this section.

(3) For the purposes of this section "best available scientific and medical evidence" means the best available clinical evidence derived from systematic research.

NEW SECTION. Sec. 9 A new section is added to chapter 70.14 RCW to read as follows:

Sections 1 through 7 of this act and RCW 41.05.013 do not apply to state purchased health care services that are purchased from or through health carriers as defined in RCW 48.43.005.

NEW SECTION. Sec. 10 Captions used in this act are not any part of the law.

NEW SECTION. Sec. 11 If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

Senator Keiser spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the

Committee on Ways & Means to Engrossed Second Substitute House Bill No. 2575.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 41.05.013; adding new sections to chapter 70.14 RCW; and creating new sections."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Second Substitute House Bill No. 2575 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Deccio spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2575 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2575 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator McAuliffe - 1

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2575 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 3278, by Representatives Conway and Dickerson

Making adjustments to the unemployment insurance system. (REVISED FOR ENGROSSED: Extending the deadline for the report by the joint legislative task force on unemployment insurance benefit equity.)

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles and Parlette be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 50.20.050 and 2003 2nd sp.s. c 4 s 4 are each reenacted to read as follows:

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

(1) With respect to claims that have an effective date before January 4, 2004:

(a) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;
 (ii) The extent of direction and control by the employer over the work; and
 (iii) The level of skill required for the work in light of the individual's training and experience.

(b) An individual shall not be considered to have left work voluntarily without good cause when:

(i) He or she has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if the claimant took all reasonable precautions, in accordance with any regulations that the commissioner may prescribe, to protect his or her employment status by having promptly notified the employer of the reason for the absence and by having promptly requested reemployment when again able to assume employment: PROVIDED, That these precautions need not have been taken when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system;

(iii) He or she has left work to relocate for the spouse's employment that is due to an employer-initiated mandatory transfer that is outside the existing labor market area if the claimant remained employed as long as was reasonable prior to the move; or

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110.

(c) In determining under this subsection whether an individual has left work voluntarily without good cause, the commissioner shall only consider work-connected factors such as the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness for the work, the individual's ability to perform the work, and such other work connected factors as the commissioner may deem pertinent, including state and national emergencies. Good cause shall not be established for voluntarily leaving work because of its distance from an individual's residence where the distance was known to the individual at the time he or she accepted the employment and where, in the judgment of the department, the distance is customarily traveled by workers in the individual's job classification and labor market, nor because of any other significant work factor which was generally known and present at the time he or she accepted employment, unless the related circumstances have so changed as to amount to a substantial involuntary deterioration of the work factor or unless the commissioner determines that other related circumstances would work an unreasonable hardship on the individual were he or she required to continue in the employment.

(d) Subsection (1)(a) and (c) of this section shall not apply to an individual whose marital status or domestic responsibilities cause him or her to leave employment. Such an individual shall not be eligible for unemployment insurance benefits beginning with the first day of the calendar week in which he or she left work and thereafter for seven calendar

weeks and until he or she has requalified, either by obtaining bona fide work in employment covered by this title and earning wages in that employment equal to seven times his or her weekly benefit amount or by reporting in person to the department during ten different calendar weeks and certifying on each occasion that he or she is ready, able, and willing to immediately accept any suitable work which may be offered, is actively seeking work pursuant to customary trade practices, and is utilizing such employment counseling and placement services as are available through the department. This subsection does not apply to individuals covered by (b)(ii) or (iii) of this subsection.

(2) With respect to claims that have an effective date on or after January 4, 2004:

(a) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;
 (ii) The extent of direction and control by the employer over the work; and
 (iii) The level of skill required for the work in light of the individual's training and experience.

(b) An individual is not disqualified from benefits under (a) of this subsection when:

(i) He or she has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant pursued all reasonable alternatives to preserve his or her employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated his or her employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) He or she: (A) Left work to relocate for the spouse's employment that, due to a mandatory military transfer: (I) Is outside the existing labor market area; and (II) is in Washington or another state that, pursuant to statute, does not consider such an individual to have left work voluntarily without good cause; and (B) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

(v) The individual's usual compensation was reduced by twenty-five percent or more;

(vi) The individual's usual hours were reduced by twenty-five percent or more;

(vii) The individual's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the individual's job classification and labor market;

(viii) The individual's worksite safety deteriorated, the individual reported such safety deterioration to the employer,

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

and the employer failed to correct the hazards within a reasonable period of time;

(ix) The individual left work because of illegal activities in the individual's worksite, the individual reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time; or

(x) The individual's usual work was changed to work that violates the individual's religious convictions or sincere moral beliefs.

NEW SECTION. Sec. 2. Section 1 of this act applies retroactively to claims that have an effective date on or after January 4, 2004."

Senators Kohl-Welles and Parlette spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kohl-Welles and Parlette to Engrossed House Bill No. 3278.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 2 of the title, after "equity;" strike the remainder of the title and insert "reenacting RCW 50.20.050; and creating a new section."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed House Bill No. 3278 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 3278 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 3278 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

ENGROSSED HOUSE BILL NO. 3278 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed House Bill No. 3278 was immediately transmitted to the House of Representatives.

SECOND READING

HOUSE BILL NO. 3048, by Representatives Moeller and Darneille

Changing the effective date of the uniform interstate family support act.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 3048 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 3048.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3048 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senators Delvin and McAuliffe - 2

HOUSE BILL NO. 3048, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2917, by House Committee on Local Government (originally sponsored by Representatives P. Sullivan, Kristiansen, Simpson, Linville, Blake and Ericks)

Identifying accessory uses on agricultural lands.

The measure was read the second time.

MOTION

Senator Rasmussen moved that the following committee striking amendment by the Committee on Agriculture & Rural Economic Development be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.177 and 2004 c 207 s 1 are each amended to read as follows:

(1) A county or a city may use a variety of innovative zoning techniques in areas designated as agricultural lands of long-term commercial significance under RCW 36.70A.170. The innovative zoning techniques should be designed to conserve agricultural lands and encourage the agricultural economy. Except as provided in subsection (3) of this section, a county or city should encourage nonagricultural uses to be limited to lands with poor soils or otherwise not suitable for agricultural purposes.

(2) Innovative zoning techniques a county or city may consider include, but are not limited to:

(a) Agricultural zoning, which limits the density of development and restricts or prohibits nonfarm uses of

FIFTY-FOURTH DAY, MARCH 3, 2006

agricultural land and may allow accessory uses, including nonagricultural-related activities, that support, promote, or sustain agricultural operations and production, as provided in subsection (3) of this section;

(b) Cluster zoning, which allows new development on one portion of the land, leaving the remainder in agricultural or open space uses;

(c) Large lot zoning, which establishes as a minimum lot size the amount of land necessary to achieve a successful farming practice;

(d) Quarter/quarter zoning, which permits one residential dwelling on a one-acre minimum lot for each one-sixteenth of a section of land; and

(e) Sliding scale zoning, which allows the number of lots for single-family residential purposes with a minimum lot size of one acre to increase inversely as the size of the total acreage increases.

~~(3)((~~†~~))~~ Accessory uses allowed under subsection (2)(a) of this section shall comply with the following:

~~((~~†~~)) (a)~~ Accessory uses shall be located, designed, and operated so as ~~((~~not~~))~~ to ~~((interfere with natural resource land uses and shall be accessory to the growing of crops or raising of animals))~~ minimize interference with agricultural land and shall comply with the requirements of this chapter;

~~((~~†~~)) (b)~~ Accessory ~~((commercial or retail))~~ uses ~~((shall predominately produce, store, or sell regionally produced))~~ may include:

~~(i)~~ Commercial or retail activities related to agriculture, including but not limited to the storage, distribution, and marketing of agricultural products from one or more producers, ~~((products derived from regional agricultural production,))~~ agriculturally related experiences, or ~~((products produced on-site. Accessory commercial and retail uses shall offer for sale predominantly products or services produced on-site))~~ the production, marketing, and distribution of value-added agricultural products, including support services that facilitate these activities; and

~~((~~†~~)) (ii)~~ Nonagricultural-related activities as long as they are compatible in size, scale, and intensity with, will not interfere with, and will support the continuation of, the agricultural use of the property and neighboring properties;

~~(c)~~ Accessory uses may operate out of existing or new buildings with parking and other supportive uses consistent with the size ~~((and)),~~ scale, and intensity of the existing agricultural use of the property and the existing buildings on the site ~~((but shall not otherwise convert agricultural land to nonagricultural uses.~~

~~(b) Accessory uses may include compatible commercial or retail uses including, but not limited to:~~

~~(i)~~ Storage and refrigeration of regional agricultural products;

~~(ii)~~ Production, sales, and marketing of value-added agricultural products derived from regional sources;

~~(iii)~~ Supplemental sources of on-farm income that support and sustain on-farm agricultural operations and production;

~~(iv)~~ Support services that facilitate the production, marketing, and distribution of agricultural products; and

~~(v)~~ Off-farm and on-farm sales and marketing of predominately regional agricultural products and experiences, locally made art and arts and crafts, and ancillary retail sales or service activities); and

~~(d)~~ Any new nonagricultural-related activities including new buildings, parking, or supportive uses shall not be located outside the general area already developed for buildings and residential uses and shall not otherwise convert more than one acre of agricultural land to nonagricultural-related activities.

2006 REGULAR SESSION

(4) Counties and cities have authority to allow or limit accessory agricultural activities and accessory nonagricultural-related activities in accordance with subsection (3) of this section in areas designated as agricultural lands of long-term commercial significance.

(5) This section shall not be interpreted to limit agricultural production on designated agricultural lands."

MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen and Morton to the committee striking amendment be adopted.

Beginning on page 1, line 15 of the amendment, strike all material through "significance." on page 3, line 13, and insert the following:

"(a) Agricultural zoning, which limits the density of development and restricts or prohibits nonfarm uses of agricultural land and may allow accessory uses, including nonagricultural accessory uses and activities, that support, promote, or sustain agricultural operations and production, as provided in subsection (3) of this section;

(b) Cluster zoning, which allows new development on one portion of the land, leaving the remainder in agricultural or open space uses;

(c) Large lot zoning, which establishes as a minimum lot size the amount of land necessary to achieve a successful farming practice;

(d) Quarter/quarter zoning, which permits one residential dwelling on a one-acre minimum lot for each one-sixteenth of a section of land; and

(e) Sliding scale zoning, which allows the number of lots for single-family residential purposes with a minimum lot size of one acre to increase inversely as the size of the total acreage increases.

~~(3)((~~†~~))~~ Accessory uses allowed under subsection (2)(a) of this section shall comply with the following:

~~((~~†~~)) (a)~~ Accessory uses shall be located, designed, and operated so as ~~((~~not~~))~~ to not interfere with ~~((natural resource land uses and shall be accessory to the growing of crops or raising of animals)),~~ and to support the continuation of, the overall agricultural use of the property and neighboring properties, and shall comply with the requirements of this chapter;

~~((~~†~~)) (b)~~ Accessory ~~((commercial or retail))~~ uses ~~((shall predominately produce, store, or sell regionally produced))~~ may include:

~~(i)~~ Agricultural accessory uses and activities, including but not limited to the storage, distribution, and marketing of regional agricultural products from one or more producers, ~~((products derived from regional agricultural production,))~~ agriculturally related experiences, or ~~((products produced on-site. Accessory commercial and retail uses shall offer for sale predominantly products or services produced on-site))~~ the production, marketing, and distribution of value-added agricultural products, including support services that facilitate these activities; and

~~((~~†~~)) (ii)~~ Nonagricultural accessory uses and activities as long as they are consistent with the size ~~((and)),~~ scale, and intensity of the existing agricultural use of the property and the existing buildings on the site ~~((but)),~~ Nonagricultural accessory uses and activities, including new buildings, parking, or supportive uses, shall not be located outside the general area already developed for buildings and residential uses and shall not otherwise convert more than one acre of agricultural land to

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

nonagricultural uses(-

MOTION

~~(b) Accessory uses may include compatible commercial or retail uses including, but not limited to:~~

On motion of Senator Regala, Senator Haugen was excused.

~~(i) Storage and refrigeration of regional agricultural products;~~

ROLL CALL

~~(ii) Production, sales, and marketing of value-added agricultural products derived from regional sources;~~

The Secretary called the roll on the final passage of Substitute House Bill No. 2917 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

~~(iii) Supplemental sources of on-farm income that support and sustain on-farm agricultural operations and production;~~

~~(iv) Support services that facilitate the production, marketing, and distribution of agricultural products; and~~

~~(v) Off-farm and on-farm sales and marketing of predominately regional agricultural products and experiences, locally made art and arts and crafts, and ancillary retail sales or service activities); and~~

(c) Counties and cities have the authority to limit or exclude accessory uses otherwise authorized in this subsection (3) in areas designated as agricultural lands of long-term commercial significance."

Renumber the remaining subsection consecutively.

Senator Rasmussen spoke in favor of adoption of the amendment to the committee striking amendment.

MOTION

On motion of Senator Finkbeiner, Senator Johnson was excused.

MOTION

On motion of Senator Schoesler, Senators McCaslin and Hewitt were excused.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen and Morton on page 1, line 15 to the committee striking amendment to Substitute House Bill No. 2917.

The motion by Senator Rasmussen carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture & Rural Economic Development as amended to Substitute House Bill No. 2917.

The motion by Senator Rasmussen carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "lands;" strike the remainder of the title and insert "and amending RCW 36.70A.177."

MOTION

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 2917 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2917 as amended by the Senate.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2678, by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kagi, Kretz, B. Sullivan and Eriks)

Reauthorizing the pollution liability insurance agency.

The measure was read the second time.

MOTIONS

Senator Poulsen moved that the following committee striking amendment by the Committee on Water, Energy and Environment be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.148.020 and 2005 c 518 s 942 are each amended to read as follows:

(1) The pollution liability insurance program trust account is established in the custody of the state treasurer. All funds appropriated for this chapter and all premiums collected for reinsurance shall be deposited in the account. Expenditures from the account shall be used exclusively for the purposes of this chapter including payment of costs of administering the pollution liability insurance and underground storage tank community assistance programs. Expenditures for payment of administrative and operating costs of the agency are subject to the allotment procedures under chapter 43.88 RCW and may be made only after appropriation by statute. No appropriation is required for other expenditures from the account.

(2) Each calendar quarter, the director shall report to the insurance commissioner the loss and surplus reserves required for the calendar quarter. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter.

(3) Each calendar quarter the director shall determine the amount of reserves necessary to fund commitments made to provide financial assistance under RCW 70.148.130 to the extent that the financial assistance reserves do not jeopardize the operations and liabilities of the pollution liability insurance

FIFTY-FOURTH DAY, MARCH 3, 2006

program. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter. The director may immediately establish an initial financial assistance reserve of five million dollars from available revenues. The director may not expend more than fifteen million dollars for the financial assistance program.

(4) During the 2005-2007 fiscal biennium, the legislature may transfer from the pollution liability insurance program trust account to the state general fund such amounts as reflect the excess fund balance of the account.

(5) This section expires June 1, (~~2007~~) 2013.

Sec. 2. RCW 70.148.050 and 1998 c 245 s 115 are each amended to read as follows:

The director has the following powers and duties:

(1) To design and from time to time revise a reinsurance contract providing coverage to an insurer meeting the requirements of this chapter. Before initially entering into a reinsurance contract, the director shall prepare an actuarial report describing the various reinsurance methods considered by the director and describing each method's costs. In designing the reinsurance contract the director shall consider common insurance industry reinsurance contract provisions and shall design the contract in accordance with the following guidelines:

(a) The contract shall provide coverage to the insurer for the liability risks of owners and operators of underground storage tanks for third party bodily injury and property damage and corrective action that are underwritten by the insurer.

(b) In the event of an insolvency of the insurer, the reinsurance contract shall provide reinsurance payable directly to the insurer or to its liquidator, receiver, or successor on the basis of the liability of the insurer in accordance with the reinsurance contract. In no event may the program be liable for or provide coverage for that portion of any covered loss that is the responsibility of the insurer whether or not the insurer is able to fulfill the responsibility.

(c) The total limit of liability for reinsurance coverage shall not exceed one million dollars per occurrence and two million dollars annual aggregate for each policy underwritten by the insurer less the ultimate net loss retained by the insurer as defined and provided for in the reinsurance contract.

(d) Disputes between the insurer and the insurance program shall be settled through arbitration.

(2) To design and implement a structure of periodic premiums due the director from the insurer that takes full advantage of revenue collections and projected revenue collections to ensure affordable premiums to the insured consistent with sound actuarial principles.

(3) To periodically review premium rates for reinsurance to determine whether revenue appropriations supporting the program can be reduced without substantially increasing the insured's premium costs.

(4) To solicit bids from insurers and select an insurer to provide pollution liability insurance to owners and operators of underground storage tanks for third party bodily injury and property damage and corrective action.

(5) To monitor the activities of the insurer to ensure compliance with this chapter and protect the program from excessive loss exposure resulting from claims mismanagement by the insurer.

(6) To monitor the success of the program and periodically make such reports and recommendations to the legislature as the director deems appropriate, and to annually publish a financial report on the pollution liability insurance program trust account showing, among other things, administrative and other expenses paid from the fund.

(7) To annually report the financial and loss experience of the insurer as to policies issued under the program and the financial and loss experience of the program to the legislature.

~~(8) ((To evaluate the effects of the program upon the private market for liability insurance for owners and operators of underground storage tanks and make recommendations to the legislature on the necessity for continuing the program to ensure availability of such coverage.~~

~~—(9))~~ To enter into contracts with public and private agencies to assist the director in his or her duties to design, revise, monitor, and evaluate the program and to provide technical or professional assistance to the director.

~~((+0))~~ (9) To examine the affairs, transactions, accounts, records, documents, and assets of insurers as the director deems advisable.

Sec. 3. RCW 43.79A.040 and 2005 c 424 s 18, 2005 c 402 s 8, 2005 c 215 s 10, and 2005 c 16 s 2 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and fire fighters' plan 2 expense fund, the local tourism promotion account, the produce railcar pool account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

racing commission class C purse fund account), the pollution liability insurance program trust account, and the life sciences discovery fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 4. RCW 70.148.900 and 2000 c 16 s 1 are each amended to read as follows:

This chapter shall expire June 1, ~~((2007))~~ 2013.

Sec. 5. RCW 70.149.900 and 2000 c 16 s 2 are each amended to read as follows:

Sections 1 through 11 of this act shall expire June 1, ~~((2007))~~ 2013.

Sec. 6. RCW 82.23A.902 and 2000 c 16 s 3 are each amended to read as follows:

This chapter shall expire on June 1, ~~((2007))~~ 2013, coinciding with the expiration of chapter 70.148 RCW.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

- (1) 2000 c 16 s 4 & 1998 c 245 s 178 (uncodified);
- (2) 2000 c 16 s 5 & 1997 c 8 s 3 (uncodified); and
- (3) 2005 c 428 s 4 (uncodified).

NEW SECTION. Sec. 8. Section 3 of this act takes effect July 1, 2006."

On page 1, line 1 of the title, after "agency;" strike the remainder of the title and insert "amending RCW 70.148.020, 70.148.050, 70.148.900, 70.149.900, and 82.23A.902; reenacting and amending RCW 43.79A.040; repealing 2000 c 16 s 4 and 1998 c 245 s 178 (uncodified); repealing 2000 c 16 s 5 and 1997 c 8 s 3 (uncodified); repealing 2005 c 428 s 4 (uncodified); providing an effective date; and providing an expiration date."

WITHDRAWAL OF AMENDMENT

On motion of Senator Poulsen, the committee striking amendment by the Committee on Water, Energy & Environment to Substitute House Bill No. 2678 was withdrawn.

MOTION

Senator Rockefeller moved that the following committee striking amendment by the Committee on Ways & Means adopted

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.148.020 and 2005 c 518 s 942 are each amended to read as follows:

(1) The pollution liability insurance program trust account is established in the custody of the state treasurer. All funds appropriated for this chapter and all premiums collected for reinsurance shall be deposited in the account. Expenditures from the account shall be used exclusively for the purposes of this chapter including payment of costs of administering the pollution liability insurance and underground storage tank community assistance programs. Expenditures for payment of

administrative and operating costs of the agency are subject to the allotment procedures under chapter 43.88 RCW and may be made only after appropriation by statute. No appropriation is required for other expenditures from the account.

(2) Each calendar quarter, the director shall report to the insurance commissioner the loss and surplus reserves required for the calendar quarter. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter.

(3) Each calendar quarter the director shall determine the amount of reserves necessary to fund commitments made to provide financial assistance under RCW 70.148.130 to the extent that the financial assistance reserves do not jeopardize the operations and liabilities of the pollution liability insurance program. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter. The director may immediately establish an initial financial assistance reserve of five million dollars from available revenues. The director may not expend more than fifteen million dollars for the financial assistance program.

(4) During the 2005-2007 fiscal biennium, the legislature may transfer from the pollution liability insurance program trust account to the state general fund such amounts as reflect the excess fund balance of the account.

(5) This section expires June 1, ~~((2007))~~ 2013.

Sec. 2. RCW 70.148.050 and 1998 c 245 s 115 are each amended to read as follows:

The director has the following powers and duties:

(1) To design and from time to time revise a reinsurance contract providing coverage to an insurer meeting the requirements of this chapter. Before initially entering into a reinsurance contract, the director shall prepare an actuarial report describing the various reinsurance methods considered by the director and describing each method's costs. In designing the reinsurance contract the director shall consider common insurance industry reinsurance contract provisions and shall design the contract in accordance with the following guidelines:

(a) The contract shall provide coverage to the insurer for the liability risks of owners and operators of underground storage tanks for third party bodily injury and property damage and corrective action that are underwritten by the insurer.

(b) In the event of an insolvency of the insurer, the reinsurance contract shall provide reinsurance payable directly to the insurer or to its liquidator, receiver, or successor on the basis of the liability of the insurer in accordance with the reinsurance contract. In no event may the program be liable for or provide coverage for that portion of any covered loss that is the responsibility of the insurer whether or not the insurer is able to fulfill the responsibility.

(c) The total limit of liability for reinsurance coverage shall not exceed one million dollars per occurrence and two million dollars annual aggregate for each policy underwritten by the insurer less the ultimate net loss retained by the insurer as defined and provided for in the reinsurance contract.

(d) Disputes between the insurer and the insurance program shall be settled through arbitration.

(2) To design and implement a structure of periodic premiums due the director from the insurer that takes full advantage of revenue collections and projected revenue collections to ensure affordable premiums to the insured consistent with sound actuarial principles.

(3) To periodically review premium rates for reinsurance to determine whether revenue appropriations supporting the program can be reduced without substantially increasing the insured's premium costs.

(4) To solicit bids from insurers and select an insurer to provide pollution liability insurance to owners and operators of underground storage tanks for third party bodily injury and property damage and corrective action.

(5) To monitor the activities of the insurer to ensure compliance with this chapter and protect the program from

FIFTY-FOURTH DAY, MARCH 3, 2006

excessive loss exposure resulting from claims mismanagement by the insurer.

(6) To monitor the success of the program and periodically make such reports and recommendations to the legislature as the director deems appropriate, and to annually publish a financial report on the pollution liability insurance program trust account showing, among other things, administrative and other expenses paid from the fund.

(7) To annually report the financial and loss experience of the insurer as to policies issued under the program and the financial and loss experience of the program to the legislature.

~~(8) ((To evaluate the effects of the program upon the private market for liability insurance for owners and operators of underground storage tanks and make recommendations to the legislature on the necessity for continuing the program to ensure availability of such coverage.~~

~~(9))~~ To enter into contracts with public and private agencies to assist the director in his or her duties to design, revise, monitor, and evaluate the program and to provide technical or professional assistance to the director.

~~((+0))~~ (9) To examine the affairs, transactions, accounts, records, documents, and assets of insurers as the director deems advisable.

Sec. 3. RCW 70.148.900 and 2000 c 16 s 1 are each amended to read as follows:

This chapter shall expire June 1, ~~((2007))~~ 2013.

Sec. 4. RCW 70.149.900 and 2000 c 16 s 2 are each amended to read as follows:

Sections 1 through 11 of this act shall expire June 1, ~~((2007))~~ 2013.

Sec. 5. RCW 82.23A.902 and 2000 c 16 s 3 are each amended to read as follows:

This chapter shall expire on June 1, ~~((2007))~~ 2013, coinciding with the expiration of chapter 70.148 RCW.

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

- (1) 2000 c 16 s 4 & 1998 c 245 s 178 (uncodified);
- (2) 2000 c 16 s 5 & 1997 c 8 s 3 (uncodified); and
- (3) 2005 c 428 s 4 (uncodified)."

Senator Rockefeller spoke in favor of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 2678.

The motion by Senator Rockefeller carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 1 of the title, after "agency;" strike the remainder of the title and insert "amending RCW 70.148.020, 70.148.050, 70.148.900, 70.149.900, and 82.23A.902; repealing 2000 c 16 s 4 and 1998 c 245 s 178 (uncodified); repealing 2000 c 16 s 5 and 1997 c 8 s 3 (uncodified); repealing 2005 c 428 s 4 (uncodified); and providing an expiration date."

MOTION

On motion of Senator Rockefeller, the rules were suspended, Substitute House Bill No. 2678, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Morton spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senator Oke was excused.

PERSONAL PRIVILEGE

Senator Schoesler: "For those of us who are close friends of Senator Oke he's off the floor to the House. There's an event that is issue that is very dear to Senator Oke coming to a vote on the floor. He wishes he was here but we all know that there is an issue that he is very, very close to that is about to be voted on the House floor. He asked me to keep you posted. Thank you."

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2678 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2678 as amended b the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Absent: Senators Deccio, Kline and Regala - 3

Excused: Senators Haugen, McCaslin and Oke - 3

SUBSTITUTE HOUSE BILL NO. 2678 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Schoesler, Senators Mulliken and Finkbeiner were excused.

MOTION

Senator Esser moved that the Senate advance to the ninth order of business for the purpose of relieving the Committee on Government Operations & Elections of Senate Bill No. 6388.

Senator Esser spoke in favor of the motion.

Senator Kastama spoke against the motion.

REMARKS BY THE PRESIDENT

President Owen: "Senator Kastama, you're moving off the issue of advancing to the ninth order of business. You're debating the measure. Senator Kastama."

Benton spoke in favor of the motion.

MOTION

Senator Brown demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

POINT OF ORDER

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

Senator Esser: "Is it appropriate for one member to interrupt another member to ask for a, to close off debate? Wouldn't it be more appropriate to have the speaker who previously been recognized continue their remarks?"

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2680, by House Committee on Appropriations (originally sponsored by Representatives Conway, Fromhold, Lovick, Kenney, Quall, Simpson and Moeller)

REMARKS BY THE PRESIDENT

President Owen: "The President believes that the purpose of the, of moving the previous question is for situations where, in fact, a person could be going on and on and not be able to get to the measure. So, a person could be interrupted. However, the President does feel that it's appropriate and has used some leniency in the past, will allow a person to finish their thought before we actually move to the previous question. So, Senator Benton, if you wanted to briefly make your comments the President would allow. Senator Benton. I'm sorry, Senator Benton I did not take the vote on whether we go to the previous question. The demand has been sustained but the vote has not been taken."

Purchasing service credit in plan 2 and plan 3 of the teachers' retirement system for public education experience performed as a teacher in a public school in another state or with the federal government.

The measure was read the second time.

MOTION

Senator Fraser moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 41.32 RCW under the subchapter heading "plan 2" to read as follows:

The President declared the question before the Senate to be the motion of Senator Brown, "Shall the main question be now put?"

The motion by Senator Brown that the previous question be put was sustained by voice vote.

(1) An active member who has completed a minimum of five years of creditable service in the teachers' retirement system may, upon written application to the department, make a one-time purchase of up to seven years of service credit for public education experience outside the Washington state retirement system, subject to the following limitations:

(a) The public education experience being claimed must have been performed as a teacher in a public school in another state or with the federal government; and

(b) The public education experience being claimed must have been covered by a retirement or pension plan provided by a state or political subdivision of a state, or by the federal government; and

(c) The member is not currently receiving a benefit or currently eligible to receive an unreduced retirement benefit from a retirement or pension plan of a state or political subdivision of a state or the federal government that includes the service credit to be purchased.

REMARKS BY THE PRESIDENT

President Owen: "Senator Benton, did you wish to speak?"

Benton spoke in favor of the motion.

(2) The service credit purchased shall be membership service, and may be used to qualify the member for retirement.

REMARKS BY THE PRESIDENT

President Owen: "Senator Benton, the same remarks that I made to Kastama apply to you. You're drifting off the motion to advance to the ninth order."

MOTION

Senator Esser demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

(3) The member shall pay the actuarial value of the resulting increase in the member's benefit calculated in a manner consistent with the department's method for calculating payments for reestablishing service credit under RCW 41.50.165.

The President declared the question before the Senate to be the motion by Senator Esser that the Senate advance to the ninth order of business for the purpose of relieving the Committee on Government Operations & Elections of Senate Bill No. 6388.

The Secretary called the roll on the motion by Senator Esser and the motion failed by the following vote: Yeas, 19; Nays, 26; Absent, 0; Excused, 4.

(4) The member may pay all or part of the cost of the service credit to be purchased with a lump sum payment, eligible rollover, direct rollover, or trustee-to-trustee transfer from an eligible retirement plan. The department shall adopt rules to ensure that all lump sum payments, rollovers, and transfers comply with the requirements of the internal revenue code and regulations adopted by the internal revenue service. The rules adopted by the department may condition the acceptance of a rollover or transfer from another plan on the receipt of information necessary to enable the department to determine the eligibility of any transferred funds for tax-free rollover treatment or other treatment under federal income tax law.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Hewitt, Honeyford, Johnson, Morton, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens, Swecker and Zarelli - 19.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 26.

Excused: Senators Finkbeiner, McCaslin, Mulliken and Oke - 4.

(5) The employer also may pay all or a portion of the member's cost of the service credit purchased under this section.

NEW SECTION. Sec. 2. A new section is added to chapter 41.32 RCW under the subchapter heading "plan 3" to read as follows:

SECOND READING

(1) An active member who has completed a minimum of five years of creditable service in the teachers' retirement system may, upon written application to the department, make a one-

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

time purchase of up to seven years of service credit for public education experience outside the Washington state retirement system, subject to the following limitations:

(a) The public education experience being claimed must have been performed as a teacher in a public school in another state or with the federal government;

(b) The public education experience being claimed must have been covered by a retirement or pension plan provided by a state or political subdivision of a state, or by the federal government; and

(c) The member is not currently receiving a benefit or currently eligible to receive an unreduced retirement benefit from a retirement or pension plan of a state or political subdivision of a state or the federal government that includes the service credit to be purchased.

(2) The service credit purchased shall be membership service, and may be used to qualify the member for retirement.

(3) The member shall pay the actuarial value of the resulting increase in the member's benefit calculated in a manner consistent with the department's method for calculating payments for reestablishing service credit under RCW 41.50.165.

(4) The member may pay all or part of the cost of the service credit to be purchased with a lump sum payment, eligible rollover, direct rollover, or trustee-to-trustee transfer from an eligible retirement plan. The department shall adopt rules to ensure that all lump sum payments, rollovers, and transfers comply with the requirements of the internal revenue code and regulations adopted by the internal revenue service. The rules adopted by the department may condition the acceptance of a rollover or transfer from another plan on the receipt of information necessary to enable the department to determine the eligibility of any transferred funds for tax-free rollover treatment or other treatment under federal income tax law.

(5) The employer also may pay all or a portion of the member's cost of the service credit purchased under this section.

Sec. 3. RCW 41.32.065 and 1991 c 278 s 1 are each amended to read as follows:

A member who has not purchased service credit under the provisions of section 1 or 2 of this act may elect under this section to apply service credit earned in an out-of-state retirement system that covers teachers in public schools solely for the purpose of determining the time at which the member may retire. The benefit shall be actuarially reduced to recognize the difference between the age a member would have first been able to retire based on service in the state of Washington and the member's retirement age.

NEW SECTION. Sec. 4. This act takes effect January 1, 2007."

Senator Fraser, Zarelli and Pflug spoke in favor of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2680.

The motion by Senator Fraser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 4 of the title, after "government;" strike the remainder of the title and insert "amending RCW 41.32.065; adding new sections to chapter 41.32 RCW; and providing an effective date."

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 2680 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the business.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2680 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2680 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senator Benton - 1

Excused: Senators Finkbeiner, McCaslin, Mulliken and Oke - 4

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2680 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2402, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Hudgins and B. Sullivan)

Providing for expedited processing of energy facilities and alternative energy resources.

The measure was read the second time.

MOTION

Senator Poulsen moved that the following amendment by Senator Poulsen be adopted.

On page 5, line 7, after "with" strike "municipal" and insert "city"

On page 5, line 29, after "with" strike "municipal" and insert "city"

On page 5, line 32, after "application, the" strike "municipal" and insert "city"

Senator Poulsen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Poulsen on page 5, line 7 to Substitute House Bill No. 2402.

The motion by Senator Poulsen carried and the amendment was adopted by voice vote.

MOTION

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

On motion of Senator Poulsen, the rules were suspended, Substitute House Bill No. 2402 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Poulsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2402 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2402 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Parlette, Pflug, Poulsen, Prentice, Pridmore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Finkbeiner, McCaslin, Mulliken and Oke - 4

SUBSTITUTE HOUSE BILL NO. 2402 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 3115, by House Committee on Appropriations (originally sponsored by Representatives Darneille, Talcott, Morrell, Green, McDonald, Ormsby, Simpson and Roberts)

Establishing a foster parent critical support and retention program.

The measure was read the second time.

MOTION

Senator Regala moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

(1) Foster parents are able to successfully maintain placements of sexually aggressive youth, physically assaultive children, or children with other high-risk behaviors when they are provided with proper training and support. Lack of support contributes to placement disruptions and multiple moves between foster homes.

(2) Young children who have experienced repeated early abuse and trauma are at high risk for behavior later in life that is sexually deviant, if left untreated. Placement with a well-trained, prepared, and supported foster family can break this cycle.

(3) The department is better able to recruit and retain foster parents by acknowledging that foster parents who serve sexually aggressive youth, physically assaultive children, or children with other high-risk behaviors may be more susceptible to allegations of abuse arising out of a foster child's conduct. Fair investigations of the allegations, protection from disclosure of

unfounded allegations, and appropriate maintenance of all department records are necessary to protect foster parents and other similarly situated individuals.

NEW SECTION. Sec. 2. A foster parent critical support and retention program is established to retain foster parents who care for sexually aggressive youth, physically assaultive children, or children with other high-risk behaviors. Services shall consist of short-term therapeutic and educational interventions to support the stability of the placement. Services shall be coordinated with the children's administration social worker. The foster parent critical support and retention program is to be implemented under the division of children and family services' contract and supervision. A contractor must demonstrate experience providing in-home case management, as well as experience working with caregivers of children with significant behavioral issues that pose a threat to others or themselves or the stability of the placement.

NEW SECTION. Sec. 3. Under the foster parent critical support and retention program, foster parents who care for sexually aggressive youth, physically assaultive children, or children with other high-risk behaviors shall receive:

- (1) Availability at any time of the day or night to address specific concerns related to the identified child;
- (2) Assessment of risk and development of a safety and supervision plan;
- (3) Home-based foster parent training utilizing evidence-based models; and
- (4) Referral to relevant community services and training provided by the local children's administration office or community agencies. Referral to additional services shall be coordinated with the assigned social worker.

Sec. 4. RCW 26.44.020 and 2005 c 512 s 5 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Court" means the superior court of the state of Washington, juvenile department.
- (2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.
- (3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.
- (4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.
- (5) "Department" means the state department of social and health services.
- (6) "Child" or "children" means any person under the age of eighteen years of age.
- (7) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.
- (8) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

(9) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(13) "Child protective services section" means the child protective services section of the department.

(14) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(15) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child (~~to~~ ~~does~~) does not constitute negligent treatment or maltreatment in and of ~~(themselves [itself])~~ itself.

(16) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(17) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(18) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(19) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

~~(20) "Unfounded" means ((available information indicates)) a finding at the completion of an investigation by the department or a judicial finding that, more likely than not, child abuse or neglect did not occur. ((No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.))~~

(21) "Inconclusive" means a finding at the completion of an investigation by the department that there is insufficient evidence to conclude that the alleged child abuse or neglect occurred.

~~(22) "Founded" means a finding at the completion of an investigation by the department or a judicial finding that, more likely than not, the alleged child abuse or neglect occurred.~~

Sec. 5. RCW 26.44.030 and 2005 c 417 s 1 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the

department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report((s)) of alleged abuse or neglect, the department shall:

(a) Make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(i) The department believes there is a serious threat of substantial harm to the child;

(ii) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(iii) The department has a prior founded report of abuse or neglect that is within three years of receipt of the referral;

(b) Unless the report is screened-out or being investigated by a law enforcement agency, conduct an investigation within time frames established by the department in rule; and

(c) Make a finding that the report of child abuse or neglect is unfounded, founded, or inconclusive at the completion of the investigation.

(11) In conducting an investigation of alleged abuse or neglect, the department or law enforcement agency:

(a) May interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's

FIFTY-FOURTH DAY, MARCH 3, 2006

wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation(~~(-~~

~~(11) Upon receiving a report of alleged child abuse and neglect, the department or investigating law enforcement agency); and~~

~~(b) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.~~

(12) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases (~~(constituting)~~) of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(13) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

(14) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

~~((15) The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which: (a) The department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has, after investigation, a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral.))~~

Sec. 6. RCW 26.44.031 and 1997 c 282 s 1 are each amended to read as follows:

(1) To protect the privacy in reporting and the maintenance of reports of nonaccidental injury, neglect, death, sexual abuse, and cruelty to children by their parents, and to safeguard against arbitrary, malicious, or erroneous information or actions, the department shall not disclose or maintain information related to (~~(unfounded referrals in files or)~~) reports of child abuse or neglect (~~(for longer than six years)~~) except as provided in this section.

~~((At the end of six years from receipt of the unfounded report, the information shall be purged unless an additional report has been received in the intervening period:))~~

(2) The department shall destroy all of the electronic records concerning:

(a) A screened-out report, within thirty days from the receipt of the report;

(b) An unfounded report, within one year of completion of the investigation; and

(c) An inconclusive report, within six years of completion of the investigation, unless a prior or subsequent founded report has been received before the records are destroyed.

(3) The department may keep records concerning founded reports of child abuse or neglect as the department determines by rule.

(4) An unfounded or screened-out report may not be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.

(5)(a) If the department fails to comply with this section, an individual who is the subject of a report may institute proceedings for injunctive or other appropriate relief for enforcement of the requirement to purge information. These proceedings may be instituted in the superior court for the county in which the person resides or, if the person is not then a resident of this state, in the superior court for Thurston county.

(b) If the department fails to comply with subsection (4) of this section and an individual who is the subject of the report is harmed by the disclosure of information, in addition to the relief provided in (a) of this subsection, the court may award a penalty of up to one thousand dollars and reasonable attorneys' fees and court costs to the petitioner.

(c) A proceeding under this subsection does not preclude other methods of enforcement provided for by law.

(6) The department shall establish, by rule, a process and standards for an individual who is the subject of an inconclusive report of child abuse or neglect to request destruction of department records earlier than the time frames set out in this section.

(7) Nothing in this section shall prevent the department from retaining general, nonidentifying information which is required for state and federal reporting and management purposes.

Sec. 7. RCW 74.13.280 and 2001 c 318 s 3 are each amended to read as follows:

(1) Except as provided in RCW 70.24.105, whenever a child is placed in out-of-home care by the department or a child-placing agency, the department or agency shall share information about the child and the child's family with the care provider and shall consult with the care provider regarding the child's case plan. If the child is dependent pursuant to a proceeding under chapter 13.34 RCW, the department or agency shall keep the care provider informed regarding the dates and location of dependency review and permanency planning hearings pertaining to the child.

(2) Information about the child and the child's family shall include information about behavioral and emotional problems of the child and whether the child is a sexually aggressive youth as provided in RCW 74.13.075.

(3) Any person who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information except as authorized by law.

~~((3))~~ (4) Nothing in this section shall be construed to limit the authority of the department or child-placing agencies to disclose client information or to maintain client confidentiality as provided by law.

NEW SECTION. Sec. 8. A new section is added to chapter 74.13 RCW to read as follows:

(1) A care provider may not be found to have abused or neglected a child under chapter 26.44 RCW or be denied a license pursuant to chapter 74.15 RCW and RCW 74.13.031 for any allegations of failure to supervise wherein:

(a) The allegations arise from the child's conduct that is substantially similar to prior behavior of the child, the child has behavioral or emotional problems that were known to the department, and the problems were not disclosed to the care provider as required by RCW 74.13.280;

(b) The allegations arise from the child's conduct, the child is a sexually aggressive youth as defined in RCW 74.13.075, and the care provider had no prior knowledge that the child was sexually aggressive; or

(c) The child was not within the reasonable control of the care provider at the time of the incident that is the subject of the allegation.

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

(2) Allegations of child abuse or neglect against a care provider that meet the provisions of this section shall be designated as "unfounded" as defined in RCW 26.44.020.

Sec. 9. RCW 74.15.130 and 2005 c 473 s 6 are each amended to read as follows:

(1) An agency may be denied a license, or any license issued pursuant to chapter 74.15 RCW and RCW 74.13.031 may be suspended, revoked, modified, or not renewed by the secretary upon proof (a) that the agency has failed or refused to comply with the provisions of chapter 74.15 RCW and RCW 74.13.031 or the requirements promulgated pursuant to the provisions of chapter 74.15 RCW and RCW 74.13.031; or (b) that the conditions required for the issuance of a license under chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such licenses. RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(2) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of a foster family home license, the department's decision shall be upheld if there is reasonable cause to believe that:

(a) The applicant or licensee lacks the character, suitability, or competence to care for children placed in out-of-home care, however, no unfounded or ~~screened-out~~ report of child abuse or neglect may be used to deny employment or a license;

(b) The applicant or licensee has failed or refused to comply with any provision of chapter 74.15 RCW, RCW 74.13.031, or the requirements adopted pursuant to such provisions; or

(c) The conditions required for issuance of a license under chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such licenses.

(3) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of any license under this chapter, other than a foster family home license, the department's decision shall be upheld if it is supported by a preponderance of the evidence.

(4) The department may assess civil monetary penalties upon proof that an agency has failed or refused to comply with the rules adopted under the provisions of this chapter and RCW 74.13.031 or that an agency subject to licensing under this chapter and RCW 74.13.031 is operating without a license except that civil monetary penalties shall not be levied against a licensed foster home. Monetary penalties levied against unlicensed agencies that submit an application for licensure within thirty days of notification and subsequently become licensed will be forgiven. These penalties may be assessed in addition to or in lieu of other disciplinary actions. Civil monetary penalties, if imposed, may be assessed and collected, with interest, for each day an agency is or was out of compliance. Civil monetary penalties shall not exceed seventy-five dollars per violation for a family day-care home and two hundred fifty dollars per violation for group homes, child day-care centers, and child-placing agencies. Each day upon which the same or substantially similar action occurs is a separate violation subject to the assessment of a separate penalty. The department shall provide a notification period before a monetary penalty is effective and may forgive the penalty levied if the agency comes into compliance during this period. The department may suspend, revoke, or not renew a license for failure to pay a civil monetary penalty it has assessed pursuant to this chapter within ten days after such assessment becomes final. Chapter 43.20A RCW governs notice of a civil monetary penalty and provides the right of an adjudicative proceeding. The preponderance of evidence standard shall apply in adjudicative proceedings related to assessment of civil monetary penalties.

(5)(a) In addition to or in lieu of an enforcement action being taken, the department may place a child day-care center or family day-care provider on nonreferral status if the center or provider has failed or refused to comply with this chapter or rules adopted under this chapter or an enforcement action has been taken. The nonreferral status may continue until the department determines that: (i) No enforcement action is appropriate; or (ii) a corrective action plan has been successfully concluded.

(b) Whenever a child day-care center or family day-care provider is placed on nonreferral status, the department shall provide written notification to the child day-care center or family day-care provider.

(6) The department shall notify appropriate public and private child care resource and referral agencies of the department's decision to: (a) Take an enforcement action against a child day-care center or family day-care provider; or (b) place or remove a child day-care center or family day-care provider on nonreferral status.

NEW SECTION. **Sec. 10.** The code reviser shall alphabetize the definitions in RCW 26.44.020 and correct any references.

NEW SECTION. **Sec. 11.** Sections 4 through 6, 9, and 10 of this act take effect July 1, 2007. The department of social and health services shall present a report to the appropriate committees of the legislature by January 1, 2007, with proposed legislative changes, if any, to those sections."

Senator Regala spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Rockefeller moved that the following amendment by Senator Rockefeller to the committee striking amendment be adopted.

On page 2 line 14, strike "and";

On page 2 line 18, after "social worker" insert "; and

(5) Any relevant health care information. Disclosure of any relevant health care information shall be consistent with RCW 70.24.105 and any guidelines or recommendations established by the Department of Health concerning disclosure of such information, including testing for and disclosure of information related to blood-borne pathogens"

Senators Rockefeller and Stevens spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rockefeller on page 2, line 14 to the committee striking amendment to Second Substitute House Bill No. 3115.

The motion by Senator Rockefeller carried and the amendment to the committee amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Second Substitute House Bill No. 3115.

The motion by Senator Regala carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 26.44.020, 26.44.030, 26.44.031, 74.13.280, and 74.15.130; adding a new

FIFTY-FOURTH DAY, MARCH 3, 2006

section to chapter 74.13 RCW; creating new sections; and providing an effective date."

MOTION

On motion of Senator Regala, the rules were suspended, Second Substitute House Bill No. 3115 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 3115 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 3115 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Finkbeiner, McCaslin, Mulliken and Oke - 4

SECOND SUBSTITUTE HOUSE BILL NO. 3115 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2033, by House Committee on Finance (originally sponsored by Representatives McIntire, Orcutt, Conway, Hunter, Chase and Santos)

Modifying municipal business and occupation taxation. Revised for 1st Substitute: Modifying the allocation of printing and publishing income for municipal business and occupation taxes.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 2033 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2033.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2033 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt,

2006 REGULAR SESSION

Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators McCaslin and Oke - 2

SUBSTITUTE HOUSE BILL NO. 2033, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 3122, by Representatives Kagi, Walsh, Dickerson, Darneille, Ericks, Ormsby and Roberts

Recognizing the safety of child protective, child welfare, and adult protective services workers.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that employees of the department of social and health services who provide child protective, child welfare, and adult protective services are sometimes faced with highly volatile, hostile, and/or threatening situations during the course of performing their official duties. The legislature finds that the work group convened by the department of social and health services pursuant to chapter 389, Laws of 2005, has made various recommendations regarding policies and protocols to address the safety of workers. The legislature intends to implement the work group's recommendations for statutory changes in recognition of the sometimes hazardous nature of employment in child protective, child welfare, and adult protective services.

NEW SECTION. Sec. 2. A new section is added to chapter 74.04 RCW to read as follows:

(1) For purposes of this section only, "assault" means an unauthorized touching of a child protective, child welfare, or adult protective services worker employed by the department of social and health services resulting in physical injury to the employee.

(2) In recognition of the hazardous nature of employment in child protective, child welfare, and adult protective services, the legislature hereby provides a supplementary program to reimburse employees of the department, for some of their costs attributable to their being the victims of assault while in the course of discharging their assigned duties. This program shall be limited to the reimbursement provided in this section.

(3) An employee is only entitled to receive the reimbursement provided in this section if the secretary of social and health services, or the secretary's designee, finds that each of the following has occurred:

(a) A person has assaulted the employee while the employee was in the course of performing his or her official duties and, as a result thereof, the employee has sustained demonstrated physical injuries which have required the employee to miss days of work;

(b) The assault cannot be attributable to any extent to the employee's negligence, misconduct, or failure to comply with any rules or conditions of employment; and

(c) The department of labor and industries has approved the employee's workers' compensation application pursuant to chapter 51.32 RCW.

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

(4) The reimbursement authorized under this section shall be as follows:

(a) The employee's accumulated sick leave days shall not be reduced for the workdays missed;

(b) For each workday missed for which the employee is not eligible to receive compensation under chapter 51.32 RCW, the employee shall receive full pay; and

(c) In respect to workdays missed for which the employee will receive or has received compensation under chapter 51.32 RCW, the employee shall be reimbursed in an amount which, when added to that compensation, will result in the employee receiving full pay for the workdays missed.

(5) Reimbursement under this section may not last longer than three hundred sixty-five consecutive days after the date of the injury.

(6) The employee shall not be entitled to the reimbursement provided in subsection (4) of this section for any workday for which the secretary, or the secretary's designee, finds that the employee has not diligently pursued his or her compensation remedies under chapter 51.32 RCW.

(7) The reimbursement shall only be made for absences which the secretary, or the secretary's designee, believes are justified.

(8) While the employee is receiving reimbursement under this section, he or she shall continue to be classified as a state employee and the reimbursement amount shall be considered as salary or wages.

(9) All reimbursement payments required to be made to employees under this section shall be made by the department. The payments shall be considered as a salary or wage expense and shall be paid by the department in the same manner and from the same appropriations as other salary and wage expenses of the department.

(10) Should the legislature revoke the reimbursement authorized under this section or repeal this section, no affected employee is entitled thereafter to receive the reimbursement as a matter of contractual right.

Sec. 3. RCW 9A.46.110 and 2003 c 53 s 70 are each amended to read as follows:

(1) A person commits the crime of stalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime:

(a) He or she intentionally and repeatedly harasses or repeatedly follows another person; and

(b) The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances; and

(c) The stalker either:

(i) Intends to frighten, intimidate, or harass the person; or

(ii) Knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.

(2)(a) It is not a defense to the crime of stalking under subsection (1)(c)(i) of this section that the stalker was not given actual notice that the person did not want the stalker to contact or follow the person; and

(b) It is not a defense to the crime of stalking under subsection (1)(c)(ii) of this section that the stalker did not intend to frighten, intimidate, or harass the person.

(3) It shall be a defense to the crime of stalking that the defendant is a licensed private investigator acting within the capacity of his or her license as provided by chapter 18.165 RCW.

(4) Attempts to contact or follow the person after being given actual notice that the person does not want to be contacted or followed constitutes prima facie evidence that the stalker intends to intimidate or harass the person. "Contact" includes, in addition to any other form of contact or communication, the sending of an electronic communication to the person.

(5)(a) Except as provided in (b) of this subsection, a person who stalks another person is guilty of a gross misdemeanor.

(b) A person who stalks another is guilty of a class C felony if any of the following applies: (i) The stalker has previously been convicted in this state or any other state of any crime of harassment, as defined in RCW 9A.46.060, of the same victim or members of the victim's family or household or any person specifically named in a protective order; (ii) the stalking violates any protective order protecting the person being stalked; (iii) the stalker has previously been convicted of a gross misdemeanor or felony stalking offense under this section for stalking another person; (iv) the stalker was armed with a deadly weapon, as defined in RCW 9.94A.602, while stalking the person; (v) the stalker's victim is or was a law enforcement officer, judge, juror, attorney, victim advocate, legislator, ~~(or)~~ community correction's officer, or an employee of the child protective, child welfare, or adult protective services division within the department of social and health services, and the stalker stalked the victim to retaliate against the victim for an act the victim performed during the course of official duties or to influence the victim's performance of official duties; or (vi) the stalker's victim is a current, former, or prospective witness in an adjudicative proceeding, and the stalker stalked the victim to retaliate against the victim as a result of the victim's testimony or potential testimony.

(6) As used in this section:

(a) "Follows" means deliberately maintaining visual or physical proximity to a specific person over a period of time. A finding that the alleged stalker repeatedly and deliberately appears at the person's home, school, place of employment, business, or any other location to maintain visual or physical proximity to the person is sufficient to find that the alleged stalker follows the person. It is not necessary to establish that the alleged stalker follows the person while in transit from one location to another.

(b) "Harasses" means unlawful harassment as defined in RCW 10.14.020.

(c) "Protective order" means any temporary or permanent court order prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person.

(d) "Repeatedly" means on two or more separate occasions.

NEW SECTION. Sec. 4. The department of social and health services shall report to the governor and the appropriate committees of the legislature by December 1, 2006, on the implementation of those recommendations contained in the department's October 2005 report entitled child protective services - staff safety.

NEW SECTION. Sec. 5. Section 4 of this act expires January 1, 2007."

Senators Hargrove and Stevens spoke in favor of adoption of the committee striking amendment.

MOTION

On motion of Senator Honeyford, Senator Mulliken was excused.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to House Bill No. 3122.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "workers;" strike the remainder of the title and insert "amending RCW 9A.46.110;

FIFTY-FOURTH DAY, MARCH 3, 2006

adding a new section to chapter 74.04 RCW; creating new sections; and providing an expiration date."

MOTION

On motion of Senator Hargrove, the rules were suspended, House Bill No. 3122 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 3122 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3122 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators McCaslin, Mulliken and Oke - 3

HOUSE BILL NO. 3122 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2681, by Representatives Conway, Fromhold, Lovick, Green, Sells, Kenney, Quall, Simpson, Moeller and Morrell

Establishing minimum contribution rates for the public employees' retirement system, the public safety employees' retirement system, the school employees' retirement system, and the teachers' retirement system.

The measure was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, House Bill No. 2681 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2681.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2681 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Parlette, Pflug, Poulsen, Prentice,

2006 REGULAR SESSION

Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 45

Absent: Senator Thibaudeau - 1

Excused: Senators McCaslin, Mulliken and Oke - 3

HOUSE BILL NO. 2681, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brown, pursuant to Senate Rule 18, Engrossed House Bill No. 1069 was made a special order to be considered at 4:55 p.m.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1384, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Haler, B. Sullivan, Morris, Crouse, P. Sullivan, Chase and Hudgins)

Authorizing the construction and operation of renewable energy projects by joint operating agencies.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Second Substitute House Bill No. 1384 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1384.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1384 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 14; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Kastama, Kohl-Welles, McAuliffe, Morton, Parlette, Poulsen, Pridemore, Regala, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 32

Voting nay: Senators Benton, Carrell, Esser, Honeyford, Johnson, Keiser, Kline, Pflug, Prentice, Rasmussen, Roach, Rockefeller, Schmidt and Stevens - 14

Excused: Senators McCaslin, Mulliken and Oke - 3

SECOND SUBSTITUTE HOUSE BILL NO. 1384, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Esser moved that the Senate immediately consider House Bill No. 2704.

Senator Eide spoke against the motion.

The President declared the question the question before the Senate to be the motion by Senator Esser to immediately consider House Bill No. 2704.

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

Senator Esser demanded a division.

MOTION

Senator Esser demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

Pursuant to Rule 18, further consideration of the motion by Senator Esser was deferred.

At 4:55 p.m., the President announced that the special order was before the Senate.

SPECIAL ORDER OF BUSINESS

SECOND READING

ENGROSSED HOUSE BILL NO. 1069, by Representatives McIntire, Conway, Priest, Upthegrove, Kilmer, Moeller, Dickerson, Williams, Schual-Berke, Nixon, Springer, Sells, P. Sullivan, Green, Lovick, Kenney, Haigh, Wallace, Kagi, Simpson, Linville, Morris, Wood, Hunter, Lantz, Hudgins, Ericks, Darneille, Clibborn, Sommers, Morrell, Takko, O'Brien, Appleton, Hunt, Santos, Ormsby, Murray and Chase

Requiring performance audits for tax preferences.

The measure was read the second time.

MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be not adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that tax preferences are enacted to meet objectives which are determined to be in the public interest. However, some tax preferences may not be efficient or equitable tools for the achievement of current public policy objectives. Given the changing nature of the economy and tax structures of other states, the legislature finds that periodic performance audits of tax preferences are needed to determine if their continued existence will serve the public interest.

NEW SECTION. Sec. 2. As used in this chapter, "tax preference" means an exemption, exclusion, or deduction from the base of a state tax; a credit against a state tax; a deferral of a state tax; or a preferential state tax rate.

NEW SECTION. Sec. 3. (1) The citizen commission for performance measurement of tax preferences is created.

(2) The commission has seven members as follows:

(a) One member is the state auditor, who is a nonvoting member;

(b) One member is the chair of the joint legislative audit and review committee, who is a nonvoting member;

(c) The chair of each of the two largest caucuses of the senate and the two largest caucuses of the house of representatives shall each appoint a member. None of these appointees may be members of the legislature; and

(d) The governor shall select the seventh member.

(3) Persons appointed by the caucus chairs should be individuals who represent a balance of perspectives and constituencies, and have a basic understanding of state tax policy, government operations, and public services. These appointees should have knowledge and expertise in performance management, fiscal analysis, strategic planning, economic development, performance assessments, or closely related fields.

(4) The commission shall elect a chair from among its voting or nonvoting members. Decisions of the commission must be made using the sufficient consensus model. For the purposes of this subsection, "sufficient consensus" means the point at which the vast majority of the commission favors taking a particular action. If the commission determines that sufficient consensus cannot be reached, a vote must be taken. The commission must allow a minority report to be included with a decision of the commission, if requested by a member of the commission.

(5) Members serve for terms of four years, with the terms expiring on June 30th on the fourth year of the term. However, in the case of the initial terms, the members appointed by the chairs of senate caucuses shall serve four-year terms, the members appointed by the chairs of house of representatives caucuses shall serve three-year terms, and the member appointed by the governor shall serve a two-year term, with each of the terms expiring on June 30th of the applicable year. Appointees may be reappointed to serve more than one term.

(6) The joint legislative audit and review committee shall provide clerical, technical, and management personnel to the commission to serve as the commission's staff. The department of revenue shall provide necessary support and information to the joint legislative audit and review committee.

(7) The commission shall meet at least once a quarter and may hold additional meetings at the call of the chair or by a majority vote of the members of the commission. The members of the commission shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 4. (1) The citizen commission for performance measurement of tax preferences shall develop a schedule to accomplish an orderly review of tax preferences at least once every ten years. The commission shall schedule tax preferences for review in the order the tax preferences were enacted into law, except that the commission may elect to include, anywhere in the schedule, a tax preference that has a statutory expiration date. The commission shall omit from the schedule tax preferences that are required by constitutional law, sales and use tax exemptions for machinery and equipment for manufacturing, research and development, or testing, the small business credit for the business and occupation tax, tax preferences applicable to not-for-profit cooperatives chartered under chapter 31.12 RCW, sales and use tax exemptions for food and prescription drugs, property tax relief for retired persons, and property tax valuations based on current use, and may omit any tax preference that the commission determines is a critical part of the structure of the tax system. As an alternative to the process under section 5 of this act, the commission may recommend to the joint legislative audit and review committee an expedited review process for any tax preference that has an estimated biennial fiscal impact of ten million dollars or less.

(2) The commission shall revise the schedule as needed each year, taking into account newly enacted or terminated tax preferences. The commission shall deliver the schedule to the joint legislative audit and review committee by September 1st of each year.

(3) The commission shall provide a process for effective citizen input during its deliberations.

NEW SECTION. Sec. 5. (1) The joint legislative audit and review committee shall review tax preferences according to the schedule developed under section 4 of this act. The committee shall consider, but not be limited to, the following factors in the review:

(a) The classes of individuals, types of organizations, or types of industries whose state tax liabilities are directly affected by the tax preference;

(b) Public policy objectives that might provide a justification for the tax preference, including but not limited to the legislative history, any legislative intent, or the extent to

FIFTY-FOURTH DAY, MARCH 3, 2006

which the tax preference encourages business growth or relocation into this state, promotes growth or retention of high wage jobs, or helps stabilize communities;

(c) Evidence that the existence of the tax preference has contributed to the achievement of any of the public policy objectives;

(d) The extent to which continuation of the tax preference might contribute to any of the public policy objectives;

(e) The extent to which the tax preference may provide unintended benefits to an individual, organization, or industry other than those the legislature intended;

(f) The extent to which terminating the tax preference may have negative effects on the category of taxpayers that currently benefit from the tax preference, and the extent to which resulting higher taxes may have negative effects on employment and the economy;

(g) The feasibility of modifying the tax preference to provide for adjustment or recapture of the tax benefits of the tax preference if the objectives are not fulfilled;

(h) Fiscal impacts of the tax preference, including past impacts and expected future impacts if it is continued. For the purposes of this subsection, "fiscal impact" includes an analysis of the general effects of the tax preference on the overall state economy, including, but not limited to, the effects of the tax preference on the consumption and expenditures of persons and businesses within the state;

(i) The extent to which termination of the tax preference would affect the distribution of liability for payment of state taxes;

(j) Consideration of similar tax preferences adopted in other states, and potential public policy benefits that might be gained by incorporating corresponding provisions in Washington.

(2) For each tax preference, the committee shall provide a recommendation as to whether the tax preference should be continued without modification, modified, scheduled for sunset review at a future date, or terminated immediately. The committee may recommend accountability standards for the future review of a tax preference.

NEW SECTION. Sec. 6. (1) The joint legislative audit and review committee shall report its findings and recommendations for scheduled tax preferences to the citizen commission for performance measurement of tax preferences by August 30th of each year. The commission may review and comment on the report of the committee. The committee may revise its report based on the comments of the commission. The committee shall prepare a final report that includes the comments of the commission and submit the final report to the finance committee of the house of representatives and the ways and means committee of the senate by December 30th.

(2) The joint legislative audit and review committee shall submit a special report reviewing all tax preferences that have statutory expiration dates between June 30, 2006, and January 1, 2008. For the special report, the committee shall complete a review under section 5 of this act, and obtain comments of the citizen commission for performance measurement of tax preferences under subsection (1) of this section, to the extent possible. The committee shall submit the special report to the finance committee of the house of representatives and the ways and means committee of the senate by January 12, 2007.

(3) Following receipt of a report under this section, the finance committee of the house of representatives and the ways and means committee of the senate shall jointly hold a public hearing to consider the final report and any related data.

NEW SECTION. Sec. 7. Upon request of the citizen commission for performance measurement of tax preferences or the joint legislative audit and review committee, the department of revenue and the department of employment security shall provide information needed by the commission or committee to meet its responsibilities under this chapter.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

2006 REGULAR SESSION

(1) RCW 43.136.010 (Legislative findings--Intent) and 1982 1st ex.s. c 35 s 39;

(2) RCW 43.136.020 ("Tax preference" defined) and 1982 1st ex.s. c 35 s 40;

(3) RCW 43.136.030 (Legislative budget committee and department of revenue--Review of tax preferences--Reports) and 1982 1st ex.s. c 35 s 41;

(4) RCW 43.136.040 (Legislative budget committee review of tax preferences--Factors for consideration) and 1982 1st ex.s. c 35 s 42;

(5) RCW 43.136.050 (Powers and duties of ways and means committees) and 1982 1st ex.s. c 35 s 43; and

(6) RCW 43.136.070 (Report on existing tax preferences to be provided--Additional information to be provided) and 1982 1st ex.s. c 35 s 45.

NEW SECTION. Sec. 9. Sections 1 through 7 of this act are each added to chapter 43.136 RCW."

On page 1, line 1 of the title, after "preferences;" strike the remainder of the title and insert "adding new sections to chapter 43.136 RCW; and repealing RCW 43.136.010, 43.136.020, 43.136.030, 43.136.040, 43.136.050, and 43.136.070."

The President declared the question before the Senate to be the motion by Senator Prentice to not adopt the committee striking amendment by the Committee on Ways & Means to Engrossed House Bill No. 1069.

The motion by Senator Prentice carried and the committee striking amendment was not adopted by voice vote.

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed House Bill No. 1069 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1069.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1069 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 33

Voting nay: Senators Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Roach, Schoesler, Stevens and Zarelli - 15

Excused: Senator McCaslin - 1

ENGROSSED HOUSE BILL NO. 1069, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of the motion by Senator Esser deferred earlier in the day for the special order.

The President declared the question before the Senate to be the motion by Senator Esser to immediately consider House Bill No. 2704.

The Secretary called the roll on the motion by Senator Esser

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

and the motion carried by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Esser, Finkbeiner, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Stevens, Swecker, Weinstein and Zarelli - 35.

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Jacobsen, Kline, Kohl-Welles, McAuliffe, Prentice, Regala, Spanel and Thibaudeau - 13.

Excused: Senator McCaslin - 1.

SECOND READING

HOUSE BILL NO. 2704, by Representatives O'Brien, Pearson, Darneille, Kirby, Ahern, Williams, Strow, Kilmer, Green, Sells and Morrell

Including organized retail theft in crime guidelines.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.48.070 and 1983 1st ex.s. c 4 s 1 are each amended to read as follows:

(1) A person is guilty of malicious mischief in the first degree if he or she knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding ~~((one))~~ two thousand five hundred dollars;

(b) Causes an interruption or impairment of service rendered to the public by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication; or

(c) Causes an impairment of the safety, efficiency, or operation of an aircraft by physically damaging or tampering with the aircraft or aircraft equipment, fuel, lubricant, or parts.

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

Sec. 2. RCW 9A.48.080 and 1994 c 261 s 17 are each amended to read as follows:

(1) A person is guilty of malicious mischief in the second degree if he or she knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding ~~((two))~~ seven hundred fifty dollars; or

(b) Creates a substantial risk of interruption or impairment of service rendered to the public, by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication.

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

Sec. 3. RCW 9A.48.090 and 2003 c 53 s 71 are each amended to read as follows:

(1) A person is guilty of malicious mischief in the third degree if he or she:

(a) Knowingly and maliciously causes physical damage to the property of another, under circumstances not amounting to malicious mischief in the first or second degree; or

(b) Writes, paints, or draws any inscription, figure, or mark of any type on any public or private building or other structure or any real or personal property owned by any other person unless the person has obtained the express permission of the

owner or operator of the property, under circumstances not amounting to malicious mischief in the first or second degree.

~~(2)((~~1a~~)) Malicious mischief in the third degree (under subsection (1)(a) of this section is a gross misdemeanor if the damage to the property is in an amount exceeding fifty dollars.~~

~~(b) Malicious mischief in the third degree under subsection (1)(a) of this section is a misdemeanor if the damage to the property is fifty dollars or less.~~

~~(c) Malicious mischief in the third degree under subsection (1)(b) of this section) is a gross misdemeanor.~~

Sec. 4. RCW 9A.56.010 and 2002 c 97 s 1 are each amended to read as follows:

The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Access device" means any card, plate, code, account number, or other means of account access that can be used alone or in conjunction with another access device to obtain money, goods, services, or anything else of value, or that can be used to initiate a transfer of funds, other than a transfer originated solely by paper instrument;

(2) "Appropriate lost or misdelivered property or services" means obtaining or exerting control over the property or services of another which the actor knows to have been lost or mislaid, or to have been delivered under a mistake as to identity of the recipient or as to the nature or amount of the property;

(3) "Beverage crate" means a plastic or metal box-like container used by a manufacturer or distributor in the transportation or distribution of individually packaged beverages to retail outlets, and affixed with language stating "property of" "owned by" or other markings or words identifying ownership;

(4) "By color or aid of deception" means that the deception operated to bring about the obtaining of the property or services; it is not necessary that deception be the sole means of obtaining the property or services;

(5) "Deception" occurs when an actor knowingly:

(a) Creates or confirms another's false impression which the actor knows to be false; or

(b) Fails to correct another's impression which the actor previously has created or confirmed; or

(c) Prevents another from acquiring information material to the disposition of the property involved; or

(d) Transfers or encumbers property without disclosing a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether that impediment is or is not valid, or is or is not a matter of official record; or

(e) Promises performance which the actor does not intend to perform or knows will not be performed.

(6) "Deprive" in addition to its common meaning means to make unauthorized use or an unauthorized copy of records, information, data, trade secrets, or computer programs;

(7) "Merchandise pallet" means a wood or plastic carrier designed and manufactured as an item on which products can be placed before or during transport to retail outlets, manufacturers, or contractors, and affixed with language stating "property of . . ." "owned by . . ." or other markings or words identifying ownership;

(8) "Obtain control over" in addition to its common meaning, means:

(a) In relation to property, to bring about a transfer or purported transfer to the obtainer or another of a legally recognized interest in the property; or

(b) In relation to labor or service, to secure performance thereof for the benefits of the obtainer or another;

(9) "Owner" means a person, other than the actor, who has possession of or any other interest in the property or services involved, and without whose consent the actor has no authority to exert control over the property or services;

(10) "Parking area" means a parking lot or other property provided by retailers for use by a customer for parking an automobile or other vehicle;

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

(11) "Receive" includes, but is not limited to, acquiring title, possession, control, or a security interest, or any other interest in the property;

(12) "Services" includes, but is not limited to, labor, professional services, transportation services, electronic computer services, the supplying of hotel accommodations, restaurant services, entertainment, the supplying of equipment for use, and the supplying of commodities of a public utility nature such as gas, electricity, steam, and water;

(13) "Shopping cart" means a basket mounted on wheels or similar container generally used in a retail establishment by a customer for the purpose of transporting goods of any kind;

(14) "Stolen" means obtained by theft, robbery, or extortion;

(15) "Subscription television service" means cable or encrypted video and related audio and data services intended for viewing on a home television by authorized members of the public only, who have agreed to pay a fee for the service. Subscription services include but are not limited to those video services presently delivered by coaxial cable, fiber optic cable, terrestrial microwave, television broadcast, and satellite transmission;

(16) "Telecommunication device" means (a) any type of instrument, device, machine, or equipment that is capable of transmitting or receiving telephonic or electronic communications; or (b) any part of such an instrument, device, machine, or equipment, or any computer circuit, computer chip, electronic mechanism, or other component, that is capable of facilitating the transmission or reception of telephonic or electronic communications;

(17) "Telecommunication service" includes any service other than subscription television service provided for a charge or compensation to facilitate the transmission, transfer, or reception of a telephonic communication or an electronic communication;

(18) Value. (a) "Value" means the market value of the property or services at the time and in the approximate area of the criminal act.

(b) Whether or not they have been issued or delivered, written instruments, except those having a readily ascertained market value, shall be evaluated as follows:

(i) The value of an instrument constituting an evidence of debt, such as a check, draft, or promissory note, shall be deemed the amount due or collectible thereon or thereby, that figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied;

(ii) The value of a ticket or equivalent instrument which evidences a right to receive transportation, entertainment, or other service shall be deemed the price stated thereon, if any; and if no price is stated thereon, the value shall be deemed the price of such ticket or equivalent instrument which the issuer charged the general public;

(iii) The value of any other instrument that creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.

(c) Except as provided in (f) of this subsection, whenever any series of transactions which constitute theft, would, when considered separately, constitute theft in the third degree because of value, and said series of transactions are a part of a criminal episode or a common scheme or plan, then the transactions may be aggregated in one count and the sum of the value of all said transactions shall be the value considered in determining the degree of theft involved.

For purposes of this subsection, "criminal episode" means a series of thefts committed by the same person from one or more mercantile establishments on three or more occasions within a five-day period.

(d) Whenever any person is charged with possessing stolen property and such person has unlawfully in his possession at the same time the stolen property of more than one person, then the

stolen property possessed may be aggregated in one count and the sum of the value of all said stolen property shall be the value considered in determining the degree of theft involved.

(e) Property or services having value that cannot be ascertained pursuant to the standards set forth above shall be deemed to be of a value not exceeding ~~((two))~~ seven hundred and fifty dollars.

(f) A series of thefts committed by the same person from one or more mercantile establishments over a period of one hundred eighty days may be aggregated in one count and the sum of the value of all of the property shall be the value considered in determining the degree of the theft;

(19) "Wrongfully obtains" or "exerts unauthorized control" means:

(a) To take the property or services of another;

(b) Having any property or services in one's possession, custody or control as bailee, factor, lessee, pledgee, renter, servant, attorney, agent, employee, trustee, executor, administrator, guardian, or officer of any person, estate, association, or corporation, or as a public officer, or person authorized by agreement or competent authority to take or hold such possession, custody, or control, to secrete, withhold, or appropriate the same to his or her own use or to the use of any person other than the true owner or person entitled thereto; or

(c) Having any property or services in one's possession, custody, or control as partner, to secrete, withhold, or appropriate the same to his or her use or to the use of any person other than the true owner or person entitled thereto, where the use is unauthorized by the partnership agreement.

Sec. 5. RCW 9A.56.030 and 2005 c 212 s 2 are each amended to read as follows:

(1) A person is guilty of theft in the first degree if he or she commits theft of:

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

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

(c) A search and rescue dog, as defined in RCW 9.91.175, while the search and rescue dog is on duty.

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

Sec. 6. RCW 9A.56.040 and 1995 c 129 s 12 are each amended to read as follows:

(1) A person is guilty of theft in the second degree if he or she commits theft of:

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

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

(c) An access device; or

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

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

Sec. 7. RCW 9A.56.050 and 1998 c 236 s 4 are each amended to read as follows:

(1) A person is guilty of theft in the third degree if he or she commits theft of property or services which (a) does not exceed ~~((two))~~ seven hundred and fifty dollars in value, or (b) includes ten or more merchandise pallets, or ten or more beverage crates, or a combination of ten or more merchandise pallets and beverage crates.

(2) Theft in the third degree is a gross misdemeanor.

Sec. 8. RCW 9A.56.060 and 1982 c 138 s 1 are each amended to read as follows:

(1) Any person who shall with intent to defraud, make, or draw, or utter, or deliver to another person any check, or draft, on a bank or other depository for the payment of money, knowing at the time of such drawing, or delivery, that he or she

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

has not sufficient funds in, or credit with ~~((said))~~ the bank or other depository, to meet ~~((said))~~ the check or draft, in full upon its presentation, ~~((shall be))~~ is guilty of unlawful issuance of a bank check. The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank or other depository for the payment of such check or draft, and the uttering or delivery of such a check or draft to another person without such fund or credit to meet the same shall be prima facie evidence of an intent to defraud.

(2) Any person who shall with intent to defraud, make, or draw, or utter, or deliver to another person any check, or draft on a bank or other depository for the payment of money and who issues a stop-payment order directing the bank or depository on which the check is drawn not to honor ~~((said))~~ the check, and who fails to make payment of money in the amount of the check or draft or otherwise arrange a settlement agreed upon by the holder of the check within twenty days of issuing ~~((said))~~ the check or draft ~~((shall be))~~ is guilty of unlawful issuance of a bank check.

(3) When any series of transactions which constitute unlawful issuance of a bank check would, when considered separately, constitute unlawful issuance of a bank check in an amount of ~~((two))~~ seven hundred fifty dollars or less because of value, and the series of transactions are a part of a common scheme or plan, the transactions may be aggregated in one count and the sum of the value of all of the transactions shall be the value considered in determining whether the unlawful issuance of a bank check is to be punished as a class C felony or a gross misdemeanor. Any series of transactions aggregated in one county may be prosecuted in any county in which one of the unlawful issuances occurred.

(4) Unlawful issuance of a bank check in an amount greater than ~~((two))~~ seven hundred fifty dollars is a class C felony.

(5) Unlawful issuance of a bank check in an amount of ~~((two))~~ seven hundred fifty dollars or less is a gross misdemeanor and shall be punished as follows:

(a) The court shall order the defendant to make full restitution;

(b) The defendant need not be imprisoned, but the court shall impose a minimum fine of five hundred dollars. Of the fine imposed, at least fifty dollars shall not be suspended or deferred. Upon conviction for a second offense within any twelve-month period, the court may suspend or defer only that portion of the fine which is in excess of five hundred dollars.

Sec. 9. RCW 9A.56.096 and 2003 c 53 s 77 are each amended to read as follows:

(1) A person who, with intent to deprive the owner or owner's agent, wrongfully obtains, or exerts unauthorized control over, or by color or aid of deception gains control of personal property that is rented or leased to the person, is guilty of theft of rental, leased, or lease-purchased property.

(2) The finder of fact may presume intent to deprive if the finder of fact finds either of the following:

(a) That the person who rented or leased the property failed to return or make arrangements acceptable to the owner of the property or the owner's agent to return the property to the owner or the owner's agent within seventy-two hours after receipt of proper notice following the due date of the rental, lease, or lease-purchase agreement; or

(b) That the renter or lessee presented identification to the owner or the owner's agent that was materially false, fictitious, or not current with respect to name, address, place of employment, or other appropriate items.

(3) As used in subsection (2) of this section, "proper notice" consists of a written demand by the owner or the owner's agent made after the due date of the rental, lease, or lease-purchase period, mailed by certified or registered mail to the renter or lessee at: (a) The address the renter or lessee gave when the contract was made; or (b) the renter or lessee's last known address if later furnished in writing by the renter, lessee, or the agent of the renter or lessee.

(4) The replacement value of the property obtained must be utilized in determining the amount involved in the theft of rental, leased, or lease-purchased property.

(5)(a) Theft of rental, leased, or lease-purchased property is a class B felony if the rental, leased, or lease-purchased property is valued at ~~((one))~~ two thousand five hundred dollars or more.

(b) Theft of rental, leased, or lease-purchased property is a class C felony if the rental, leased, or lease-purchased property is valued at ~~((two))~~ seven hundred fifty dollars or more but less than ~~((one))~~ two thousand five hundred dollars.

(c) Theft of rental, leased, or lease-purchased property is a gross misdemeanor if the rental, leased, or lease-purchased property is valued at less than ~~((two))~~ seven hundred fifty dollars.

(6) This section applies to rental agreements that provide that the renter may return the property any time within the rental period and pay only for the time the renter actually retained the property, in addition to any minimum rental fee, to lease agreements, and to lease-purchase agreements as defined under RCW 63.19.010. This section does not apply to rental or leasing of real property under the residential landlord-tenant act, chapter 59.18 RCW.

Sec. 10. RCW 9A.56.150 and 1995 c 129 s 14 are each amended to read as follows:

(1) A person is guilty of possessing stolen property in the first degree if he or she possesses stolen property other than a firearm as defined in RCW 9.41.010 which exceeds ~~((one))~~ two thousand five hundred dollars in value.

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

Sec. 11. RCW 9A.56.160 and 1995 c 129 s 15 are each amended to read as follows:

(1) A person is guilty of possessing stolen property in the second degree if:

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

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

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

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

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

Sec. 12. RCW 9A.56.170 and 1998 c 236 s 2 are each amended to read as follows:

(1) A person is guilty of possessing stolen property in the third degree if he or she possesses (a) stolen property which does not exceed ~~((two))~~ seven hundred fifty dollars in value, or (b) ten or more stolen merchandise pallets, or ten or more stolen beverage crates, or a combination of ten or more stolen merchandise pallets and beverage crates.

(2) Possessing stolen property in the third degree is a gross misdemeanor.

NEW SECTION. Sec. 13. A new section is added to chapter 9A.48 RCW to read as follows:

(1) When any series of acts which constitute malicious mischief would, when considered separately, constitute malicious mischief in the second degree or third degree because of the value of the damages, and the series of acts are a part of a common scheme or plan, the acts may be aggregated in one count and the sum of the value of the damages of all of the acts shall be the value considered in determining the degree of the malicious mischief involved.

(2) Any series of acts committed by the same person in different counties that have been aggregated in one county may be prosecuted in any county in which one of the acts occurred.

NEW SECTION. Sec. 14. A new section is added to chapter 9A.56 RCW to read as follows:

FIFTY-FOURTH DAY, MARCH 3, 2006

Any series of thefts committed by the same person in different counties that have been aggregated in one county may be prosecuted in any county in which one of the thefts occurred.

Sec. 15. RCW 9A.82.050 and 2003 c 53 s 86 are each amended to read as follows:

(1) A person who:

(a) Knowingly initiates, organizes, plans, finances, directs, manages, or supervises the theft of property for sale to others(† or);

(b) Who knowingly traffics in stolen property; or

(c) Commits a series of thefts from one or more mercantile establishments over a period of one hundred eighty days that have been aggregated in one count under section 14 of this act, is guilty of trafficking in stolen property in the first degree.

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

NEW SECTION. Sec. 16. Any series of acts of trafficking in stolen property committed by the same person in different counties that have been aggregated in one county may be prosecuted in any county in which one of the acts occurred."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "crimes against personal property; amending RCW 9A.48.070, 9A.48.080, 9A.48.090, 9A.56.010, 9A.56.030, 9A.56.040, 9A.56.050, 9A.56.060, 9A.56.096, 9A.56.150, 9A.56.160, 9A.56.170, and 9A.82.050; adding a new section to chapter 9A.48 RCW; adding a new section to chapter 9A.56 RCW; creating a new section; and prescribing penalties."

Senator Kline spoke in favor of adoption of the committee striking amendment.

Senators Johnson, Rasmussen and Sheldon spoke against adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to House Bill No. 2704.

The motion by Senator Kline failed and the committee striking amendment was not adopted by voice vote.

MOTION

On motion of Senator Johnson, the rules were suspended, House Bill No. 2704 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Johnson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2704.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2704 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibault, Weinstein and Zarelli - 47

Absent: Senator Kline - 1

Excused: Senator McCaslin - 1

HOUSE BILL NO. 2704, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Oke: "Just want to share with the body. This was a wonderful morning and I just came back from the House and no more sampling in the state of Washington. The entire state is shut down."

PERSONAL PRIVILEGE

Senator Deccio: "You know a lot of bills died and some of them had bad aromas but there's one bill that died that had a very sweet aroma and that was the onion bill. I just wanted to relay the story. My father came to Walla Walla one-hundred seven years ago and was one of the pioneer onion growers in the state of Washington. I just thought I would tell you the story that I still have relatives raising onions in Walla Walla. I thought maybe this story would bring tears to your eyes. Thank you."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2457, by House Committee on Finance (originally sponsored by Representatives Grant, Williams, Blake, Clibborn, Linville, Cox, Buck, Haigh, Sump, Newhouse, Walsh, Buri, Haler, Morrell, Morris, Ericks, Strow, O'Brien and Holmquist)

Providing excise tax relief for farm machinery and equipment. Revised for 1st Substitute: Authorizing sales and use tax exemptions for replacement parts for farm machinery and equipment.

The measure was read the second time.

MOTION

Senator Doumit moved that the following committee striking amendment by the Committee on Ways & Means be not adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to the sale to a farmer of replacement parts for farm machinery and equipment.

(2) A person claiming an exemption under this section must keep records necessary for the department to verify eligibility under this section. An exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller shall retain a copy of the certificate for the seller's files.

(3) The definitions in this subsection apply to this section.

(a) "Agricultural products" has the meaning provided in RCW 82.04.213.

(b) "Farmer" means a farmer as defined in RCW 82.04.213 whose gross proceeds of sales of agricultural products grown, raised, or produced by that person is at least ten thousand dollars in the calendar year in which an exemption under this section is claimed.

(c) "Farm machinery and equipment" means machinery and equipment used primarily for growing, raising, or producing agricultural products. "Farm machinery and equipment" does not include:

(i) Farm vehicles and other vehicles as those terms are defined in chapter 46.04 RCW, except farm tractors as defined in RCW 46.04.180 and other farm implements. For purposes of this subsection (3)(c)(i), "farm implement" does not include lawn tractors and all-terrain vehicles;

(ii) Aircraft;

(iii) Hand tools and hand-powered tools; and

(iv) Property with a useful life of less than one year.

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

(d) "Replacement parts" means those parts that replace an existing part, or which are essential to maintain the working condition, of a piece of farm machinery or equipment. However, "replacement parts" shall not include paint, fuel, oil, grease, hydraulic fluids, antifreeze, and similar items.

NEW SECTION. Sec. 2. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply in respect to the use by a farmer of replacement parts for farm machinery and equipment.

(2) The definitions and recordkeeping requirements in section 1 of this act, other than the exemption certificate requirement, apply to this section.

NEW SECTION. Sec. 3. This act takes effect July 1, 2006."

On page 1, line 2 of the title, after "equipment;" strike the remainder of the title and insert "adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date."

The President declared the question before the Senate to be motion by Senator Doumit to not adopt the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 2457.

The motion by Senator Doumit carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Doumit moved that the following striking amendment by Senators Doumit, Schoesler and Prentice be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to the sale to an eligible farmer of replacement parts for qualifying farm machinery and equipment.

(2) Notwithstanding anything to the contrary in this chapter, if replacement parts are installed by the seller during the course of repairing, cleaning, altering, or improving qualifying farm machinery and equipment and the seller makes a separate charge for the parts, the tax levied by RCW 82.08.020 does not apply to the separately stated charge to an eligible farmer for replacement parts but only if the separately stated charge does not exceed either the seller's current publicly stated retail price for the parts or, if no separately stated retail price is available, the seller's cost for the parts. However, the exemption provided by this section shall not apply if replacement parts are installed by the seller during the course of repairing, cleaning, altering, or improving qualifying farm machinery and equipment and the seller makes a single nonitemized charge for providing the parts and service.

(3)(a) A person claiming an exemption under this section must keep records necessary for the department to verify eligibility under this section. An exemption is available only when the buyer provides the seller with an exemption certificate issued by the department containing such information as the department requires. The exemption certificate shall be in a form and manner prescribed by the department. The seller shall retain a copy of the certificate for the seller's files.

(b) The department shall provide an exemption certificate to an eligible farmer or renew an exemption certificate, upon application by that eligible farmer. The application must be in a form and manner prescribed by the department and shall contain the following information as required by the department:

(i) The name and address of the applicant;

(ii) The uniform business identifier or tax reporting account number of the applicant, if the applicant is required to be registered with the department;

(iii) The type of farming engaged in;

(iv) A copy of the applicant's Schedule F of Form 1040, Form 1120, or other applicable form filed with the internal revenue service indicating the gross sales of agricultural products by the applicant in the calendar year immediately preceding the year that the application was made to the department. If application is made before the due date of the applicant's federal income tax return for the prior calendar year, or any extension of the due date, the applicant shall provide a copy of the appropriate federal income tax form that was due for the second calendar year immediately preceding the year that the application is made to the department. If the applicant is not required to file federal income tax returns, the department may require the applicant to provide copies of other documents establishing the amount of the applicant's gross sales of agricultural products for the relevant calendar year;

(v) The name of the individual authorized to sign the certificate, printed in a legible fashion;

(vi) The signature of the authorized individual; and

(vii) Other information the department may require to verify the applicant's eligibility for the exemption.

(c)(i) Except as otherwise provided in this section, exemption certificates issued by the department are not transferable and are valid for the calendar year in which the certificate is issued and the following four calendar years. The department shall attempt to notify holders of exemption certificates of the impending expiration of the certificate at least sixty days before the certificate expires and shall provide an application for renewal of the certificate.

(ii) When a certificate holder merely changes identity or form of ownership of an entity and there is no change in beneficial ownership, the exemption certificate shall be transferred to the new entity upon notice to the department by the transferor or transferee.

(d)(i) Exemption certificates issued to persons who are eligible farmers under subsection (4)(b)(iii) of this section are conditioned on the person making at least ten thousand dollars of gross sales of agricultural products grown, raised, or produced by that person in the first full calendar year that the person engages in business as a farmer.

(ii) A person who is issued a conditional exemption certificate must provide the department with a copy of the person's Schedule F of Form 1040, Form 1120, or other applicable form filed with the internal revenue service indicating the gross sales of agricultural products by the person in the first full calendar year that the person engaged in business as a farmer. If a person is not required to file federal income tax returns, the person shall provide copies of other documents establishing the amount of the person's gross sales of agricultural products for the first full calendar year that the person engaged in business as a farmer. The documentation required in this subsection (3)(d)(ii) is due no later than December 31st of the year immediately following the first full calendar year in which the person engaged in business as a farmer.

(iii) If a person fails to provide the required documentation to the department by the due date or any extension granted by the department, or if the condition in (d)(i) of this subsection is not met, the department shall revoke the exemption certificate. The department shall notify the person in writing of the revocation and the person's responsibility, and due date, for repayment of any taxes for which an exemption under this section was claimed. Any taxes for which an exemption under this section was claimed shall be due and payable within thirty days of the date of the notice revoking the certificate. The department shall assess interest on the taxes for which the exemption was claimed. Interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, retroactively to the date the exemption was claimed, and shall accrue until the taxes for which the exemption was claimed are repaid. Penalties shall not be imposed on any tax required to be repaid if full payment is received by the due date. Nothing in

FIFTY-FOURTH DAY, MARCH 3, 2006

this subsection (3)(d) prohibits a person from reapplying for an exemption certificate.

(4) The definitions in this subsection apply to this section.

(a) "Agricultural products" has the meaning provided in RCW 82.04.213.

(b) "Eligible farmer" means:

(i) A farmer as defined in RCW 82.04.213 whose gross proceeds of sales of agricultural products grown, raised, or produced by that person is at least ten thousand dollars in the calendar year immediately preceding the year in which a claim of exemption is made under this section;

(ii) The transferee of an exemption certificate under subsection (3)(c)(ii) of this section where the transferred certificate expires before the transferee engages in farming operations for a full calendar year, if the combined gross proceeds of sales by the transferor and transferee of agricultural products that they have grown, raised, or produced meet the requirements of (b)(i) of this subsection;

(iii) A farmer as defined in RCW 82.04.213, who does not meet the definition of "eligible farmer" in (b)(i) or (ii) of this subsection, and who did not engage in farming for the entire calendar year immediately preceding the year in which application for exemption under this section is made and who did not engage in farming in any other year;

(iv) Anyone who otherwise meets the definition of "eligible farmer" in this subsection except that they are not a "person" as defined in RCW 82.04.030.

(c) "Qualifying farm machinery and equipment" means machinery and equipment used primarily for growing, raising, or producing agricultural products. "Qualifying farm machinery and equipment" does not include:

(i) Farm vehicles and other vehicles as those terms are defined in chapter 46.04 RCW, except farm tractors as defined in RCW 46.04.180 and other farm implements. For purposes of this subsection (4)(c)(i), "farm implement" does not include lawn tractors and all-terrain vehicles;

(ii) Aircraft;

(iii) Hand tools and hand-powered tools; and

(iv) Property with a useful life of less than one year.

(d) "Replacement parts" means those parts that replace an existing part, or which are essential to maintain the working condition, of a piece of qualifying farm machinery or equipment. However, "replacement parts" shall not include paint, fuel, oil, grease, hydraulic fluids, antifreeze, and similar items.

NEW SECTION. Sec. 2. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply in respect to the use by an eligible farmer of replacement parts for qualifying farm machinery and equipment.

(2) Notwithstanding anything to the contrary in this chapter, if replacement parts are installed by the seller during the course of repairing, cleaning, altering, or improving qualifying farm machinery and equipment and the seller makes a separate charge for the parts, the tax imposed by this chapter does not apply to the separately stated charge to an eligible farmer for replacement parts but only if the separately stated charge does not exceed either the seller's current publicly stated retail price for the parts or, if no separately stated retail price is available, the seller's cost for the parts. However, the exemption provided by this section shall not apply if replacement parts are installed by the seller during the course of repairing, cleaning, altering, or improving qualifying farm machinery and equipment and the seller makes a single nonitemized charge for providing the parts and service.

(3) The definitions and recordkeeping requirements in section 1 of this act, other than the exemption certificate requirement, apply to this section.

NEW SECTION. Sec. 3. This act takes effect July 1, 2006."

2006 REGULAR SESSION

Senator Rasmussen spoke in favor of adoption of the striking amendment.

MOTION

On motion of Senator Regala, Senators Fairley, Kline and Thibaudeau were excused.

MOTION

On motion of Senator Schoesler, Senator Benson was excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Doumit, Schoesler and Prentice to Substitute House Bill No. 2457.

The motion by Senator Doumit carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "equipment;" strike the remainder of the title and insert "adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date."

MOTION

On motion of Senator Doumit, the rules were suspended, Substitute House Bill No. 2457 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Doumit spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2457 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2457 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 4; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker and Zarelli - 40

Voting nay: Senators Fraser, Kohl-Welles, Pridemore and Weinstein - 4

Excused: Senators Benson, Fairley, Kline, McCaslin and Thibaudeau - 5

SUBSTITUTE HOUSE BILL NO. 2457 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

INTRODUCTION AND FIRST READING

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

ESCR 8419 by Senator Carrell

Exempting HB 3317 from the cutoff resolution.

SCR 8420 by Senators Benton and Carrell

Exempting SB 6388 from the cutoff resolution.

SCR 8421 by Senators McCaslin and Deccio

Exempting SJR 8224 from the cutoff resolution.

SCR 8422 by Senator Zarelli

Exempting SJR 8222 and SB 6471 from the cutoff resolution.

MOTION

On motion of Senator Eide, the measures listed on the Introduction and First Reading report were held at the desk.

MOTION

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

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6885, with the following amendments{s} 6885-S.E AMH . . . H5501.3.

Strike everything after the enacting clause and insert the following:

"PART I - BENEFIT PROVISIONS

Sec. 1 RCW 50.20.120 and 2005 c 133 s 3 are each amended to read as follows:

(1)(a) Subject to the other provisions of this title, benefits shall be payable to any eligible individual during the individual's benefit year in a maximum amount equal to the lesser of thirty times the weekly benefit amount, as determined in subsection

(2) of this section, or one-third of the individual's base year wages under this title: PROVIDED, That as to any week which falls in an extended benefit period as defined in RCW 50.22.010

(1), an individual's eligibility for maximum benefits in excess of twenty-six times his or her weekly benefit amount will be subject to the terms and conditions set forth in RCW 50.22.020.

(b) With respect to claims that have an effective date on or after the first Sunday of the calendar month immediately following the month in which the commissioner finds that the state unemployment rate is six and eight-tenths percent or less, benefits shall be payable to any eligible individual during the individual's benefit year in a maximum amount equal to the lesser of twenty-six times the weekly benefit amount, as determined in subsection

(2) of this section, or one-third of the individual's base year wages under this title.

(2)(a) For claims with an effective date before January 4, 2004, an individual's weekly benefit amount shall be an amount equal to one twenty-fifth of the average quarterly wages of the

individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(b) With respect to claims with an effective date on or after January 4, 2004, and before January 2, 2005, an individual's weekly benefit amount shall be an amount equal to one twenty-fifth of the average quarterly wages of the individual's total wages during the three quarters of the individual's base year in which such total wages were highest.

(c)(i) With respect to claims with an effective date on or after January 2, 2005, except as provided in

(c)(ii) of this subsection, an individual's weekly benefit amount shall be an amount equal to one percent of the total wages paid in the individual's base year.

(ii) With respect to claims with an effective date on or after the first Sunday following April 22, 2005, ~~((and before July 1, 2007:))~~ an individual's weekly benefit amount shall be an amount equal to three and eighty-five one-hundredths percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(3) The maximum and minimum amounts payable weekly shall be determined as of each June 30th to apply to benefit years beginning in the twelve-month period immediately following such June 30th.

(a)(i) With respect to claims that have an effective date before January 4, 2004, the maximum amount payable weekly shall be seventy percent of the "average weekly wage" for the calendar year preceding such June 30th.

(ii) With respect to claims that have an effective date on or after January 4, 2004, the maximum amount payable weekly shall be either four hundred ninety-six dollars or sixty-three percent of the "average weekly wage" for the calendar year preceding such June 30th, whichever is greater.

(b) The minimum amount payable weekly shall be fifteen percent of the "average weekly wage" for the calendar year preceding such June 30th.

(4) If any weekly benefit, maximum benefit, or minimum benefit amount computed herein is not a multiple of one dollar, it shall be reduced to the next lower multiple of one dollar.

Sec. 2 RCW 50.20.050 and 2003 2nd sp.s. c 4 s 4 are each amended to read as follows:

(1) With respect to claims that have an effective date before January 4, 2004:

(a) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount. The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the individual's training and experience.

(b) An individual shall not be considered to have left work voluntarily without good cause when:

(i) He or she has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if the claimant took all reasonable precautions, in accordance with any regulations that the commissioner may prescribe, to protect his or her employment status by having promptly notified the employer of the reason for the absence and by having promptly requested reemployment when again able to assume employment:

FIFTY-FOURTH DAY, MARCH 3, 2006

PROVIDED, That these precautions need not have been taken when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system;

(iii) He or she has left work to relocate for the spouse's employment that is due to an employer-initiated mandatory transfer that is outside the existing labor market area if the claimant remained employed as long as was reasonable prior to the move; or

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110.

(c) In determining under this subsection whether an individual has left work voluntarily without good cause, the commissioner shall only consider work-connected factors such as the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness for the work, the individual's ability to perform the work, and such other work connected factors as the commissioner may deem pertinent, including state and national emergencies. Good cause shall not be established for voluntarily leaving work because of its distance from an individual's residence where the distance was known to the individual at the time he or she accepted the employment and where, in the judgment of the department, the distance is customarily traveled by workers in the individual's job classification and labor market, nor because of any other significant work factor which was generally known and present at the time he or she accepted employment, unless the related circumstances have so changed as to amount to a substantial involuntary deterioration of the work factor or unless the commissioner determines that other related circumstances would work an unreasonable hardship on the individual were he or she required to continue in the employment.

(d) Subsection (1)(a) and (c) of this section shall not apply to an individual whose marital status or domestic responsibilities cause him or her to leave employment. Such an individual shall not be eligible for unemployment insurance benefits beginning with the first day of the calendar week in which he or she left work and thereafter for seven calendar weeks and until he or she has requalified, either by obtaining bona fide work in employment covered by this title and earning wages in that employment equal to seven times his or her weekly benefit amount or by reporting in person to the department during ten different calendar weeks and certifying on each occasion that he or she is ready, able, and willing to immediately accept any suitable work which may be offered, is actively seeking work pursuant to customary trade practices, and is utilizing such employment counseling and placement services as are available through the department. This subsection does not apply to individuals covered by (b)(ii) or (iii) of this subsection.

(2) With respect to claims that have an effective date on or after January 4, 2004:

(a) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount. The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the individual's training and experience.

(b) An individual is not disqualified from benefits under (a) of this subsection when:

2006 REGULAR SESSION

(i) He or she has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant pursued all reasonable alternatives to preserve his or her employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated his or her employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii)(A) With respect to claims that have an effective date before July 2, 2006, he or she: ~~((A))~~ (I) Left work to relocate for the spouse's employment that, due to a mandatory military transfer: ~~((H))~~ (1) Is outside the existing labor market area; and ~~((H))~~ (2) is in Washington or another state that, pursuant to statute, does not consider such an individual to have left work voluntarily without good cause; and ~~((B))~~ (II) remained employed as long as was reasonable prior to the move;

(B) With respect to claims that have an effective date on or after July 2, 2006, he or she: (I) Left work to relocate for the spouse's employment that, due to a mandatory military transfer, is outside the existing labor market area; and (II) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

(v) The individual's usual compensation was reduced by twenty-five percent or more;

(vi) The individual's usual hours were reduced by twenty-five percent or more;

(vii) The individual's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the individual's job classification and labor market;

(viii) The individual's worksite safety deteriorated, the individual reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The individual left work because of illegal activities in the individual's worksite, the individual reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time; or

(x) The individual's usual work was changed to work that violates the individual's religious convictions or sincere moral beliefs.

NEW SECTION. Sec. 3 2005 c 133 s 10 (uncodified) is repealed.

PART II - TAX PROVISIONS

Sec. 4 RCW 50.29.025 and 2005 c 133 s 5 are each amended to read as follows:

(1) Except as provided in subsection

(2) of this section, the contribution rate for each employer subject to contributions under RCW 50.24.010 shall be determined under this subsection.

(a) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the September 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(b) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in (e) of this subsection shall be in effect for assigning tax rates for the rate year. The intervals for determining the effective tax schedule shall be:

Interval of the Fund Balance Ratio Expressed as a Percentage	Effective Tax Schedule
2.90 and above	AA
2.10 to 2.89	A
1.70 to 2.09	B
1.40 to 1.69	C
1.00 to 1.39	D
0.70 to 0.99	E
Less than 0.70	F

(c) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (i) Identification number; (ii) benefit ratio; (iii) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (iv) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (v) the percentage equivalent of the cumulative total of taxable payrolls.

(d) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in (e) of this subsection: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(e) Except as provided in RCW 50.29.026, the contribution rate for each employer in the array shall be the rate specified in the following tables for the rate class to which he or she has been assigned, as determined under (d) of this subsection, within the tax schedule which is to be in effect during the rate year:

Percent of Cumulative Taxable Payrolls			Schedules of Contributions Rates for Effective Tax Schedule						
From	To	Rate Class	A	A	B	C	D	E	F
0.00	5.00	1	0.47	0.47	0.57	0.97	1.47	1.87	2.47
5.01	10.00	2	0.47	0.47	0.77	1.17	1.67	2.07	2.67
10.01	15.00	3	0.57	0.57	0.97	1.37	1.77	2.27	2.87
15.01	20.00	4	0.00	0.00	1.00	1.00	1.00	2.00	2.00

.01	.00		57	73	11	51	90	40	98
20.01	25.00	5	0.72	0.92	1.30	1.70	2.09	2.59	3.08
25.01	30.00	6	0.91	1.11	1.49	1.89	2.29	2.69	3.18
30.01	35.00	7	1.00	1.29	1.69	2.08	2.48	2.88	3.27
35.01	40.00	8	1.19	1.48	1.88	2.27	2.67	3.07	3.47
40.01	45.00	9	1.37	1.67	2.07	2.47	2.87	3.27	3.66
45.01	50.00	10	1.56	1.86	2.26	2.66	3.06	3.46	3.86
50.01	55.00	11	1.84	2.14	2.54	2.94	3.34	3.74	4.14
55.01	60.00	12	2.03	2.33	2.73	3.13	3.53	3.93	4.33
60.01	65.00	13	2.22	2.52	2.92	3.32	3.72	4.12	4.52
65.01	70.00	14	2.40	2.71	3.11	3.51	3.91	4.31	4.71
70.01	75.00	15	2.68	2.99	3.39	3.79	4.19	4.59	4.99
75.01	80.00	16	2.87	3.09	3.42	3.81	4.22	4.63	5.04
80.01	85.00	17	3.27	3.47	3.77	4.17	4.57	4.97	5.37
85.01	90.00	18	3.67	3.87	4.17	4.57	4.97	5.37	5.77
90.01	95.00	19	4.07	4.27	4.57	4.97	5.37	5.77	6.17
95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.40	5.40

(f) The contribution rate for each employer not qualified to be in the array shall be as follows:

(i) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned a contribution rate two-tenths higher than that in rate class 20 for the applicable rate year, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to a contribution rate two-tenths higher than that in rate class 20 for the applicable rate year; and

(ii) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent.

(2) Beginning with contributions assessed for rate year 2005, the contribution rate for each employer subject to contributions under RCW 50.24.010 shall be the sum of the array calculation factor rate and the graduated social cost factor rate determined under this subsection, and the solvency surcharge determined under RCW 50.29.041, if any.

(a) The array calculation factor rate shall be determined as follows:

(i) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (A) Identification number; (B) benefit ratio; and (C) taxable payrolls for the four consecutive calendar quarters immediately preceding the computation date and reported to the employment security department by the cut-off date.

(ii) Each employer in the array shall be assigned to one of forty rate classes according to his or her benefit ratio as follows, and, except as provided in RCW 50.29.026, the array calculation factor rate for each employer in the array shall be the rate specified in the rate class to which the employer has been assigned:

Benefit Ratio		Rate Class	Rate(percent)
At least	Less than		
	0.000001	1	0.00
0.000001	0.001250	2	0.13
0.001250	0.002500	3	0.25
0.002500	0.003750	4	0.38
0.003750	0.005000	5	0.50
0.005000	0.006250	6	0.63
0.006250	0.007500	7	0.75
0.007500	0.008750	8	0.88
0.008750	0.010000	9	1.00
0.010000	0.011250	10	1.15
0.011250	0.012500	11	1.30
0.012500	0.013750	12	1.45
0.013750	0.015000	13	1.60
0.015000	0.016250	14	1.75

0.016250	0.017500	15	1.90
0.017500	0.018750	16	2.05
0.018750	0.020000	17	2.20
0.020000	0.021250	18	2.35
0.021250	0.022500	19	2.50
0.022500	0.023750	20	2.65
0.023750	0.025000	21	2.80
0.025000	0.026250	22	2.95
0.026250	0.027500	23	3.10
0.027500	0.028750	24	3.25
0.028750	0.030000	25	3.40
0.030000	0.031250	26	3.55
0.031250	0.032500	27	3.70
0.032500	0.033750	28	3.85
0.033750	0.035000	29	4.00
0.035000	0.036250	30	4.15
0.036250	0.037500	31	4.30
0.037500	0.040000	32	4.45
0.040000	0.042500	33	4.60
0.042500	0.045000	34	4.75
0.045000	0.047500	35	4.90
0.047500	0.050000	36	5.05
0.050000	0.052500	37	5.20
0.052500	0.055000	38	5.30
0.055000	0.057500	39	5.35
0.057500		40	5.40

(b) The graduated social cost factor rate shall be determined as follows:

(i) ~~(A)~~ Except as provided in (b)(i)(B) ~~(C)) and (C))~~ of this subsection, the commissioner shall calculate the flat social cost factor for a rate year by dividing the total social cost by the total taxable payroll. The division shall be carried to the second decimal place with the remaining fraction disregarded unless it amounts to five hundredths or more, in which case the second decimal place shall be rounded to the next higher digit. The flat social cost factor shall be expressed as a percentage.

(B) If, on the cut-off date, the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide more than ten months of unemployment benefits, the commissioner shall calculate the flat social cost factor for the rate year immediately following the cut-off date by reducing the total social cost by the dollar

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

amount that represents the number of months for which the balance in the unemployment compensation fund on the cut-off date will provide benefits above ten months and dividing the result by the total taxable payroll. However, the calculation under this subsection (2)(b)(i)(B) for a rate year may not result in a flat social cost factor that is more than ~~((two-tenths))~~ four-tenths lower than the calculation under (b)(i)(A) of this subsection for that rate year. For the purposes of this subsection, the commissioner shall determine the number of months of unemployment benefits in the unemployment compensation fund using the benefit cost rate for the average of the three highest calendar benefit cost rates in the twenty consecutive completed calendar years immediately preceding the cut-off date or a period of consecutive calendar years immediately preceding the cut-off date that includes three recessions, if longer.

(C) The minimum flat social cost factor calculated under this subsection (2)(b) shall be six-tenths of one percent, except that if the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide:

(I) At least twelve months but less than fourteen months of unemployment benefits, the minimum shall be five-tenths of one percent; or

(II) At least fourteen months of unemployment benefits, the minimum shall be five-tenths of one percent, except that, for employers in rate class 1, the minimum shall be forty-five hundredths of one percent.

~~((D) With respect to rate year 2007, the flat social cost factor shall be the lesser of:~~

~~(I) The flat social cost factor determined under (b)(i)(A) through (C) of this subsection; or~~

~~(II) The flat social cost factor that would be determined under (b)(i)(A) through (C) of this subsection if RCW 50.20.120(2)(c)(i) had been in effect during the immediately preceding rate year.))~~

(ii)(A) Except as provided in (b)(ii)(B) of this subsection, the graduated social cost factor rate for each employer in the array is the flat social cost factor multiplied by the percentage specified as follows for the rate class to which the employer has been assigned in (a)(ii) of this subsection, except that the sum of an employer's array calculation factor rate and the graduated social cost factor rate may not exceed six and five-tenths percent or, for employers whose North American industry classification system code is within "111," "112," "1141," "115," "3114," "3117," ~~((or))~~ "42448," or "49312," may not exceed six percent through rate year 2007 and may not exceed five and seven-tenths percent for rate year 2008 and thereafter:

- (I) Rate class 1 - 78 percent;
- (II) Rate class 2 - 82 percent;
- (III) Rate class 3 - 86 percent;
- (IV) Rate class 4 - 90 percent;
- (V) Rate class 5 - 94 percent;
- (VI) Rate class 6 - 98 percent;
- (VII) Rate class 7 - 102 percent;
- (VIII) Rate class 8 - 106 percent;
- (IX) Rate class 9 - 110 percent;

- (X) Rate class 10 - 114 percent;
- (XI) Rate class 11 - 118 percent; and
- (XII) Rate classes 12 through 40 - 120 percent.

(B) For contributions assessed beginning July 1, 2005, through ~~((June 30;))~~ December 31, 2007, for employers whose North American industry classification system code is "111," "112," "1141," "115," "3114," "3117," "42448," or "49312," the graduated social cost factor rate is zero. (iii) For the purposes of this section:

(A) "Total social cost" means(~~t~~

~~(I) Except as provided in (b)(iii)(A)(II) of this subsection,))~~ the amount calculated by subtracting the array calculation factor contributions paid by all employers with respect to the four consecutive calendar quarters immediately preceding the

computation date and paid to the employment security department by the cut-off date from the total unemployment benefits paid to claimants in the same four consecutive calendar quarters. To calculate the flat social cost factor for rate year 2005, the commissioner shall calculate the total social cost using the array calculation factor contributions that would have been required to be paid by all employers in the calculation period if (a) of this subsection had been in effect for the relevant period.

~~((H) For rate year 2007, the amount calculated under (b)(iii)(A)(I) of this subsection reduced by the amount of benefits charged that exceed the contributions paid in the four consecutive calendar quarters immediately preceding the applicable computation date because, as applicable, specified employers are subject to the social cost contributions under (b)(ii)(B) of this subsection, and/or because the social cost factor contributions are paid under (b)(i)(D)(H) of this subsection.))~~

(B) "Total taxable payroll" means the total amount of wages subject to tax, as determined under RCW 50.24.010, for all employers in the four consecutive calendar quarters immediately preceding the computation date and reported to the employment security department by the cut-off date.

(c) The array calculation factor rate for each employer not qualified to be in the array shall be as follows:

(I) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned an array calculation factor rate two-tenths higher than that in rate class 40, except employers who have an approved agency-deferred payment contract by September 30th of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to an array calculation factor rate two-tenths higher than that in rate class 40; and

(ii) For all other employers not qualified to be in the array, the array calculation factor rate shall be a rate equal to the average industry array calculation factor rate as determined by the commissioner, plus fifteen percent of that amount; however, the rate may not be less than one percent or more than the array calculation factor rate in rate class 40.

(d) The graduated social cost factor rate for each employer not qualified to be in the array shall be as follows:

(I) For employers whose array calculation factor rate is determined under (c)(I) of this subsection, the social cost factor rate shall be the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection.

(ii) For employers whose array calculation factor rate is determined under (c)(ii) of this subsection, the social cost factor rate shall be a rate equal to the average industry social cost factor rate as determined by the commissioner, plus fifteen percent of that amount, but not more than the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection.

(3) Assignment of employers by the commissioner to industrial classification, for purposes of this section, shall be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the standard industrial classification code, or in the North American industry classification system code.

Sec. 5 RCW 50.29.041 and 2003 2nd sp.s. c 4 s 16 are each amended to read as follows: Beginning with contributions assessed for rate year 2005, the contribution rate of each employer subject to contributions under RCW 50.24.010 shall include a solvency surcharge determined as follows:

(1) This section shall apply to employers' contributions for a rate year immediately following a cut-off date only if, on the cut-off date, the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide fewer than ~~((six))~~ seven months of unemployment benefits.

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

(2) The solvency surcharge shall be the lowest rate necessary, as determined by the commissioner, but not more than two-tenths of one percent, to provide revenue during the applicable rate year that will fund unemployment benefits for the number of months that is the difference between ~~((eight))~~ nine months and the number of months for which the balance in the unemployment compensation fund on the cut-off date will provide benefits.

(3) The basis for determining the number of months of unemployment benefits shall be the same basis used in RCW 50.29.025(2)(b)(i)(B).

Sec. 6 RCW 50.29.021 and 2005 c 133 s 4 are each amended to read as follows:

(1) This section applies to benefits charged to the experience rating accounts of employers for claims that have an effective date on or after January 4, 2004.

(2)(a) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, based on existing records of the employment security department.

(b) Benefits paid to an eligible individual shall be charged to the experience rating accounts of each of such individual's employers during the individual's base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year, except as otherwise provided in this section.

(c) When the eligible individual's separating employer is a covered contribution paying base year employer, benefits paid to the eligible individual shall be charged to the experience rating account of only the individual's separating employer if the individual qualifies for benefits under:

(I) RCW 50.20.050(2)(b)(I), as applicable, and became unemployed after having worked and earned wages in the bona fide work; or

(ii) RCW 50.20.050(2)(b)(v) through (x).

(3) The legislature finds that certain benefit payments, in whole or in part, should not be charged to the experience rating accounts of employers except those employers described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, as follows:

(a) Benefits paid to any individual later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer.

(b) Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer only if:

(I) The individual files under RCW 50.06.020(1) after receiving crime victims' compensation for a disability resulting from a nonwork-related occurrence; or

(ii) The individual files under RCW 50.06.020(2).

(c) Benefits paid which represent the state's share of benefits payable as extended benefits defined under RCW 50.22.010(6) shall not be charged to the experience rating account of any contribution paying employer.

(d) In the case of individuals who requalify for benefits under RCW 50.20.050 or 50.20.060, benefits based on wage credits earned prior to the disqualifying separation shall not be charged to the experience rating account of the contribution paying employer from whom that separation took place.

(e) Individuals who qualify for benefits under RCW 50.20.050(2)(b)(iv), as applicable, shall not have their benefits charged to the experience rating account of any contribution paying employer.

(f) With respect to claims with an effective date on or after the first Sunday following April 22, 2005, ~~((and before July 1, 2007;))~~ benefits paid that exceed the benefits that would have been paid if the weekly benefit amount for the claim had been determined as one percent of the total wages paid in the individual's base year shall not be charged to the experience rating account of any contribution paying employer.

(4)(a) A contribution paying base year employer, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if the benefit charges result from payment to an individual who:

(I) Last left the employ of such employer voluntarily for reasons not attributable to the employer;

(ii) Was discharged for misconduct or gross misconduct connected with his or her work not a result of inability to meet the minimum job requirements;

(iii) Is unemployed as a result of closure or severe curtailment of operation at the employer's plant, building, worksite, or other facility. This closure must be for reasons directly attributable to a catastrophic occurrence such as fire, flood, or other natural disaster; or

(iv) Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who at some time during the base year was concurrently employed and subsequently separated from at least one other base year employer. Benefit charge relief ceases when the employment relationship between the employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.60 RCW.

(b) The employer requesting relief of charges under this subsection must request relief in writing within thirty days following mailing to the last known address of the notification of the valid initial determination of such claim, stating the date and reason for the separation or the circumstances of continued employment. The commissioner, upon investigation of the request, shall determine whether relief should be granted.

Sec. 7 RCW 50.16.030 and 2005 c 133 s 6 are each amended to read as follows:

(1)(a) Except as provided in (b) ~~((and (c)))~~ of this subsection, moneys shall be requisitioned from this state's account in the unemployment trust fund solely for the payment of benefits and repayment of loans from the federal government to guarantee solvency of the unemployment compensation fund in accordance with regulations prescribed by the commissioner, except that money credited to this state's account pursuant to section 903 of the social security act, as amended, shall be used exclusively as provided in RCW 50.16.030(5). The commissioner shall from time to time requisition from the unemployment trust fund such amounts, not exceeding the amounts standing to its account therein, as he or she deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the treasurer shall deposit such moneys in the benefit account and shall issue his or her warrants for the payment of benefits solely from such benefits account.

(b) Moneys for the payment of regular benefits as defined in RCW 50.22.010 shall be requisitioned during fiscal year ~~((s))~~ 2006 ~~((and 2007))~~ in the following order:

(I) First, from the moneys credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended in section 209 of the temporary extended unemployment compensation act of 2002 (42 U.S.C. Sec. 1103(d)), the amount equal to the amount of benefits charged that exceed the contributions paid in the four consecutive calendar quarters ending on June 30, 2006, ~~((for the fiscal year 2006 calculation, and ending on June 30, 2007, for the fiscal year 2007 calculation;))~~ because the social cost factor contributions that employers are subject to under RCW 50.29.025(2)(b)(ii)(B) are less than the social cost factor contributions that these employers would have been subject to if RCW 50.29.025(2)(b)(ii)(A) had applied to these employers; and

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

(ii) Second, after the requisitioning required under (b)(I) of this subsection (~~in the respective fiscal year~~), from all other moneys credited to this state's account in the unemployment trust fund.

~~((c) After the requisitioning required under (b) of this subsection, if applicable, moneys for the payment of regular benefits as defined in RCW 50.22.010 shall be requisitioned during calendar year 2007 in the following order:~~

~~—(i) First, from the moneys credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended in section 209 of the temporary extended unemployment compensation act of 2002 (42 U.S.C. Sec. 1103(d)), the amount equal to the amount of benefits paid under RCW 50.20.120(2)(c)(ii) beginning on the first Sunday following April 22, 2005, and ending on June 30, 2007, that exceed the amount of benefits that would have been paid if the weekly benefit amount had been determined as one percent of the total wages paid in the individual's base year; and~~

~~—(ii) Second, after the requisitioning required under (c)(I) of this subsection in the respective calendar year, from all other moneys credited to this state's account in the unemployment trust fund.)~~

(2) Expenditures of such moneys in the benefit account and refunds from the clearing account shall not be subject to any provisions of law requiring specific appropriations or other formal release by state officers of money in their custody, and RCW 43.01.050, as amended, shall not apply. All warrants issued by the treasurer for the payment of benefits and refunds shall bear the signature of the treasurer and the countersignature of the commissioner, or his or her duly authorized agent for that purpose.

(3) Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of, benefits during succeeding periods, or in the discretion of the commissioner, shall be redeposited with the secretary of the treasury of the United States of America to the credit of this state's account in the unemployment trust fund.

(4) Money credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States of America pursuant to section 903 of the social security act, as amended, may be requisitioned and used for the payment of expenses incurred for the administration of this title pursuant to a specific appropriation by the legislature, provided that the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which:

(a) Specifies the purposes for which such money is appropriated and the amounts appropriated therefor;

(b) Limits the period within which such money may be obligated to a period ending not more than two years after the date of the enactment of the appropriation law; and

(c) Limits the amount which may be obligated during a twelve-month period beginning on July 1st and ending on the next June 30th to an amount which does not exceed the amount by which (I) the aggregate of the amounts credited to the account of this state pursuant to section 903 of the social security act, as amended, during the same twelve-month period and the thirty-four preceding twelve-month periods, exceeds (ii) the aggregate of the amounts obligated pursuant to RCW 50.16.030 (4), (5) and (6) and charged against the amounts credited to the account of this state during any of such thirty-five twelve-month periods. For the purposes of RCW 50.16.030 (4), (5) and (6), amounts obligated during any such twelve-month period shall be charged against equivalent amounts which were first credited and which are not already so charged; except that no amount obligated for administration during any such twelve-month period may be charged against any amount credited during such a twelve-month period earlier than the thirty-fourth twelve-month period preceding such

period: PROVIDED, That any amount credited to this state's account under section 903 of the social security act, as amended, which has been appropriated for expenses of administration, whether or not withdrawn from the trust fund shall be excluded from the unemployment compensation fund balance for the purpose of experience rating credit determination.

(5) Money credited to the account of this state pursuant to section 903 of the social security act, as amended, may not be withdrawn or used except for the payment of benefits and for the payment of expenses of administration and of public employment offices pursuant to RCW 50.16.030 (4), (5) and (6). However, moneys credited because of excess amounts in federal accounts in federal fiscal years 1999, 2000, and 2001 shall be used solely for the administration of the unemployment compensation program and are not subject to appropriation by the legislature for any other purpose.

(6) Money requisitioned as provided in RCW 50.16.030 (4), (5) and (6) for the payment of expenses of administration shall be deposited in the unemployment compensation fund, but until expended, shall remain a part of the unemployment compensation fund. The commissioner shall maintain a separate record of the deposit, obligation, expenditure and return of funds so deposited. Any money so deposited which either will not be obligated within the period specified by the appropriation law or remains unobligated at the end of the period, and any money which has been obligated within the period but will not be expended, shall be returned promptly to the account of this state in the unemployment trust fund.

PART III - REENACTED PROVISIONS

Sec. 8 RCW 50.04.293 and 2003 2nd sp.s. c 4 s 5 are each reenacted to read as follows: With respect to claims that have an effective date before January 4, 2004, "misconduct" means an employee's act or failure to act in willful disregard of his or her employer's interest where the effect of the employee's act or failure to act is to harm the employer's business.

Sec. 9 RCW 50.04.294 and 2003 2nd sp.s. c 4 s 6 are each reenacted to read as follows: With respect to claims that have an effective date on or after January 4, 2004:

(1) "Misconduct" includes, but is not limited to, the following conduct by a claimant:

(a) Willful or wanton disregard of the rights, title, and interests of the employer or a fellow employee;

(b) Deliberate violations or disregard of standards of behavior which the employer has the right to expect of an employee;

(c) Carelessness or negligence that causes or would likely cause serious bodily harm to the employer or a fellow employee; or

(d) Carelessness or negligence of such degree or recurrence to show an intentional or substantial disregard of the employer's interest.

(2) The following acts are considered misconduct because the acts signify a willful or wanton disregard of the rights, title, and interests of the employer or a fellow employee. These acts include, but are not limited to:

(a) Insubordination showing a deliberate, willful, or purposeful refusal to follow the reasonable directions or instructions of the employer;

(b) Repeated inexcusable tardiness following warnings by the employer;

(c) Dishonesty related to employment, including but not limited to deliberate falsification of company records, theft, deliberate deception, or lying;

(d) Repeated and inexcusable absences, including absences for which the employee was able to give advance notice and failed to do so;

(e) Deliberate acts that are illegal, provoke violence or violation of laws, or violate the collective bargaining agreement.

FIFTY-FOURTH DAY, MARCH 3, 2006

However, an employee who engages in lawful union activity may not be disqualified due to misconduct;

(f) Violation of a company rule if the rule is reasonable and if the claimant knew or should have known of the existence of the rule; or

(g) Violations of law by the claimant while acting within the scope of employment that substantially affect the claimant's job performance or that substantially harm the employer's ability to do business.

(3) "Misconduct" does not include:

(a) Inefficiency, unsatisfactory conduct, or failure to perform well as the result of inability or incapacity;

(b) Inadvertence or ordinary negligence in isolated instances; or

(c) Good faith errors in judgment or discretion.

(4) "Gross misconduct" means a criminal act in connection with an individual's work for which the individual has been convicted in a criminal court, or has admitted committing, or conduct connected with the individual's work that demonstrates a flagrant and wanton disregard of and for the rights, title, or interest of the employer or a fellow employee.

Sec. 10 RCW 50.20.010 and 2003 2nd sp.s. c 4 s 3 are each reenacted to read as follows: (1) An unemployed individual shall be eligible to receive waiting period credits or benefits with respect to any week in his or her eligibility period only if the commissioner finds that:

(a) He or she has registered for work at, and thereafter has continued to report at, an employment office in accordance with such regulation as the commissioner may prescribe, except that the commissioner may by regulation waive or alter either or both of the requirements of this subdivision as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which the commissioner finds that the compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this title;

(b) He or she has filed an application for an initial determination and made a claim for waiting period credit or for benefits in accordance with the provisions of this title;

(c) He or she is able to work, and is available for work in any trade, occupation, profession, or business for which he or she is reasonably fitted.

(i) With respect to claims that have an effective date before January 4, 2004, to be available for work an individual must be ready, able, and willing, immediately to accept any suitable work which may be offered to him or her and must be actively seeking work pursuant to customary trade practices and through other methods when so directed by the commissioner or the commissioner's agents.

(ii) With respect to claims that have an effective date on or after January 4, 2004, to be available for work an individual must be ready, able, and willing, immediately to accept any suitable work which may be offered to him or her and must be actively seeking work pursuant to customary trade practices and through other methods when so directed by the commissioner or the commissioner's agents. If a labor agreement or dispatch rules apply, customary trade practices must be in accordance with the applicable agreement or rules;

(d) He or she has been unemployed for a waiting period of one week;

(e) He or she participates in reemployment services if the individual has been referred to reemployment services pursuant to the profiling system established by the commissioner under RCW 50.20.011, unless the commissioner determines that:

(i) The individual has completed such services; or

(ii) There is justifiable cause for the claimant's failure to participate in such services; and (f) As to weeks beginning after March 31, 1981, which fall within an extended benefit period as defined in RCW 50.22.010, the individual meets the terms and conditions of RCW 50.22.020 with respect to benefits claimed in excess of twenty-six times the individual's weekly benefit amount.

2006 REGULAR SESSION

(2) An individual's eligibility period for regular benefits shall be coincident to his or her established benefit year. An individual's eligibility period for additional or extended benefits shall be the periods prescribed elsewhere in this title for such benefits.

Sec. 11 RCW 50.20.060 and 2003 2nd sp.s. c 4 s 7 are each reenacted to read as follows: With respect to claims that have an effective date before January 4, 2004, an individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has been discharged or suspended for misconduct connected with his or her work and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount. Alcoholism shall not constitute a defense to disqualification from benefits due to misconduct.

Sec. 12 RCW 50.20.065 and 2003 2nd sp.s. c 4 s 8 are each reenacted to read as follows: With respect to claims that have an effective date before January 4, 2004:

(1) An individual who has been discharged from his or her work because of a felony or gross misdemeanor of which he or she has been convicted, or has admitted committing to a competent authority, and that is connected with his or her work shall have all hourly wage credits based on that employment canceled.

(2) The employer shall notify the department of such an admission or conviction, not later than six months following the admission or conviction.

(3) The claimant shall disclose any conviction of the claimant of a work-connected felony or gross misdemeanor occurring in the previous two years to the department at the time of application for benefits.

(4) All benefits that are paid in error based on wage/ hour credits that should have been removed from the claimant's base year are recoverable, notwithstanding RCW 50.20.190 or 50.24.020 or any other provisions of this title.

Sec. 13 RCW 50.20.066 and 2003 2nd sp.s. c 4 s 9 are each reenacted to read as follows: With respect to claims that have an effective date on or after January 4, 2004:

(1) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has been discharged or suspended for misconduct connected with his or her work and thereafter for ten calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to ten times his or her weekly benefit amount. Alcoholism shall not constitute a defense to disqualification from benefits due to misconduct.

(2) An individual who has been discharged from his or her work because of gross misconduct shall have all hourly wage credits based on that employment or six hundred eighty hours of wage credits, whichever is greater, canceled.

(3) The employer shall notify the department of a felony or gross misdemeanor of which an individual has been convicted, or has admitted committing to a competent authority, not later than six months following the admission or conviction.

(4) The claimant shall disclose any conviction of the claimant of a work-connected felony or gross misdemeanor occurring in the previous two years to the department at the time of application for benefits.

(5) All benefits that are paid in error based on this section are recoverable, notwithstanding RCW 50.20.190 or 50.24.020 or any other provisions of this title.

Sec. 14 RCW 50.20.100 and 2004 c 110 s 2 are each reenacted to read as follows:

(1) Suitable work for an individual is employment in an occupation in keeping with the individual's prior work experience, education, or training and if the individual has no prior work experience, special education, or training for employment available in the general area, then employment which the individual would have the physical and mental ability

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

to perform. In determining whether work is suitable for an individual, the commissioner shall also consider the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness, the individual's length of unemployment and prospects for securing local work in the individual's customary occupation, the distance of the available work from the individual's residence, and such other factors as the commissioner may deem pertinent, including state and national emergencies.

(2) For individuals with base year work experience in agricultural labor, any agricultural labor available from any employer shall be deemed suitable unless it meets conditions in RCW 50.20.110 or the commissioner finds elements of specific work opportunity unsuitable for a particular individual.

(3) For part-time workers as defined in RCW 50.20.119, suitable work includes suitable work under subsection (1) of this section that is for seventeen or fewer hours per week.

(4) For individuals who have qualified for unemployment compensation benefits under RCW 50.20.050 (1)(b)(iv) or (2)(b)(iv), as applicable, an evaluation of the suitability of the work must consider the individual's need to address the physical, psychological, legal, and other effects of domestic violence or stalking.

Sec. 15 RCW 50.20.119 and 2003 2nd sp.s. c 4 s 12 are each reenacted to read as follows:

(1) With respect to claims that have an effective date on or after January 2, 2005, an otherwise eligible individual may not be denied benefits for any week because the individual is a part-time worker and is available for, seeks, applies for, or accepts only work of seventeen or fewer hours per week by reason of the application of RCW 50.20.010(1)(c), 50.20.080, or 50.22.020(1) relating to availability for work and active search for work, or failure to apply for or refusal to accept suitable work

(2) For purposes of this section, "part-time worker" means an individual who: (a) Earned wages in "employment" in at least forty weeks in the individual's base year; and (b) did not earn wages in "employment" in more than seventeen hours per week in any weeks in the individual's base year.

Sec. 16 RCW 50.20.240 and 2004 c 110 s 1 are each reenacted to read as follows:

(1)(a) To ensure that following the initial application for benefits, an individual is actively engaged in searching for work, the employment security department shall implement a job search monitoring program. Effective January 4, 2004, the department shall contract with employment security agencies in other states to ensure that individuals residing in those states and receiving benefits under this title are actively engaged in searching for work in accordance with the requirements of this section. The department may use interactive voice technology and other electronic means to ensure that individuals are subject to comparable job search monitoring, regardless of whether they reside in Washington or elsewhere.

(b) Except for those individuals with employer attachment or union referral, individuals who qualify for unemployment compensation under RCW 50.20.050 (1)(b)(iv) or (2)(b)(iv), as applicable, and individuals in commissioner-approved training, an individual who has received five or more weeks of benefits under this title, regardless of whether the individual resides in Washington or elsewhere, must provide evidence of seeking work, as directed by the commissioner or the commissioner's agents, for each week beyond five in which a claim is filed. With regard to claims with an effective date before January 4, 2004, the evidence must demonstrate contacts with at least three employers per week or documented in-person job search activity at the local reemployment center. With regard to claims with an effective date on or after January 4, 2004, the evidence must demonstrate contacts with at least three employers per week or documented in-person job search activities at the local reemployment center at least three times per week

(c) In developing the requirements for the job search monitoring program, the commissioner or the commissioner's agents shall utilize an existing advisory committee having equal representation of employers and workers.

(2) Effective January 4, 2004, an individual who fails to comply fully with the requirements for actively seeking work under RCW 50.20.010 shall lose all benefits for all weeks during which the individual was not in compliance, and the individual shall be liable for repayment of all such benefits under RCW 50.20.190.

Sec. 17 RCW 50.04.335 and 2003 2nd sp.s. c 4 s 2 are each reenacted to read as follows:

After December 31, 2003, for the purpose of the payment of contributions, the term "wages" does not include an employee's income attributable to the transfer of shares of stock to the employee pursuant to his or her exercise of a stock option granted for any reason connected with his or her employment.

Sec. 18 RCW 50.16.010 and 2005 c 518 s 933 are each reenacted to read as follows:

(1) There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable. (2)(a) The unemployment compensation fund shall consist of:

(i) All contributions collected under RCW 50.24.010 and payments in lieu of contributions collected pursuant to the provisions of this title;

(ii) Any property or securities acquired through the use of moneys belonging to the fund; (iii) All earnings of such property or securities;

(iv) Any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended;

(v) All money recovered on official bonds for losses sustained by the fund;

(vi) All money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended;

(vii) All money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304); and

(viii) All moneys received for the fund from any other source.

(b) All moneys in the unemployment compensation fund shall be commingled and undivided.

(3)(a) Except as provided in (b) of this subsection, the administrative contingency fund shall consist of:

(i) All interest on delinquent contributions collected pursuant to this title;

(ii) All fines and penalties collected pursuant to the provisions of this title;

(iii) All sums recovered on official bonds for losses sustained by the fund; and

(iv) Revenue received under RCW 50.24.014.

(b) All fees, fines, forfeitures, and penalties collected or assessed by a district court because of the violation of this title or rules adopted under this title shall be remitted as provided in chapter 3.62 RCW.

(c) Moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary solely for:

(i) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not

FIFTY-FOURTH DAY, MARCH 3, 2006

substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(ii) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

(iii) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

(d) During the 2005-2007 fiscal biennium, the cost of the job skills program at community and technical colleges as appropriated by the legislature. Money in the special account created under RCW 50.24.014(1)(a) may only be expended, after appropriation, for the purposes specified in this section and RCW 50.62.010, 50.62.020, 50.62.030, 50.24.014, 50.44.053, and 50.22.010.

Sec. 19 RCW 50.16.015 and 2003 2nd sp.s. c 4 s 24 are each reenacted to read as follows:

A separate and identifiable fund to provide for the payment of interest on advances received from this state's account in the federal unemployment trust fund shall be established and administered under the direction of the commissioner. This fund shall be known as the federal interest payment fund and shall consist of contributions paid under RCW 50.16.070. All money in this fund shall be expended solely for the payment of interest on advances received from this state's account in the federal unemployment trust fund and for no other purposes whatsoever.

Sec. 20 RCW 50.24.014 and 2003 2nd sp.s. c 4 s 25 are each reenacted to read as follows:

(1)(a) A separate and identifiable account to provide for the financing of special programs to assist the unemployed is established in the administrative contingency fund. All money in this account shall be expended solely for the purposes of this title and for no other purposes whatsoever. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, at a basic rate of two one-hundredths of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010.

(b) A separate and identifiable account is established in the administrative contingency fund for financing the employment security department's administrative cost under RCW 50.22.150 and the costs under RCW 50.22.150(9). All money in this account shall be expended solely for the purposes of this title and for no other purposes whatsoever. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, those employers who are required to make payments in lieu of contributions, those employers described under RCW 50.29.025(1)(f)(ii), and those qualified employers assigned rate class 20 or rate class 40, as applicable, under RCW 50.29.025, at a basic rate of one one-hundredth of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010. Any amount of contributions payable under this subsection (1)(b) that exceeds the amount that would have been collected at a rate of four one-thousandths of one percent must be deposited in the unemployment compensation trust fund.

(c) For the first calendar quarter of 1994 only, the basic two one-hundredths of one percent contribution payable under (a) of

2006 REGULAR SESSION

this subsection shall be increased by one-hundredth of one percent to a total rate of three one-hundredths of one percent. The proceeds of this incremental one-hundredth of one percent shall be used solely for the purposes described in section 22, chapter 483, Laws of 1993, and for the purposes of conducting an evaluation of the call center approach to unemployment insurance under section 5, chapter 161, Laws of 1998. During the 1997-1999 fiscal biennium, any surplus from contributions payable under this subsection (c) may be deposited in the unemployment compensation trust fund, used to support tax and wage automated systems projects that simplify and streamline employer reporting, or both.

(2)(a) Contributions under this section shall become due and be paid by each employer under rules as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

(b) In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(3) If the commissioner determines that federal funding has been increased to provide financing for the services specified in chapter 50.62 RCW, the commissioner shall direct that collection of contributions under this section be terminated on the following January 1st.

Sec. 21 RCW 50.20.190 and 2005 c 518 s 934 are each reenacted to read as follows:

(1) An individual who is paid any amount as benefits under this title to which he or she is not entitled shall, unless otherwise relieved pursuant to this section, be liable for repayment of the amount overpaid. The department shall issue an overpayment assessment setting forth the reasons for and the amount of the overpayment. The amount assessed, to the extent not collected, may be deducted from any future benefits payable to the individual: PROVIDED, That in the absence of a back pay award, a settlement affecting the allowance of benefits, fraud, misrepresentation, or willful nondisclosure, every determination of liability shall be mailed or personally served not later than two years after the close of or final payment made on the individual's applicable benefit year for which the purported overpayment was made, whichever is later, unless the merits of the claim are subjected to administrative or judicial review in which event the period for serving the determination of liability shall be extended to allow service of the determination of liability during the six-month period following the final decision affecting the claim.

(2) The commissioner may waive an overpayment if the commissioner finds that the overpayment was not the result of fraud, misrepresentation, willful nondisclosure, or fault attributable to the individual and that the recovery thereof would be against equity and good conscience: PROVIDED, HOWEVER, That the overpayment so waived shall be charged against the individual's applicable entitlement for the eligibility period containing the weeks to which the overpayment was attributed as though such benefits had been properly paid.

(3) Any assessment herein provided shall constitute a determination of liability from which an appeal may be had in the same manner and to the same extent as provided for appeals relating to determinations in respect to claims for benefits: PROVIDED, That an appeal from any determination covering overpayment only shall be deemed to be an appeal from the determination which was the basis for establishing the overpayment unless the merits involved in the issue set forth in such determination have already been heard and passed upon by the appeal tribunal. If no such appeal is taken to the appeal tribunal by the individual within thirty days of the delivery of the notice of determination of liability, or within thirty days of the mailing of the notice of determination, whichever is the earlier, the determination of liability shall be deemed conclusive and final. Whenever any such notice of determination of

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

liability becomes conclusive and final, the commissioner, upon giving at least twenty days notice by certified mail return receipt requested to the individual's last known address of the intended action, may file with the superior court clerk of any county within the state a warrant in the amount of the notice of determination of liability plus a filing fee under RCW 36.18.012(10). The clerk of the county where the warrant is filed shall immediately designate a superior court cause number for the warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the person(s) mentioned in the warrant, the amount of the notice of determination of liability, and the date when the warrant was filed. The amount of the warrant as docketed shall become a lien upon the title to, and any interest in, all real and personal property of the person(s) against whom the warrant is issued, the same as a judgment in a civil case duly docketed in the office of such clerk. A warrant so docketed shall be sufficient to support the issuance of writs of execution and writs of garnishment in favor of the state in the manner provided by law for a civil judgment. A copy of the warrant shall be mailed to the person(s) mentioned in the warrant by certified mail to the person's last known address within five days of its filing with the clerk.

(4) On request of any agency which administers an employment security law of another state, the United States, or a foreign government and which has found in accordance with the provisions of such law that a claimant is liable to repay benefits received under such law, the commissioner may collect the amount of such benefits from the claimant to be refunded to the agency. In any case in which under this section a claimant is liable to repay any amount to the agency of another state, the United States, or a foreign government, such amounts may be collected without interest by civil action in the name of the commissioner acting as agent for such agency if the other state, the United States, or the foreign government extends such collection rights to the employment security department of the state of Washington, and provided that the court costs be paid by the governmental agency benefiting from such collection.

(5) Any employer who is a party to a back pay award or settlement due to loss of wages shall, within thirty days of the award or settlement, report to the department the amount of the award or settlement, the name and social security number of the recipient of the award or settlement, and the period for which it is awarded. When an individual has been awarded or receives back pay, for benefit purposes the amount of the back pay shall constitute wages paid in the period for which it was awarded. For contribution purposes, the back pay award or settlement shall constitute wages paid in the period in which it was actually paid. The following requirements shall also apply:

(a) The employer shall reduce the amount of the back pay award or settlement by an amount determined by the department based upon the amount of unemployment benefits received by the recipient of the award or settlement during the period for which the back pay award or settlement was awarded;

(b) The employer shall pay to the unemployment compensation fund, in a manner specified by the commissioner, an amount equal to the amount of such reduction;

(c) The employer shall also pay to the department any taxes due for unemployment insurance purposes on the entire amount of the back pay award or settlement notwithstanding any reduction made pursuant to (a) of this subsection;

(d) If the employer fails to reduce the amount of the back pay award or settlement as required in (a) of this subsection, the department shall issue an overpayment assessment against the recipient of the award or settlement in the amount that the back pay award or settlement should have been reduced; and

(e) If the employer fails to pay to the department an amount equal to the reduction as required in (b) of this subsection, the department shall issue an assessment of liability against the employer which shall be collected pursuant to the procedures for

collection of assessments provided herein and in RCW 50.24.110.

(6) When an individual fails to repay an overpayment assessment that is due and fails to arrange for satisfactory repayment terms, the commissioner shall impose an interest penalty of one percent per month of the outstanding balance. Interest shall accrue immediately on overpayments assessed pursuant to RCW 50.20.070 and shall be imposed when the assessment becomes final. For any other overpayment, interest shall accrue when the individual has missed two or more of the individual's monthly payments either partially or in full. The interest penalty shall be used, first, to fully fund either social security number cross-match audits or other more effective activities that ensure that individuals are entitled to all amounts of benefits that they are paid, second, to fund other detection and recovery of overpayment and collection activities, and third, during the 2005-07 fiscal biennium, the cost of the job skills program at community and technical colleges as appropriated by the legislature.

Sec. 22 RCW 50.04.206 and 2003 2nd sp.s. c 4 s 27 are each reenacted to read as follows: The term "employment" shall not include service that is performed by a nonresident alien for the period he or she is temporarily present in the United States as a nonimmigrant under subparagraph (F), (H)(ii), (H)(iii), or (J) of section 101(a)(15) of the federal immigration and naturalization act, as amended, and that is performed to carry out the purpose specified in the applicable subparagraph of the federal immigration and naturalization act.

NEW SECTION. Sec. 23 (1) Sections 8 through 13 and 16 of this act apply retroactively to claims that have an effective date on or after January 4, 2004.

(2) Sections 14 and 15 of this act apply retroactively to claims that have an effective date on or after January 2, 2005. (3) Sections 17 through 22 of this act apply retroactively to June 20, 2003.

PART IV - MISCELLANEOUS

NEW SECTION. Sec. 24 The employment security department shall study the following and report its findings and recommendations, if any, to the unemployment insurance advisory committee and to the house of representatives commerce and labor committee and the senate labor, commerce, research, and development committee, or their successor committees, by December 1, 2006:

(1) Employment patterns involving repeat episodes of unemployment to achieve improved employer retention rates, improved claimant placement rates, and increased employment opportunities;

(2) Employers in rate class 40, including types of industries, sizes of employers, contributions paid, and benefit charges attributable to such employers;

(3) Reasons for the unusually high rate of employer turnover among Washington employers, which leads to a high volume of charges against inactive accounts and increases socialized costs; and

(4) Fraud prevention methods such as corporate officer eligibility for unemployment insurance, and personal liability of corporate officers for failure to accurately report employee information or pay taxes owed.

NEW SECTION. Sec. 25 Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 26 Sections 4 and 5 of this act apply to rate years beginning on or after January 1, 2007.

NEW SECTION. Sec. 27 If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 28 If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6885.

Senators Kohl-Welles and Parlette spoke in favor of passage of the motion.

Senator Honeyford spoke against the motion.

MOTION

On motion of Senator Regala, Senator Rockefeller was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6885.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6885 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6885, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6885, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senators Honeyford and Morton - 2

Excused: Senators Benson, Kline and McCaslin - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 6885, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Kohl-Welles: "Thank you Mr. President. I'm sorry, I thought I was going to speak on the bill that we just passed on final passage. Maybe I was a little slow on the draw to start speaking but I cannot let this moment go by without thanking all of the people that worked so hard. This bill's passage is very, very sweet and I'm sure that just everybody in this body can not

remember a time when it felt sweet to vote on an unemployment insurance bill. In 2003, a lot of people were very upset. The labor community was very upset. Last year with the passage of 2255, a lot of people here were very upset. A lot of people in the business community were very upset but this year just about every single person here feels very good about passage of this bill. I look forward to having many, many years when we do not go through the gut-wrenching, sleep-deprived, nerve-racking, fingernail chewing, hand-wringing time of what are we going to do about yet another unemployment insurance bill and I have to give credit to our staff here in the Senate and in the other body, also to the Governor's office, the Employment Security Department, to the ranking member of the committee, to the chairs ranking member in the other body. All the members of the joint task force and unemployment insurance reform. This has been a monumental effort. The pendulum swung one way in 2003, it swung another way last year and this year it's really in the center and it's a sweet passage of this bill and I look forward to the Governor signing it into law. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator Parlette: "Thank you Mr. President. I also would like to speak to this bill after the fact. All the thank you's the good Senator from the thirty-sixth district had made and I would like to echo those. The goal of this bill, of course, is to find a balance in the system of unemployment. I would like to thank the unemployment insurance task force members, for business folks, for labor folks and for legislators and really there's ownership by many, many people in this piece of legislation that goes back even to previous years, not just this year, but other years. In the end, what we had to do the team work from the leaders from both chambers made this work. We came together to make the final decisions and put them on paper. That's not an easy thing to do but that's the job that we're here to do so I would say thank you for trusting us to do the best job we could and I thank you for your support for this legislation and thank you for everybody's work."

REMARKS BY THE PRESIDENT

President Owen: "We are going to get into Concurrences. Maybe the President should remind members, basically after you have a voice vote to adopt the other house's amendments then we usually go immediately to a vote. If you would like me to change that practice, I will be happy to do that. I'm at your service."

MOTION

At 5:51 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 6:09 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

FIFTY-FOURTH DAY, MARCH 3, 2006

2006 REGULAR SESSION

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

HOUSE BILL NO. 2424,
ENGROSSED HOUSE BILL NO. 3278,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 2424,
ENGROSSED HOUSE BILL NO. 3278,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 2424,
ENGROSSED HOUSE BILL NO. 3278,

MOTION

At 6:10 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Saturday, March 4, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, March 4, 2006

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benson, Carrell and Poulsen.

The Sergeant at Arms Color Guard consisting of Pages Chris Anderson and Don Smith, presented the Colors. Pastor Paul Riegel of Faith Community Church offered the prayer.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The Speaker has signed:
SENATE BILL NO. 5439,
ENGROSSED SENATE BILL NO. 6152,
SENATE BILL NO. 6159,
ENGROSSED SENATE BILL NO. 6169,
SUBSTITUTE SENATE BILL NO. 6185,
SENATE BILL NO. 6208,
ENGROSSED SENATE BILL NO. 6236,
SENATE BILL NO. 6338,
SUBSTITUTE SENATE BILL NO. 6359,
SUBSTITUTE SENATE BILL NO. 6406,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 6480,
ENGROSSED SENATE BILL NO. 6537,
SENATE BILL NO. 6549,
SENATE BILL NO. 6576,
SENATE BILL NO. 6596
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed the following bill(s):
ENGROSSED SENATE BILL NO. 5048,
SENATE BILL NO. 6264,
SENATE BILL NO. 6280,
SENATE BILL NO. 6412,
SENATE BILL NO. 6418,
SECOND SUBSTITUTE SENATE BILL NO. 6460,
SUBSTITUTE SENATE BILL NO. 6717
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed the following bill(s):
SUBSTITUTE HOUSE BILL NO. 3293,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SHB 3293 by House Committee on Judiciary (originally sponsored by Representatives Roach, Chase, Takko, Shabro, Rodne, Simpson, Serben, Nixon, Williams, Morrell, Sells, Haler, Campbell and Ahern)

AN ACT Relating to disorderly conduct; amending RCW 9A.84.030; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

At 10:13 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:27 a.m. by President Owen.

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Delvin moved that Gubernatorial Appointment No. 9393, Lura Powell, as chair of the Board of Trustees, The Life Sciences Discovery Fund Authority, be confirmed.

Senator Delvin spoke in favor of the motion.

MOTION

On motion of Senator Weinstein, Senator Poulsen was excused.

MOTION

On motion of Senator Mulliken, Senator McCaslin was excused.

APPOINTMENT OF LURA POWELL

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9393, Lura Powell as a chair of the Board of Trustees, The Life Sciences Discovery Fund Authority.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9393, Lura Powell as chair of the Board of Trustees, The Life Sciences Discovery Fund Authority and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senators Benson and Carrell - 2

Excused: Senator Poulsen - 1

Gubernatorial Appointment No. 9393, Lura Powell, having received the constitutional majority was declared confirmed as chair of the Board of Trustees, The Life Sciences Discovery Fund Authority.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hewitt moved that Gubernatorial Appointment No. 9213, Shirley Winsley, as a member of the Board of Tax Appeals, be confirmed.

Senator Hewitt spoke in favor of the motion.

MOTION

On motion of Senator Schoesler, Senators Benson and Carrell were excused.

APPOINTMENT OF SHIRLEY WINSLEY

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9213, Shirley Winsley as a member of the Board of Tax Appeals.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9213, Shirley Winsley as a member of the Board of Tax Appeals and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senator Rasmussen - 1

Excused: Senators Benson, Carrell and Poulsen - 3

Gubernatorial Appointment No. 9213, Shirley Winsley, having received the constitutional majority was declared confirmed as a member of the Board of Tax Appeals.

MOTION

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

MESSAGE FROM THE HOUSE

March 3, 2006

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1305,
ENGROSSED HOUSE BILL NO. 1383,
HOUSE BILL NO. 1471,
SUBSTITUTE HOUSE BILL NO. 1504,
HOUSE BILL NO. 1641,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056,
HOUSE BILL NO. 2328,
HOUSE BILL NO. 2330,
HOUSE BILL NO. 2366,
HOUSE BILL NO. 2379,
HOUSE BILL NO. 2380,
SUBSTITUTE HOUSE BILL NO. 2394,
SUBSTITUTE HOUSE BILL NO. 2414,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2479,
HOUSE BILL NO. 2520,
HOUSE BILL NO. 2562,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2651,
SUBSTITUTE HOUSE BILL NO. 2670,
HOUSE BILL NO. 2690,
SUBSTITUTE HOUSE BILL NO. 2691,
SUBSTITUTE HOUSE BILL NO. 2713,
SUBSTITUTE HOUSE BILL NO. 2723,
SUBSTITUTE HOUSE BILL NO. 2726,
SUBSTITUTE HOUSE BILL NO. 2780,
SUBSTITUTE HOUSE BILL NO. 2804,
SECOND SUBSTITUTE HOUSE BILL NO. 2805,
HOUSE BILL NO. 2857,
HOUSE BILL NO. 2874,
SUBSTITUTE HOUSE BILL NO. 2876,
SUBSTITUTE HOUSE BILL NO. 2898,
SUBSTITUTE HOUSE BILL NO. 2908,
HOUSE BILL NO. 2932,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2951,
SUBSTITUTE HOUSE BILL NO. 2987,
HOUSE BILL NO. 3001,
HOUSE BILL NO. 3056,
ENGROSSED HOUSE BILL NO. 3074,
SUBSTITUTE HOUSE BILL NO. 3085,
SUBSTITUTE HOUSE BILL NO. 3087,
SUBSTITUTE HOUSE BILL NO. 3120,
SUBSTITUTE HOUSE BILL NO. 3128,
HOUSE BILL NO. 3134,
SUBSTITUTE HOUSE BILL NO. 3137,
HOUSE BILL NO. 3154,
SUBSTITUTE HOUSE BILL NO. 3185,
ENGROSSED HOUSE BILL NO. 3192,
HOUSE BILL NO. 3252,
HOUSE JOINT MEMORIAL NO. 4023,
HOUSE JOINT MEMORIAL NO. 4031,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed.

HOUSE BILL NO. 1305,
ENGROSSED HOUSE BILL NO. 1383,
HOUSE BILL NO. 1471,
SUBSTITUTE HOUSE BILL NO. 1504,
HOUSE BILL NO. 1641,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056,
HOUSE BILL NO. 2328,
HOUSE BILL NO. 2330,
HOUSE BILL NO. 2366,
HOUSE BILL NO. 2379,
HOUSE BILL NO. 2380,
SUBSTITUTE HOUSE BILL NO. 2394,
SUBSTITUTE HOUSE BILL NO. 2414,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2479,
HOUSE BILL NO. 2520,
HOUSE BILL NO. 2562,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2651,

FIFTY-FIFTH DAY, MARCH 4, 2006

2006 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 2670,
 HOUSE BILL NO. 2690,
 SUBSTITUTE HOUSE BILL NO. 2691,
 SUBSTITUTE HOUSE BILL NO. 2713,
 SUBSTITUTE HOUSE BILL NO. 2723,
 SUBSTITUTE HOUSE BILL NO. 2726,
 SUBSTITUTE HOUSE BILL NO. 2780,
 SUBSTITUTE HOUSE BILL NO. 2804,
 SECOND SUBSTITUTE HOUSE BILL NO. 2805,
 HOUSE BILL NO. 2857,
 HOUSE BILL NO. 2874,
 SUBSTITUTE HOUSE BILL NO. 2876,
 SUBSTITUTE HOUSE BILL NO. 2898,
 SUBSTITUTE HOUSE BILL NO. 2908,
 HOUSE BILL NO. 2932,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2951,
 SUBSTITUTE HOUSE BILL NO. 2987,
 HOUSE BILL NO. 3001,
 HOUSE BILL NO. 3056,
 ENGROSSED HOUSE BILL NO. 3074,
 SUBSTITUTE HOUSE BILL NO. 3085,
 SUBSTITUTE HOUSE BILL NO. 3087,
 SUBSTITUTE HOUSE BILL NO. 3120,
 SUBSTITUTE HOUSE BILL NO. 3128,
 HOUSE BILL NO. 3134,
 SUBSTITUTE HOUSE BILL NO. 3137,
 HOUSE BILL NO. 3154,
 SUBSTITUTE HOUSE BILL NO. 3185,
 ENGROSSED HOUSE BILL NO. 3192,
 HOUSE BILL NO. 3252,
 HOUSE JOINT MEMORIAL NO. 4023,
 HOUSE JOINT MEMORIAL NO. 4031,

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6885,

MESSAGE FROM THE HOUSE

March 1, 2006

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5232, with the following amendments{s} 5232.E AMH ROAD H5411.2.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.32.460 and 2000 c 109 s 2 are each amended to read as follows:

(1) A small game hunting license is required to hunt for all classified wild animals and wild birds, except big game. A small game license also allows the holder to hunt for unclassified wildlife. ~~((The small game license includes one transport tag for turkey.))~~

(a) The fee for this license is thirty dollars for residents, one hundred fifty dollars for nonresidents, and fifteen dollars for youth.

(b) The fee for this license if purchased in conjunction with a big game combination license package is sixteen dollars for residents, eighty dollars for nonresidents, and eight dollars for youth.

(c) The fee for a three-consecutive-day small game license is fifty dollars for nonresidents.

(2) In addition to a small game license, a turkey tag is required to hunt for turkey.

(a) The fee for a primary turkey tag is fourteen dollars for residents and forty dollars for nonresidents. A primary turkey tag will, on request, be issued to the purchaser of a youth small game license at no charge.

(b) The fee for each additional turkey tag is ~~((eighteen))~~ fourteen dollars for residents, sixty dollars for nonresidents, and nine dollars for youth.

(c) All moneys received from turkey tags must be deposited in the state wildlife account. One-third of the moneys received from turkey tags must be appropriated solely for the purposes of turkey management. An additional one-third of the moneys received from turkey tags must be appropriated solely for upland game bird management. Moneys received from turkey tags may not supplant existing funds provided for these purposes."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5232.

Senators Jacobsen and Oke spoke in favor of passage of the motion.

MOTION

On motion of Senator Regala, Senators Prentice and McAuliffe were excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5232.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5232 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5232, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5232, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Oke, Parlette, Poulsen, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Voting nay: Senators Benton, Mulliken, Pflug, Roach, Schoesler and Stevens - 6

Excused: Senators Benson, McAuliffe and Prentice - 3

ENGROSSED SENATE BILL NO. 5232, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6059, with the following amendments{s} 6059 AMH SGOA AMH 5368.1.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 A new section is added to chapter 41.04 RCW to read as follows:

The department of personnel and other personnel authorities shall adopt rules governing the accumulation and use of sick leave for state agency and department employees, expressly for the establishment of a plan allowing participating employees to pool sick leave and allowing any sick leave thus pooled to be

FIFTY-FIFTH DAY, MARCH 4, 2006

2006 REGULAR SESSION

used by any participating employee who has used all of the sick leave that has been personally accrued by him or her. Each department or agency of the state may allow employees to participate in a sick leave pool established by the department of personnel.

(1) For purposes of calculating maximum sick leave that may be donated or received by any one employee, pooled sick leave:

(a) Is counted and converted in the same manner as sick leave under the Washington state leave sharing program as provided in this chapter; and

(b) Does not create a right to sick leave in addition to the amount that may be donated or received under the Washington state leave sharing program as provided in this chapter.

(2) Rules adopted by the department shall provide:

(a) That employees are eligible to participate in the sick leave pool after one year of employment with the state or agency of the state if the employee has accrued a minimum amount of unused sick leave, to be established by rule;

(b) That participation in the sick leave pool shall, at all times, be voluntary on the part of the employees;

(c) That any sick leave pooled shall be removed from the personally accumulated sick leave balance of the employee contributing the leave;

(d) That any sick leave in the pool that is used by a participating employee may be used only for the employee's personal illness, accident, or injury;

(e) That a participating employee is not eligible to use sick leave accumulated in the pool until all of his or her personally accrued sick, annual, and compensatory leave has been used;

(f) A maximum number of days of sick leave in the pool that any one employee may use; (g) That a participating employee who uses sick leave from the pool is not required to reimburse such sick leave to the pool, except as otherwise provided in this section;

(h) That an employee who cancels his or her membership in the sick leave pool is not eligible to withdraw the days of sick leave contributed by that employee to the pool;

(i) That an employee who transfers from one position in state government to another position in state government may transfer from one pool to another if the eligibility criteria of the pools are comparable and the administrators of the pools have agreed on a formula for transfer of credits;

(j) That alleged abuse of the use of the sick leave pool shall be investigated, and, on a finding of wrongdoing, the employee shall repay all of the sick leave credits drawn from the sick leave pool and shall be subject to such other disciplinary action as is determined by the agency head;

(k) That sick leave credits may be drawn from the sick leave pool by a part-time employee on a pro rata basis; and

(l) That each department or agency shall maintain accurate and reliable records showing the amount of sick leave which has been accumulated and is unused by employees, in accordance with guidelines established by the department of personnel.

NEW SECTION. Sec. 2 This act takes effect July 1, 2007." Correct the title.

and the same are herewith transmitted

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Regala, Senator Brown was excused.

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Senate Bill No. 6059.

Senator Kohl-Welles spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Senate Bill No. 6059.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6059 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6059, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6059, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Benson - 1

SENATE BILL NO. 6059, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6188, with the following amendments{s} 6188-S AMH APP H5405.1.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 A new section is added to chapter 41.05 RCW to read as follows:

(1) Each plan offered to public employees and their covered dependents under this chapter that is not subject to the provisions of Title 48 RCW and is issued or renewed after December 31, 2006, shall provide coverage for prostate cancer screening, provided that the screening is delivered upon the recommendation of the patient's physician, advanced registered nurse practitioner, or physician assistant.

(2) This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits, such as deductible or copayment provisions. This section does not limit the authority of the health care authority to negotiate rates and contract with specific providers for the delivery of prostate cancer screening services. This section shall not apply to medicare supplemental policies or supplemental contracts covering a specified disease or other limited benefits.

NEW SECTION. Sec. 2 A new section is added to chapter 48.20 RCW to read as follows:

(1) Each disability insurance policy issued or renewed after December 31, 2006, that provides coverage for hospital or medical expenses shall provide coverage for prostate cancer screening, provided that the screening is delivered upon the recommendation of the patient's physician, advanced registered nurse practitioner, or physician assistant.

(2) This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits, such as deductible or copayment provisions. This section does not limit the authority of an insurer to negotiate rates and contract with specific providers for the delivery of prostate cancer screening services. This section shall not apply to medicare supplemental policies or supplemental contracts covering a specified disease or other limited benefits.

NEW SECTION. Sec. 3 A new section is added to chapter 48.21 RCW to read as follows:

FIFTY-FIFTH DAY, MARCH 4, 2006

2006 REGULAR SESSION

(1) Each group disability insurance policy issued or renewed after December 31, 2006, that provides coverage for hospital or medical expenses shall provide coverage for prostate cancer screening, provided that the screening is delivered upon the recommendation of the patient's physician, advanced registered nurse practitioner, or physician assistant.

(2) This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits, such as deductible or copayment provisions. This section does not limit the authority of an insurer to negotiate rates and contract with specific providers for the delivery of prostate cancer screening services. This section shall not apply to medicare supplemental policies or supplemental contracts covering a specified disease or other limited benefits.

NEW SECTION. Sec. 4 A new section is added to chapter 48.44 RCW to read as follows:

(1) Each health care service contract issued or renewed after December 31, 2006, that provides coverage for hospital or medical expenses shall provide coverage for prostate cancer screening, provided that the screening is delivered upon the recommendation of the patient's physician, advanced registered nurse practitioner, or physician assistant.

(2) This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits, such as deductible or copayment provisions. This section does not limit the authority of a contractor to negotiate rates and contract with specific providers for the delivery of prostate cancer screening services. This section shall not apply to medicare supplemental policies or supplemental contracts covering a specified disease or other limited benefits.

NEW SECTION. Sec. 5 A new section is added to chapter 48.46 RCW to read as follows:

(1) Each health maintenance agreement issued or renewed after December 31, 2006, that provides coverage for hospital or medical expenses shall provide coverage for prostate cancer screening, provided that the screening is delivered upon the recommendation of the patient's physician, advanced registered nurse practitioner, or physician assistant.

(2) All services must be provided by the health maintenance organization or rendered upon a referral by the health maintenance organization.

(3) This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits, such as deductible or copayment provisions. This section does not limit the authority of a health maintenance organization to negotiate rates and contract with specific providers for the delivery of prostate cancer screening services. This section shall not apply to medicare supplemental policies or supplemental contracts covering a specified disease or other limited benefits.

NEW SECTION. Sec. 6 A new section is added to chapter 48.125 RCW to read as follows:

(1) Each self-funded multiple employer welfare arrangement established, operated, providing benefits, or maintained in this state after December 31, 2006, that provides coverage for hospital or medical expenses shall provide coverage for prostate cancer screening, provided that the screening is delivered upon the recommendation of the patient's physician, advanced registered nurse practitioner, or physician assistant.

(2) This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits, such as deductible or copayment provisions. This section does not limit the authority of a self-funded multiple employer welfare arrangement to negotiate rates and contract with specific providers for the delivery of prostate cancer screening services.

NEW SECTION. Sec. 7 A new section is added to chapter 70.47 RCW to read as follows:

(1) Any schedule of benefits established or renewed by the Washington basic health plan after December 31, 2006, shall provide coverage for prostate cancer screening, provided that the screening is delivered upon the recommendation of the patient's physician, advanced registered nurse practitioner, or physician assistant.

(2) This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits, such as deductible or copayment provisions. This section does not limit the authority of the health care authority to negotiate rates and contract with specific providers for the delivery of prostate cancer screening services.

NEW SECTION. Sec. 8 A new section is added to chapter 74.09 RCW to read as follows:

The department shall provide coverage for prostate cancer screening under this chapter, provided that the screening is delivered upon the recommendation of the patient's physician, advanced registered nurse practitioner, or physician assistant."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Johnson moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6188.

Senator Keiser spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Johnson that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6188.

The motion by Senator Johnson carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6188 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6188, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6188, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudau, Weinstein and Zarelli - 47

Absent: Senator Prentice - 1

Excused: Senator Benson - 1

SUBSTITUTE SENATE BILL NO. 6188, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6234, with the following amendments{s} 6234-S AMH APP H5422.1.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The purpose of this act is to confront the problem of insurance fraud in this state by making a concerted effort to detect insurance fraud, reduce the occurrence of fraud through criminal enforcement and deterrence, require restitution of fraudulently obtained insurance benefits and expenses incurred by an insurer in investigating fraudulent claims, and reduce the amount of premium dollars

FIFTY-FIFTH DAY, MARCH 4, 2006

2006 REGULAR SESSION

used to pay fraudulent claims. The primary focus of the insurance fraud program is on organized fraudulent activities committed against insurance companies.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Insurance fraud" means an act or omission committed by a person who, knowingly, and with intent to defraud, commits, or conceals any material information concerning, one or more of the following:

(a) Presenting, causing to be presented, or preparing with knowledge or belief that it will be presented to or by an insurer, broker, or its agent, false information as part of, in support of, or concerning a fact material to one or more of the following:

(i) An application for the issuance or renewal of an insurance policy;

(ii) The rating of an insurance policy or contract;

(iii) A claim for payment or benefit pursuant to an insurance policy;

(iv) Premiums paid on an insurance policy;

(v) Payments made in accordance with the terms of an insurance policy; or

(vi) The reinstatement of an insurance policy;

(b) Willful embezzlement, abstracting, purloining, or conversion of moneys, funds, premiums, credits, or other property of an insurer or person engaged in the business of insurance; or

(c) Attempting to commit, aiding or abetting in the commission of, or conspiracy to commit the acts or omissions specified in this subsection.

The definition of insurance fraud is for illustrative purposes only under this chapter to describe the nature of the behavior to be reported and investigated, and is not intended in any manner to create or modify the definition of any existing criminal acts nor to create or modify the burdens of proof in any criminal prosecution brought as a result of an investigation under this chapter.

(2) "Insurer" means an insurance company authorized under chapter 48.05 RCW, a health care service contractor registered under chapter 48.44 RCW, and a health care maintenance organization registered under chapter 48.46 RCW.

NEW SECTION. Sec. 3. (1) There is established an insurance fraud program within the office of the insurance commissioner. The commissioner may employ supervisory, legal, and investigative personnel for the program, who must be qualified by training and experience in the areas of detection, investigation, or prosecution of fraud in which the insurance industry is a victim. The chief of the fraud program is a full-time position that is appointed by the commissioner. The chief serves at the pleasure of the commissioner. The commissioner shall provide office space, equipment, supplies, investigators, clerical staff, and other staff that are necessary for the program to carry out its duties and responsibilities under this chapter.

(2) The commissioner may fund one or more state patrol officers to work with the insurance fraud program and the funding for the officers must be paid out of the budget of the insurance fraud program.

(3) The commissioner may fund one or more assistant attorney generals and support staff to work with the insurance fraud program and the funding for the assistant attorney generals and support staff must be paid out of the budget of the insurance fraud program.

(4) The commissioner may make grants to or reimburse local prosecuting attorneys to assist in the prosecution of insurance fraud. The grants must be paid out of the budget of the insurance fraud program. The commissioner may investigate and seek prosecution of crimes involving insurance fraud upon the request of or with the concurrence of the county prosecuting attorney of the jurisdiction in which the offense has occurred. Before such a prosecution, the commissioner and the county in which the offense occurred shall reach an agreement regarding the payment of all costs, including expert witness fees, and defense attorneys' fees associated with any such prosecution.

(5) Staff levels for this program, until June 30, 2010, shall not exceed 8.0 full-time equivalents.

NEW SECTION. Sec. 4. The annual cost of operating the fraud program is funded from the insurance commissioner's regulatory account under RCW 48.02.190 subject to appropriation by the legislature.

NEW SECTION. Sec. 5. (1) The commissioner may:

(a) Employ and train personnel to achieve the purposes of this chapter and to employ legal counsel, investigators, auditors, and clerical support personnel and other personnel as the commissioner determines necessary from time to time to accomplish the purposes of this chapter;

(b) Initiate inquiries and conduct investigations when the commissioner has cause to believe that insurance fraud has been, is being, or is about to be committed;

(c) Conduct independent examinations of alleged insurance fraud;

(d) Review notices, reports, or complaints of suspected insurance fraud activities from federal, state, and local law enforcement and regulatory agencies, persons engaged in the business of insurance, and any other person to determine whether the reports require further investigation;

(e) Share records and evidence with federal, state, or local law enforcement or regulatory agencies, and enter into interagency agreements;

(f) Conduct investigations outside this state. If the information the commissioner seeks to obtain is located outside this state, the person from whom the information is sought may make the information available to the commissioner to examine at the place where the information is located. The commissioner may designate representatives, including officials of the state in which the matter is located, to inspect the information on behalf of the commissioner, and the commissioner may respond to similar requests from officials of other states;

(g) Administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records that the commissioner deems relevant or material to an inquiry concerning insurance fraud;

(h) Report incidents of alleged insurance fraud disclosed by its investigations to the appropriate prosecutorial authority, including but not limited to the attorney general and to any other appropriate law enforcement, administrative, regulatory, or licensing agency;

(i) Assemble evidence, prepare charges, and work closely with any prosecutorial authority having jurisdiction to pursue prosecution of insurance fraud; and

(j) Undertake independent studies to determine the extent of fraudulent insurance acts.

(2) The fraud program investigators who have obtained certification as a peace officer under RCW 43.101.095 have the powers and status of a limited authority Washington peace officer.

NEW SECTION. Sec. 6. (1) Any insurer or licensee of the commissioner that has reasonable belief that an act of insurance fraud which is or may be a crime under Washington law has been, is being, or is about to be committed shall furnish and disclose the knowledge and information to the commissioner or the national insurance crime bureau, the national association of insurance commissioners, or similar organization, who shall disclose the information to the commissioner, and cooperate fully with any investigation conducted by the commissioner.

(2) Any person that has a reasonable belief that an act of insurance fraud which is or may be a crime under Washington law has been, is being, or is about to be committed; or any person who collects, reviews, or analyzes information concerning insurance fraud which is or may be a crime under Washington law may furnish and disclose any information in its possession concerning such an act to the commissioner or to an authorized representative of an insurer that requests the information for the purpose of detecting, prosecuting, or preventing insurance fraud.

FIFTY-FIFTH DAY, MARCH 4, 2006

2006 REGULAR SESSION

NEW SECTION. Sec. 7. (1) Documents, materials, or other information as described in subsection (3), (4), or both of this section are exempt from public inspection and copying under chapters 42.17 and 42.56 RCW. The commissioner is authorized to use such documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties.

(2) The commissioner:

(a) May share documents, materials, or other information, including the documents, materials, or information subject to subsection (1) of this section, with (i) the national association of insurance commissioners and its affiliates and subsidiaries, (ii) regulatory and law enforcement officials of other states and nations, the federal government, and international authorities, (iii) the national insurance crime bureau, and (iv) an insurer with respect to whom the suspected fraudulent claim may be perpetrated;

(b) May receive documents, materials, or information from (i) the national association of insurance commissioners and its affiliates and subsidiaries, (ii) regulatory and law enforcement officials of other states and nations, the federal government, and international authorities, (iii) the national insurance crime bureau, and (iv) an insurer with respect to whom the suspected fraudulent claim may be perpetrated and any such documents, materials, or information as described in subsection (3), (4), or both of this section are exempt from public inspection and copying; and

(c) May enter into agreements governing the sharing and use of information consistent with this subsection.

(3) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, the fraud program of the office of the insurance commissioner, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy, are exempt under subsection (1) of this section.

(4) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, and penology agencies, or the fraud program of the office of the insurance commissioner, if disclosure would endanger any person's life, physical safety, or property, is exempt under subsection (1) of this section. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern.

(5) No waiver of an existing privilege or claim of confidentiality in the documents, materials, or information may occur as a result of disclosure to the commissioner under this section or as a result of sharing documents, materials, or information as authorized in subsection (2) of this section.

(6) Documents, materials, or other information that is in the possession of persons other than the commissioner that would otherwise not be confidential by law or privileged do not become confidential by law or privileged by providing the documents, materials, or other information to the commissioner.

NEW SECTION. Sec. 8. In a criminal prosecution for any crime under Washington law in which the insurance company is a victim, the insurance company is entitled to be considered as a victim in any restitution ordered by the court under RCW 9.94A.753, as part of the criminal penalty imposed against the defendant convicted for such a violation.

NEW SECTION. Sec. 9. This chapter does not:

(1) Preempt the authority or relieve the duty of any other general authority law enforcement agencies to investigate, examine, and prosecute suspected violations of law;

(2) Prevent or prohibit a person from voluntarily disclosing any information concerning insurance fraud to any law enforcement agency other than the commissioner; or

(3) Limit any of the powers granted elsewhere in this title to the commissioner to investigate and examine possible violations of the law and to take appropriate action.

NEW SECTION. Sec. 10. No later than six months after the effective date of this section, or when the insurer has used all its existing paper application and claim forms which were in

its possession on the effective date of this section, whichever is later, all applications for insurance, and all claim forms regardless of the form of transmission provided and required by an insurer or required by law as condition of payment of a claim, must contain a statement, permanently affixed to the application or claim form, that clearly states in substance the following:

"It is a crime to knowingly provide false, incomplete, or misleading information to an insurance company for the purpose of defrauding the company. Penalties include imprisonment, fines, and denial of insurance benefits."

The lack of a statement required in this section does not constitute a defense in any criminal prosecution nor any civil action.

NEW SECTION. Sec. 11. The commissioner shall appoint an insurance fraud advisory board. The board shall consist of ten members. Five members shall be representatives from the insurance industry doing business in this state, at least one of which shall be from a Washington domestic insurer, two members shall represent consumers, one member shall represent the national insurance crime bureau or successor organization, one member shall represent prosecutors, and one member shall represent other law enforcement agencies. The members of the board serve four-year terms and until their successors are appointed and qualified. Three of the original members must be appointed to serve an initial term of four years, three must be appointed to serve an initial term of three years, two must be appointed to serve an initial term of two years, and two must be appointed to serve an initial term of one year. The members of the board receive no compensation. The board shall advise the commissioner and the legislature with respect to the effectiveness, resources allocated to the fraud program, the source of the funding for the program, and before June 30, 2010, if the staffing level restriction in section 3(5) of this act should be renewed.

NEW SECTION. Sec. 12. The commissioner shall prepare a periodic report of the activities of the fraud program. The report shall, at a minimum, include information as to the number of cases reported to the commissioner, the number of cases referred for prosecution, the number of convictions obtained, the amount of money recovered, and any recommendations of the insurance advisory board.

NEW SECTION. Sec. 13. The commissioner may adopt rules to implement and administer this chapter.

Sec. 14. RCW 48.50.070 and 2000 c 254 s 5 are each amended to read as follows:

Any licensed insurance agent, any licensed insurance broker, or any insurer or person acting in the insurer's behalf, health maintenance organization or person acting in behalf of the health maintenance organization, health care service contractor or person acting in behalf of the health care service contractor, or any authorized agency which releases information, whether oral or written, to the commissioner, the national insurance crime bureau, the national association of insurance commissioners, other law enforcement agent or agency, or another insurer under RCW 48.50.030, 48.50.040, 48.50.050, ~~((or))~~ 48.50.055, or section 6 of this act is immune from liability in any civil or criminal action, suit, or prosecution arising from the release of the information, unless actual malice on the part of the agent, broker, insurer, health care maintenance organization, health care service contractor, or authorized agency against the insured is shown.

Sec. 15. RCW 48.50.075 and 1995 c 285 s 24 are each amended to read as follows:

In denying a claim, an insurer, health maintenance organization, or health care service contractor who relies upon a written opinion from an authorized agency specifically enumerated in RCW 48.50.020(1) (a) through (g) that criminal activity that is related to that claim is being investigated, or a crime has been charged, and that the claimant is a target of the investigation or has been charged with a crime, is not liable for bad faith or other noncontractual theory of damages as a result of this reliance.

Immunity under this section shall exist only so long as the incident for which the claimant may be responsible is under

FIFTY-FIFTH DAY, MARCH 4, 2006

2006 REGULAR SESSION

active investigation or prosecution, or the authorized agency states its position that the claim includes or is a result of criminal activity in which the claimant was a participant.

Sec. 16. RCW 10.93.020 and 2002 c 128 s 1 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "General authority Washington law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, as distinguished from a limited authority Washington law enforcement agency, and any other unit of government expressly designated by statute as a general authority Washington law enforcement agency. The Washington state patrol and the department of fish and wildlife are general authority Washington law enforcement agencies.

(2) "Limited authority Washington law enforcement agency" means any agency, political subdivision, or unit of local government of this state, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor control board, the office of the insurance commissioner, and the state department of corrections.

(3) "General authority Washington peace officer" means any full-time, fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington generally.

(4) "Limited authority Washington peace officer" means any full-time, fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible. A limited authority Washington peace officer may be a specially commissioned Washington peace officer if otherwise qualified for such status under this chapter.

(5) "Specially commissioned Washington peace officer", for the purposes of this chapter, means any officer, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state of Washington, who does not qualify under this chapter as a general authority Washington peace officer for that commissioning agency, specifically including reserve peace officers, and specially commissioned full-time, fully compensated peace officers duly commissioned by the states of Oregon or Idaho or any such peace officer commissioned by a unit of local government of Oregon or Idaho. A reserve peace officer is an individual who is an officer of a Washington law enforcement agency who does not serve such agency on a full-time basis but who, when called by the agency into active service, is fully commissioned on the same basis as full-time peace officers to enforce the criminal laws of the state.

(6) "Federal peace officer" means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

(7) "Agency with primary territorial jurisdiction" means a city or town police agency which has responsibility for police activity within its boundaries; or a county police or sheriff's department which has responsibility with regard to police activity in the unincorporated areas within the county boundaries; or a statutorily authorized port district police agency or four-year state college or university police agency which has

responsibility for police activity within the statutorily authorized enforcement boundaries of the port district, state college, or university.

(8) "Primary commissioning agency" means (a) the employing agency in the case of a general authority Washington peace officer, a limited authority Washington peace officer, an Indian tribal peace officer, or a federal peace officer, and (b) the commissioning agency in the case of a specially commissioned Washington peace officer (i) who is performing functions within the course and scope of the special commission and (ii) who is not also a general authority Washington peace officer, a limited authority Washington peace officer, an Indian tribal peace officer, or a federal peace officer.

(9) "Primary function of an agency" means that function to which greater than fifty percent of the agency's resources are allocated.

(10) "Mutual law enforcement assistance" includes, but is not limited to, one or more law enforcement agencies aiding or assisting one or more other such agencies through loans or exchanges of personnel or of material resources, for law enforcement purposes.

Sec. 17. RCW 42.56.400 and 2005 c 274 s 420 are each amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of all viators regulated by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(7) Examination reports and information obtained by the department of financial institutions from banks under RCW 30.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(8) Information provided to the insurance commissioner under RCW 48.110.040(3);

(9) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged; ~~(and)~~

(10) Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070; and

(11) Documents, materials, or information obtained by the insurance commissioner under section 7 of this act.

NEW SECTION. Sec. 18. A new section is added to chapter 42.17 RCW to read as follows:

Documents, materials, or information obtained by the insurance commissioner under section 7 of this act are exempt from disclosure under this chapter.

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

FIFTY-FIFTH DAY, MARCH 4, 2006

2006 REGULAR SESSION

NEW SECTION. Sec. 20. Sections 1 through 13 and 19 of this act constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 21. This act takes effect July 1, 2006."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Fairley moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6234.

Senator Fairley spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Fairley that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6234.

The motion by Senator Fairley carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6234 by voice vote.

Senator Benton spoke against passage of the bill.

MOTION

On motion of Senator Weinstein, Senators Doumit and Prentice were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6234, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6234, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Shin, Spanel, Thibaudeau and Weinstein - 29

Voting nay: Senators Benton, Carrell, Delvin, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 18

Excused: Senators Benson and Prentice - 2

SUBSTITUTE SENATE BILL NO. 6234, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 28, 2006

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6248, with the following amendments{s} 6248 AMH H5464.1.

On page 2, line 6, strike "seven" and insert "fourteen" and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Senate concur in the House amendment(s) to Senate Bill No. 6248.

Senator Haugen spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate concur in the House amendment(s) to Senate Bill No. 6248.

The motion by Senator Haugen carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6248 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6248, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6248, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Brown - 1

Excused: Senators Benson and Prentice - 2

SENATE BILL NO. 6248, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Schoesler, Senators Hewitt and McCaslin were excused.

MOTION

On motion of Senator Weinstein, Senators Brown and Doumit were excused.

MESSAGE FROM THE HOUSE

February 28, 2006

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6373, with the following amendments{s} 6373 AMH HC H5356.1.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.20.290 and 2004 c 142 s 13 are each amended to read as follows:

(1) When a boarding home contracts with the department to provide adult residential care services, enhanced adult residential care services, or assisted living services under chapter 74.39A RCW, the boarding home must hold a medicaid eligible resident's room or unit when short-term care is needed in a nursing home or hospital, the resident is likely to return to the boarding home, and payment is made under subsection (2) of this section.

(2) The medicaid resident's bed or unit shall be held for up to twenty days. The per day bed or unit hold compensation amount shall be seventy percent of the daily rate paid for the first seven days the bed or unit is held for the resident who needs short-term nursing home care or hospitalization. The rate for the eighth through the twentieth day a bed is held shall be established in rule, but shall be no lower than ten dollars per day the bed or unit is held.

FIFTY-FIFTH DAY, MARCH 4, 2006

2006 REGULAR SESSION

(3) The boarding home may seek third-party payment to hold a bed or unit for twenty-one days or longer. The third-party payment shall not exceed the medicaid daily rate paid to the facility for the resident. If third-party payment is not available, the medicaid resident may return to the first available and appropriate bed or unit, if the resident continues to meet the admission criteria under this chapter.

~~((4) The department shall monitor the use and impact of the policy established under this section and shall report its findings to the appropriate committees of the senate and house of representatives by December 31, 2005.~~

~~(5) This section expires June 30, 2006.))"~~

On page 1, line 2 of the title, after "unit;" strike the remainder of the title and insert "and amending RCW 18.20.290."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Senate Bill No. 6373.

Senator Keiser spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Senate Bill No. 6373.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6373 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6373, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6373, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Benson, Brown, Hewitt, McCaslin and Prentice - 5

SENATE BILL NO. 6373, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6377, with the following amendment(s) 6377-S AMH EDAT AMH5374.1.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that chapter 15.36 RCW includes the regulation of raw milk and raw milk products including arrangements known as "cow shares" in which one or more individuals purchase one or more shares in a

milk-producing animal in return for a portion of the milk that is produced. The legislature also finds that the agencies charged with protecting public health and safety need to have strong enforcement mechanisms and be able to respond rapidly, comprehensively, and effectively. It is not the intent of this act to prohibit either the sale of raw milk or cow share or similar arrangements by producers and processors who are properly licensed under chapter 15.36 RCW.

Sec. 2. RCW 15.36.012 and 1999 c 291 s 1 are each amended to read as follows:

For the purpose of this chapter:

"Adulterated milk" means milk that is deemed adulterated under appendix L of the PMO.

"Colostrum milk" means milk produced within ten days before or until practically colostrum free after parturition.

"DMO" means supplement I, the recommended sanitation ordinance for grade A condensed and dry milk products and condensed and dry whey, to the PMO published by the United States public health service, food and drug administration.

"Dairy farm" means a place or premises where one or more cows, goats, or other mammals are kept, a part or all of the milk or milk products from which is sold or offered for sale (~~to a milk processing plant, transfer station, or receiving station~~).

"Dairy technician" means any person who takes samples of milk or cream or fluid derivatives thereof, on which sample tests are to be made as a basis of payment, or who grades, weighs, or measures milk or cream or the fluid derivatives thereof, the grade, weight, or measure to be used as a basis of payment, or who operates equipment wherein milk or products thereof are pasteurized.

"Degrade" means the lowering in grade from grade A to grade C.

"Department" means the state department of agriculture.

"Director" means the director of agriculture of the state of Washington or the director's duly authorized representative.

"Grade A milk processing plant" means any milk processing plant that meets all of the standards of the PMO to process grade A pasteurized milk or milk products.

"Grade A pasteurized milk" means grade A raw milk that has been pasteurized.

"Grade A raw milk" means raw milk produced upon dairy farms conforming with all of the items of sanitation contained in the PMO, in which the bacterial plate count does not exceed twenty thousand per milliliter and the coliform count does not exceed ten per milliliter as determined in accordance with RCW 15.36.201.

"Grade A raw milk for pasteurization" means raw milk produced upon dairy farms conforming with all of the same items of sanitation contained in the PMO of grade A raw milk, and the bacterial plate count, as delivered from the farm, does not exceed eighty thousand per milliliter as determined in accordance with RCW 15.36.201.

"Grade C milk" is milk that violates any of the requirements for grade A milk but that is not deemed to be adulterated.

"Milk" means the lacteal secretion, practically free of colostrum, obtained by the complete milking of one or more healthy cows, goats, or other mammals.

"Milk hauler" means a person who transports milk or milk products in bulk to or from a milk processing plant, receiving station, or transfer station.

"Milk processing" means the handling, preparing, packaging, or processing of milk in any manner in preparation for sale as food, as defined in chapter 69.04 RCW. Milk processing does not include milking or producing milk on a dairy farm that is shipped to a milk processing plant for further processing.

"Milk processing plant" means a place, premises, or establishment where milk or milk products are collected, handled, processed, stored, bottled, pasteurized, aseptically processed, bottled, or prepared for distribution, except an establishment that merely receives the processed milk products

FIFTY-FIFTH DAY, MARCH 4, 2006

and serves them or sells them at retail.

"Milk products" means the product of a milk manufacturing process.

"Misbranded milk" means milk or milk products that carries a grade label unless such grade label has been awarded by the director and not revoked, or that fails to conform in any other respect with the statements on the label.

"Official laboratory" means a biological, chemical, or physical laboratory that is under the direct supervision of the state or a local regulatory agency.

"Officially designated laboratory" means a commercial laboratory authorized to do official work by the department, or a milk industry laboratory officially designated by the department for the examination of grade A raw milk for pasteurization and commingled milk tank truck samples of raw milk for antibiotic residues and bacterial limits.

"PMO" means the grade "A" pasteurized milk ordinance published by the United States public health service, food and drug administration.

"Pasteurized" means the process of heating every particle of milk or milk product in properly designed and operated equipment to the temperature and time standards specified in the PMO.

"Person" means an individual, partnership, firm, corporation, company, trustee, or association.

"Producer" means a person or organization who operates a dairy farm and provides, sells, or offers milk for sale ~~((to a milk processing plant, receiving station, or transfer station)).~~

"Receiving station" means a place, premises, or establishment where raw milk is received, collected, handled, stored, or cooled and prepared for further transporting.

"Sale" means selling, offering for sale, holding for sale, preparing for sale, distributing, dispensing, delivering, supplying, trading, bartering, offering a gift as an inducement for sale of, and advertising for sale in any media.

"Transfer station" means any place, premises, or establishment where milk or milk products are transferred directly from one milk tank truck to another.

"Wash station" means a place, facility, or establishment where milk tanker trucks are cleaned in accordance with the standards of the PMO.

Sec. 3. RCW 15.36.111 and 1999 c 291 s 6 are each amended to read as follows:

(1) The director shall inspect all dairy farms and all milk processing plants prior to issuance of a license under this chapter and at a frequency determined by the director by rule: PROVIDED, That the director may accept the results of periodic industry inspections of producer dairies if such inspections have been officially checked periodically and found satisfactory. In case the director discovers the violation of any item of grade requirement, he or she shall make a second inspection after a lapse of such time as he or she deems necessary for the defect to be remedied, but not before the lapse of three days, and the second inspection shall be used in determining compliance with the grade requirements of this chapter. Whenever there is any violation of the same requirement of this chapter on the second inspection, the director may initiate proceedings to degrade, suspend the license, or assess a civil penalty.

(2) One copy of the inspection report detailing the grade requirement violations shall be posted by the director in a conspicuous place upon an inside wall of the milk tank room or a mutually agreed upon location on a dairy farm or given to an operator of the milk processing plant, and said inspection report shall not be defaced or removed by any person except the director. Another copy of the inspection report shall be filed with the records of the director.

(3) Every milk producer and milk processing plant shall permit the director access to all parts of the establishment during the working hours of the producer or milk processing plant, which shall at a minimum include the hours from 8 a.m. to 5

p.m., and every milk processing plant shall furnish the director, upon his or her request, for official use only, samples of any milk product for laboratory analysis, and a true statement of the actual quantities of milk and milk products of each grade purchased and sold~~((together with a list of all sources, records of inspections and tests, and recording thermometer charts)).~~

(4) The director shall have access to all parts of a dairy farm or facility that is not licensed as a milk producer or milk processing plant if the director has information that the dairy farm or facility is engaged in activities that require a license under this chapter. The director shall have access during the working hours of the dairy farm or facility, which shall at a minimum include the hours from 8 a.m. to 5 p.m. The director shall have the authority to take samples of milk or any milk products and water and environmental samples for laboratory analysis. For all establishments subject to this subsection and subsection (3) of this section, the director shall have access to records including, but not limited to, customer lists, milk production records, temperature records, and records of inspections and tests.

(5) If the director is denied access to a dairy farm or milk processing plant, the director may apply to a court of competent jurisdiction for a search warrant authorizing access to the property and facilities for purposes of conducting tests and inspections, taking samples, and examining records. To show that access is denied, the director shall file with the court an affidavit or declaration containing a description of his or her attempts to notify and locate the owner or the owner's agent and to secure consent. Upon application, the court may issue a search warrant for the purposes requested.

Sec. 4. RCW 15.36.511 and 1999 c 291 s 24 are each amended to read as follows:

(1) It is unlawful for any person to:

~~((1))~~ (a) Interfere with or obstruct any person in the performance of official duties under this chapter;

~~((2))~~ (b) Employ a tester, sampler, weigher, grader, or pasteurizer who is not licensed as a dairy technician;

~~((3))~~ (c) Alter or tamper with a seal placed by the director;

~~((or~~
~~—(4))~~ (d) Alter or tamper with a sample of milk or milk products taken or sealed by the director; or

(e) Operate as a milk producer or milk processing plant without obtaining a license from the director.

(2) Except as provided under RCW ~~((15.35.134))~~ 15.36.131, it is unlawful for a milk processing plant to accept milk from a person not licensed as a producer or milk processor.

NEW SECTION. Sec. 5. A new section is added to chapter 15.36 RCW to read as follows:

The director may issue a cease and desist order to any person whom the director has reason to believe is engaged in an activity for which a license is required by this chapter. The person to whom such notice is issued may request an adjudicative proceeding to contest the order.

NEW SECTION. Sec. 6. A new section is added to chapter 15.36 RCW to read as follows:

(1) When the director has probable cause to believe that milk or milk products are being sold, distributed, stored, or transported in violation of this chapter or rules adopted under this chapter, the director may issue and serve upon the owner or custodian of the milk or milk products a written notice of embargo and order prohibiting the sale of the milk or milk products. If the owner or custodian is not available for service, the director may attach the notice of embargo and order prohibiting sale to the container holding the milk or milk products. The milk or milk products shall not be sold, used, or removed until this chapter has been complied with and the milk or milk products have been released from embargo under conditions specified by the director in writing.

(2) The department may issue a destruction and disposal order covering any embargoed milk or milk products. The destruction and disposal shall occur at the cost of the owner or

FIFTY-FIFTH DAY, MARCH 4, 2006

2006 REGULAR SESSION

custodian.

(3) The person to whom the notice of embargo and order prohibiting sale was issued or the person to whom a destruction or disposal order was issued may request an adjudicative proceeding to contest the order.

(4) A state court shall not allow the recovery of damages from an administrative action under this section if the court finds there was probable cause for the action.

NEW SECTION. Sec. 7. A new section is added to chapter 15.36 RCW to read as follows:

(1) It is unlawful for any person to sell raw milk from a dairy farm that is not licensed as a milk producer or a milk processing plant under this chapter.

(2) The sale of raw milk from a dairy farm that is not licensed as a milk producer and a milk processing plant under this chapter constitutes:

(a) For the first offense, a misdemeanor; and

(b) For the second and subsequent offenses, a gross misdemeanor punishable according to chapter 9A.20 RCW.

(3) Neither the issuance of a cease and desist order nor payment of a civil penalty relieves the person so selling raw milk from criminal prosecution, but the remedy of a cease and desist order or civil penalty is in addition to any criminal liability.

NEW SECTION. Sec. 8. (1) The legislature finds that small-scale dairies have varying degrees of familiarity with statutory and regulatory requirements and the range of acceptable methods they can use to meet those requirements. The legislature therefore directs the department of agriculture to convene a work group to identify and help resolve obstacles faced by small-scale dairies in their efforts to become licensed as milk producers and milk processing plants.

(2) The director of the department of agriculture shall include in the work group representatives of small-scale and conventional dairies, public health officials, the cooperative extension, industry associations, consumers, and other stakeholders as the director deems appropriate. Representatives from the department's food safety and small farms direct marketing programs shall staff the work group.

(3) The work group shall:

(a) Identify barriers to small-scale dairies in achieving licensing;

(b) Examine potential solutions to those barriers that are site-appropriate and economically feasible;

(c) Identify sources of technical assistance and information on best management practices; and

(d) Recommend other actions that will assist small-scale dairies to become licensed.

(4) By December 1, 2006, the department of agriculture and representatives of the work group shall report on their work and recommendations to appropriate standing committees of the legislature."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rasmussen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6377.

Senator Rasmussen spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6377.

The motion by Senator Rasmussen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6377 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6377, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6377, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Absent: Senator Deccio - 1

Excused: Senators Benson, Brown, Hewitt, McCaslin and Prentice - 5

SUBSTITUTE SENATE BILL NO. 6377, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6555, with the following amendment(s) 6555-S AMH APP H5454.1.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.110 RCW to read as follows:

(1) The municipal research council shall contract for the provision of research and services to special purpose districts. A contract shall be made with a state agency, educational institution, or private consulting firm, that in the judgment of council members is qualified to provide such research and services.

(2) Research and services to special purpose districts shall consist of: (a) Studying and researching issues relating to special purpose district government; (b) acquiring, preparing, and distributing publications related to special purpose districts; and (c) furnishing legal, technical, consultative, and field services to special purpose districts concerning issues relating to special purpose district government.

(3) The activities, programs, and services of the municipal research council to special purpose districts shall be carried on in cooperation with the associations representing the various special purpose districts. Services to special purpose districts shall be based upon the moneys appropriated to the municipal research council from the special purpose district research services account under section 2 of this act.

NEW SECTION. Sec. 2. A new section is added to chapter 43.110 RCW to read as follows:

A special account is created in the state treasury to be known as the special purpose district research services account. The account shall consist of all money transferred or appropriated to the account by the legislature. Moneys in the account may be spent only after appropriation. The account is subject to the allotment process under chapter 43.88 RCW.

Moneys in the special purpose district research services account may be expended only to finance the costs of special purpose district research and services.

Sec. 3. RCW 66.08.190 and 2003 1st sp.s. c 25 s 927 are each amended to read as follows:

(1) Except for revenues generated by the 2003 surcharge of \$0.42/liter on retail sales of spirits that shall be distributed to the

FIFTY-FIFTH DAY, MARCH 4, 2006

state general fund during the 2003-2005 biennium, when excess funds are distributed, all moneys subject to distribution shall be disbursed as follows:

(a) Three-tenths of one percent to border areas under RCW 66.08.195; and

(b) From the amount remaining after distribution under (a) of this subsection, (i) fifty percent to the general fund of the state, (ii) ten percent to the counties of the state, and (iii) forty percent to the incorporated cities and towns of the state.

(2) During the months of June, September, December, and March of each year, prior to disbursing the distribution to incorporated cities and towns under subsection (1)(b) of this section, the treasurer shall deduct from that distribution an amount that will fund that quarter's allotments under RCW 43.88.110 from any legislative appropriation from the city and town research services account. The treasurer shall deposit the amount deducted into the city and town research services account.

(3) During the months of June, September, December, and March of each year, prior to disbursing the distribution to the general fund of the state under subsection (1)(b) of this section, the treasurer shall deduct from that distribution an amount that will fund that quarter's allotments under RCW 43.88.110 from any legislative appropriation from the special purpose district research services account. The treasurer shall deposit the amount deducted into the special purpose district research services account.

(4) The governor may notify and direct the state treasurer to withhold the revenues to which the counties and cities are entitled under this section if the counties or cities are found to be in noncompliance pursuant to RCW 36.70A.340.

NEW SECTION. Sec. 4. By June 30, 2010, the municipal research council shall prepare a report on services provided to special purpose districts under section 1 of this act, and shall provide this report to the joint legislative audit and review committee."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Fraser moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6555.

Senator Fraser spoke in favor of the motion.

MOTION

On motion of Senator Honeyford, Senator Deccio was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Fraser that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6555.

The motion by Senator Fraser carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6555 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6555, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6555, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles,

2006 REGULAR SESSION

McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Benson, Hewitt, McCaslin and Prentice - 4

SUBSTITUTE SENATE BILL NO. 6555, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6568, with the following amendments{s} 6568 AMH JUDI ADAM 076.

On page 1, line 12, after "Knowingly" strike "or with the intent to."

On page 1, line 13, after "spectator" insert "of"

On page 1, line 14, after "furtherance of" insert ";" and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Senate Bill No. 6568.

Senators Kline and Johnson spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Senate Bill No. 6568.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6568 by voice vote.

MOTION

On motion of Senator Regala, Senator Doumit was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6568, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6568, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Benson, Doumit, Hewitt, McCaslin and Prentice - 5

SENATE BILL NO. 6568, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

FIFTY-FIFTH DAY, MARCH 4, 2006

2006 REGULAR SESSION

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

MOTION

Senator Jacobsen moved adoption of the following resolution:

SENATE RESOLUTION
8731

By Senator Jacobsen

WHEREAS, Seattle resident Kevin Li has devoted countless hours to the improvement of Washington's wildlife, including aiding the recovery of local populations of Purple Martin Swallows; and

WHEREAS, The bird species, *Progne subis arboricola*, commonly known as the Western Purple Martin, is an important example of the avian wildlife native to Washington State; and

WHEREAS, The Purple Martin is the largest of the eight North American species of the Swallow family characterized by its gurgling song and males having dark purple feathers; and

WHEREAS, The Purple Martin in Washington usually lives near water and naturally nests in tree cavities made by primary excavators, including woodpeckers, during the summer before migrating to South America for the winter; and

WHEREAS, As few as five Purple Martins are known to have nested in natural cavities in Washington in the most recent summer season, most of them in the area near Fort Lewis; and

WHEREAS, The vast majority of Purple Martins live in artificial nest boxes provided by dedicated area residents who commit their time and energy to nurturing these beautiful birds; and

WHEREAS, Kevin Li took responsibility for building dozens of habitats for Purple Martins in the Seattle Area and monitoring the birds' activities and behavior, making a remarkable impact on the shorelines and beaches of Puget Sound; and

WHEREAS, Populations of Purple Martins in this state continue to recover since all but disappearing from the region beginning approximately in 1940; and

WHEREAS, The current statewide estimate of Purple Martins is 700 nesting pairs, 500 residing in the Puget Trough and 200 residing along the lower Columbia River, a remarkable beginning to the recovery of a species whose Washington population once numbered in the thousands; and

WHEREAS, Tragically on January 28, 2006, Kevin Li lost his life while scuba diving at the Keystone ferry landing, despite the courageous rescue effort made by the captain and crew of the Klickitat Ferry; and

WHEREAS, The impact of Kevin Li's work with Purple Martins will be appreciated for generations to come by anyone who notices the hundreds of Martins that will continue to flock to Washington as long as there are dedicated individuals continuing with this important work; and

WHEREAS, A comprehensive survey of Purple Martins in Washington State has never been conducted, though supporters of these birds have persistently requested that such a survey be done;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the Western Purple Martin, the vital work of Kevin Li, and the continued efforts of committed citizens to restore these birds to their former prominence in the ecosystem of Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the family of Kevin Li and to Stan Kostka of the Western Purple Martin Working Group.

Senator Jacobsen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8731.

The motion by Senator Jacobsen carried and the resolution was adopted by voice vote.

MOTION

At 12:33 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:27 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

March 4, 2006

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6885, and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5385, with the following amendments{s} 5385-S.E AMH NREP H5335.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1 The legislature finds that:

(1) The land, water, and other resources of Washington are being severely impacted by the invasion of an increasing number of harmful invasive plant and animal species.

(2) These impacts are resulting in damage to Washington's environment and causing economic hardships.

(3) The multitude of public and private organizations with an interest in controlling and preventing the spread of harmful invasive species in Washington need a mechanism for cooperation, communication, collaboration, and developing a statewide plan of action to meet these threats.

NEW SECTION. Sec. 2 (1) There is created the Washington invasive species council to exist until December 31, 2011. Staff support to the council shall be provided by the committee and from the agencies represented on the council. For administrative purposes, the council shall be located within the committee.

(2) The purpose of the council is to provide policy level direction, planning, and coordination for combating harmful invasive species throughout the state and preventing the introduction of others that may be potentially harmful.

(3) The council is a joint effort between local, tribal, state, and federal governments, as well as the private sector and nongovernmental interests. The purpose of the council is to foster cooperation, communication, and coordinated approaches that support local, state, and regional initiatives for the prevention and control of invasive species.

(4) For the purposes of this chapter, "invasive species" include nonnative organisms that cause economic or environmental harm and are capable of spreading to new areas of the state. "Invasive species" does not include domestic livestock, intentionally planted agronomic crops, or nonharmful exotic organisms.

NEW SECTION. Sec. 3 (1) Membership in the council includes a representative from the following entities:

FIFTY-FIFTH DAY, MARCH 4, 2006

2006 REGULAR SESSION

(a) The department of agriculture, represented by the director or the director's designee; (b) The department of fish and wildlife, represented by the director or the director's designee;

(c) The department of ecology, represented by the director or the director's designee;

(d) The department of natural resources, represented by the commissioner or the commissioner's designee;

(e) The department of transportation, represented by the secretary or the secretary's designee;

(f) The Washington state noxious weed control board, appointed by the board;

(g) A county located east of the crest of the Cascade mountains, appointed by the other members of the council; and

(h) A county located west of the crest of the Cascade mountains, appointed by the other members of the council.

(2) The councilmembers may add members to the council as the councilmembers deem appropriate to accomplish its goals.

(3) The council must invite one representative each from the United States department of agriculture, the United States fish and wildlife service, the United States environmental protection agency, and the United States coast guard to participate on the council in a nonvoting, ex officio capacity.

(4) A representative of the office of the governor must convene the first meeting of the council and serve as chair until the council selects a chair. At the first meeting of the council, the council shall address issues including, but not limited to, voting methods, meeting schedules, and the need for and use of advisory and technical committees.

NEW SECTION. Sec. 4 The council's goals are to:

(1) Minimize the effects of harmful invasive species on Washington's citizens and ensure the economic and environmental well-being of the state;

(2) Serve as a forum for identifying and understanding invasive species issues from all perspectives;

(3) Serve as a forum to facilitate the communication, cooperation, and coordination of local, tribal, state, federal, private, and nongovernmental entities for the prevention, control, and management of nonnative invasive species;

(4) Serve as an avenue for public outreach and for raising public awareness of invasive species issues;

(5) Develop and implement a statewide invasive species strategic plan as described in this chapter;

(6) Review the current funding mechanisms and levels for state agencies to manage noxious weeds on the lands under their authority;

(7) Make recommendations for legislation necessary to carry out the purposes of this chapter;

(8) Establish criteria for the prioritization of invasive species response actions and projects; and

(9) Utilizing the process described in subsection (8) of this section, select at least one project per year from the strategic plan for coordinated action by the Washington invasive species councilmember entities.

NEW SECTION. Sec. 5 (1) The council shall develop and periodically update a statewide strategic plan for addressing invasive species. The strategic plan should incorporate the reports and activities of the aquatic nuisance species committee, the state noxious weed control board, and other appropriate reports and activities. In addition, the council must coordinate with the biodiversity council created in Executive Order 04-02 to ensure that a statewide strategy for the control of invasive species is integrated into the thirty-year strategy for biodiversity conservation that the biodiversity council must submit to the legislature in 2007.

(2) The strategic plan must, at a minimum, address:

(a) Statewide coordination and intergovernmental cooperation;

(b) Prevention of new biological invasions through deliberate or unintentional introduction;

(c) Inventory and monitoring of invasive species;

(d) Early detection of and rapid response to new invasions;

(e) Control, management, and eradication of established populations of invasive species;

(f) Projects that can be implemented during the period covered by the strategic plan for the control, management, and eradication of new or established populations of invasive species;

(g) Revegetation, reclamation, or restoration of native species following control or eradication of invasive species;

(h) Tools that can be made available to assist state agencies that are responsible for managing public land to control invasive noxious weeds and recommendations as to how the agencies should be held responsible for the failure to control invasive noxious weeds;

(i) Research and public education;

(j) Funding and resources available for invasive species prevention, control, and management; and

(k) Recommendations for legislation necessary to carry out the purposes of this chapter.

(3) The strategic plan must be updated at least once every three years following its initial development. The strategic plan must be submitted to the governor and appropriate committees of the legislature by September 15th of each applicable year. The council shall complete the initial strategic plan within two years of the effective date of this section.

(4) Each state department and agency named to the council shall, consistent with state law, make best efforts to implement elements of the completed plan that are applicable to the department or agency.

NEW SECTION. Sec. 6 (1) The council shall submit an annual report of its activities to the governor and the relevant policy committees of the senate and house of representatives by December 15th of each year. The annual report must include an evaluation of progress made in the preceding year to implement or carry out the strategic plan and an identification of projects from the strategic plan that will be a focus for the following year.

(2) Prior to the start of the 2011 legislative session, the council must prepare a report to the appropriate committees of the legislature that makes recommendations as to the extension or modification of the council.

NEW SECTION. Sec. 7 The council may establish advisory and technical committees that it considers necessary to aid and advise the council in the performance of its functions. The committees may be continuing or temporary committees. The council shall determine the representation, membership, terms, and organization of the committees and appoint their members.

NEW SECTION. Sec. 8 The invasive species council account is created in the custody of the state treasurer. All receipts from appropriations, gifts, grants, and donations must be deposited into the account. Expenditures from the account may be used only to carry out the purposes of the council. The account is subject to allotment procedures under chapter 43.88 RCW and the approval of the director of the committee is required for expenditures. All expenditures must be directed by the council.

Sec. 9 RCW 79A.25.010 and 1989 c 237 s 2 are each amended to read as follows:

Definitions: As used in this chapter:

(1) "Marine recreation land" means any land with or without improvements which (a) provides access to, or in whole or in part borders on, fresh or salt water suitable for recreational use by watercraft, or (b) may be used to create, add to, or make more usable, bodies of water, waterways, or land, for recreational use by watercraft.

(2) "Public body" means any county, city, town, port district, park and recreation district, metropolitan park district, or other municipal corporation which is authorized to acquire or improve public outdoor recreation land, and shall also mean Indian tribes now or hereafter recognized as such by the federal

FIFTY-FIFTH DAY, MARCH 4, 2006

2006 REGULAR SESSION

government for participation in the land and water conservation program.

(3) "Tax on marine fuel" means motor vehicle fuel tax which is (a) tax on fuel used in, or sold or distributed for use in, any watercraft, (b) refundable pursuant to chapter 82.36 RCW, and (c) paid to the director of licensing with respect to taxable sales, distributions, or uses occurring on or after December 3, 1964.

(4) "Watercraft" means any boat, vessel, or other craft used for navigation on or through water.

(5) "Committee" means the interagency committee for outdoor recreation.

(6) "Director" means the director of the interagency committee for outdoor recreation.

(7) "Council" means the Washington invasive species council created in section 2 of this act.

NEW SECTION. Sec. 10 Section 8 of this act expires December 31, 2011.

NEW SECTION. Sec. 11 Sections 1 through 8 of this act are each added to chapter 79A.25 RCW." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5385. Senators Jacobsen and Oke spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5385.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5385 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5385, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5385, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 5; Absent, 3; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Pflug, Pridmore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 37

Voting nay: Senators Honeyford, Morton, Mulliken, Schoesler and Stevens - 5

Absent: Senators Finkbeiner, Haugen and Poulsen - 3

Excused: Senators Benson, Hewitt, McCaslin and Prentice - 4

ENGROSSED SUBSTITUTE SENATE BILL NO. 5385, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mulliken, Senator Hewitt was excused.

MOTION

On motion of Senator Regala, Senators Doumit, Poulsen and Haugen were excused.

MESSAGE FROM THE HOUSE

February 28, 2006

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6106, with the following amendments{s} 6106-S.E AMH HC H5385.1.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The purpose of this act is to aid law enforcement in combating crime through the rapid identification of all persons who require medical treatment as a result of a criminal act and to assist in the rapid identification of human remains.

Sec. 2. RCW 70.02.010 and 2005 c 468 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Audit" means an assessment, evaluation, determination, or investigation of a health care provider by a person not employed by or affiliated with the provider to determine compliance with:

(a) Statutory, regulatory, fiscal, medical, or scientific standards;

(b) A private or public program of payments to a health care provider; or

(c) Requirements for licensing, accreditation, or certification.

(2) "Directory information" means information disclosing the presence, and for the purpose of identification, the name, location within a health care facility, and the general health condition of a particular patient who is a patient in a health care facility or who is currently receiving emergency health care in a health care facility.

(3) "Federal, state, or local law enforcement authorities" means an officer of any agency or authority in the United States, a state, a tribe, a territory, or a political subdivision of a state, a tribe, or a territory who is empowered by law to: (a) Investigate or conduct an official inquiry into a potential criminal violation of law; or (b) prosecute or otherwise conduct a criminal proceeding arising from an alleged violation of law.

(4) "General health condition" means the patient's health status described in terms of "critical," "poor," "fair," "good," "excellent," or terms denoting similar conditions.

~~((4))~~ (5) "Health care" means any care, service, or procedure provided by a health care provider:

(a) To diagnose, treat, or maintain a patient's physical or mental condition; or

(b) That affects the structure or any function of the human body.

~~((5))~~ (6) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where a health care provider provides health care to patients.

~~((6))~~ (7) "Health care information" means any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care, including a patient's deoxyribonucleic acid and identified sequence of chemical base pairs. The term includes any required accounting of disclosures of health care information.

~~((7))~~ (8) "Health care operations" means any of the following activities of a health care provider, health care facility, or third-party payor to the extent that the activities are

FIFTY-FIFTH DAY, MARCH 4, 2006

related to functions that make an entity a health care provider, a health care facility, or a third-party payor:

(a) Conducting: Quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, if the obtaining of generalizable knowledge is not the primary purpose of any studies resulting from such activities; population-based activities relating to improving health or reducing health care costs, protocol development, case management and care coordination, contacting of health care providers and patients with information about treatment alternatives; and related functions that do not include treatment;

(b) Reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider performance and third-party payor performance, conducting training programs in which students, trainees, or practitioners in areas of health care learn under supervision to practice or improve their skills as health care providers, training of nonhealth care professionals, accreditation, certification, licensing, or credentialing activities;

(c) Underwriting, premium rating, and other activities relating to the creation, renewal, or replacement of a contract of health insurance or health benefits, and ceding, securing, or placing a contract for reinsurance of risk relating to claims for health care, including stop-loss insurance and excess of loss insurance, if any applicable legal requirements are met;

(d) Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs;

(e) Business planning and development, such as conducting cost-management and planning-related analyses related to managing and operating the health care facility or third-party payor, including formulary development and administration, development, or improvement of methods of payment or coverage policies; and

(f) Business management and general administrative activities of the health care facility, health care provider, or third-party payor including, but not limited to:

(i) Management activities relating to implementation of and compliance with the requirements of this chapter;

(ii) Customer service, including the provision of data analyses for policy holders, plan sponsors, or other customers, provided that health care information is not disclosed to such policy holder, plan sponsor, or customer;

(iii) Resolution of internal grievances;

(iv) The sale, transfer, merger, or consolidation of all or part of a health care provider, health care facility, or third-party payor with another health care provider, health care facility, or third-party payor or an entity that following such activity will become a health care provider, health care facility, or third-party payor, and due diligence related to such activity; and

(v) Consistent with applicable legal requirements, creating deidentified health care information or a limited dataset and fund-raising for the benefit of the health care provider, health care facility, or third-party payor.

~~((8))~~ (9) "Health care provider" means a person who is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession.

~~((9))~~ (10) "Institutional review board" means any board, committee, or other group formally designated by an institution, or authorized under federal or state law, to review, approve the initiation of, or conduct periodic review of research programs to assure the protection of the rights and welfare of human research subjects.

~~((10))~~ (11) "Maintain," as related to health care information, means to hold, possess, preserve, retain, store, or control that information.

~~((11))~~ (12) "Patient" means an individual who receives or has received health care. The term includes a deceased individual who has received health care.

~~((12))~~ (13) "Payment" means:

(a) The activities undertaken by:

(i) A third-party payor to obtain premiums or to determine or fulfill its responsibility for coverage and provision of benefits by the third-party payor; or

(ii) A health care provider, health care facility, or third-party payor, to obtain or provide reimbursement for the provision of health care; and

(b) The activities in (a) of this subsection that relate to the patient to whom health care is provided and that include, but are not limited to:

(i) Determinations of eligibility or coverage, including coordination of benefits or the determination of cost-sharing amounts, and adjudication or subrogation of health benefit claims;

(ii) Risk adjusting amounts due based on enrollee health status and demographic characteristics;

(iii) Billing, claims management, collection activities, obtaining payment under a contract for reinsurance, including stop-loss insurance and excess of loss insurance, and related health care data processing;

(iv) Review of health care services with respect to medical necessity, coverage under a health plan, appropriateness of care, or justification of charges;

(v) Utilization review activities, including precertification and preauthorization of services, and concurrent and retrospective review of services; and

(vi) Disclosure to consumer reporting agencies of any of the following health care information relating to collection of premiums or reimbursement:

(A) Name and address;

(B) Date of birth;

(C) Social security number;

(D) Payment history;

(E) Account number; and

(F) Name and address of the health care provider, health care facility, and/or third-party payor.

~~((13))~~ (14) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

~~((14))~~ (15) "Reasonable fee" means the charges for duplicating or searching the record, but shall not exceed sixty-five cents per page for the first thirty pages and fifty cents per page for all other pages. In addition, a clerical fee for searching and handling may be charged not to exceed fifteen dollars. These amounts shall be adjusted biennially in accordance with changes in the consumer price index, all consumers, for Seattle-Tacoma metropolitan statistical area as determined by the secretary of health. However, where editing of records by a health care provider is required by statute and is done by the provider personally, the fee may be the usual and customary charge for a basic office visit.

~~((15))~~ (16) "Third-party payor" means an insurer regulated under Title 48 RCW authorized to transact business in this state or other jurisdiction, including a health care service contractor, and health maintenance organization; or an employee welfare benefit plan; or a state or federal health benefit program.

~~((16))~~ (17) "Treatment" means the provision, coordination, or management of health care and related services by one or more health care providers or health care facilities, including the coordination or management of health care by a health care provider or health care facility with a third party; consultation between health care providers or health care facilities relating to a patient; or the referral of a patient for health care from one health care provider or health care facility to another.

Sec. 3. RCW 70.02.050 and 2005 c 468 s 4 are each amended to read as follows:

(1) A health care provider or health care facility may disclose health care information about a patient without the patient's authorization to the extent a recipient needs to know the information, if the disclosure is:

FIFTY-FIFTH DAY, MARCH 4, 2006

2006 REGULAR SESSION

(a) To a person who the provider or facility reasonably believes is providing health care to the patient;

(b) To any other person who requires health care information for health care education, or to provide planning, quality assurance, peer review, or administrative, legal, financial, actuarial services to, or other health care operations for or on behalf of the health care provider or health care facility; or for assisting the health care provider or health care facility in the delivery of health care and the health care provider or health care facility reasonably believes that the person:

(i) Will not use or disclose the health care information for any other purpose; and

(ii) Will take appropriate steps to protect the health care information;

(c) To any other health care provider or health care facility reasonably believed to have previously provided health care to the patient, to the extent necessary to provide health care to the patient, unless the patient has instructed the health care provider or health care facility in writing not to make the disclosure;

(d) To any person if the health care provider or health care facility reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the patient or any other individual, however there is no obligation under this chapter on the part of the provider or facility to so disclose;

(e) To immediate family members of the patient, or any other individual with whom the patient is known to have a close personal relationship, if made in accordance with good medical or other professional practice, unless the patient has instructed the health care provider or health care facility in writing not to make the disclosure;

(f) To a health care provider or health care facility who is the successor in interest to the health care provider or health care facility maintaining the health care information;

(g) For use in a research project that an institutional review board has determined:

(i) Is of sufficient importance to outweigh the intrusion into the privacy of the patient that would result from the disclosure;

(ii) Is impracticable without the use or disclosure of the health care information in individually identifiable form;

(iii) Contains reasonable safeguards to protect the information from redisclosure;

(iv) Contains reasonable safeguards to protect against identifying, directly or indirectly, any patient in any report of the research project; and

(v) Contains procedures to remove or destroy at the earliest opportunity, consistent with the purposes of the project, information that would enable the patient to be identified, unless an institutional review board authorizes retention of identifying information for purposes of another research project;

(h) To a person who obtains information for purposes of an audit, if that person agrees in writing to:

(i) Remove or destroy, at the earliest opportunity consistent with the purpose of the audit, information that would enable the patient to be identified; and

(ii) Not to disclose the information further, except to accomplish the audit or report unlawful or improper conduct involving fraud in payment for health care by a health care provider or patient, or other unlawful conduct by the health care provider;

(i) To an official of a penal or other custodial institution in which the patient is detained;

(j) To provide directory information, unless the patient has instructed the health care provider or health care facility not to make the disclosure;

(k) To fire, police, sheriff, or another public authority, that brought, or caused to be brought, the patient to the health care facility or health care provider if the disclosure is limited to the patient's name, residence, sex, age, occupation, condition, diagnosis, estimated or actual discharge date, or extent and

location of injuries as determined by a physician, and whether the patient was conscious when admitted;

(l) To federal, state, or local law enforcement authorities and the health care provider, health care facility, or third-party payor believes in good faith that the health care information disclosed constitutes evidence of criminal conduct that occurred on the premises of the health care provider, health care facility, or third-party payor;

(m) To another health care provider, health care facility, or third-party payor for the health care operations of the health care provider, health care facility, or third-party payor that receives the information, if each entity has or had a relationship with the patient who is the subject of the health care information being requested, the health care information pertains to such relationship, and the disclosure is for the purposes described in RCW 70.02.010((7)) (8) (a) and (b); or

(n) For payment.

(2) A health care provider shall disclose health care information about a patient without the patient's authorization if the disclosure is:

(a) To federal, state, or local public health authorities, to the extent the health care provider is required by law to report health care information; when needed to determine compliance with state or federal licensure, certification or registration rules or laws; or when needed to protect the public health;

(b) To federal, state, or local law enforcement authorities to the extent the health care provider is required by law;

(c) To federal, state, or local law enforcement authorities, upon receipt of a written or oral request made to a nursing supervisor, administrator, or designated privacy official, in a case in which the patient is being treated or has been treated for a bullet wound, gunshot wound, powder burn, or other injury arising from or caused by the discharge of a firearm, or an injury caused by a knife, an ice pick, or any other sharp or pointed instrument which federal, state, or local law enforcement authorities reasonably believe to have been intentionally inflicted upon a person, or a blunt force injury that federal, state, or local law enforcement authorities reasonably believe resulted from a criminal act, the following information, if known:

(i) The name of the patient;

(ii) The patient's residence;

(iii) The patient's sex;

(iv) The patient's age;

(v) The patient's condition;

(vi) The patient's diagnosis, or extent and location of injuries as determined by a health care provider;

(vii) Whether the patient was conscious when admitted;

(viii) The name of the health care provider making the determination in (c)(v), (vi), and (vii) of this subsection;

(ix) Whether the patient has been transferred to another facility; and

(x) The patient's discharge time and date;

(d) To county coroners and medical examiners for the investigations of deaths;

~~((f))~~ (e) Pursuant to compulsory process in accordance with RCW 70.02.060.

(3) All state or local agencies obtaining patient health care information pursuant to this section shall adopt rules establishing their record acquisition, retention, and security policies that are consistent with this chapter.

Sec. 4. RCW 68.50.320 and 2001 c 223 s 1 are each amended to read as follows:

When a person reported missing has not been found within thirty days of the report, the sheriff, chief of police, county coroner or county medical examiner, or other law enforcement authority initiating and conducting the investigation for the missing person shall ask the missing person's family or next of kin to give written consent to contact the dentist or dentists of the missing person and request the person's dental records.

The missing person's dentist or dentists shall provide diagnostic quality copies of the missing person's dental records or original

FIFTY-FIFTH DAY, MARCH 4, 2006

2006 REGULAR SESSION

dental records to the sheriff, chief of police, county coroner or county medical examiner, or other law enforcement authority, when presented with the written consent from the missing person's family or next of kin or with a statement from the sheriff, chief of police, county coroner or county medical examiner, or other law enforcement authority that the missing person's family or next of kin could not be located in the exercise of due diligence or that the missing person's family or next of kin refuse to consent to the release of the missing person's dental records and there is reason to believe that the missing person's family or next of kin may have been involved in the missing person's disappearance.

When a person reported missing has not been found within thirty days, the sheriff, chief of police, or other law enforcement authority initiating and conducting the investigation for the missing person shall confer with the county coroner or medical examiner prior to the preparation of a missing person's report. After conferring with the coroner or medical examiner, the sheriff, chief of police, or other law enforcement authority shall submit a missing person's report and the dental records received under this section to the dental identification system of the state patrol identification, child abuse, vulnerable adult abuse, and criminal history section on forms supplied by the state patrol for such purpose.

When a person reported missing has been found, the sheriff, chief of police, coroner or medical examiner, or other law enforcement authority shall report such information to the state patrol.

The dental identification system shall maintain a file of information regarding persons reported to it as missing. The file shall contain the information referred to in this section and such other information as the state patrol finds relevant to assist in the location of a missing person.

The files of the dental identification system shall, upon request, be made available to law enforcement agencies attempting to locate missing persons.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Brandland moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6106.

Senators Brandland and Keiser spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Brandland that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6106.

The motion by Senator Brandland carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6106 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6106, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6106, as amended by the House, and the bill passed the Senate by the following vote:

Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudreau, Weinstein and Zarelli - 43

Absent: Senator Brown - 1

Excused: Senators Benson, Doumit, Hewitt, McCaslin and Prentice - 5

ENGROSSED SUBSTITUTE SENATE BILL NO. 6106, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Schoesler, Senator Finkbeiner was excused.

PERSONAL PRIVILEGE

Senator Swecker: "Thank you Mr. President. Just before the lunch break there was a hand out distributed to folks' desk. At the top there is a hand written note that says 'Engrossed Second Substitute House Bill No. 1488.' This bill didn't pass out in time. It's probably dead for this year but for about the past week I've been spending a lot of time on the computer doing research on the science on this issue and just in layman's terms to kind of summarize the controversy. Until recently the deca PDBE or in fact it's actually, deca BDE was considered a fairly stable and harmless chemical and it was one that's been used to prevent fire in electronic components like computers, television sets and things like that. There was a bill introduced this year to ban some of the more toxic forms penta, octa and some of the others but the controversy was whether deca should be banned. In my research that I did on the computer, I found numerous articles that show that deca breaks down into the other components which are more toxic and that was significant in and of itself. Also in my exploration I did this discover the article that I distributed to you which now is showing that deca itself is toxic. It's not the components that it breaks down into. The thing that to me that was startling to me is the experiments that were run. Of course they ran them on mice not on human beings, but they showed if this chemical was introduced in the third day after birth, it had toxic effects on the development of the brain. Those toxic effects got worse in those animals over time so the older the animals got, the worse those problems became and so while I realize were not as a body going to address this issue this year. I think that next year I hope we do take a look at it. I think that actually we're going to see new scientific research that will emerge during this next year and I think with this kind of indication I think the research and the data is now starting to support the claim that this substance ought to be banned too. So, I thank you for your attention and time, appreciate it."

PERSONAL PRIVILEGE

Senator Carrell: "I would caution people in the Senate when looking at this information to be aware that in out in the world we're measuring parts per trillion, not parts for thousand here and the numbers stated here is looking at high concentrations of this stuff. A thousand times more than you would find out in nature. Yes, all of these things can be concentrated by living things, but take this with a grain of salt.

FIFTY-FIFTH DAY, MARCH 4, 2006

2006 REGULAR SESSION

The fact that we can measure down to parts per trillion does not make it dangerous.”

REMARKS BY THE PRESIDENT

President Owen: “Senator Carrell, let me just remind members, a point of personal privilege is not to discuss or debate issues but to talk about things that are of personal to you and we’re stretching a little beyond that. So, I’m going to try to bring it back in as we’re running toward the end of session here.”

MOTION

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

SECOND READING

SENATE BILL NO. 6793, by Senators Hargrove, Brown, Brandland, McAuliffe, Thibaudeau, Rockefeller and Rasmussen

Specifying roles and responsibilities with respect to the treatment of persons with mental disorders.

MOTIONS

On motion of Senator Hargrove, Second Substitute Senate Bill No. 6793 was substituted for Senate Bill No. 6793 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Second Substitute Senate Bill No. 6793 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6793.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6793 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Benson, Finkbeiner, Hewitt and McCaslin - 4

SECOND SUBSTITUTE SENATE BILL NO. 6793, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

MOTION

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

PERSONAL PRIVILEGE

Senator Oke: “I just have an announcement to make. From the events of yesterday and what took place, officially I will not be running this year. Somebody else will come in and I hope take my job and do as well as I’ve tried to do. Old soldiers just fade away. General McArthur said that in Congress and that was my intent, just to fade away but he didn’t last very long so, when I was down with the Governor one day I said ‘I’d be willing to serve on the Fish & Wildlife Commission’ and I still have things there that I want to accomplish. God bless each one of you. Thank you for being so good to me and I’m going to go home and get healthy. I’ve never thought about not being healthy. I’m going to home and get healthy and I pray each one of you will have good health and good futures. Thank you.”

REMARKS BY THE PRESIDENT

President Owen: “Senator Oke, you and I have served together for a long time, both as Natural Resources chairs and ranking members and I would just hope that the next person that serves in this august chamber will serve with the same grace and dignity that you have. You will be missed.”

PERSONAL PRIVILEGE

Senator Eide: “Well, I have to say, Bob, that you have a special place in my heart. You are near and dear to me and it has been an absolute wonderful honor serving with you sir.”

PERSONAL PRIVILEGE

Senator Deccio: “Well Bob, you came to the Senate when I was on four year hiatus as a county commissioner. When I first saw the name I thought of Jack Okie, but your name should be pronounced Oke because you are as strong as an oak and we’re going to miss you.”

PERSONAL PRIVILEGE

Senator Franklin: “Senator Oke, you certainly will be missed. Your, how you carry yourself, how you really relate to people and not only that, your beautiful wife who is there and always smiles. You may not know it but I did serve on the Committee when Mr. President chaired. It was a wonderful committee. I hated to leave but there was conflicts. I know you will do well. You will continue to be in our prayers and I will see you and I’ll think about a pheasant each time. Good serving with you.”

MOTION

On motion of Senator Eide, Second Substitute Senate Bill No. 6793 was immediately transmitted to the House of Representatives.

MESSAGE FROM THE HOUSE

February 28, 2006

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6391, with the following amendments{s} 6391-S.E AMH HC H5358.1.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.20.020 and 2004 c 142 s 1 are each amended to read as follows:

As used in this chapter:

FIFTY-FIFTH DAY, MARCH 4, 2006

2006 REGULAR SESSION

(1) "Boarding home" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing housing, basic services, and assuming general responsibility for the safety and well-being of the residents, and may also provide domiciliary care, consistent with chapter 142, Laws of 2004, to seven or more residents after July 1, 2000. However, a boarding home that is licensed for three to six residents prior to or on July 1, 2000, may maintain its boarding home license as long as it is continually licensed as a boarding home. "Boarding home" shall not include facilities certified as group training homes pursuant to RCW 71A.22.040, nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the department of housing and urban development.

(2) "Basic services" means housekeeping services, meals, nutritious snacks, laundry, and activities.

(3) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(4) "Secretary" means the secretary of social and health services.

(5) "Department" means the state department of social and health services.

(6) "Resident's representative" means a person designated voluntarily by a competent resident, in writing, to act in the resident's behalf concerning the care and services provided by the boarding home and to receive information from the boarding home, if there is no legal representative. The resident's competence shall be determined using the criteria in RCW 11.88.010(1)(e). The resident's representative may not be affiliated with the licensee, boarding home, or management company, unless the affiliated person is a family member of the resident. The resident's representative shall not have authority to act on behalf of the resident once the resident is no longer competent.

(7) "Domiciliary care" means: Assistance with activities of daily living provided by the boarding home either directly or indirectly; or health support services, if provided directly or indirectly by the boarding home; or intermittent nursing services, if provided directly or indirectly by the boarding home.

(8) "General responsibility for the safety and well-being of the resident" means the provision of the following: Prescribed general low sodium diets; prescribed general diabetic diets; prescribed mechanical soft foods; emergency assistance; monitoring of the resident; arranging health care appointments with outside health care providers and reminding residents of such appointments as necessary; coordinating health care services with outside health care providers consistent with RCW 18.20.380; assisting the resident to obtain and maintain glasses, hearing aids, dentures, canes, crutches, walkers, wheelchairs, and assistive communication devices; observation of the resident for changes in overall functioning; blood pressure checks as scheduled; responding appropriately when there are observable or reported changes in the resident's physical, mental, or emotional functioning; or medication assistance as permitted under RCW 69.41.085 and as defined in RCW 69.41.010.

(9) "Legal representative" means a person or persons identified in RCW 7.70.065 who may act on behalf of the resident pursuant to the scope of their legal authority. The legal representative shall not be affiliated with the licensee, boarding home, or management company, unless the affiliated person is a family member of the resident.

(10) "Nonresident individual" means a person who resides in independent senior housing, independent living units in

continuing care retirement communities, or in other similar living environments or in a boarding home and may receive one or more of the services listed in RCW 18.20.030(5)(~~but~~). A nonresident individual may not receive domiciliary care, as defined in this chapter, directly or indirectly by the ((facility)) boarding home and may not receive the items and services listed in subsection (8) of this section, except during the time the person is receiving adult day services as defined in this section.

(11) "Resident" means an individual who is not related by blood or marriage to the operator of the boarding home, and by reason of age or disability, chooses to reside in the boarding home and receives basic services and one or more of the services listed under general responsibility for the safety and well-being of the resident and may receive domiciliary care or respite care provided directly or indirectly by the boarding home and shall be permitted to receive hospice care through an outside service provider when arranged by the resident or the resident's legal representative under RCW 18.20.380.

(12) "Resident applicant" means an individual who is seeking admission to a licensed boarding home and who has completed and signed an application for admission, or such application for admission has been completed and signed in their behalf by their legal representative if any, and if not, then the designated representative if any.

(13) "Adult day services" means care and services provided to a nonresident individual by the boarding home on the boarding home premises, for a period of time not to exceed ten continuous hours, and does not involve an overnight stay.

NEW SECTION. Sec. 2. A new section is added to chapter 18.135 RCW to read as follows:

This chapter does not prohibit or restrict the performance of blood-drawing procedures by health care assistants in the residences of research study participants when such procedures have been authorized by the institutional review board of a comprehensive cancer center or nonprofit degree-granting institution of higher education and are conducted under the general supervision of a physician.

Sec. 3. RCW 18.135.040 and 1984 c 281 s 3 are each amended to read as follows:

A certification issued to a health care assistant pursuant to this chapter shall be authority to perform only the functions authorized in RCW 18.135.010 subject to proper delegation and supervision in the health care facility making the certification or under the supervision of the certifying health care practitioner in other health care facilities or in his or her office or in the residences of research study participants in accordance with section 2 of this act. No certification made by one health care facility or health care practitioner is transferrable to another health care facility or health care practitioner.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "settings;" strike the remainder of the title and insert "amending RCW 18.20.020 and 18.135.040; and adding a new section to chapter 18.135 RCW." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6391.

Senator Keiser spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Doumit was excused.

FIFTY-FIFTH DAY, MARCH 4, 2006

2006 REGULAR SESSION

MOTION

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6391.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6391 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6391, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6391, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Benson, Doumit, Hewitt and McCaslin - 4

ENGROSSED SUBSTITUTE SENATE BILL NO. 6391, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Schoesler, Senator Finkbeiner was excused.

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6308, with the following amendments{s} 6308-S AMH CJC AMH5380.1.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 The legislature recognizes that "good time" should be productive time, especially for those incarcerated in Washington's criminal justice facilities. The legislature finds that it is important to the safety of the public and to rehabilitation of offenders that changes be considered to other programs offered in prisons and in the community. The legislature further finds that reforms to sentencing and supervision of offenders returning to the community may enhance public safety, lower recidivism, and reduce crime and victimization. Therefore, the legislature intends to create a joint legislative task force on offenders programs, sentencing, and supervision to provide findings and recommendations for the 2007 legislative session.

NEW SECTION. Sec. 2 (1) A joint legislative task force on offenders programs, sentencing, and supervision is established, with members as provided in this subsection.

(a) The president of the senate shall appoint two members from each of the two largest caucuses of the senate, with at least

one member being a member of the senate human services and corrections committee;

(b) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives, with at least one member being a member of the house criminal justice and corrections committee;

(c) The governor shall appoint the following members:

(i) The attorney general, or the attorney general's designee;

(ii) The secretary of corrections, or the secretary's designee;

(iii) The executive director of the sentencing guidelines commission, or the director's designee;

(d) In addition, the joint legislative task force, where feasible, may consult with individuals representing the following:

(i) Superior court judges;

(ii) Mental health treatment providers who provide alcohol and substance abuse counseling;

(iii) Mental health treatment providers who provide medical assistance services to offenders;

(iv) Counties;

(v) Cities;

(vi) Crime victims;

(vii) Prosecuting attorneys;

(viii) Criminal defense lawyers;

(ix) Faculty members who educate incarcerated offenders;

(x) Faculty members who educate released offenders;

(xi) Community corrections officers;

(xii) Labor organizations representing correctional officers who work in adult correctional facilities;

(xiii) Multifamily housing;

(xiv) City local law enforcement;

(xv) County law enforcement;

(xvi) Ex-offenders;

(xvii) A faith-based organization that provides outreach or services to offenders;

(xviii) Washington businesses; and

(xix) Nonprofit organizations providing work force training to released offenders.

(2) The joint legislative task force shall be cochaired by a legislative member from the senate and a legislative member from the house of representatives, as chosen by the task force.

(3) The joint legislative task force shall review and make recommendations regarding:

(a) The type of offender that would benefit most in terms of personal achievement, responsibility, and community safety, by having the opportunity to receive enhanced training and education while in prison;

(b) The types of training and educational programs that would provide the greatest return on investment with regard to offender achievement, responsibility, and community;

(c) Changes to the sentencing law and policies related to "good time" or early release, that would encourage incarcerated offenders to participate in training and programs that will increase the likelihood that they will be able to support themselves when they leave prison and reduce recidivism;

(d) A method for evaluating the return on the investment and determining from frontline department of corrections staff and community partners, whether the changes are improving personal responsibility on the part of the offender and reducing crime in the community; and

(e) Changes to community supervision that would provide greater safety to the public and incentives for prisons in adhering to treatment, educational goals, and reducing recidivism.

(4) The joint legislative task force shall present a report of its findings and recommendations to the governor and the appropriate committees of the legislature, including any proposed legislation, by November 15, 2006.

(5) The joint legislative task force may, where feasible, consult with individuals from the public and private sector in carrying out its duties under this section.

FIFTY-FIFTH DAY, MARCH 4, 2006

2006 REGULAR SESSION

February 28, 2006

(6)(a) The joint legislative task force shall use legislative facilities, and staff support shall be provided by senate committee services, the house of representatives office of program research, and the Washington state institute for public policy. The department of corrections and the sentencing guidelines commission shall cooperate with the joint legislative task force, and shall provide information as the task force reasonably requests.

(b) Nonlegislative members of the joint legislative task force shall serve without compensation, but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(c) Legislative members of the joint legislative task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

(d) The expenses of the joint legislative task force shall be paid jointly by the senate and the house of representatives.

(7) This section expires December 1, 2006."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Carrell moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6308.

Senator Carrell spoke in favor of the motion.

MOTION

On motion of Senator Jacobsen, Senator Haugen was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Carrell that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6308.

The motion by Senator Carrell carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6308 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6308, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6308, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Absent: Senator Brown - 1

Excused: Senators Benson, Doumit, Finkbeiner, Haugen, Hewitt and McCaslin - 6

SUBSTITUTE SENATE BILL NO. 6308, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6439, with the following amendments{s} 6439-S AMH NREP H5339.1.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 77.70.350 and 1994 c 260 s 10 are each amended to read as follows:

(1) The following restrictions apply to vessel designations and substitutions on Dungeness crab-coastal fishery licenses ~~((and Dungeness crab-coastal class B fishery licenses))~~:

(a) The holder of the license may not:

(i) Designate on the license a vessel the hull length of which exceeds ninety-nine feet~~((; nor may the holder)); or~~

(ii) Change vessel designation if the hull length of the vessel proposed to be designated exceeds the hull length~~((of the currently designated vessel))~~ designated on the license on the effective date of this section by more than ten feet. However, if such vessel designation is the result of an emergency transfer, the applicable vessel length would be the most recent permanent vessel designation on the license prior to the effective date of this section;

(b) If the hull length of the vessel proposed to be designated is comparable to or exceeds by up to one foot the hull length of the currently designated vessel, the department may change the vessel designation no more than once in any two consecutive Washington state coastal crab seasons unless the currently designated vessel is lost or in disrepair such that it does not safely operate, in which case the department may allow a change in vessel designation;

(c) If the hull length of the vessel proposed to be designated exceeds by between one and ten feet the hull length of the ~~((currently))~~ designated vessel on the effective date of this section, the department may change the vessel designation no more than once ~~((in any five consecutive Washington state coastal crab seasons))~~ on or after the effective date of this section, unless a request is made by the license holder during a Washington state coastal crab season for an emergency change in vessel designation. If such an emergency request is made, the director may allow a temporary change in designation to another vessel, if the hull length of the other vessel does not exceed by more than ten feet the hull length of the currently designated vessel.

(2) For the purposes of this section, "hull length" means the length overall of a vessel's hull as shown by ~~((United States coast guard documentation or))~~ marine survey~~((;))~~ or ~~((for vessels that do not require United States coast guard documentation;))~~ by manufacturer's specifications ~~((or marine survey)).~~

(3) By December 31, 2010, the department must, in cooperation with the coastal crab fishing industry, evaluate the effectiveness of this section and, if necessary, recommend any statutory changes to the appropriate committees of the senate and house of representatives."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6439.

Senators Jacobsen and Oke spoke in favor of the motion.

MOTION

FIFTY-FIFTH DAY, MARCH 4, 2006

2006 REGULAR SESSION

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6439.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6439 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6439, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6439, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Absent: Senator Brown - 1

Excused: Senators Benson, Doumit, Finkbeiner, Haugen and McCaslin - 5

SUBSTITUTE SENATE BILL NO. 6439, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of Senator Deccio's family, daughter Carol Wright; granddaughter, Jessica and Kara; his great grandsons, Bryce and Dakota; and their friend Debra Berk, the mother of James Berk, Senator Deccios intern who were present in the gallery.

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6527, with the following amendments{s} 6527-S AMH TR BERN 008.

On page 1, line 11, after "over" insert "the"

On page 1, line 11, after "corridor" insert "between Ellensburg and Lind."

On page 2, line 13, after "commission" insert "as of the effective date of this act"

On page 2, line 24, after "over" insert "the"

On page 2 line 25, after "corridor" insert "between Ellensburg and Lind."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6527.

Senator Mulliken spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Brown was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6527.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6527 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6527, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6527, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Excused: Senators Benson, Brown, Doumit, Finkbeiner, Haugen and McCaslin - 6

SUBSTITUTE SENATE BILL NO. 6527, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6617, with the following amendments{s} 6617-S AMH LG H5396.1.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 89.08 RCW to read as follows:

(1) Conservation districts, before developing a farm plan, shall inform the landowner or operator in writing of the types of information that is subject to disclosure to the public under chapter 42.56 RCW. Before completion of the final draft of a farm plan, the district shall send the final draft farm plan to the requesting landowner or operator for verification of the information. The final farm plan shall not be disclosed by the conservation district until the requesting owner or operator confirms the information in the farm plan and a signed copy of the farm plan is received by the conservation district.

(2) For the purposes of this section and RCW 42.56.270, "farm plan" means a plan prepared by a conservation district in cooperation with a landowner or operator for the purpose of conserving, monitoring, or enhancing renewable natural resources. Farm plans include, but are not limited to, provisions pertaining to:

- (a) Developing and prioritizing conservation objectives;
- (b) Taking an inventory of soil, water, vegetation, livestock, and wildlife;
- (c) Implementing conservation measures, including technical assistance provided by the district;
- (d) Developing and implementing livestock nutrient management measures;

FIFTY-FIFTH DAY, MARCH 4, 2006

(e) Developing and implementing plans pursuant to business and financial objectives; and

(f) Recording, or records of, decisions.

Sec. 2. RCW 42.56.270 and 2005 c 274 s 407 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011; ~~(and)~~

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is

2006 REGULAR SESSION

made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter; and

(13)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit.

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.17.31923 (as recodified by House Bill No. 2520) and 90.64.190.

NEW SECTION. **Sec. 3.** Section 2 of this act takes effect July 1, 2006."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Schoesler moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6617.

Senator Schoesler spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Schoesler that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6617.

The motion by Senator Schoesler carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6617 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6617, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6617, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Excused: Senators Benson, Brown, Doumit, Finkbeiner, Haugen and McCaslin - 6

SUBSTITUTE SENATE BILL NO. 6617, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

FIFTY-FIFTH DAY, MARCH 4, 2006

2006 REGULAR SESSION

March 1, 2006

bilingual capabilities within available resources and when materials are available for this purpose."

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6637, with the following amendments{s} 6637 AMH HC H5357.1.

On page 1, line 1 of the title, after "providers;" strike the remainder of the title and insert "and amending RCW 70.128.120." and the same are herewith transmitted.

Strike everything after the enacting clause and insert the following:

RICHARD NAFZIGER, Chief Clerk

"Sec. 1. RCW 70.128.120 and 2002 c 223 s 1 are each amended to read as follows:

MOTION

Each adult family home provider and each resident manager shall have the following minimum qualifications, except that only providers are required to meet the provisions of subsection (10) of this section:

Senator Keiser moved that the Senate concur in the House amendment(s) to Senate Bill No. 6637.

Senator Keiser spoke in favor of the motion.

(1) Twenty-one years of age or older;

MOTION

(2) For those applying after September 1, 2001, to be licensed as providers, and for resident managers whose employment begins after September 1, 2001, a United States high school diploma or general educational development (GED) certificate or any English or translated government documentation of the following:

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Senate Bill No. 6637.

(a) Successful completion of government-approved public or private school education in a foreign country that includes an annual average of one thousand hours of instruction over twelve years or no less than twelve thousand hours of instruction;

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6637 by voice vote.

(b) A foreign college, foreign university, or United States community college two-year diploma;

The President declared the question before the Senate to be the final passage of Senate Bill No. 6637, as amended by the House.

(c) Admission to, or completion of coursework at, a foreign university or college for which credit was granted;

ROLL CALL

(d) Admission to, or completion of coursework at, a United States college or university for which credits were awarded;

The Secretary called the roll on the final passage of Senate Bill No. 6637, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

(e) Admission to, or completion of postgraduate coursework at, a United States college or university for which credits were awarded; or

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

(f) Successful passage of the United States board examination for registered nursing, or any professional medical occupation for which college or university education preparation was required;

Excused: Senators Benson, Brown, Doumit, Finkbeiner, Haugen and McCaslin - 6

(3) Good moral and responsible character and reputation;

(4) Literacy in the English language, however, a person not literate in the English language may meet the requirements of this subsection by assuring that there is a person on staff and available who is able to communicate or make provisions for communicating with the resident in his or her primary language and capable of understanding and speaking English well enough to be able to respond appropriately to emergency situations and be able to read and understand resident care plans;

SENATE BILL NO. 6637, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2006

(5) Management and administrative ability to carry out the requirements of this chapter;

(6) Satisfactory completion of department-approved basic training and continuing education training as specified by the department in rule, based on recommendations of the community long-term care training and education steering committee and working in collaboration with providers, consumers, caregivers, advocates, family members, educators, and other interested parties in the rule-making process;

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6661, with the following amendments{s} 6661.E AMH EDAT H5375.1.

(7) Satisfactory completion of department-approved, or equivalent, special care training before a provider may provide special care services to a resident;

Strike everything after the enacting clause and insert the following:

(8) Not been convicted of any crime listed in RCW 43.43.830 and 43.43.842; (~~and~~)

"NEW SECTION. Sec. 1. The legislature declares that:

(1) Marketing is a dynamic and changing part of Washington agriculture and a vital element in expanding the state economy;

(9) For those applying after September 1, 2001, to be licensed as providers, and for resident managers whose employment begins after September 1, 2001, at least three hundred twenty hours of successful, direct caregiving experience obtained after age eighteen to vulnerable adults in a licensed or contracted setting prior to operating or managing an adult family home; and

(2) The sale in this state and export to other states and abroad of beer made in this state contribute substantial benefits to the economy of the state and provide a large number of jobs and sizeable tax revenues;

(10) Prior to being granted a license, providers applying after January 1, 2007, must complete a department-approved forty-eight hour adult family home administration and business planning class. The department shall promote and prioritize

(3) The production of beer in this state is a new and important segment of Washington agriculture that has potential for greater contribution to the economy of the state if it undergoes continued development; and

FIFTY-FIFTH DAY, MARCH 4, 2006

2006 REGULAR SESSION

(4) The general welfare of the people of this state will be served by continued development of the activities of the production of beer, that will improve the tax bases of local communities where agricultural land and processing facilities are located, and reduce the need for state and federal funding of local services. The industries are therefore affected with the public interest.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affected producer" means any producer who is subject to this chapter.

(2) "Beer" means any malt beverage or malt liquor as the terms are defined in chapter 66.04 RCW.

(3) "Commission" means the Washington beer commission.

(4) "Department" means the department of agriculture.

(5) "Director" means the director of the department or the director's duly authorized representative.

(6) "Fiscal year" means the twelve-month period beginning with January 1st of any year and ending December 31st.

(7) "Producer" means any person or other entity licensed under Title 66 RCW to produce beer within Washington state and who produces less than one hundred thousand barrels of beer annually per location.

(8) "Referendum" means a vote by affected producers that is conducted by secret ballot.

NEW SECTION. Sec. 3. The history, economy, culture, and future of Washington state's agriculture involve the beer industry. In order to develop and promote beer as part of an existing comprehensive scheme to regulate those products, the legislature declares that:

(1) It is vital to the continued economic well-being of the citizens of this state and their general welfare that beer produced in Washington state be properly promoted;

(2) It is in the overriding public interest that support for the Washington beer industry be clearly expressed and that beer be promoted individually, and as part of a comprehensive industry to:

(a) Enhance the reputation and image of Washington state's agriculture industry;

(b) Protect the public by educating the public in reference to the quality, care, and methods used in the production of beer;

(c) Increase the knowledge of the qualities and value of Washington's beer; and

(d) Support and engage in programs or activities that benefit the production, handling, processing, marketing, and uses of beer;

(3) This chapter is enacted in the exercise of the police powers of this state to protect the health, peace, safety, and general welfare of the people of this state; and

(4) The production and marketing of beer is a highly regulated industry and this chapter and the rules adopted under it are only one aspect of the regulated industry. Other laws applicable to the beer industry include:

(a) The organic food products act, chapter 15.86 RCW;

(b) The wholesale distributors and suppliers of malt beverages, chapter 19.126 RCW;

(c) Weights and measures, chapter 19.94 RCW;

(d) Title 66 RCW, alcoholic beverage control;

(e) Title 69 RCW, food, drugs, cosmetics, and poisons;

(f) 21 C.F.R. as it relates to general manufacturing practices, food labeling, food standards, food additives, and pesticide tolerances;

(g) Chapter 69.07 RCW, Washington food processing act;

(h) 27 U.S.C. Secs. 201 through 211, 213 through 219a, and 122A;

(i) 27 C.F.R. Parts 1, 6, 9, 10, 12, 16, 240, 251, and 252; and

(j) Rules under Title 314 WAC.

NEW SECTION. Sec. 4. (1) Subject to the referendum conducted under section 5 of this act, there is created an agricultural commodity commission, to be known as the

Washington beer commission. The commission shall be comprised of seven voting members; six members shall be producers and one voting member shall be the director.

(2) Five voting members of the commission constitute a quorum for the transaction of any commission business.

(3) Each producer member shall be a citizen and resident of this state and over the age of twenty-one. Each producer member must be engaged in producing beer, and must, during his or her term of office, derive a substantial portion of income from the production of beer, or have a substantial investment in the production of beer as an owner, lessee, partner, or the manager or executive officer of such a corporation. No more than one board member may be part of the same person as defined by RCW 15.04.010. These qualifications apply throughout each member's term of office but do not apply to the director.

(4) The producer members shall serve three-year terms. Of the initial voting members, two members shall be appointed for a one-year term, two members shall be appointed for a two-year term, and two members shall be appointed for a three-year term.

NEW SECTION. Sec. 5. (1) Upon receipt of a petition containing the signatures of five beer producers from a statewide Washington state craft brewing trade association or other affected producers to implement this chapter and to determine producer participation in the commission and assessment under this chapter, the director shall:

(a) Conduct a referendum of beer producers. The requirements of assent or approval of the referendum are met if:

(i) At least fifty-one percent by numbers of affected producers participating in the referendum vote affirmatively; and

(ii) Thirty percent of the affected producers and thirty percent of the production have been represented in the referendum to determine assent or approval of participation and assessment. The referendum shall be conducted within sixty days of receipt of the petition; and

(b) Establish a list of beer producers from information provided by the petitioners, by obtaining information on beer producers from applicable producer organizations or associations or other sources identified as maintaining the information. In establishing a current list of beer producers and their individual production, the director shall use the beer producer's name, mailing address, and production by the producer in the preceding fiscal year. Information on each producer shall be mailed to each beer producer on record with the director within twenty days from the date of mailing. The list of affected producers shall be kept in a file by the director. The list shall be certified as a true representation of the referendum mailing list. Inadvertent failure to notify an affected producer does not invalidate a proceeding conducted under this chapter. The director shall provide the commission the list of affected producers after assent in a referendum as provided in this section.

(2) If the director determines that the requisite assent has been given in the referendum conducted under subsection (1) of this section, the director shall:

(a) Within sixty days after assent of the referendum held, appoint the members of the commission; and

(b) Direct the commission to put into force the assessment as provided for in section 14 of this act.

(3) If the director determines that the requisite assent has not been given in the referendum conducted under subsection (1) of this section, the director shall take no further action to implement or enforce this chapter.

(4) Upon completion of the referendum conducted under subsection (1) of this section, the department shall tally the results of the vote and provide the results to affected producers. If an affected producer disputes the results of a vote, that producer within sixty days from the announced results, shall provide in writing a statement of why the vote is disputed and

FIFTY-FIFTH DAY, MARCH 4, 2006

request a recount. Once the vote is tallied and distributed, all disputes are resolved, and all matters in a vote are finalized, the individual ballots may be destroyed.

(5) Before conducting the referendum provided for in subsection (1) of this section, the director may require the petitioners to deposit with him or her an amount of money as the director deems necessary to defray the expenses of conducting the referendum. The director shall provide the petitioners an estimate of expenses that may be incurred to conduct a referendum before any service takes place. Petitioners shall deposit funds with the director to pay for expenses incurred by the department. The commission shall reimburse petitioners the amount paid to the department when funds become available. However, if for any reason the referendum process is discontinued, the petitioners shall reimburse the department for expenses incurred by the department up until the time the process is discontinued.

(6) The director is not required to hold a referendum under subsection (1) of this section more than once in any twelve-month period.

NEW SECTION. Sec. 6. (1) The director shall appoint the producer members of the commission. In making appointments, no later than ninety days before an expiration of a commission member's term, the director shall call for recommendations for commission member positions, and the director shall take into consideration recommendations made by a statewide Washington state craft brewing trade association or other affected producers. In appointing persons to the commission, the director shall seek a balanced representation on the commission that reflects the composition of the beer producers throughout the state on the basis of beer produced and geographic location. Information on beer production by geographic location shall be provided by the commission upon the director's request.

(2) If a position on the commission becomes vacant due to resignation, disqualification, death, or for any other reason, the commission shall notify the director and the unexpired term shall immediately be filled by appointment by the director.

(3) Each member or employee of the commission shall be reimbursed for actual travel expenses incurred in carrying out this chapter as defined by the commission in rule. Otherwise if not defined in rule, reimbursement for travel expenses shall be at the rates allowed by RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 7. Obligations incurred by the commission and any other liabilities or claims against the commission shall be enforced only against the assets of the commission and, except to the extent of such assets, no liability for the debts or actions of the commission exists against either the state of Washington or any subdivision or instrumentality thereof or against any member, employee, or agent of the commission or the state of Washington in his or her individual capacity. Except as otherwise provided in this chapter, neither the commission members, nor its employees, may be held individually responsible for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No person or employee may be held individually responsible for any act or omission of any other commission members. The liability of the commission members shall be several and not joint, and no member is liable for the default of any other member. This provision confirms that commission members have been and continue to be, state officers or volunteers for purposes of RCW 4.92.075 and are entitled to the defenses, indemnifications, limitations of liability, and other protections and benefits of chapter 4.92 RCW.

NEW SECTION. Sec. 8. The commission shall:

(1) Elect a chair and officers. The officers must include a treasurer who is responsible for all receipts and disbursements by the commission and the faithful discharge of whose duties shall be guaranteed by a bond at the sole expense of the commission. The commission must adopt rules for its own

2006 REGULAR SESSION

governance that provide for the holding of an annual meeting for the election of officers and the transaction of other business and for other meetings the commission may direct;

(2) Do all things reasonably necessary to effect the purposes of this chapter. However, the commission has no rule-making power except as provided in this chapter;

(3) Employ and discharge managers, secretaries, agents, attorneys, and employees and engage the services of independent contractors;

(4) Retain, as necessary, the services of private legal counsel to conduct legal actions on behalf of the commission. The retention of a private attorney is subject to review by the office of the attorney general;

(5) Receive donations of beer from producers for promotional purposes under subsections (6) and (7) of this section and for fund-raising purposes under subsection (8) of this section. Donations of beer for promotional purposes may only be disseminated without charge;

(6) Engage directly or indirectly in the promotion of Washington beer, including, without limitation, the acquisition in any lawful manner and the dissemination without charge of beer. This dissemination is not deemed a sale for any purpose and the commission is not deemed a producer, supplier, or manufacturer, or the clerk, servant, or agent of a producer, supplier, distributor, or manufacturer. This dissemination without charge shall be for agricultural development or trade promotion, and not for fund-raising purposes under subsection (8) of this section. Dissemination for promotional purposes may include promotional hosting and must in the good faith judgment of the commission be in the aid of the marketing, advertising, sale of beer, or of research related to such marketing, advertising, or sale;

(7) Promote Washington beer by conducting unique beer tastings without charge;

(8) Beginning July 1, 2007, fund the Washington beer commission through sponsorship of up to twelve beer festivals annually at which beer may be sold to festival participants. For this purpose, the commission would qualify for issue of a special occasion license as an exception to WAC 314-05-020 but must comply with laws under Title 66 RCW and rules adopted by the liquor control board under which such events may be conducted;

(9) Participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, regulation, distribution, sale, or use of beer including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission;

(10) Acquire and transfer personal and real property, establish offices, incur expenses, and enter into contracts, including contracts for the creation and printing of promotional literature. The contracts are not subject to chapter 43.78 RCW, and are cancelable by the commission unless performed under conditions of employment that substantially conform to the laws of this state and the rules of the department of labor and industries. The commission may create debt and other liabilities that are reasonable for proper discharge of its duties under this chapter;

(11) Maintain accounts with one or more qualified public depositories as the commission may direct, for the deposit of money, and expend money for purposes authorized by this chapter by drafts made by the commission upon such institutions or by other means;

(12) Cause to be kept and annually closed, in accordance with generally accepted accounting principles, accurate records of all receipts, disbursements, and other financial transactions, available for audit by the state auditor;

(13) Create and maintain a list of producers and disseminate information among and solicit the opinions of producers with respect to the discharge of the duties of the commission, directly

FIFTY-FIFTH DAY, MARCH 4, 2006

or by arrangement with trade associations or other instrumentalities;

(14) Employ, designate as an agent, act in concert with, and enter into contracts with any person, council, commission, or other entity to promote the general welfare of the beer industry and particularly to assist in the sale and distribution of Washington beer in domestic and foreign commerce. The commission shall expend money necessary or advisable for this purpose and to pay its proportionate share of the cost of any program providing direct or indirect assistance to the sale and distribution of Washington beer in domestic or foreign commerce, employing and paying for vendors of professional services of all kinds;

(15) Sue and be sued as a commission, without individual liability for acts of the commission within the scope of the powers conferred upon it by this chapter; and

(16) Serve as liaison with the liquor control board on behalf of the commission and not for any individual producer.

NEW SECTION. Sec. 9. (1) The commission shall develop and submit to the director for approval any plans, programs, and projects concerning the following:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for advertising, promotion, and education programs related to beer; and

(b) The establishment and effectuation of market research projects, market development projects, or both to the end that the marketing of beer may be encouraged, expanded, improved, or made more efficient.

(2) The director shall review the commission's advertising or promotion program to ensure that no false claims are being made concerning beer.

(3) The commission, before the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget on a fiscal period basis.

(4) The director shall strive to review and make a determination of all submissions described in this section in a timely manner.

NEW SECTION. Sec. 10. The commission exists primarily for the benefit of the people of the state of Washington and its economy. The legislature hereby charges the commission, with oversight by the director, to speak on behalf of the Washington state government with regard to the marketing and promotion of Washington produced beer.

NEW SECTION. Sec. 11. The commission may create, provide for, and conduct a comprehensive and extensive research, promotional, and educational campaign as sales and market conditions reasonably require. It shall investigate and ascertain the needs of producers, conditions of markets, and degree of public awareness of products, and take into account this information in the discharge of its duties under this chapter.

NEW SECTION. Sec. 12. The commission shall adopt as major objectives of its research, promotional, and educational campaign goals that serve the needs of producers. The goals may include efforts to:

(1) Establish Washington beer as a major factor in markets everywhere;

(2) Promote Washington breweries as tourist attractions;

(3) Encourage favorable reporting of Washington beer and breweries in the press throughout the world;

(4) Establish Washington beer in markets everywhere as a major source of premium beer;

(5) Encourage favorable legislative and regulatory treatment of Washington beer in markets everywhere;

(6) Encourage promotion of Washington agriculture related to beer production, specifically hops, malting barley, and wheat grown in the state; and

(7) Foster economic conditions favorable to investment in the production of Washington beer.

2006 REGULAR SESSION

NEW SECTION. Sec. 13. (1) The commission shall prepare a list of all affected producers from information available from the liquor control board, the department, or the producers' association. This list must contain the names and addresses of affected producers within this state and the amount, by barrelage, of beer produced during the period designated by the commission. A qualified person may, at any time, have his or her name placed upon the list by delivering or mailing the information to the commission. This list shall be corrected and brought up-to-date in accordance with evidence and information available to the commission by December 31st of each year. For the purposes of giving notice and holding referendums, the list updated before the date for issuing notices or ballots is the list of all producers entitled to notice, to assent or dissent, or to vote. Inadvertent failure to notify a producer does not invalidate a proceeding conducted under this chapter.

(2) It is the responsibility of affected producers to ensure that their correct address is filed with the commission. It is also the responsibility of affected producers to submit production data to the commission as prescribed by this chapter.

(3) The commission shall develop a reporting system to document that the affected producers in this state are reporting quantities of beer produced and are paying the assessment as provided in section 14 of this act.

NEW SECTION. Sec. 14. (1) Pursuant to referendum in accordance with section 5 of this act, there is levied, and the commission shall collect, upon beer produced by an affected producer, an annual assessment of ten cents per barrel of beer produced, up to ten thousand barrels per location.

(2) The commission shall adopt rules prescribing the time, place, and method for payment and collection of this assessment and provide for the collection of assessments from affected producers who ship directly out-of-state.

(3) The commission may reduce the assessment per affected producer based upon in-kind contributions to the commission.

NEW SECTION. Sec. 15. The commission shall deposit money collected under section 14 of this act in a separate account in the name of the commission in any bank that is a state depository. All expenditures and disbursements made from this account under this chapter may be made without the necessity of a specific legislative appropriation. RCW 43.01.050 does not apply to this account or to the money received, collected, or expended as provided in this chapter.

NEW SECTION. Sec. 16. An assessment levied in an amount determined by the commission under section 14 of this act constitutes a personal debt of every person assessed or who otherwise owes the assessment, and the assessment is due and payable to the commission when payment is called for by the commission. If a producer fails to pay the commission the full amount of the assessment by the date due, the commission may add to the unpaid assessment an amount not exceeding ten percent of the assessment to defray the cost of enforcing its collection. If the person fails to pay an assessment, the commission may bring a civil action for collection against the person or persons in a court of competent jurisdiction. The action shall be tried and judgment rendered as in any other cause of action for a debt due and payable.

NEW SECTION. Sec. 17. (1) Under RCW 42.56.380, certain agricultural business records, commission records, and department of agriculture records relating to the commission and producers of agricultural commodities are exempt from public disclosure.

(2) Financial and commercial information and records submitted to either the department or the commission for the purpose of administering this chapter may be shared between the department and the commission. They may also be used, if required, in any suit or administrative hearing involving this chapter.

(3) This section does not prohibit:

(a) The issuance of general statements based upon the reports of persons subject to this chapter as long as the

FIFTY-FIFTH DAY, MARCH 4, 2006

statements do not identify the information furnished by any person; or

(b) The publication by the director or the commission of the name of any person violating this chapter and a statement of the manner of the violation by that person.

NEW SECTION. Sec. 18. (1) All costs incurred by the department, including the adoption of rules and other actions necessary to carry out this chapter, shall be reimbursed by the commission.

(2) The director may provide by rule for a method to fund staff support for all commodity boards or commissions in accordance with RCW 43.23.033 if a position is not directly funded by the legislature and costs are related to the specific activity undertaken on behalf of an individual commodity board or commission. The commission shall provide funds to the department according to the rules adopted by the director.

NEW SECTION. Sec. 19. County and state law enforcement officers, the liquor control board and its enforcement agents, and employees of the department shall enforce this chapter.

NEW SECTION. Sec. 20. (1) Any prosecution brought under this chapter may be instituted in any county in which the defendant or any defendant resides, or in which the violation was committed, or in which the defendant or any defendant has his or her principal place of business.

(2) The superior courts may enforce this chapter and the rules and regulations of the commission issued hereunder, and may prevent and restrain violations thereof.

NEW SECTION. Sec. 21. This act shall be liberally construed to effectuate its purposes.

Sec. 22. RCW 66.44.800 and 1987 c 452 s 17 are each amended to read as follows:

(1) Nothing contained in chapter 15.88 RCW shall affect the compliance by the Washington wine commission with this chapter.

(2) Nothing contained in chapter 15.-- RCW (sections 1 through 21 of this act) shall affect the compliance by the Washington beer commission with this chapter.

NEW SECTION. Sec. 23. A new section is added to chapter 66.12 RCW to read as follows:

The Washington beer commission created under section 4 of this act may purchase or receive donations of beer or malt beverages from any brewery, in any state, or in any country and may use such beer or malt beverages for any promotional purposes as outlined in section 8 of this act. Beer and malt beverages that are furnished to the commission under this section that are used within the state are subject to the taxes imposed under RCW 66.24.290. No license, permit, or bond is required of the Washington beer commission under this title for promotional activities conducted under chapter 15.-- RCW (sections 1 through 21 of this act).

Sec. 24. RCW 15.04.200 and 1987 c 452 s 16 are each amended to read as follows:

(1) Under the authority of Article VIII of the state Constitution as amended, agricultural commodity commission expenditures for agricultural development or trade promotion and promotional hosting by an agricultural commodities commission under chapters 15.24, 15.28, 15.44, 15.65, 15.66, 15.88, 15.-- (sections 1 through 21 of this act), and 16.67 RCW shall be pursuant to specific budget items as approved by the agricultural commodity commission at the annual public hearings on the agricultural commodity commission budget.

(2) Agricultural commodity commissions shall adopt rules governing promotional hosting expenditures by agricultural commodity commission employees, agents or commissioners. The rules shall identify officials and agents authorized to make expenditures and the objectives of the expenditures. Individual agricultural commodity commission commissioners shall make promotional hosting expenditures, or seek reimbursements for these expenditures, only in those instances where the expenditures have been approved by the agricultural commodity

2006 REGULAR SESSION

commission. All payments and reimbursements shall be identified and supported on vouchers.

(3) Agricultural commodity commissions shall be exempt from the requirements of RCW 43.01.090 and 43.19.500 and chapter 43.82 RCW.

Sec. 25. RCW 42.17.31907 and 2002 c 313 s 66 are each amended to read as follows:

The following agricultural business records and commodity board and commission records are exempt from the disclosure requirements of this chapter:

(1) Production or sales records required to determine assessment levels and actual assessment payments to commodity boards and commissions formed under chapters 15.24, 15.26, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.100, 15.-- (sections 1 through 21 of this act), and 16.67 RCW or required by the department of agriculture to administer these chapters or the department's programs;

(2) Consignment information contained on phytosanitary certificates issued by the department of agriculture under chapters 15.13, 15.49, and 15.17 RCW or federal phytosanitary certificates issued under 7 C.F.R. 353 through cooperative agreements with the animal and plant health inspection service, United States department of agriculture, or on applications for phytosanitary certification required by the department of agriculture; and

(3) Financial and commercial information and records supplied by persons (a) to the department of agriculture for the purpose of conducting a referendum for the potential establishment of a commodity board or commission; (b) to the department of agriculture or commodity boards or commissions formed under chapter 15.24, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.100, 15.-- (sections 1 through 21 of this act), or 16.67 RCW with respect to domestic or export marketing activities or individual producer's production information.

Sec. 26. RCW 42.56.380 and 2005 c 274 s 418 are each amended to read as follows:

The following information relating to agriculture and livestock is exempt from disclosure under this chapter:

(1) Business-related information under RCW 15.86.110;

(2) Information provided under RCW 15.54.362;

(3) Production or sales records required to determine assessment levels and actual assessment payments to commodity boards and commissions formed under chapters 15.24, 15.26, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.100, 15.-- (sections 1 through 21 of this act), and 16.67 RCW or required by the department of agriculture to administer these chapters or the department's programs;

(4) Consignment information contained on phytosanitary certificates issued by the department of agriculture under chapters 15.13, 15.49, and 15.17 RCW or federal phytosanitary certificates issued under 7 C.F.R. 353 through cooperative agreements with the animal and plant health inspection service, United States department of agriculture, or on applications for phytosanitary certification required by the department of agriculture;

(5) Financial and commercial information and records supplied by persons (a) to the department of agriculture for the purpose of conducting a referendum for the potential establishment of a commodity board or commission; or (b) to the department of agriculture or commodity boards or commissions formed under chapter 15.24, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.100, 15.-- (sections 1 through 21 of this act), or 16.67 RCW with respect to domestic or export marketing activities or individual producer's production information;

(6) Except under RCW 15.19.080, information obtained regarding the purchases, sales, or production of an individual American ginseng grower or dealer;

(7) Information that can be identified to a particular business and that is collected under section 3(1), chapter 235, Laws of 2002; and

FIFTY-FIFTH DAY, MARCH 4, 2006

(8) Financial statements provided under RCW 16.65.030(1)(d).

Sec. 27. RCW 43.23.033 and 2002 c 313 s 78 are each amended to read as follows:

(1) The director may provide by rule for a method to fund staff support for all commodity boards and commissions if a position is not directly funded by the legislature.

(2) Staff support funded under this section and RCW 15.65.047(1)(c), 15.66.055(3), 15.24.215, 15.26.265, 15.28.320, 15.44.190, 15.88.180, section 18 of this act, and 16.67.190 shall be limited to one-half full-time equivalent employee for all commodity boards and commissions.

Sec. 28. RCW 66.28.010 and 2004 c 160 s 9 and 2004 c 62 s 1 are each reenacted and amended to read as follows:

(1)(a) No manufacturer, importer, distributor, or authorized representative, or person financially interested, directly or indirectly, in such business; whether resident or nonresident, shall have any financial interest, direct or indirect, in any licensed retail business, unless the retail business is owned by a corporation in which a manufacturer or importer has no direct stock ownership and there are no interlocking officers and directors, the retail license is held by a corporation that is not owned directly or indirectly by a manufacturer or importer, the sales of liquor are incidental to the primary activity of operating the property as a hotel, alcoholic beverages produced by the manufacturer or importer or their subsidiaries are not sold at the licensed premises, and the board reviews the ownership and proposed method of operation of all involved entities and determines that there will not be an unacceptable level of control or undue influence over the operation or the retail licensee; nor shall any manufacturer, importer, distributor, or authorized representative own any of the property upon which such licensed persons conduct their business; nor shall any such licensed person, under any arrangement whatsoever, conduct his or her business upon property in which any manufacturer, importer, distributor, or authorized representative has any interest unless title to that property is owned by a corporation in which a manufacturer has no direct stock ownership and there are no interlocking officers or directors, the retail license is held by a corporation that is not owned directly or indirectly by the manufacturer, the sales of liquor are incidental to the primary activity of operating the property either as a hotel or as an amphitheater offering live musical and similar live entertainment activities to the public, alcoholic beverages produced by the manufacturer or any of its subsidiaries are not sold at the licensed premises, and the board reviews the ownership and proposed method of operation of all involved entities and determines that there will not be an unacceptable level of control or undue influence over the operation of the retail licensee. Except as provided in subsection (3) of this section, no manufacturer, importer, distributor, or authorized representative shall advance moneys or moneys' worth to a licensed person under an arrangement, nor shall such licensed person receive, under an arrangement, an advance of moneys or moneys' worth. "Person" as used in this section only shall not include those state or federally chartered banks, state or federally chartered savings and loan associations, state or federally chartered mutual savings banks, or institutional investors which are not controlled directly or indirectly by a manufacturer, importer, distributor, or authorized representative as long as the bank, savings and loan association, or institutional investor does not influence or attempt to influence the purchasing practices of the retailer with respect to alcoholic beverages. Except as otherwise provided in this section, no manufacturer, importer, distributor, or authorized representative shall be eligible to receive or hold a retail license under this title, nor shall such manufacturer, importer, distributor, or authorized representative sell at retail any liquor as herein defined. A corporation granted an exemption under this subsection may use debt instruments issued in connection with financing construction or operations of its facilities.

2006 REGULAR SESSION

(b) Nothing in this section shall prohibit a licensed domestic brewery or microbrewery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine at retail on the brewery premises and nothing in this section shall prohibit a domestic winery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine at retail on the winery premises. Such beer and wine so sold at retail shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210 and to reporting and bonding requirements as prescribed by regulations adopted by the board pursuant to chapter 34.05 RCW, and beer and wine that is not produced by the brewery or winery shall be purchased from a licensed beer or wine distributor.

(c) Nothing in this section shall prohibit a licensed distiller, domestic brewery, microbrewery, domestic winery, or a lessee of a licensed domestic brewer, microbrewery, or domestic winery, from being licensed as a spirits, beer, and wine restaurant pursuant to chapter 66.24 RCW for the purpose of selling liquor at a spirits, beer, and wine restaurant premises on the property on which the primary manufacturing facility of the licensed distiller, domestic brewer, microbrewery, or domestic winery is located or on contiguous property owned or leased by the licensed distiller, domestic brewer, microbrewery, or domestic winery as prescribed by rules adopted by the board pursuant to chapter 34.05 RCW.

(d) Nothing in this section prohibits retail licensees with a caterer's endorsement issued under RCW 66.24.320 or 66.24.420 from operating on a domestic winery premises.

(e) Until July 1, 2007, nothing in this section prohibits a nonprofit statewide organization of microbreweries formed for the purpose of promoting Washington's craft beer industry as a trade association registered as a 501(c) with the internal revenue service from holding a special occasion license to conduct up to six beer festivals.

(2) Financial interest, direct or indirect, as used in this section, shall include any interest, whether by stock ownership, mortgage, lien, or through interlocking directors, or otherwise. Pursuant to rules promulgated by the board in accordance with chapter 34.05 RCW manufacturers, distributors, and importers may perform, and retailers may accept the service of building, rotating and restocking case displays and stock room inventories; rotating and rearranging can and bottle displays of their own products; provide point of sale material and brand signs; price case goods of their own brands; and perform such similar normal business services as the board may by regulation prescribe.

(3)(a) This section does not prohibit a manufacturer, importer, or distributor from providing services to a special occasion licensee for: (i) Installation of draft beer dispensing equipment or advertising, (ii) advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or judging event, or (iii) a special occasion licensee from receiving any such services as may be provided by a manufacturer, importer, or distributor. Nothing in this section shall prohibit a retail licensee, or any person financially interested, directly or indirectly, in such a retail licensee from having a financial interest, direct or indirect, in a business which provides, for a compensation commensurate in value to the services provided, bottling, canning or other services to a manufacturer, so long as the retail licensee or person interested therein has no direct financial interest in or control of said manufacturer.

(b) A person holding contractual rights to payment from selling a liquor distributor's business and transferring the license shall not be deemed to have a financial interest under this section if the person (i) lacks any ownership in or control of the distributor, (ii) is not employed by the distributor, and (iii) does not influence or attempt to influence liquor purchases by retail liquor licensees from the distributor.

(c) The board shall adopt such rules as are deemed necessary to carry out the purposes and provisions of subsection

FIFTY-FIFTH DAY, MARCH 4, 2006

2006 REGULAR SESSION

(3)(a) of this section in accordance with the administrative procedure act, chapter 34.05 RCW.

(4) A license issued under RCW 66.24.395 does not constitute a retail license for the purposes of this section.

(5) A public house license issued under RCW 66.24.580 does not violate the provisions of this section as to a retailer having an interest directly or indirectly in a liquor-licensed manufacturer.

NEW SECTION. Sec. 29. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 30. Sections 1 through 21 of this act constitute a new chapter in Title 15 RCW.

NEW SECTION. Sec. 31. Section 25 of this act expires July 1, 2006.

NEW SECTION. Sec. 32. Section 26 of this act takes effect July 1, 2006."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rasmussen moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6661.

Senator Rasmussen spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6661.

The motion by Senator Rasmussen carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6661 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6661, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6661, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 3; Excused, 6.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Absent: Senators Esser, Kline and Oke - 3

Excused: Senators Benson, Brown, Doumit, Finkbeiner, Haugen and McCaslin - 6

ENGROSSED SENATE BILL NO. 6661, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Esser was excused.

MOTION

On motion of Senator Brandland, Senator Parlette was excused.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

MESSAGE FROM THE HOUSE

March 1, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6840, with the following amendments{s} 6840-S AMH TEC H5378.1.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.260.020 and 2005 c 298 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Automatic commercial ice cube machine" means a factory-made assembly, not necessarily shipped in one package, consisting of a condensing unit and ice-making section operating as an integrated unit with means for making and harvesting ice cubes. It may also include integrated components for storing or dispensing ice, or both.

(2) "Ballast" means a device used with an electric discharge lamp to obtain necessary circuit conditions, such as voltage, current, and waveform, for starting and operating the lamp.

(3) "Commercial clothes washer" means a soft mount horizontal or vertical-axis clothes washer that: (a) Has a clothes container compartment no greater than 3.5 cubic feet in the case of a horizontal-axis product or no greater than 4.0 cubic feet in the case of a vertical-axis product; and (b) is designed for use by more than one household, such as in multifamily housing, apartments, or coin laundries.

(4) "Commercial prerinse spray valve" means a handheld device designed and marketed for use with commercial dishwashing and warewashing equipment and that sprays water on dishes, flatware, and other food service items for the purpose of removing food residue prior to their cleaning.

(5)(a) "Commercial refrigerators and freezers" means refrigerators, freezers, or refrigerator-freezers designed for use by commercial or institutional facilities for the purpose of storing or merchandising food products, beverages, or ice at specified temperatures that: (i) Incorporate most components involved in the vapor-compression cycle and the refrigerated compartment in a single cabinet; and (ii) may be configured with either solid or transparent doors as a reach-in cabinet, pass-through cabinet, roll-in cabinet, or roll-through cabinet.

(b) "Commercial refrigerators and freezers" does not include: (i) Products with 85 cubic feet or more of internal volume; (ii) walk-in refrigerators or freezers; (iii) consumer products that are federally regulated pursuant to 42 U.S.C. Sec. 6291 et seq.; (iv) products without doors; or (v) freezers specifically designed for ice cream.

(6) "Compensation" means money or any other valuable thing, regardless of form, received or to be received by a person for services rendered.

(7) "Department" means the department of community, trade, and economic development.

(8) "High-intensity discharge lamp" means a lamp in which light is produced by the passage of an electric current through a vapor or gas, and in which the light-producing arc is stabilized by bulb wall temperature and the arc tube has a bulb wall loading in excess of three watts per square centimeter.

(9) ("Illuminated exit sign" means an internally illuminated sign that is designed to be permanently fixed in place to identify a building exit and consists of an electrically powered integral

light source that illuminates the legend "EXIT" and any directional indicators and provides contrast between the legend, any directional indicators, and the background.

~~(10)(a) "Low-voltage dry-type distribution transformer" means a distribution transformer that: (i) Has an input voltage of 600 volts or less; (ii) is air cooled; (iii) does not use oil as a coolant; and (iv) is rated for operation at a frequency of 60 hertz.~~

~~(b) "Low-voltage dry-type transformer" does not include: (i) Transformers with multiple voltage taps, with the highest voltage tap equaling at least twenty percent more than the lowest voltage tap; or (ii) transformers, such as those commonly known as drive transformers, rectifier transformers, auto transformers, uninterruptible power system transformers, impedance transformers, regulating transformers, sealed and nonventilating transformers, machine tool transformers, welding transformers, grounding transformers, or testing transformers, that are designed to be used in a special purpose application and are unlikely to be used in general purpose applications.~~

~~(11) "Metal halide lamp" means a high-intensity discharge lamp in which the major portion of the light is produced by radiation of metal halides and their products of dissociation, possibly in combination with metallic vapors.~~

~~(12) "Metal halide lamp fixture" means a light fixture designed to be operated with a metal halide lamp and a ballast for a metal halide lamp.~~

~~(13) "Pass-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on both the front and rear of the unit.~~

~~(14) "Probe-start metal halide ballast" means a ballast used to operate metal halide lamps which does not contain an igniter and which instead starts lamps by using a third starting electrode "probe" in the arc tube.~~

~~(15) "Reach-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors or lids, but does not include roll-in or roll-through cabinets or pass-through cabinets.~~

~~(16)(a) "Roll-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors that allow wheeled racks of product to be rolled into the unit.~~

~~(b) "Roll-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on two sides of the cabinet that allow wheeled racks of product to be rolled through the unit.~~

~~(17)(a) "Single-voltage external AC to DC power supply" means a device that: (i) Is designed to convert line voltage alternating current input into lower voltage direct current output; (ii) is able to convert to only one DC output voltage at a time; (iii) is sold with, or intended to be used with, a separate end-use product that constitutes the primary power load; (iv) is contained within a separate physical enclosure from the end-use product; (v) is connected to the end-use product via a removable or hard-wired male/female electrical connection, cable, cord, or other wiring; and (vi) has a nameplate output power less than or equal to 250 watts.~~

~~(b) "Single-voltage external AC to DC power supply" does not include: (i) Products with batteries or battery packs that physically attach directly to the power supply unit; (ii) products with a battery chemistry or type selector switch and indicator light; or (iii) products with a battery chemistry or type selector switch and a state of charge meter.~~

~~(18) "State-regulated incandescent reflector lamp" means a lamp that is not colored or designed for rough or vibration service applications, that has an inner reflective coating on the outer bulb to direct the light, an E26 medium screw base, and a rated voltage or voltage range that lies at least partially within 115 to 130 volts, and that falls into one of the following categories:~~

~~(a) A bulged reflector or elliptical reflector bulb shape and which has a diameter which equals or exceeds 2.25 inches;~~

(b) A reflector, parabolic aluminized reflector, or similar bulb shape and which has a diameter of 2.25 to 2.75 inches.

~~((19) "Torchiere" means a portable electric lighting fixture with a reflective bowl that directs light upward onto a ceiling so as to produce indirect illumination on the surfaces below. "Torchiere" may include downward directed lamps in addition to the upward, indirect illumination.~~

~~(20) "Traffic signal module" means a standard (a) 8-inch or 200 mm or (b) 12-inch or 300 mm traffic signal indication, consisting of a light source, a lens, and all other parts necessary for operation.~~

~~(21) (17) "Transformer" means a device consisting of two or more coils of insulated wire and that is designed to transfer alternating current by electromagnetic induction from one coil to another to change the original voltage or current value.~~

~~((22)) (18)(a) "Unit heater" means a self-contained, vented fan-type commercial space heater that uses natural gas or propane, and that is designed to be installed without ducts within a heated space.~~

(b) "Unit heater" does not include any products covered by federal standards established pursuant to 42 U.S.C. Sec. 6291 et seq. or any product that is a direct vent, forced flue heater with a sealed combustion burner.

Sec. 2. RCW 19.260.030 and 2005 c 298 s 3 are each amended to read as follows:

(1) This chapter applies to the following types of new products sold, offered for sale, or installed in the state: (a) Automatic commercial ice cube machines; (b) commercial clothes washers; (c) commercial prerinse spray valves; (d) commercial refrigerators and freezers; (e) ~~(illuminated exit signs; (f) low-voltage dry-type distribution transformers; (g))~~ metal halide lamp fixtures; ~~((11)) (f)~~ single-voltage external AC to DC power supplies; ~~((11)) (g)~~ state-regulated incandescent reflector lamps; ~~((j) torchieres; (k) traffic signal modules;)~~ and ~~((11)) (h)~~ unit heaters. This chapter applies equally to products whether they are sold, offered for sale, or installed as a stand-alone product or as a component of another product.

(2) This chapter does not apply to (a) new products manufactured in the state and sold outside the state, (b) new products manufactured outside the state and sold at wholesale inside the state for final retail sale and installation outside the state, (c) products installed in mobile manufactured homes at the time of construction~~((11))~~, or (d) products designed expressly for installation and use in recreational vehicles.

Sec. 3. RCW 19.260.040 and 2005 c 298 s 4 are each amended to read as follows:

The legislature establishes the following minimum efficiency standards for the types of new products set forth in RCW 19.260.030.

(1)(a) Automatic commercial ice cube machines must have daily energy use and daily water use no greater than the applicable values in the following table:

Equipment type	Type of cooling	Harvest rate (lbs. ice/24 hrs.)	Maximum energy use (kWh/100 lbs.)	Maximum condenser water use (gallons/100 lbs. ice)
Ice-making head	water	<500	7.80 - .0055H	200 - .022H
		>=500<1436	5.58 - .0011H	200 - .022H
		>=1436	4.0	200 - .022H

Ice-making head	air	450	10.26 - .0086H	Not applicable
		> =450	6.89 - .0011H	Not applicable
Remote condensing but not remote compressor	air	<1000	8.85 - .0038	Not applicable
		> =1000	5.10	Not applicable
Remote condensing and remote compressor	air	<934	8.85 - .0038H	Not applicable
		> =934	5.3	Not applicable
Self-contained models	water	<200	11.40 - .0190H	191 - .0315H
		> =200	7.60	191 - .0315H
Self-contained models	air	<175	18.0 - .0469H	Not applicable
		> =175	9.80	Not applicable

Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are "pulldown" refrigerators

Transparent .126V + 3.51

Solid 0.40V + 1.38

Transparent 0.75V + 4.10

Solid 0.27AV - 0.71

kWh = kilowatt hours
 V = total volume (ft³)
 AV = adjusted volume = [1.63 x freezer volume (ft³) + refrigerator volume (ft³)

Where H = harvest rate in pounds per twenty-four hours which must be reported within 5% of the tested value. "Maximum water use" applies only to water used for the condenser.

(b) For purposes of this section, automatic commercial ice cube machines shall be tested in accordance with ARI 810-2003 test method as published by the air-conditioning and refrigeration institute. Ice-making heads include all automatic commercial ice cube machines that are not split system ice makers or self-contained models as defined in ARI 810-2003.

(2) Commercial clothes washers must have a minimum modified energy factor of 1.26. For the purposes of this section, capacity and modified energy factor are defined and measured in accordance with the current federal test method for clothes washers as found at 10 C.F.R. Sec. 430.23.

(3) Commercial prerinse spray valves must have a flow rate equal to or less than 1.6 gallons per minute when measured in accordance with the American society for testing and materials' "Standard Test Method for Prerinse Spray Valves," ASTM F2324-03.

(4)(a) Commercial refrigerators and freezers must meet the applicable requirements listed in the following table:

Equipment Type	Doors	Maximum Daily Energy Consumption (kWh)
Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are refrigerators	Solid	0.10V + 2.04
	Transparent	0.12V + 3.34

(b) For purposes of this section, "pulldown" designates products designed to take a fully stocked refrigerator with beverages at 90 degrees F and cool those beverages to a stable temperature of 38 degrees F within 12 hours or less. Daily energy consumption shall be measured in accordance with the American national standards institute/American society of heating, refrigerating and air-conditioning engineers test method 117-2002, except that the back-loading doors of pass-through and roll-through refrigerators and freezers must remain closed throughout the test, and except that the controls of all appliances must be adjusted to obtain the following product temperatures.

Product or compartment type	Integrated average product temperature in degrees Fahrenheit
Refrigerator	38 ± 2
Freezer	0 ± 2

~~(5) (Illuminated exit signs must have an input power demand of five watts or less per illuminated face. For the purposes of this section, input power demand is measured in accordance with the United States environmental protection agency's energy star exit sign program's conditions for testing, version 3.0. Illuminated exit signs must meet all applicable building and safety codes.)~~

~~(6)(a) Low-voltage dry-type distribution transformers shall have efficiencies not less than the applicable values in the following table when tested at thirty-five percent of the rated output power:~~

Single-Phase		Three-Phase	
Rated power output in kVa	Minimum efficiency %	Rated power output in kVa	Minimum efficiency %
≥15 — <25	97.7	≥15 — <30	97.0
≥25 — <37.5	98.0	≥30 — <45	97.5
≥37.5 — <50	98.2	≥45 — <75	97.7
≥50 — <75	98.3	≥75 — <112.5	98.0

FIFTY-FIFTH DAY, MARCH 4, 2006

≥ 75 < 100	98.5	≥ 112.5 < 150	98.2
≥ 100 < 167	98.6	≥ 150 < 225	98.3
≥ 167 < 250	98.7	≥ 225 < 300	98.5
≥ 250 < 333	98.8	≥ 300 < 500	98.6
333	98.9	≥ 500 < 750	98.7
=	=	≥ 750 < 1000	98.8
=	=	1000	98.9

kVa = kilovolt amperes

~~(b) For the purposes of this section, low-voltage dry-type distribution transformer efficiency is measured in accordance with the national electrical manufacturers association TP 2-1998 test method.~~

~~(7)) Metal halide lamp fixtures designed to be operated with lamps rated greater than or equal to 150 watts but less than or equal to 500 watts shall not contain a probe-start metal halide lamp ballast.~~

~~((8)) (6)(a) Single-voltage external AC to DC power supplies shall meet the requirements in the following table:~~

Nameplate output	Minimum Efficiency in Active Mode
< 1 Watt	0.49 * Nameplate Output
> or = 1 Watt and < or = 49 Watts	0.09 * Ln (Nameplate Output) + 0.49
> 49 Watts	0.84
	Maximum Energy Consumption in No-Load Mode
< 10 Watts	0.5 Watts
> or = 10 Watts and < or = 250 Watts	0.75 Watts

Where Ln (Nameplate Output) - Natural Logarithm of the nameplate output expressed in Watts

(b) For the purposes of this section, efficiency of single-voltage external AC to DC power supplies shall be measured in accordance with the United States environmental protection agency's "Test Method for Calculating the Energy Efficiency of Single-Voltage External AC to DC and AC to AC Power Supplies," by Ecos Consulting and Power Electronics Application Center, dated August 11, 2004.

~~((9)) (7)(a) State-regulated incandescent reflector lamps ((that are not 50-watt elliptical reflector lamps must meet the minimum efficacies in the following table:~~

Wattage	Minimum average lamp efficacy (lumens per watt)
40-50	10.5
51-66	11.0
67-85	12.5
86-115	14.0
116-155	14.5
156-205	15.0

~~(b) Lamp efficacy must be measured in accordance with the applicable federal test method as found at 10 C.F.R. Sec. 430.23.~~

~~(10) Torchiere's may not use more than 190 watts. A torchiere is deemed to use more than 190 watts if any commercially available lamp or combination of lamps can be inserted in a socket and cause the torchiere to draw more than 190 watts when operated at full brightness.~~

~~(11)(a) Traffic signal modules must have maximum and nominal wattage that do not exceed the applicable values in the following table:~~

Module Type	Maximum Wattage (at 74°C)	Nominal Wattage (at 25°C)
12" red ball (or 300 mm circular)	17	11
8" red ball (or 200 mm circular)	13	8
12" red arrow (or 300 mm arrow)	12	9
12" green ball (or 300 mm circular)	15	15
8" green ball (or 200 mm circular)	12	12
12" green arrow (or 300 mm arrow)	11	11

mm = millimeter

~~(b) For the purposes of this section, maximum wattage and nominal wattage must be measured in accordance with and under the testing conditions specified by the institute for transportation engineers "Interim LED Purchase Specification, Vehicle Traffic Control Signal Heads, Part 2: Light Emitting Diode Vehicle Traffic Signal Modules.") shall meet the minimum average lamp efficacy requirements for federally regulated incandescent reflector lamps contained in 42 U.S.C. Sec. 6295(i)(1)(A).~~

~~(b) The following types of incandescent lamps are exempt from these requirements:~~

~~(i) Lamps rated at fifty watts or less of the following types: BR 30, ER 30, BR 40, and ER 40;~~

~~(ii) Lamps rated at sixty-five watts of the following types: BR 30, BR 40, and ER 40; and~~

~~(iii) R 20 lamps of forty-five watts or less.~~

~~((12)) (8) Unit heaters must be equipped with intermittent ignition devices and must have either power venting or an automatic flue damper.~~

~~Sec. 4. RCW 19.260.050 and 2005 c 298 s 5 are each amended to read as follows:~~

~~(1) ((On or after January 1, 2007;)) No new commercial prerinse spray valve, commercial clothes washer, commercial refrigerator or freezer, ((illuminated exit sign, low-voltage dry-type distribution transformer, single-voltage external AC to DC power supply;)) state-regulated incandescent reflector lamp, ((torchiere, traffic signal module;)) or unit heater manufactured on or after January 1, 2007, may be sold or offered for sale in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040. ((On or after January 1, 2008;)) No new automatic commercial ice cube machine, single-voltage external AC to DC power supply, or metal halide lamp fixtures manufactured on or after January 1, 2008, may be sold or offered for sale in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040.~~

FIFTY-FIFTH DAY, MARCH 4, 2006

(2) On or after January 1, 2008, no new commercial prerinse spray valve, commercial clothes washer, commercial refrigerator or freezer, ~~((illuminated exit sign, low-voltage dry-type distribution transformer,))~~ single-voltage external AC to DC power supply, state-regulated incandescent reflector lamp, ~~((torchiere, traffic signal module,))~~ or unit heater manufactured on or after January 1, 2007, may be installed for compensation in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040. On or after January 1, 2009, no new automatic commercial ice cube machine or metal halide lamp fixtures manufactured on or after January 1, 2008, may be installed for compensation in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040.

(3) Standards for metal halide lamp fixtures and state-regulated incandescent reflector lamps are effective on the dates in subsections (1) and (2) of this section." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Poulsen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6840.

Senators Poulsen and Morton spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Poulsen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6840.

The motion by Senator Poulsen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6840 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6840, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6840, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Excused: Senators Benson, Brown, Doumit, Finkbeiner, Haugen, McCaslin and Parlette - 7

SUBSTITUTE SENATE BILL NO. 6840, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:32 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Monday, March 6, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 6, 2006

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Doumit.

The Sergeant at Arms Color Guard consisting of Pages Jonathan Turner and Audrey Shin, presented the Colors. Pastor Michael Anderson of Holy Spirit Lutheran Church offered the prayer.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

March 3, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Green River Community College Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Green River Community College Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 3, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Barley Commission Audit Report.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Washington State Barley Commission Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 3, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Barley Commission Audit Report.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Washington State Barley Commission Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 3, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Wheat Commission Audit Report.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Washington State Wheat Commission Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 3, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Wheat Commission Audit Report.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Washington State Wheat Commission Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 3, 2006

STATE OF WASHINGTON

FIFTY-SEVENTH DAY, MARCH 6, 2006
Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington Apple Commission Audit Report.
If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Washington Apple Commission Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 3, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington Apple Commission Audit Report.
If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Washington Apple Commission Audit Report is on file in the Office of the Secretary of the Senate.

MOTION

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

MESSAGE FROM THE HOUSE

March 4, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:
SUBSTITUTE SENATE BILL NO. 6247,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 4, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:
SUBSTITUTE SENATE BILL NO. 6141,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 4, 2006

MR. PRESIDENT:

2006 REGULAR SESSION

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1080,
SUBSTITUTE HOUSE BILL NO. 1257,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1850,
SECOND SUBSTITUTE HOUSE BILL NO. 2002,
ENGROSSED HOUSE BILL NO. 2322,
HOUSE BILL NO. 2348,
HOUSE BILL NO. 2381,
SUBSTITUTE HOUSE BILL NO. 2415,
SUBSTITUTE HOUSE BILL NO. 2471,
SECOND SUBSTITUTE HOUSE BILL NO. 2498,
SUBSTITUTE HOUSE BILL NO. 2500,
HOUSE BILL NO. 2544,
HOUSE BILL NO. 2567,
HOUSE BILL NO. 2606,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

At 10:11 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:18 a.m. by President Owen.

MOTION

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

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kohl-Welles moved that Gubernatorial Appointment No. 9342, R. James Cook, as a member of the Board of Trustees, The Life Sciences Discovery Fund Authority, be confirmed.

Senators Kohl-Welles, Schoesler and Rasmussen spoke in favor of the motion.

APPOINTMENT OF R. JAMES COOK

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9342, R. James Cook as a member of the Board of Trustees, The Life Sciences Discovery Fund Authority.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9342, R. James Cook as a member of the Board of Trustees, The Life Sciences Discovery Fund Authority and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senators Doumit and Jacobsen - 2

Gubernatorial Appointment No. 9342, R. James Cook, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Life Sciences Discovery Fund Authority.

SECOND READING

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kohl-Welles moved that Gubernatorial Appointment No. 9368, Bruce Montgomery, as a member of the Board of Trustees, The Life Sciences Discovery Fund Authority, be confirmed.

Senators Kohl-Welles and Esser spoke in favor of the motion.

MOTION

On motion of Senator Schoesler, Senator Mulliken was excused.

APPOINTMENT OF BRUCE MONTGOMERY

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9368, Bruce Montgomery as a member of the Board of Trustees, The Life Sciences Discovery Fund Authority.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9368, Bruce Montgomery as a member of the Board of Trustees, The Life Sciences Discovery Fund Authority and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senators Carrell and Doumit - 2

Excused: Senator Mulliken - 1

Gubernatorial Appointment No. 9368, Bruce Montgomery, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Life Sciences Discovery Fund Authority.

MOTION

On motion of Senator McCaslin, Senator Morton was excused.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kohl-Welles moved that Gubernatorial Appointment No. 9394, Cheryl Scott, as a member of the Board of Trustees, The Life Sciences Discovery Fund Authority, be confirmed.

Senator Kohl-Welles spoke in favor of the motion.

MOTION

On motion of Senator Weinstein, Senator Fairley was excused.

APPOINTMENT OF CHERYL SCOTT

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9394, Cheryl Scott as a member of the Board of Trustees, The Life Sciences Discovery Fund Authority.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9394, Cheryl Scott as a member of the Board of Trustees, The Life Sciences Discovery Fund Authority and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senators Doumit and Hargrove - 2

Excused: Senators Fairley and Mulliken - 2

Gubernatorial Appointment No. 9394, Cheryl Scott, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Life Sciences Discovery Fund Authority.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kohl-Welles moved that Gubernatorial Appointment No. 9402, Gary Locke, as a member of the Board of Trustees, The Life Sciences Discovery Fund Authority, be confirmed.

Senator Kohl-Welles spoke in favor of the motion.

Senator Honeyford spoke against the motion.

MOTION

On motion of Senator Regala, Senators Doumit and Hargrove were excused.

APPOINTMENT OF GARY LOCKE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9402, Gary Locke as a member of the Board of Trustees, The Life Sciences Discovery Fund Authority.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9402, Gary Locke as a member of the Board of Trustees, The Life Sciences Discovery Fund Authority and the appointment was confirmed by the following vote: Yeas, 37; Nays, 6; Absent, 3; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Oke, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Thibaudeau, Weinstein and Zarelli - 37

Voting nay: Senators Deccio, Honeyford, Pflug, Schoesler, Stevens and Swecker - 6

Absent: Senators Carrell, Morton and Poulsen - 3

Excused: Senators Doumit, Hargrove and Mulliken - 3

Gubernatorial Appointment No. 9402, Gary Locke, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Life Sciences Discovery Fund Authority.

MOTION

On motion of Senator Schoesler, Senators Carrell and Morton were excused.

SECOND READING

FIFTY-SEVENTH DAY, MARCH 6, 2006
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

2006 REGULAR SESSION

MOTION

Senator Fraser moved that Gubernatorial Appointment No. 9399, Kathleen D. Mix, as a member of the Pollution Control/Shorelines Hearings Board, be confirmed.

Senator Fraser spoke in favor of the motion.

APPOINTMENT OF KATHLEEN D. MIX

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9399, Kathleen D. Mix as a member of the Pollution Control/Shorelines Hearings Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9399, Kathleen D. Mix as a member of the Pollution Control/Shorelines Hearings Board and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Doumit - 1

Gubernatorial Appointment No. 9399, Kathleen D. Mix, having received the constitutional majority was declared confirmed as a member of the Pollution Control/Shorelines Hearings Board.

MOTION

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

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SENATE BILL NO. 5048,
 ENGROSSED SENATE BILL NO. 5232,
 SUBSTITUTE SENATE BILL NO. 6161,
 SENATE BILL NO. 6674,

MESSAGE FROM THE HOUSE

February 28, 2006

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5305, with the following amendments {s} 5305-S.E AMH HC AMH5277.1.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that vaccinations and immunizations are among the most important public health innovations of the last one hundred years. The centers for disease control and prevention placed vaccinations at the top of its list of the ten greatest public health achievements of the twentieth century. In its efforts to improve public health in the world's poorest countries, the Bill and Melinda Gates foundation has identified childhood immunization as a cost-effective method of improving public health and saving the lives of millions of children around the world.

Fortunately, in Washington, safe and cost-effective vaccinations against childhood diseases are widely available through both public and private resources. The vaccines that the

Washington state department of health provides to meet the requirements for the recommended childhood vaccination schedule through its universal childhood vaccine program are screened for thimerosal and preference is given toward the purchase of thimerosal-free products. The department of health currently provides thimerosal-free products for all routinely recommended childhood vaccines. Regardless of the absence of thimerosal in childhood vaccines in Washington, scientifically reputable organizations such as the centers for disease control and prevention, the national institute of medicine, the American academy of pediatrics, the food and drug administration, and the world health organization have all determined that there is no credible evidence that the use of thimerosal in vaccines poses a threat to the health and safety of children.

Notwithstanding these assurances of the safety of the vaccine supply, the legislature finds that where there is public concern over the safety of vaccines, vaccination rates may be reduced to the point that deadly, vaccine-preventable, childhood diseases return. This measure is being enacted to maintain public confidence in vaccine programs, so that the public will continue to seek vaccinations and their health benefits may continue to protect the people of Washington.

NEW SECTION. Sec. 2. A new section is added to chapter 70.95M RCW to read as follows:

(1) Beginning July 1, 2007, a person who is known to be pregnant or who is under three years of age shall not be vaccinated with a mercury-containing vaccine or injected with a mercury-containing product that contains more than 0.5 micrograms of mercury per 0.5 milliliter dose and does not meet food and drug administration vaccine licensing requirements.

(2) Notwithstanding subsection (1) of this section, an influenza vaccine may contain up to 1.0 micrograms of mercury per 0.5 milliliter dose.

(3) The secretary of the department of health may, upon declaration of a public health emergency, suspend the requirements of this section for the duration of the emergency." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rasmussen moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5305 and ask the House to recede therefrom.

Senators Rasmussen and Roach spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Rasmussen that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5305 and ask the House to recede therefrom.

The motion by Senator Rasmussen carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5305 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5330, with the following amendments {s} 5330.E AMH EDAT H5332.2.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature declares that it is the state's policy to encourage the use of federal and private funds for economic development purposes and to use state resources to leverage federal and private dollars to supplement state economic development efforts.

NEW SECTION. Sec. 2. A new section is added to chapter 43.330 RCW to read as follows:

(1) The department shall make available, within existing resources, an inventory of grant opportunities for state agencies, local governments, and other community organizations engaged in economic development activities.

(2) In developing the inventory of economic development grant opportunities, the department may:

(a) Regularly review the federal register for opportunities to apply for grants, research projects, and demonstration projects;

(b) Maintain an inventory of grant opportunities with private foundations and businesses; and

(c) Consult with federal officials, including but not limited to those in the small business administration, the department of labor, the department of commerce, the department of agriculture, the department of ecology, as well as private foundations and businesses, on the prospects for obtaining federal and private funds for economic development purposes in Washington state.

(3) The department may also facilitate joint efforts between agencies and between local organizations and state agencies that will increase the likelihood of success in grant seeking and the attraction of major events."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Shin moved that the Senate refuse to concur in the House amendment(s) to Engrossed Senate Bill No. 5330 and ask the House to recede therefrom.

Senators Shin and Pflug spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Shin that the Senate refuse to concur in the House amendment(s) to Engrossed Senate Bill No. 5330 and ask the House to recede therefrom.

The motion by Senator Shin carried and the Senate refused to concur in the House amendment(s) to Engrossed Senate Bill No. 5330 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 24, 2006

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6386, with the following amendments{s} 6386-S.E AMH APP AMH5297.5.

Strike everything after the enacting clause and insert the following:

"PART I GENERAL GOVERNMENT

Sec. 101. 2005 c 518 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund--State Appropriation (FY 2006)	(\$30,411,000)
	\$30,261,000
General Fund--State Appropriation (FY 2007)	(\$30,900,000)
	\$30,934,000
<u>Pension Funding Stabilization Account</u>	
<u>Appropriation</u>	\$167,000
TOTAL APPROPRIATION	(\$61,311,000)
	\$61,362,000

The appropriations in this section are subject to the following conditions and limitations: ((2)) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the children's and family services task force established in Engrossed Substitute Senate Bill No. 5872 (family/children's

department). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

Sec. 102. 2005 c 518 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund--State Appropriation (FY 2006)	.. . \$23,253,000
General Fund--State Appropriation (FY 2007)	(\$25,368,000)
	\$25,395,000
<u>Pension Funding Stabilization Account</u>	
<u>Appropriation</u>	\$125,000
TOTAL APPROPRIATION	(\$48,621,000)
	\$48,773,000

The appropriations in this section are subject to the following conditions and limitations:

\$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the children's and family services task force established in Engrossed Substitute Senate Bill No. 5872 (family/children's department). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

Sec. 103. 2005 c 518 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund--State Appropriation (FY 2006)	. (\$2,531,000)
	\$2,294,000
General Fund--State Appropriation (FY 2007)	. (\$1,953,000)
	\$2,869,000
<u>Pension Funding Stabilization Account</u>	
<u>Appropriation</u>	\$9,000
TOTAL APPROPRIATION	(\$4,484,000)
	\$5,172,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions in this section, the committee may adjust the due dates for projects included on the committee's 2005-07 work plan as necessary to efficiently manage workload.

(2)(a) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for a study of the basic health plan. Part 1 of the study shall examine the extent to which basic health plan policies and procedures promote or discourage the provision of appropriate, high-quality, cost-effective care to basic health plan enrollees. Issues to be addressed include, but are not limited to, whether (i) enrollees are encouraged to engage in wellness activities and receive preventative services; (ii) evidence-based treatment strategies are identified and promoted; (iii) enrollees are encouraged to use high-quality providers; (iv) enrollees with chronic or other high-cost conditions are identified and provided with appropriate interventions; and (v) innovative health care service delivery methods are encouraged. Part 1 of the study report shall be completed by December 2005.

(b) Part 2 of the study shall examine the characteristics of individuals enrolled in the basic health plan, and their use of health care services, including, but not limited to, (i) enrollee longevity on the basic health plan; (ii) circumstances that led to basic health plan enrollment; (iii) how enrollees obtained health care prior to basic health plan enrollment; (iv) health care coverage of other household members; (v) service utilization patterns; and (vi) employment status and by whom basic health plan enrollees are employed. Part 2 of the study must be completed by July, 2006.

(3) ~~(\$188,000)~~ \$37,000 of the general fund--state appropriation for fiscal year 2006 ~~(is)~~ and \$151,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the public infrastructure study and the cost of evaluating the effectiveness of the job development fund grant program required by House Bill No. 1903 (creating a job development fund). If House Bill No. 1903 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(4) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for an evaluation of the budget process used for information technology projects. The evaluation will include: Itemizing total costs for current information technology funding across state agencies; analyzing current processes by which information funding is requested and evaluated; analyzing processes used in the private sector and other states; and assessing the applicability of other practices for improving the state's funding process. A report is due in January 2006.

(5) \$125,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for a study of the current state pupil transportation funding formula. The study will evaluate the extent to which the formula captures the costs of providing pupil transportation for basic education programs. Based on the results of this evaluation, the study shall develop alternative formulas for allocating state funding to school districts for the transportation of students for basic education programs. The alternative formulas shall take into account the legislative definition of basic education programs, promote the efficient use of state and local resources, and allow local district control over the management of pupil transportation systems. In addition, the study shall include a review of the funding mechanisms used by other states and identify best practices.

(6) Within amounts provided in this section, the committee shall conduct a review of the special education excess cost accounting methodology and expenditure reporting requirements. The committee shall work with the state auditor's office and develop a mutually acceptable work plan in conducting this review. This review may include, but is not limited to: (a) An analysis of the current special education excess cost accounting methodology and related special education expenditure reporting requirements; (b) an examination of whether opportunities exist for modifying the current excess cost accounting methodology and expenditure reporting requirements; (c) an assessment of the potential impact on school districts if the current excess cost accounting methodology and expenditure reporting requirements are modified; and (d) any findings and recommendations from the state auditor's office examination of whether school districts are appropriately and consistently applying the current excess cost methodology. The committee shall provide a report to the appropriate policy and fiscal committees of the legislature in January 2006.

(7) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the consultant costs related to the study identified in section 505 of Engrossed Second Substitute Senate Bill No. 5763 (mental disorders treatment). If this section is not enacted by June 30, 2005, these amounts shall lapse.

(8) \$86,000 of the general fund--state appropriation for fiscal year ~~(2006)~~ 2007 is provided solely to implement the provisions of Engrossed Substitute House Bill No. 1064 (government performance). If Engrossed Substitute House Bill No. 1064 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(9) \$190,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for purposes of legislative hearings and reporting requirements under Initiative Measure No. 900 (chapter 1, Laws of 2006; performance audits).

(10) \$375,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the review of tax preferences and to staff the citizen commission for performance measurement of tax preferences required in Engrossed House Bill No. 1069 (audits of tax preferences). If Engrossed House Bill No. 1069 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(11) \$42,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the evaluation of the effectiveness of the local infrastructure financing tool program required in Engrossed Second Substitute House Bill No. 2673 (local infrastructure). If Engrossed Second Substitute House Bill No. 2673 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$56,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the cost of conducting a performance audit of the department of natural resources' aquatic resources program required by House Bill No. 3237 (aquatic lands). If House Bill No. 3237 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(13) \$14,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the cost of conducting a review of the staffing levels for department of health investigators and attorneys involved in the health professions disciplinary process required by Substitute House Bill No. 2974 (health profession discipline). If Substitute House Bill No. 2974 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 104. 2005 c 518 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund--State Appropriation (FY 2006)	...	\$1,737,000
General Fund--State Appropriation (FY 2007)	.	(\$1,921,000)
		\$1,924,000 Pension Funding Stabilization Account
		<u>Appropriation \$10,000</u>
	TOTAL APPROPRIATION	.. (\$3,658,000)
		\$3,671,000

Sec. 105. 2005 c 518 s 106 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund--State Appropriation (FY 2006)	...	\$7,288,000
General Fund--State Appropriation (FY 2007)	.	(\$7,248,000)
		\$7,252,000 Pension Funding Stabilization Account
		<u>Appropriation \$25,000</u>
	TOTAL APPROPRIATION	.. (\$14,536,000)
		\$14,565,000

Sec. 106. 2005 c 518 s 107 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund--State Appropriation (FY 2006)	...	\$4,112,000
General Fund--State Appropriation (FY 2007)	.	(\$4,398,000)
		\$4,401,000 Pension Funding Stabilization Account
		<u>Appropriation \$20,000</u>
	TOTAL APPROPRIATION	.. (\$8,510,000)
		\$8,533,000

Sec. 107. 2005 c 518 s 105 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense Account--		
State Appropriation	.....	(\$3,013,000)
		\$3,022,000

The appropriation in this section is subject to the following conditions and limitations: By December 1, 2005, the state actuary shall conduct an actuarial analysis that quantifies, to the greatest extent permissible from available experience data, the fiscal impact of the retire-rehire program for plan 1 of the public employees' retirement system and the teachers' retirement system enacted by chapter 10, Laws of 2001 and chapter 412, Laws of 2003. In addition to the actuarial analysis, the state actuary shall present a range of legislative alternatives to the plan 1 retire-rehire program, including an actuarial analysis of the fiscal impact of proposals to increase the maximum retirement allowance beyond sixty percent of average final compensation. The analysis shall be submitted to the select committee on pension policy, the senate committee on ways and means, and the house of representatives committee on appropriations.

Sec. 108. 2005 c 518 s 109 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund--State Appropriation (FY 2006) . . . ~~(\$6,085,000)~~
\$6,095,000
 General Fund--State Appropriation (FY 2007) . . . ~~(\$6,346,000)~~
\$6,397,000 Pension Funding Stabilization Account
Appropriation \$37,000
 TOTAL APPROPRIATION . . . ~~(\$12,431,000)~~
\$12,529,000

Sec. 109. 2005 c 518 s 112 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund--State Appropriation (FY 2006) . . . \$1,055,000
 General Fund--State Appropriation (FY 2007) . . . ~~(\$1,107,000)~~
\$1,109,000 Pension Funding Stabilization Account
Appropriation \$5,000
 TOTAL APPROPRIATION . . . ~~(\$2,162,000)~~
\$2,169,000

Sec. 110. 2005 c 518 s 110 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund--State Appropriation (FY 2006) . . . ~~(\$2,011,000)~~
\$2,013,000
 General Fund--State Appropriation (FY 2007) . . . ~~(\$2,020,000)~~
\$2,024,000 Pension Funding Stabilization Account
Appropriation \$5,000
 TOTAL APPROPRIATION . . . ~~(\$4,031,000)~~
\$4,042,000

Sec. 111. 2005 c 518 s 111 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund--State Appropriation (FY 2006) . . . ~~(\$13,866,000)~~
\$13,916,000
 General Fund--State Appropriation (FY 2007) . . . ~~(\$14,358,000)~~
\$14,393,000 Pension Funding Stabilization Account
Appropriation \$80,000
 TOTAL APPROPRIATION . . . ~~(\$28,224,000)~~
\$28,389,000

Sec. 112. 2005 c 518 s 113 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2006) . . . ~~(\$19,657,000)~~
\$19,834,000
 General Fund--State Appropriation (FY 2007) . . . ~~(\$20,081,000)~~
\$21,328,000
 Public Safety and Education Account--State
 Appropriation ~~(\$50,106,000)~~
\$50,277,000
 Judicial Information Systems Account--State
 Appropriation ~~(\$25,641,000)~~
\$26,051,000 Pension Funding Stabilization Account
Appropriation \$96,000
 TOTAL APPROPRIATION . . . ~~(\$115,485,000)~~
\$117,586,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$900,000 of the general fund--state appropriation for fiscal year 2006 and \$900,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need

volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(2) \$3,000,000 of the public safety and education account appropriation is provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the office of the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed.

(3) \$13,224,000 of the public safety and education account appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The office of the administrator for the courts shall not retain any portion of these funds to cover administrative costs. The office of the administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(4) The distributions made under subsection (3) of this section and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(5) Each fiscal year during the 2005-07 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(6) \$82,000 of the general fund--state appropriation for fiscal year 2006 and \$82,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1112 (creating an additional superior court position). If the bill is not enacted by June 30, 2005, the amounts in this subsection shall lapse.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the implementation of Substitute House Bill No. 1854 (driving privilege) and Engrossed Second Substitute Senate Bill No. 5454 (court operations). If neither bill is enacted by June 30, 2005, the amount in this subsection shall lapse.

Sec. 113. 2005 c 518 s 114 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

General Fund--State Appropriation (FY 2006) . . . ~~(\$1,490,000)~~
\$1,565,000
 General Fund--State Appropriation (FY 2007) . . . ~~(\$2,078,000)~~
\$11,887,000
 Public Safety and Education Account--State
 Appropriation ~~(\$13,175,000)~~
\$13,181,000
 TOTAL APPROPRIATION . . . ~~(\$16,743,000)~~
\$26,633,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$800,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$1,000,000)~~ \$5,659,000 of the general fund--state appropriation for fiscal year 2007 are provided

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

solely to expand the parent representation project in dependency and termination cases.

(2) Amounts provided from the public safety and education account appropriation in this section include funding for investigative services in death penalty personal restraint petitions.

(3) Within amounts appropriated in this section and in Engrossed Second Substitute Senate Bill No. 5454, the office may, at its discretion, implement Second Substitute House Bill No. 1542 (indigent defense services).

Sec. 114. 2005 c 518 s 115 (uncodified) is amended to read as follows:

FOR THE OFFICE OF CIVIL LEGAL AID

General Fund--State Appropriation (FY 2006)	. ((\$2,883,000))
	\$3,083,000
General Fund--State Appropriation (FY 2007)	. ((\$2,832,000))
	\$3,232,000
Public Safety and Education Account--State	
Appropriation	\$4,705,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation	\$2,987,000
TOTAL APPROPRIATION	. ((\$13,407,000))
	\$14,007,000

~~((The appropriations in this section are subject to the following conditions and limitations:~~

~~(1) \$2,783,000 of the general fund--state appropriation for fiscal year 2006, \$2,732,000 of the general fund--state appropriation for fiscal year 2007, \$4,705,000 of the public safety and education account--state appropriation, and \$2,987,000 of the violence reduction and drug enforcement account--state appropriation are contingent upon enactment of Substitute House Bill No. 1747 (civil legal services). If the bill is not enacted by June 30, 2005, these appropriations shall be made to the department of community, trade, and economic development and are provided solely for the purpose of civil legal services.~~

~~(2) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are contingent upon enactment of Substitute House Bill No. 1747 (civil legal services). If the bill is not enacted by June 30, 2005, the appropriation shall be made to the department of community, trade, and economic development and is provided solely for a general farm organization with members in every county of the state to develop and administer an alternative dispute resolution system for disputes between farmers and farm workers.)~~

Sec. 115. 2005 c 518 s 116 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2006)	. . . . \$5,600,000
General Fund--State Appropriation (FY 2007)	. ((\$5,279,000))
	\$5,886,000
General Fund--Federal Appropriation	. . . . . ((\$1,364,000))
	\$1,366,000
Oil Spill Prevention Account Appropriation	. . . . . \$508,000
Water Quality Account--State Appropriation	. . . ((\$4,184,000))
	\$4,193,000
Economic Development Strategic Reserve	
Account Appropriation	
. \$4,000,000	Pension Funding Stabilization Account
Appropriation	\$24,000
TOTAL APPROPRIATION	. ((\$16,935,000))
	\$21,577,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,112,000 of the water quality account appropriation and \$1,150,000 of the general fund--federal appropriation are provided solely for the Puget Sound water quality action team to implement the Puget Sound conservation and recovery plan action items PSAT-01 through PSAT-06.

(2) \$200,000 of the general fund--state appropriation for fiscal year 2006, \$200,000 of the general fund--state

appropriation for fiscal year 2007, and \$200,000 of the general fund--federal appropriation are provided solely for one-time corrective actions to address Hood canal's dissolved oxygen problems, the Puget Sound conservation and recovery plan action item PSAT-07.

(3) As described in section 129(7) of this act, the Puget Sound water quality action team shall make recommendations and report on monitoring activities related to salmon recovery.

(4) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1152 (early learning council). If House Bill No. 1152 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(5) For the governor's funding request pursuant to RCW 74.39A.300 to be submitted to the legislature by December 20, 2006, it is the intent of the legislature to consider a fringe benefits funding request that provides health care benefits substantially equivalent in cost to those available to individual providers pursuant to chapter 25, Laws of 2003 1st sp. sess.

(6) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely as a grant to the Hood Canal Coordinating Council to implement Engrossed Substitute House Bill No. 2097 (management program for Hood Canal). ~~((If Engrossed Substitute House Bill No. 2097 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.))~~

(7) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a review of ocean policy issues in cooperation with individuals with appropriate expertise and the departments of ecology, fish and wildlife, and natural resources. By December 31, 2005, the governor's office shall identify the recommendations of the U.S. commission on ocean policy appropriate for immediate implementation. By December 31, 2006, the governor's office shall provide a report: (a) Summarizing the condition of the state's ocean resources and their contribution to the state's character, quality of life, and economic viability; (b) recommending improvements in coordination among state agencies and other jurisdictions; (c) recommending measures to protect and manage ocean resources; (d) recommending measures to finance ocean protection, management, and development programs; and (e) recommending legislation regarding ocean resources or policy.

(8) \$508,000 of the oil spill prevention account appropriation is provided solely for the oil spill advisory council established in Engrossed Substitute Senate Bill No. 5432 (oil spill oversight council). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(9) The economic development strategic reserve account appropriation is provided solely for the purpose of implementing chapter 427, Laws of 2005 (2SSB 5370).

(10)(a) \$297,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Puget Sound action team in coordination with the Hood Canal coordinating council to contract for the initial phase of a two-part study in the Hood Canal to: (i) Improve data and knowledge of the loading of nitrogen from on-site sewage systems to ground water; (ii) determine the local scale efficiency of nitrogen removal from on-site sewage systems; and (iii) improve data and knowledge of the loading of nitrogen from all ground water sources to Hood Canal.

(b) The study shall: (i) Locate representative on-site sewage systems distributed within the Hood Canal drainage basin for use in the study; (ii) collect water levels and samples from the areas around a number of on-site sewage systems under a variety of water table, soil, and geologic conditions; (iii) test samples for nitrogen, phosphorous, carbon, and other pertinent chemistry; (iv) consider water levels and samples from monitoring wells both up gradient and down gradient from on-site sewage systems; (v) collect data from drain fields to test on-site sewage system efficiency; and (vi) collect water level, nutrient, and other chemical data from a number of existing

FIFTY-SEVENTH DAY, MARCH 6, 2006

wells in the watershed to test how much nitrogen is reaching Hood Canal. The study shall be coordinated with other studies being conducted in Hood Canal through the Hood Canal dissolved oxygen program. The Puget Sound action team and the Hood Canal coordinating council shall report their finding and recommendations to the appropriate committees of the legislature by December 1, 2007.

Sec. 116. 2005 c 518 s 117 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

Table with 2 columns: Description and Amount. Rows include General Fund--State Appropriation (FY 2006), General Fund--State Appropriation (FY 2007), Pension Funding Stabilization Account Appropriation, and TOTAL APPROPRIATION.

Sec. 117. 2005 c 518 s 118 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

Table with 2 columns: Description and Amount. Rows include General Fund--State Appropriation (FY 2006), General Fund--State Appropriation (FY 2007), Pension Funding Stabilization Account Appropriation, and TOTAL APPROPRIATION.

The appropriations in this section are subject to the following conditions and limitations: \$10,000 of the general fund--state appropriation for fiscal year 2006 and \$56,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Third Substitute House Bill No. 1226 (campaign contribution limits). If Third Substitute House Bill No. 1226 is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

Sec. 118. 2005 c 518 s 119 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

Table with 2 columns: Description and Amount. Rows include General Fund--State Appropriation (FY 2006), General Fund--State Appropriation (FY 2007), General Fund--Federal Appropriation, General Fund--Private/Local Appropriation, Archives and Records Management Account--State Appropriation, Department of Personnel Services Account--State Appropriation, Local Government Archives Account--State Appropriation, Election Account--Federal Appropriation, Pension Funding Stabilization Account Appropriation, and TOTAL APPROPRIATION.

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,296,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) (\$1,999,000) \$2,441,000 of the general fund--state appropriation for fiscal year 2006 and \$2,403,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$118,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for legal advertising of state measures under RCW 29.27.072.

(4)(a) \$2,028,004 of the general fund--state appropriation for fiscal year 2006 and \$2,063,772 of the general fund--state appropriation for fiscal year 2007 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2005-07 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5) \$196,000 of the general fund--state appropriation for fiscal year 2006 and \$173,000 of the general fund--state appropriation for fiscal year 2007 are provided for the implementation of House Bill No. 1749 (county election procedures). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$110,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the purposes of settling all claims in Washington State Democratic Party, et al. v. Sam S. Reed, et al., United States District Court Western District of Washington at Tacoma Cause No. C00-5419FDB and related appeal. The expenditure of this appropriation is contingent on the release of all claims in the case and related appeal, and total settlement costs shall not exceed the appropriation in this subsection.

Sec. 119. 2005 c 518 s 120 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

Table with 2 columns: Description and Amount. Rows include General Fund--State Appropriation (FY 2006), General Fund--State Appropriation (FY 2007), Pension Fund Stabilization Account--State Appropriation, and TOTAL APPROPRIATION.

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

department of personnel on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of personnel shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

Sec. 120. 2005 c 518 s 121 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN-PACIFIC-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2006) \$235,000
 General Fund--State Appropriation (FY 2007) ~~(\$238,000)~~
\$264,000 Pension Funding Stabilization Account
Appropriation \$1,000
 TOTAL APPROPRIATION ~~(\$473,000)~~
\$500,000

Sec. 121. 2005 c 518 s 122 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account--State
 Appropriation ~~(\$14,124,000)~~
\$14,174,000

Sec. 122. 2005 c 518 s 123 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund--State Appropriation (FY 2006) ~~(\$1,884,000)~~
\$854,000
 General Fund--State Appropriation (FY 2007) ~~(\$2,441,000)~~
\$748,000
 State Auditing Services Revolving Account--State
 Appropriation ~~(\$13,952,000)~~
\$14,011,000
Pension Funding Stabilization Account Appropriation . \$4,000
 TOTAL APPROPRIATION ~~(\$18,277,000)~~
\$15,617,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$731,000 of the general fund--state appropriation for fiscal year 2006 and \$727,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) The office shall report to the office of financial management and the appropriate fiscal committees of the legislature detailed information on risk-based auditing, its theory, and its application for the audits performed on Washington state government. The report shall include an explanation of how the office identifies, measures, and prioritizes risk, the manner in which the office uses these factors in the planning and execution of the audits of Washington state government, and the methods and procedures used in the conduct of the risk-based audits themselves. The report is due no later than December 1, 2005.

(4) ~~(\$1,130,000)~~ \$100,000 of the general fund--state appropriation for fiscal year 2006 ~~(, \$1,695,000 of the general fund--state appropriation for fiscal year 2007, and \$2,000 of the state auditing services revolving account--state appropriation for fiscal year 2006 are)~~ is provided solely for the implementation of Engrossed Substitute House Bill No. 1064 (government performance). ~~((If Engrossed Substitute House Bill No. 1064 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.))~~

(5) \$16,000 of the general fund--state appropriation for fiscal year 2006 is provided for a review of special education excess cost accounting and reporting requirements. The state auditor's office shall coordinate this work with the joint legislative audit and review committee's review of the special education excess cost accounting methodology and expenditure reporting requirements. The state auditor's review shall include an examination of whether school districts are (a) appropriately implementing the excess cost accounting methodology; (b) consistently charging special education expenses to the special education and basic education programs; (c) appropriately determining the percentage of expenditures that should be charged to the special education and basic education programs; and (d) appropriately and consistently reporting special education expenditures. The results of this review will be included in the joint legislative audit and review committee's report issued in January 2006.

Sec. 123. 2005 c 518 s 124 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2006) \$137,000
 General Fund--State Appropriation (FY 2007) ~~(\$206,000)~~
\$207,000
 TOTAL APPROPRIATION ~~(\$343,000)~~
\$344,000

Sec. 124. 2005 c 518 s 125 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2006) ~~(\$5,223,000)~~
\$5,303,000
 General Fund--State Appropriation (FY 2007) ~~(\$5,156,000)~~
\$5,222,000
 General Fund--Federal Appropriation ~~(\$2,973,000)~~
\$3,175,000
 Public Safety and Education Account--State
 Appropriation ~~(\$2,303,000)~~
\$2,307,000
 New Motor Vehicle Arbitration Account--State
 Appropriation ~~(\$1,313,000)~~
\$1,315,000
 Legal Services Revolving Account--State
 Appropriation ~~(\$185,970,000)~~
\$191,345,000
Health Services Account--State Appropriation \$762,000
Tobacco Prevention and Control Account--State
Appropriation \$270,000
Pension Funding Stabilization Account Appropriation \$21,000
 TOTAL APPROPRIATION ~~(\$203,208,000)~~
\$209,720,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways

FIFTY-SEVENTH DAY, MARCH 6, 2006

and means and the house of representatives committee on appropriations.

(3) \$652,000 of the legal services revolving account is provided solely for expenditures related to the *Farrakhan v. Locke litigation*.

(4) \$40,000 of the general fund--state appropriation for fiscal year 2006 and \$157,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the attorney general to provide support and assistance to the clemency and pardons board pursuant to chapter 9.94A RCW.

Sec. 125. 2005 c 518 s 126 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL

General Fund--State Appropriation (FY 2006)	.....	\$719,000
General Fund--State Appropriation (FY 2007)	...	(\$714,000)
<u>\$716,000 Pension Funding Stabilization Account</u>		
Appropriation	\$4,000	
TOTAL APPROPRIATION	..	(\$1,433,000)
		<u>\$1,439,000</u>

Sec. 126. 2005 c 518 s 127 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 2006)	(\$66,123,000)	
		\$67,659,000
General Fund--State Appropriation (FY 2007)	(\$67,151,000)	
		\$45,854,000
General Fund--Federal Appropriation	.....	(\$246,886,000)
		\$257,888,000
General Fund--Private/Local Appropriation	...	(\$12,229,000)
		\$12,422,000
Public Safety and Education Account--State		
Appropriation	.....	(\$5,439,000)
		\$5,443,000
Public Works Assistance Account--State		
Appropriation	.....	(\$3,395,000)
		\$3,430,000
Tourism Development and Promotion Account		
Appropriation	.....	\$300,000
Drinking Water Assistance Administrative Account--		
State Appropriation	.....	(\$213,000)
		\$345,000
Lead Paint Account--State Appropriation	.....	\$6,000
Building Code Council Account--State Appropriation	.....	(\$1,130,000)
		\$1,133,000
Administrative Contingency Account--State		
Appropriation	.....	(\$1,808,000)
		\$1,809,000
Low-Income Weatherization Assistance Account--State		
Appropriation	.....	\$8,362,000
Violence Reduction and Drug Enforcement Account--State		
Appropriation	.....	(\$7,231,000)
		\$7,234,000
Manufactured Home Installation Training Account--State		
Appropriation	.....	\$240,000
Community and Economic Development Fee Account--State		
Appropriation	.....	\$1,570,000
Washington Housing Trust Account--State		
Appropriation	.....	(\$19,009,000)
		\$33,536,000
Homeless Families Services Account--State		
Appropriation	.....	\$300,000
Public Facility Construction Loan Revolving		
Account--State Appropriation	.....	(\$614,000)
		\$616,000 Pension Funding Stabilization Account
Appropriation	\$87,000	
TOTAL APPROPRIATION	(\$442,006,000)	
		<u>\$448,234,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,838,000 of the general fund--state appropriation for fiscal year 2006 and \$2,838,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a contract with the Washington technology center for work essential to the mission of the Washington technology center and conducted in partnership with universities. The center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(2) \$5,902,000 of the general fund--federal appropriation is provided solely for the justice assistance grant program, to be distributed in state fiscal year 2006 as follows:

(a) \$2,064,000 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$330,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$675,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$20,000 to the department for tribal law enforcement;

(e) \$345,000 to the department to continue domestic violence legal advocacy;

(f) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;

(g) \$351,000 to the department of social and health services, division of alcohol and substance abuse, for juvenile drug courts in eastern and western Washington;

(h) \$626,000 to the department of social and health services to continue youth violence prevention and intervention projects;

(i) \$97,000 to the department to continue evaluation of this grant program;

(j) \$290,000 to the office of financial management for criminal history records improvement;

(k) \$580,000 to the department for required grant administration, monitoring, and reporting on justice assistance grant programs; and

(l) \$464,000 to the department for distribution to small municipalities.

These amounts represent the maximum justice assistance grant expenditure authority for each program. No program may expend justice assistance grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any justice assistance grant funds.

(3) \$3,600,000 of the general fund--federal appropriation is provided solely for the justice assistance grant program, to be distributed in state fiscal year 2007 as follows:

(a) \$2,013,000 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$330,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$675,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces;

(d) \$110,000 to the department to support the governor's council on substance abuse;

(e) \$97,000 to the department to continue evaluation of the justice assistance grant program;

(f) \$360,000 to the department for required grant administration, monitoring, and reporting on justice assistance grant programs; and

(g) \$15,000 to the department for a tribal and local law enforcement statewide summit.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

~~(4)~~ (4) \$170,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$170,000)~~ \$700,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to fund domestic violence legal advocacy, in recognition of reduced federal grant funding.

~~((4))~~ (5) \$28,848,000 of the general fund--state appropriation for fiscal year 2006 ~~(and \$29,941,000 of the general fund--state appropriation for fiscal year 2007 are)~~ is provided solely for providing early childhood education assistance. Of ~~(these)~~ this amount(s), \$1,497,000 ~~(in each fiscal year)~~ is provided solely to increase the number of children receiving education, and \$1,052,000 ~~(in fiscal year 2006 and \$2,146,000 in fiscal year 2007 are)~~ is provided solely for a targeted vendor rate increase.

~~((5))~~ (6) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

~~((6))~~ (7) \$1,288,000 of the Washington housing trust account--state appropriation is provided solely to implement Engrossed House Bill No. 1074. If the bill is not enacted by June 30, 2005, the amounts in this subsection shall lapse.

~~((7))~~ (8) \$725,000 of the general fund--state appropriation for fiscal year 2006 and \$725,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for food banks to obtain and distribute additional nutritious food; and purchase equipment to transport and store perishable products.

~~((8) \$500,000)~~ (9) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$500,000)~~ \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the community services block grant program to help meet current service demands that exceed available community action resources.

~~((9))~~ (10) \$215,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for matching funds for a federal economic development administration grant awarded to the city of Kent to conduct a feasibility study and economic analysis for the establishment of a center for advanced manufacturing.

~~((10))~~ (11) \$20,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the department to compile a report on housing stock in Washington state to identify areas of potentially high risk for child lead exposure. This report shall include an analysis of existing data regarding the ages of housing stock in specific regions and an analysis of data regarding actual lead poisoning cases, which shall be provided by the department of health's childhood lead poisoning surveillance program.

~~((11))~~ (12) \$150,000 of general fund--state appropriation for fiscal year 2006 is provided solely for the Cascade land conservancy to develop and implement a plan for regional conservation within King, Kittitas, Pierce, and Snohomish counties.

~~((12))~~ (13) \$50,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the support, including safety and security costs, of the America's freedom salute to be held in the Vancouver, Washington area.

~~((13))~~ (14) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to Snohomish county for a law enforcement and treatment methamphetamine pilot program. \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the Pierce county alliance's

methamphetamine family services treatment program and safe streets of Tacoma's methamphetamine prevention service.

~~((14))~~ (15) \$50,000 of the general fund--state appropriation is provided solely for one pilot project to promote the study and implementation of safe neighborhoods through community planning.

~~((15))~~ (16) \$287,000 of the general fund--state appropriation for fiscal year 2006 and \$288,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for Walla Walla community college to establish the water and environmental studies center to provide workforce education and training, encourage innovative approaches and practices that address environmental and cultural issues, and facilitate the Walla Walla watershed alliance role in promoting communication leading to cooperative conservation efforts that effectively address urban and rural water and environmental issues.

~~((16))~~ (17) \$50,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for work with the northwest food processors association on the food processing cluster development project.

~~((17) \$200,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the northwest agriculture incubator project, which will support small farms in economic development)~~ (18) \$140,000 of the general fund--state appropriation for fiscal year 2006 and \$210,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the northwest agriculture incubator project, which will support small farms in economic development.

~~((18))~~ (19) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the department of community, trade, and economic development as the final appropriation for the youth assessment center in Pierce county for activities dedicated to reducing the rate of incarceration of juvenile offenders.

~~((19))~~ (20) \$235,000 of the general fund--state appropriation for fiscal year 2006 and \$235,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the small business incubator program. \$250,000 must be distributed as grants and must be matched by an equal amount of private funds.

~~((20))~~ (21) The department shall coordinate any efforts geared towards the 2010 Olympics with the regional effort being conducted by the Pacific northwest economic region, a statutory committee.

~~((21))~~ (22) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for HistoryLink to expand its free, noncommercial online encyclopedia service on state and local history.

~~((22))~~ (23) \$25,000 of the general fund--state appropriation for fiscal year 2006 and \$25,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for Women's Hearth, a nonprofit program serving the Spokane area's homeless and low-income women.

(24) \$250,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to the Pacific Science Center to host the dead sea scrolls exhibition in September 2006.

(25) \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$1,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for providing statewide sexual assault services.

(26) \$96,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the Olympic loop of the great Washington state birding trail.

(27) \$529,000 of the general fund--federal appropriation for fiscal year 2007 is provided solely for the department to provide to the department of archeology and historic preservation through an interagency agreement. The full amount of federal funding shall be transferred. The department of community, trade, and economic development shall not retain any portion for administrative purposes.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(28) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the suburban cities association to fully fund a buildable lands program manager position.

(29) \$116,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an increase to the statewide coordination of the volunteer programs for court-appointed special advocates.

(30) \$25,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the energy facilities siting and evaluation council to make rules related to RCW 80.70.070, the carbon dioxide mitigation statute.

(31) \$712,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to provide each county with an additional 0.5 FTE for prosecutors' victim/witness units.

(32) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to implement two demonstration pilot projects related to transfer of development rights in cooperation with Snohomish and Pierce county legislative authorities. Projects may receive no more than \$100,000.

(33) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Seattle police department, and is to be divided evenly between the weed and seed programs in southeast Seattle and South Delridge/White Center to mitigate a one-year funding lapse from the federal department of justice. This appropriation is for the continuation of community police work and community building in these areas.

(34) \$125,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the Thurston county prosecutor's office, for the Rochester weed and seed program to mitigate a one-year funding lapse from the federal department of justice. This appropriation is for the continuation of community police work and community building in Rochester.

(35) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the city of Poulsbo for the reopening of the Poulsbo marine science center as an educational facility on the Puget Sound marine environment.

(36) \$544,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an upgrade to discovery park's daybreak star cultural center electrical system.

(37) \$670,000 of the housing trust account appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2418 (affordable housing program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(38) \$600,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Second Substitute House Bill No. 2498 (cluster-based economic development). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(39) \$186,000 of the general fund--local appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2402 (energy facilities). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(40) \$118,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of House Bill No. 3156 (low income persons). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(41) \$600,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Third Substitute House Bill No. 1815 (small business incubators). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(42) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the safe and drug free schools program to help mitigate the effects of federal budget reductions.

(43) \$98,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for grants to community-based organizations with expertise in public education relating

to energy and clean air issues, for biofuels consumer education, and outreach.

(44) \$20,000 of the general fund--state appropriation for fiscal year 2006 and \$480,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a land use task force. Funds may be used for policy, legal, and financial research as directed by the task force, task force facilitation and outreach, and department expenses related to the task force.

(a) A joint legislative-executive task force is established for the purposes of gathering information, identifying issues, and developing recommendations on policy choices related to the effective implementation of the state's growth management act.

(b) The task force shall be comprised of two members of each of the major legislative caucuses from each of the house of representatives and the senate as appointed by the president of the senate and the speaker of the house of representatives, the governor or the governor's designee, and the director of the department. Staff support shall be provided by the department and legislative staff.

(d) The task force shall convene its first meeting no later than May 1, 2006. The task force shall consult with local governments and other groups responsible for, affected by, or involved in the implementation of the growth management act. The task force may secure research and facilitation services, and may establish work teams or advisory groups, as needed, to support their work.

(e) The task force shall secure an independent assessment of the effectiveness of land use programs in Washington in achieving the goals of the state's growth management act. The assessment shall rely on available information and focus on key benchmarks for each goal of the act.

(f) By December 1, 2006, the task force shall issue a report with recommendations on legislative and executive actions that address, at a minimum, the following topics: (i) How science is identified and applied when local governments develop regulations to protect critical areas under the growth management act, and the relationship of those regulations to preexisting land uses; and (ii) a review of the appeals process for actions taken under the growth management act, including data on the number and outcome of cases, and any recommendations on needed improvements to the appeals process.

(g) By June 30, 2007, the task force shall issue a report with recommendations on legislative and executive actions that address, at a minimum, the following topics: (i) How to better meet the infrastructure and basic service needs of growing communities, including schools, local roads, fire and police service, and water, sewer and other utilities, with recommendations for financing these service and infrastructure needs; (ii) how to ensure that state roads provide a level of service consistent with the local growth management decisions; (iii) the effect of the vested rights doctrine on the achievement of the goals and requirements of the growth management act; (iv) the effect of the provisions for fully contained communities and master planned resorts on the achievement of the goals and requirements of the growth management act; (v) performance measures for the ongoing evaluation of land use programs, based on the assessment conducted under (c) of this subsection; and (vi) any recommendations for additional topics that warrant continued work by the task force or by other groups.

(h) The legislature intends that the task force shall expire December 31, 2007. If Engrossed Substitute Senate Bill No. 6427 (extending land use planning deadlines) is not enacted by April 30, 2006, this subsection (42) shall be null and void and the funds in this proviso revert to the department for other uses.

Sec. 127. 2005 c 518 s 128 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund--State Appropriation (FY 2006) . . .	(\$573,000)
	\$579,000
General Fund--State Appropriation (FY 2007) . . .	(\$517,000)

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

	\$523,000	Pension Funding Stabilization Account
Appropriation	\$3,000	
TOTAL APPROPRIATION	((\$1,090,000))	
	\$1,105,000	

Sec. 128. 2005 c 518 s 129 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2006)	((\$16,993,000))
	\$17,709,000
General Fund--State Appropriation (FY 2007)	((\$16,050,000))
	\$19,896,000
General Fund--Federal Appropriation	((\$23,550,000))
	\$23,555,000
General Fund--Private/Local	\$1,216,000
Public Works Assistance Account--State Appropriation	\$200,000
Violence Reduction and Drug Enforcement Account--State	\$246,000
Appropriation	\$25,000
State Auditing Services Revolving Account--State	\$25,000
Appropriation	\$100,000
Pension Funding Stabilization Account Appropriation	((\$57,064,000))
TOTAL APPROPRIATION	\$62,947,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the public works assistance account appropriation is provided solely for an inventory and evaluation of the most effective way to organize the state public infrastructure programs and funds. The inventory and evaluation shall be delivered to the governor and the appropriate committees of the legislature by September 1, 2005.

(2)(a) (~~(\$182,000)~~) \$62,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for an advisory council to study residential services for persons with developmental disabilities. The study shall identify a preferred system of services and a plan to implement the system within four years. Recommendations shall be provided on the services that best address client needs in different regions of the state and on the preferred system by January 1, 2006. The office of financial management may contract for specialized services to complete the study.

(b) The advisory council shall consist of thirteen members. Members appointed by the governor, include one representative from each of the governor's office or the office of financial management, the department of social and health services, the Washington state disabilities council, two labor organizations, the community residential care providers, residents of residential habilitation centers, individuals served by community residential programs, and individuals with developmental disabilities who reside or resided in residential habilitation centers. The advisory council shall also include two members of the house of representatives appointed by the speaker of the house of representatives representing the majority and minority caucuses and two members of the senate appointed by the president of the senate representing the majority and minority caucuses. Legislative members of the advisory group shall be reimbursed in accordance with RCW 44.04.120, and nonlegislative members in accordance with RCW 43.03.050 and 44.04.120. Staff support shall be provided by the department of social and health services, the developmental disabilities council, the office of financial management, the house of representatives office of program research, and senate committee services.

(3) \$1,041,000 of the general fund--state appropriation for fiscal year 2006 and \$706,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5441 (studying early learning, K-12, and higher education). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(4) \$200,000 of the general fund--state appropriation for fiscal year 2006 is provided to the office of regulatory assistance and is subject to the following conditions and limitations:

(a) This amount is provided solely for the enhanced planning and permit pilot program; and

(b) Regulatory assistance is to select two local government planning and permitting offices to participate in an enhanced permit assistance pilot program. Such enhancement may include, but is not limited to:

(i) Creation of local and state interagency planning and permit review teams;

(ii) Use of advanced online planning and permit applications;

(iii) Using loaned executives; and

(iv) Additional technical assistance and guidance for permit applicants.

(5) \$303,000 of the general fund--state appropriation for fiscal year 2006 and \$255,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Second Substitute House Bill No. 1970 (government management). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$200,000 of the general fund--state appropriation for fiscal year 2006 and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Substitute Engrossed House Bill No. 1242 (budgeting outcomes and priorities). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(7) The department of ecology, the department of fish and wildlife, the department of natural resources, the conservation commission, and the interagency committee for outdoor recreation shall make recommendations to improve or eliminate monitoring activities related to salmon recovery and watershed health. The agencies shall coordinate with the governor's forum on monitoring and watershed health and consult with the office of financial management in determining the scope and contents of the report.

The agencies shall prepare a report detailing all new activity and updating all previously identified activity within the comprehensive monitoring strategy. The report shall identify the monitoring activity being performed and include: The purpose of the monitoring activity, when the activity started, who uses the information, how often it is accessed, what costs are incurred by fund, what frequency is used to collect data, what geographic location is used to collect data, where the information is stored, and what is the current status and cost by fund source of the data storage systems.

The agencies shall provide a status report summarizing progress to the governor's forum on monitoring and watershed health and the office of financial management by March 1, 2006. A final report to the governor's monitoring forum, the office of financial management, and the appropriate legislative fiscal committees shall be submitted no later than September 1, 2006.

(8) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided to the office of financial management for the purpose of contracting with the Washington State University and University of Washington policy consensus center to provide project coordination for the office of financial management, the department of agriculture, the conservation commission, and the department of community, trade, and economic development to work with farmers, ranchers, and other interested parties to identify potential agricultural pilot projects that both enhance farm income and improve protection of natural resources.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the office of regulatory assistance to implement activities supporting the governor's regulatory improvement program including deployment of interagency permit teams, a business portal, programmatic permits, and an alternative mitigation program.

(10) The office of financial management shall prepare a report on state-purchased health care costs and expenditures. The report shall analyze the growth in state-purchased health care costs over the last five biennia and compare growth to other

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

state expenditures and state revenues. The report shall propose options for funding the increases in state-funded health care, along with options for adjusting or containing state-funded health care expenditures within a constant portion of total estimated revenues.

(11) \$1,032,000 of the general fund--state appropriation for fiscal year 2006 and \$1,695,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Substitute House Bill No. 3109 (government performance). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(12) \$46,000 of the general fund--state appropriation for fiscal year 2006 and \$131,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Engrossed Second Substitute House Bill No. 2353 (family child care providers). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(13) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state quality award program to assist state agencies in obtaining the goals of the Washington state quality award.

Sec. 129. 2005 c 518 s 130 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account--State Appropriation ((~~\$29,490,000~~)) \$29,595,000

The appropriation in this section is subject to the following conditions and limitations: \$103,000 of the administrative hearing revolving account--state appropriation is provided solely to determine, in collaboration with other state agencies, the best mechanism of digital recording for the office of administrative hearings, the manner of conversion from tape recording to digital recording, and the purchase of digital recording devices.

Sec. 130. 2005 c 518 s 131 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Account--State Appropriation ((~~\$20,323,000~~)) \$26,888,000

Higher Education Personnel Services Account--State Appropriation ((~~\$1,634,000~~)) \$1,656,000

TOTAL APPROPRIATION . ((~~\$21,957,000~~)) \$28,544,000

The appropriations in this section are subject to the following conditions and limitations: The department shall coordinate with the governor's office of Indian affairs on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

Sec. 131. 2005 c 518 s 132 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account--State Appropriation ((~~\$24,087,000~~)) \$24,160,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section may not be expended by the Washington state lottery for any purpose associated with a lottery game offered through any interactive electronic device, including the internet, other than

research to support the efforts of the select committee on gambling policy as provided in Senate Concurrent Resolution No. 8417.

Sec. 132. 2005 c 518 s 133 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund--State Appropriation (FY 2006) \$238,000
General Fund--State Appropriation (FY 2007) . . . ((~~\$247,000~~))
\$248,000 Pension Funding Stabilization Account
Appropriation \$1,000
TOTAL APPROPRIATION . . . ((~~\$485,000~~))

Sec. 133. 2005 c 518 s 134 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2006) \$237,000
General Fund--State Appropriation (FY 2007) . . . ((~~\$240,000~~))
\$241,000 Pension Funding Stabilization Account
Appropriation \$1,000
TOTAL APPROPRIATION . . . ((~~\$477,000~~)) \$479,000

Sec. 134. 2005 c 518 s 135 (uncodified) is amended to read as follows:

FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Account--State Appropriation ((~~\$1,043,000~~)) \$1,119,000

Sec. 135. 2005 c 518 s 136 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Dependent Care Administrative Account--State Appropriation ((~~\$416,000~~)) \$413,000

Department of Retirement Systems Expense Account--State Appropriation ((~~\$45,056,000~~)) \$46,264,000

TOTAL APPROPRIATION . ((~~\$45,472,000~~)) \$46,677,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$13,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1327, chapter 65, Laws of 2005 (purchasing service credit).

(2) \$10,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1269, chapter 21, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 2 service credit purchase).

(3) \$55,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1270 (law enforcement officers' and fire fighters' retirement system plan 2 postretirement employment). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(4) \$26,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1319, chapter 62, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 1 ex-spouse benefits).

(5) \$46,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1325, chapter 64, Laws of 2005 (military service credit purchase).

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(6) \$79,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1329, chapter 67, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 1 reduced survivor benefit).

(7) \$56,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1936 (emergency medical technician membership in law enforcement officers' and fire fighters' retirement system plan 2 service). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(8) \$16,000 of the department of retirement systems expense account is provided solely to implement Senate Bill No. 5522 (purchasing service credit lost due to injury). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(9) \$80,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 2687 (minimum monthly retirement). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(10) \$230,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 2932 (catastrophic disability benefit). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(11) \$78,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 2684 (plan 3 five-year vesting). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$88,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 2689 (reemployment of retirees). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(13) \$117,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 2690 (service credit purchase). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(14) \$111,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2680 (TRS out-of-state service credit). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(15) \$375,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2691 (retirement for justices). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 136. 2005 c 518 s 137 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account--State
Appropriation ~~(\$16,020,000)~~
\$16,123,000

Sec. 137. 2005 c 518 s 138 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund--State Appropriation (FY 2006) ~~(\$90,065,000)~~
\$90,319,000
General Fund--State Appropriation (FY 2007) ~~(\$91,207,000)~~
\$92,240,000
Timber Tax Distribution Account--State Appropriation
. ~~(\$5,609,000)~~
\$5,627,000
Real Estate Excise Tax Grant Account--State
Appropriation \$3,900,000
Waste Reduction/Recycling/Litter Control--State
Appropriation \$108,000
State Toxics Control Account--State Appropriation . . \$73,000

Oil Spill Prevention Account--State Appropriation . . . \$14,000
Pension Funding Stabilization Account Appropriation \$447,000
TOTAL APPROPRIATION ~~(\$187,076,000)~~
\$192,728,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$113,000 of the general fund--state appropriation for fiscal year 2006, and \$93,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1315 (modifying disclosure requirements for the purposes of the real estate excise tax). If House Bill No. 1315 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) \$7,000 of the general fund--state appropriation for fiscal year 2006 and \$2,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute Senate Bill No. 5101 (renewable energy). If Substitute Senate Bill No. 5101 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2006 (~~(\$)~~) and \$114,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed House Bill No. 1241 (modifying vehicle licensing and registration penalties). ~~(If Engrossed House Bill No. 1241 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.)~~

(4) \$1,390,000 of the general fund--state appropriation for fiscal year 2006, and \$1,240,000 of the general fund--state appropriation for fiscal year 2007 are ~~(provided solely)~~ for the department to employ strategies to enhance current revenue enforcement activities.

(5) \$5,121 of the general fund--state appropriation for fiscal year 2006 is provided solely to satisfy two claims to estate property, pursuant to RCW 11.76.245.

(6) \$109,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2673 (local infrastructure). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(7) \$51,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2804 (nonprofit schools/tax exempt). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(8) \$43,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2432 (property tax exemption). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(9) \$27,000 of the general fund--state appropriation for fiscal year 2006 and \$7,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 2457 (tax relief/farm machinery). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(10) \$29,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of House Bill No. 2466 (tax relief for aerospace). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(11) \$108,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of House Bill No. 2671 (excise tax relief). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$30,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Engrossed Substitute House Bill No. 2565 (worker training B&O tax). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(13) \$33,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 2640

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(biotechnology product). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(14) \$176,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2670 (hospital benefit zones). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 138. 2005 c 518 s 139 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund--State Appropriation (FY 2006)	.....	\$1,362,000
General Fund--State Appropriation (FY 2007)	..	(\$1,211,000)
		<u>\$1,213,000</u>
Pension Funding Stabilization Account		
Appropriation		<u>\$6,000</u>
TOTAL APPROPRIATION	..	(\$2,573,000)
		<u>\$2,581,000</u>

Sec. 139. 2005 c 518 s 141 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account--State Appropriation	.....	(\$3,186,000)
		<u>\$3,196,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$180,000 of the OMWBE enterprises account appropriation is provided solely for management of private sector grants and coordination of support services to small businesses in the state. It is the intent of the legislature that this amount be funded from new grant revenues and business fees.

Sec. 140. 2005 c 518 s 142 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation (FY 2006)	.....	\$321,000
General Fund--State Appropriation (FY 2007)	..	(\$233,000)
		<u>\$359,000</u>
General Fund--Federal Appropriation	.....	(\$3,640,000)
		<u>\$3,641,000</u>
General Administration Service Account--State		
Appropriation	.....	(\$32,045,000)
		<u>\$32,163,000</u>
Pension Funding Stabilization Account		
Appropriation		<u>\$1,000</u>
TOTAL APPROPRIATION	..	(\$36,239,000)
		<u>\$36,485,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$75,000 of the general fund--state appropriation for fiscal year 2006 ~~(*)~~ and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1830 (alternative public works). If Engrossed Substitute House Bill No. 1830 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

Sec. 141. 2005 c 518 s 143 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF INFORMATION SERVICES

General Fund--State Appropriation (FY 2007)	.....	\$1,500,000
General Fund--Federal Appropriation		<u>\$350,000</u>
Data Processing Revolving Account--State		
Appropriation	.....	(\$3,612,000)
		<u>\$3,621,000</u>
Public Safety and Education Account--State		
Appropriation	.....	\$684,000
TOTAL APPROPRIATION	..	(\$4,296,000)
		<u>\$6,155,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$1,500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to support the operations of the digital learning commons. By September 1, 2006, the digital learning commons shall develop and implement a plan to become a self-supporting operation. The plan implemented shall allow for the digital learning commons to be entirely supported by user fees and private contributions by September 1, 2008.

Sec. 142. 2005 c 518 s 144 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund--Federal Appropriation	.....	(\$673,000)
		<u>\$1,513,000</u>
Insurance Commissioners Regulatory Account--State		
Appropriation	.....	(\$40,253,000)
		<u>\$40,902,000</u>
TOTAL APPROPRIATION	..	(\$40,926,000)
		<u>\$42,415,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$42,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement Substitute House Bill No. 2553 (service contracts). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 143. 2005 c 518 s 145 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account--State		
Appropriation	.....	(\$1,962,000)
		<u>\$2,236,000</u>

Sec. 144. 2005 c 518 s 146 (uncodified) is amended to read as follows:

FOR THE FORENSIC INVESTIGATION COUNCIL

Death Investigations Account--State Appropriation		(\$282,000)
		<u>\$283,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the death investigation account appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

Sec. 145. 2005 c 518 s 147 (uncodified) is amended to read as follows:

FOR THE HORSE RACING COMMISSION

Horse Racing Commission Operating Account--State		
Appropriation	.....	(\$5,009,000)
		<u>\$5,027,000</u>

Sec. 146. 2005 c 518 s 148 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

General Fund--State Appropriation (FY 2006)	.....	\$1,739,000
General Fund--State Appropriation (FY 2007)	..	(\$1,706,000)
		<u>\$1,720,000</u>
Liquor Control Board Construction and Maintenance		
Account--State Appropriation	.....	\$12,832,000
Liquor Revolving Account--State Appropriation	.....	(\$154,080,000)
		<u>\$157,674,000</u>
Pension Funding Stabilization Account		
Appropriation		<u>\$7,000</u>
TOTAL APPROPRIATION	..	(\$170,357,000)
		<u>\$173,972,000</u>

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

The appropriations in this section are subject to the following conditions and limitations:

(1) As authorized under RCW 66.16.010, the liquor control board shall add an equivalent surcharge of \$0.42 per liter on all retail sales of spirits, excluding licensee, military and tribal sales, effective no later than July 1, 2005. The intent of this surcharge is to generate additional revenues for the state general fund in the 2005-07 biennium.

(2) \$154,000 of the liquor revolving account--state appropriation is provided solely for the lease of state vehicles from the department of general administration's motor pool.

(3) \$2,228,000 of the liquor revolving account--state appropriation is provided solely for costs associated with the installation of a wide area network that connects all of the state liquor stores and the liquor control board headquarters.

(4) \$186,000 of the liquor revolving account--state appropriation is provided solely for an alcohol education staff coordinator and associated alcohol educational resources targeted toward middle school and high school students.

(5) \$2,261,000 of the liquor revolving account--state appropriation is provided solely for replacement of essential computer equipment, improvement of security measures, and improvement to the core information technology infrastructure.

(6) \$2,800,000 of the liquor control board construction and maintenance account--state appropriation is provided solely for the certificate of participation to fund the expansion of the liquor distribution center.

(7) \$3,233,000 of the liquor revolving account--state appropriation is provided solely for upgrades to material handling system and warehouse management system software and equipment, and associated staff to increase the liquor distribution center's shipping capacity.

(8) \$2,746,000 of the liquor revolving account--state appropriation is provided solely for additional state liquor store and retail business analysis staff. The additional liquor store staff will be deployed to those stores with the greatest potential for increased customer satisfaction and revenue growth. The liquor control board, using the new retail business analysis staff and, if needed, an independent consultant, will analyze the impact of additional staff on customer satisfaction and revenue growth and make recommendations that will increase the effectiveness and efficiency of all the liquor control board's retail-related activities. Using best practices and benchmarks from comparable retail organizations, the analysis will evaluate and make recommendations, at a minimum, on the following issues: Optimal staffing levels and store locations and numbers of stores (both state liquor stores and contract liquor stores); options for an improved retail organizational structure; strategies to increase the retail decision-making capacity; and resources required for enhanced internal organizational support of the retail activities. In support of this evaluation, a survey shall be employed to gauge customer satisfaction with state and contract liquor store services. A written evaluation with recommendations shall be submitted to the governor and the legislative fiscal committees by October 1, 2006.

(9) \$187,000 of the general fund--state appropriation for fiscal year 2006 and \$122,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Senate Bill No. 6097 (tobacco products enforcement). If Senate Bill No. 6097 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(10) \$1,435,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1379 (liquor retail plan). If Substitute House Bill No. 1379 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

Sec. 147. 2005 c 518 s 149 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Account--State
Appropriation ((~~\$28,436,000~~))
\$28,707,000

Pipeline Safety Account--State Appropriation . . ((~~\$2,877,000~~))
\$2,894,000
Pipeline Safety Account--Federal Appropriation ((~~\$1,535,000~~))
\$1,539,000
TOTAL APPROPRIATION . . ((~~\$32,848,000~~))
\$33,140,000

Sec. 148. 2005 c 518 s 150 (uncodified) is amended to read as follows:

FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' and Reserve Officers'
Administrative Account--State Appropriation . ((~~\$768,000~~))
\$938,000

Sec. 149. 2005 c 518 s 151 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2006) ((~~\$10,084,000~~))
\$10,137,000
General Fund--State Appropriation (FY 2007) . ((~~\$9,362,000~~))
\$12,887,000
General Fund--Federal Appropriation ((~~\$165,970,000~~))
\$214,322,000
General Fund--Private/Local Appropriation \$2,000
Enhanced 911 Account--State Appropriation . . ((~~\$34,766,000~~))
\$34,812,000
Disaster Response Account--State Appropriation ((~~\$2,277,000~~))
\$1,632,000
Disaster Response Account--Federal Appropriation
. ((~~\$11,008,000~~))
\$6,297,000
Worker and Community Right-to-Know Account--State
Appropriation ((~~\$314,000~~))
\$315,000
Nisqually Earthquake Account--State Appropriation
. ((~~\$6,713,000~~))
\$6,531,000
Nisqually Earthquake Account--Federal Appropriation
. ((~~\$29,127,000~~))
\$27,075,000
Military Department Rental and Lease Account--State
Appropriation \$378,000
Pension Funding Stabilization Account Appropriation \$44,000
TOTAL APPROPRIATION ((~~\$270,001,000~~))
\$314,432,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$2,277,000~~)) \$1,632,000 of the disaster response account--state appropriation and ((~~\$11,008,000~~)) \$6,297,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2005-07 biennium based on current revenue and expenditure patterns.

(2) ((~~\$6,713,000~~)) \$6,531,000 of the Nisqually earthquake account--state appropriation and ((~~\$29,127,000~~)) \$27,075,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local

FIFTY-SEVENTH DAY, MARCH 6, 2006

organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2005-07 biennium based on current revenue and expenditure patterns.

(3) ~~(\$127,586,000)~~ \$173,613,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee;

(b) This amount shall not be allotted until a spending plan is reviewed by the governor's domestic security advisory group and approved by the office of financial management;

(c) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures; and

(d) The department shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing homeland security revenues and expenditures for the previous fiscal year by county and legislative district.

(4) \$867,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the Cowlitz county 911 communications center for the purpose of purchasing or reimbursing the purchase of interoperable radio communication technology to improve disaster response in the Mount St. Helens area.

(5) No funds from sources other than fees from voice over internet protocol (VOIP) providers may be used to implement technologies specific to the integration of VOIP 911 with E-911. The military department, in conjunction with the department of revenue, shall propose methods for assuring the collection of an appropriate enhanced 911 excise tax from VOIP 911 providers and shall report their recommendations to the legislature by November 1, 2005.

(6) \$41,000 of the enhanced 911 account appropriation is provided solely to implement Substitute House Bill No. 2543 (911 advisory committee). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(7) \$2,500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for funding to continue and expand the 211 emergency services network. The department shall investigate the potential savings in operational costs of 211 emergency services network of using voice-over-IP technology to interconnect 211 call centers over existing state-operated high-speed data networks rather than over traditional or switched telephone circuits, and the potential cost savings of using voice-over-IP-based PBX, ACD, and telephone technology in new call centers. The department shall submit a report in electronic form to the appropriate committees of the legislature on the potential for savings on or before December 1, 2006.

Sec. 150. 2005 c 518 s 152 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund--State Appropriation (FY 2006) \$2,776,000
General Fund--State Appropriation (FY 2007) . ~~(\$2,824,000)~~
\$2,897,000
Department of Personnel Service Account--State
Appropriation ~~(\$2,945,000)~~

\$2,953,000 Pension Funding Stabilization Account
Appropriation \$16,000
TOTAL APPROPRIATION . . ~~(\$8,545,000)~~
\$8,642,000

The appropriations in this section are subject to the following conditions and limitations: \$67,000 of the general fund--state appropriation in fiscal year 2007 is provided solely for costs pursuant to Engrossed Second Substitute House Bill No. 2353 (family child care providers). If the bill is not enacted by June 30, 2006, the amount provided for this purpose shall lapse.

Sec. 151. 2005 c 518 s 153 (uncodified) is amended to read as follows:

FOR THE GROWTH (PLANNING) MANAGEMENT HEARINGS BOARD

General Fund--State Appropriation (FY 2006) \$1,571,000
General Fund--State Appropriation (FY 2007) . ~~(\$1,587,000)~~
\$1,590,000 Pension Funding Stabilization Account
Appropriation \$8,000
TOTAL APPROPRIATION . . ~~(\$3,158,000)~~
\$3,169,000

The appropriations in this section are subject to the following conditions and limitations: ~~(\$9,000 of the general fund--state appropriation for fiscal year 2006 and \$9,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Western Board to relocate. If the Western Board does not relocate by June 30, 2006, the amounts provided in this subsection shall lapse.)~~

Sec. 152. 2005 c 518 s 154 (uncodified) is amended to read as follows:

FOR THE STATE CONVENTION AND TRADE CENTER

State Convention and Trade Center Account--State
Appropriation \$30,512,000
State Convention and Trade Center Operating
Account--State Appropriation ~~(\$46,470,000)~~
\$46,491,000
TOTAL APPROPRIATION . ~~(\$76,982,000)~~
\$77,003,000

Sec. 153. 2005 c 518 s 155 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund--State Appropriation (FY 2006) . . . ~~(\$550,000)~~
\$745,000
General Fund--State Appropriation (FY 2007) . . . ~~(\$549,000)~~
\$728,000
General Fund--Federal Appropriation ~~(\$1,446,000)~~
\$1,037,000
General Fund--Private/Local Appropriation \$14,000
Pension Funding Stabilization Account Appropriation . \$3,000
TOTAL APPROPRIATION . . ~~(\$2,559,000)~~
\$2,527,000

(End of part)

PART II HUMAN SERVICES

Sec. 201. 2005 c 518 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.

(1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2006, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2006 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2006 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose, other than family support appropriations for the developmental disabilities program in section 205(1)(e) of this act, after approval by the director of financial management.

(c) The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(4) The department is authorized to expend up to \$13,500,000 of its general fund--state appropriation for fiscal year 2007 for any reductions in federal funding in fiscal year 2006 for targeted case management services for children who are in the care of the state. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications under this subsection.

(5) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage Medicaid expenditures for the aged and disabled population. Under this Washington medicaid integration partnership (WMIP) the department may combine and transfer such Medicaid funds appropriated under sections 204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons during the 2005-2007 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot, times the number of clients enrolled in the pilot. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation

financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

~~((4))~~ (6) In accordance with RCW 74.39A.300, the appropriations to the department of social and health services in this act are sufficient to implement the compensation and fringe benefits of the collective bargaining agreement reached between the governor and the exclusive bargaining representative of individual providers of home care services.

(7) No state or federal funds appropriated in sections 202 through 212 of this act for medicaid programs shall be expended except for clients meeting the verified social security number requirements set forth in 42 C.F.R. Sec. 435(J) as of February 23, 2006.

Sec. 202. 2005 c 518 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2006)	(\$251,005,000)
	\$257,266,000
General Fund--State Appropriation (FY 2007)	(\$266,350,000)
	\$287,764,000
General Fund--Federal Appropriation	(\$421,401,000)
	\$433,840,000
General Fund--Private/Local Appropriation	\$400,000
Domestic Violence Prevention Account--State	
Appropriation	\$1,345,000
Public Safety and Education Account--State	
Appropriation	(\$10,754,000)
	\$6,755,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation	(\$1,510,000)
	\$5,510,000
Pension Funding Stabilization Account--State	
Appropriation	\$699,000
TOTAL APPROPRIATION	(\$951,420,000)
	\$993,579,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,271,000 of the general fund--state appropriation for fiscal year 2006, \$2,271,000 of the general fund--state appropriation for fiscal year 2007, and \$1,584,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(2) \$701,000 of the general fund--state appropriation for fiscal year 2006 and \$701,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$375,000 of the general fund--state appropriation for fiscal year 2006, \$375,000 of the general fund--state appropriation for fiscal year 2007, and \$322,000 of the general fund--federal appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$125,000 of the general fund--state appropriation for fiscal year ~~((2004))~~ 2006 and \$125,000 of the general fund--state appropriation for fiscal year ~~((2005))~~ 2007 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

(5) The providers for the 31 HOPE beds shall be paid a \$1,000 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(6) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures. The department shall adjust adoption support benefits to account for the availability of the new federal adoption support tax credit for special needs children. The department shall report annually by October 1st to the appropriate committees of the legislature on the specific efforts taken to contain costs.

(7) ~~(((\$3,837,000))~~ \$4,661,000 of the general fund--state appropriation for fiscal year 2006, ~~(((\$6,352,000))~~ \$12,666,000 of the general fund--state appropriation for fiscal year 2007, and ~~(((\$4,370,000))~~ \$7,443,000 of the general fund--federal appropriation are provided solely for reforms to the child protective services and child welfare services programs, including ~~((30-day))~~ improvement in achieving face-to-face contact for children ~~((in out-of-home care))~~ every 30 days, improved timeliness of child protective services investigations, ~~((an enhanced in-home child welfare services program,))~~ and education specialist services. The department shall report by December 1st of each year on the implementation status of the enhancements, including the hiring of new staff, and the outcomes of the reform efforts. The information provided shall include a progress report on items in the child and family services review program improvement plan and areas identified for improvement in the Braam lawsuit settlement.

(8) Within amounts appropriated in this section, priority shall be given to proven intervention models, including evidence-based prevention and early intervention programs identified by the Washington institute for public policy and the department. The department shall include information on the number, type, and outcomes of the evidence-based programs being implemented in its reports on child welfare reform efforts.

(9) \$227,000 of the general fund--state appropriation for fiscal year 2006 and \$228,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the state association of children's advocacy centers. Funds may be used for (a) children's advocacy centers that meet the national children's alliance accreditation standards for full membership, and are members in good standing; (b) communities in the process of establishing a center; and (c) the state association of children's advocacy centers. A 50 percent match will be required of each center receiving state funding.

(10) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$50,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a street youth program in Spokane.

(11) \$4,672,000 of the general fund--state appropriation for fiscal year 2006 and \$4,672,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for secure crisis residential centers.

(12) \$572,000 of the general fund--state appropriation for fiscal year 2006 ~~((-\$572,000))~~ and \$1,144,000 of the general fund--state appropriation for fiscal year 2007 ~~((-\$ and \$1,144,000 of the general fund--federal appropriation))~~ are provided solely for section 305 of Senate Bill No. 5763 (mental disorders treatment) for chemical dependency specialist services.

(13) \$3,500,000 of the general fund--state appropriation for fiscal year 2007 and \$1,500,000 of the general fund--federal

appropriation are provided solely for Engrossed Senate Bill No. 5922 (child neglect). If the bill is not enacted by June 30, 2005, these amounts shall lapse.

(14) \$1,345,000 of the domestic violence prevention account appropriation is provided solely for the implementation of chapter 374, Laws of 2005.

(15) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the supervised visitation and safe exchange center in Kent. The department shall not retain any portion for administrative purposes.

(16) \$450,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Second Substitute House Bill No. 2002 (foster care support services). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(17) \$521,000 of the general fund--state appropriation for fiscal year 2007 and \$223,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 3115 (foster care critical support). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(18) The department shall evaluate integrating a family assessment component into its practice model for working with lower risk families involved with child protective services. The department shall report its findings to the joint task force on child safety for children in child protective services or child welfare services by July 1, 2007.

(19) \$312,000 of the general fund--state appropriation for fiscal year 2007 and \$11,000 of the general fund--federal appropriation are provided solely for a trauma mitigation pilot program for children who have been found to be dependent pursuant to chapter 13.34 RCW.

(a) The pilot program shall be implemented through a contract with the safe harbor crisis nursery located in Kennewick, Washington.

(b) The pilot program shall:

(i) Implement a regional trauma mitigation early intervention program using evidence-based practice, including trauma-focused cognitive behavioral therapy, to reduce the effects on dependent children of exposure to trauma; and

(ii) Identify and strengthen local resources for developmentally appropriate services for dependent children who have experienced trauma and their families.

(c) The pilot program's service components shall include receiving care, child care, periodic interventions, and periodic follow-up assessments.

(d) The pilot program shall provide for the dissemination of information and training for professionals, parents, foster parents, and caregivers regarding the long-term impacts of exposure to trauma and evidence-based practices, strategies, and resources for mitigating the impact of exposure to trauma.

(e) The department shall report to the appropriate policy committees of the legislature regarding impact and outcomes of the pilot program by June 30, 2007.

(20) \$3,600,000 of the general fund--state appropriation for fiscal year 2006, \$3,600,000 of the general fund--state appropriation for fiscal year 2007, and \$7,400,000 of the general fund--federal appropriation are provided solely for the medicaid treatment child care (MTCC) program. The department shall contract for MTCC services. In addition to referrals made by children's administration case workers, the department shall authorize children referred to the MTCC program by local public health nurses and case workers from the temporary assistance for needy families (TANF) program, as long as the children meet the eligibility requirements as outlined in the Washington state plan for the MTCC program. Starting in June 2006, the department shall report quarterly to the appropriate policy committees of the legislature on the MTCC program and include monthly statewide and regional information on: (a) The number of referrals; (b) the number of authorized referrals and child enrollments; and (c) program expenditure levels.

(21) The department shall contract with the county public health department in region 4 for a position to coordinate referrals made to the medicaid treatment child care (MTCC) program. In implementing this provision, the department shall

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

work with the county public health department to develop a memorandum of agreement that includes protocols for accessing the department's child welfare information system for purposes of identifying and referring eligible children to the MTCC program. The pilot program shall be implemented by July 1, 2006.

Sec. 203. 2005 c 518 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2006)	(\$78,552,000)
	\$78,963,000
General Fund--State Appropriation (FY 2007)	(\$81,760,000)
	\$80,340,000
General Fund--Federal Appropriation	(\$5,998,000)
	\$5,668,000
General Fund--Private/Local Appropriation	\$1,098,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation	\$38,385,000
Juvenile Accountability Incentive Account--Federal	
Appropriation	(\$5,621,000)
\$5,516,000 Pension Funding Stabilization Account--State	
Appropriation	\$449,000
TOTAL APPROPRIATION	(\$211,414,000)
	\$210,419,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$706,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$6,156,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,020,000 of the general fund--state appropriation for fiscal year 2006, \$1,030,000 of the general fund--state appropriation for fiscal year 2007, and \$5,345,000 of the violence reduction and drug enforcement account appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$2,997,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) For the purposes of a pilot project, the juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative to the Pierce county juvenile court. To evaluate the effect of decategorizing funding for youth services, the juvenile court shall do the following:

(a) Develop intermediate client outcomes according to the risk assessment tool (RAT) currently used by juvenile courts and in coordination with the juvenile rehabilitation administration;

(b) Track the number of youth participating in each type of service, intermediate outcomes, and the incidence of recidivism within twenty-four months of completion of services;

(c) Track similar data as in (b) of this subsection with an appropriate comparison group, selected in coordination with the juvenile rehabilitation administration and the family policy council;

(d) Document the process for managing block grant funds on a quarterly basis, and provide this report to the juvenile rehabilitation administration and the family policy council; and

(e) Provide a process evaluation to the juvenile rehabilitation administration and the family policy council by June 20, 2006, and a concluding report by June 30, 2007. The court shall develop this evaluation in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute for public policy.

(6) \$319,000 of the general fund--state appropriation for fiscal year 2006 and \$678,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to establish a reinvesting in youth pilot program. Participation shall be limited to three counties or groups of counties, including one charter county with a population of over eight hundred thousand residents and at least one county or group of counties with a combined population of three hundred thousand residents or less.

(a) Only the following intervention service models shall be funded under the pilot program: (i) Functional family therapy; (ii) multi-systemic therapy; and (iii) aggression replacement training.

(b) Subject to (c) of this subsection, payments to counties in the pilot program shall be sixty-nine percent of the average service model cost per youth times the number of youth engaged by the selected service model. For the purposes of calculating the average service model cost per engaged youth for a county, the following costs will be included: Staff salaries, staff benefits, training, fees, quality assurance, and local expenditures on administration.

(c) Distribution of moneys to the charter county with a population of over eight hundred thousand residents shall be based upon the number of youth that are engaged by the intervention service models, up to six hundred thousand dollars for the biennium. The department may distribute the remaining grant moneys to the other counties selected to participate in the pilot program.

(d) The department shall provide recommendations to the legislature by June 30, 2006, regarding a cost savings calculation methodology, a funds distribution formula, and criteria for service model eligibility for use if the reinvesting in youth program is continued in future biennia.

~~((c) \$248,000 of the general fund--state appropriation for fiscal year 2006 and \$496,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to reimburse counties for local juvenile disposition alternatives implemented pursuant to House Bill No. 2073 (juvenile sentencing) and Senate Bill No. 5719 (community commitment). The juvenile rehabilitation administration, in consultation with the juvenile court administrators, shall develop an equitable distribution formula for the funding provided in this subsection, and negotiate contracts that would avoid the cost of a youth kept in the community costing more than serving the youth in a juvenile rehabilitation institution and parole program on an average daily population basis. The juvenile rehabilitation administration may adjust the funding level provided in this subsection in the event that utilization rates of the disposition alternatives are lower than the level anticipated by the total appropriation to the juvenile rehabilitation administration in this section. The juvenile rehabilitation administration shall report to the appropriate policy and fiscal committees of the legislature on the use of the disposition alternatives and revocations by December 1, 2006.~~

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

If either bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.)

Sec. 204. 2005 c 518 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2006)	(\$261,430,000)
	\$260,292,000
General Fund--State Appropriation (FY 2007)	(\$269,285,000)
	\$278,337,000
General Fund--Federal Appropriation	(\$336,771,000)
	\$344,008,000
General Fund--Private/Local Appropriation	\$1,970,000
TOTAL APPROPRIATION	(\$869,456,000)
	\$884,607,000

The appropriations in this subsection are subject to the following conditions and limitations:

~~((b))~~ (a) \$103,400,000 of the general fund--state appropriation for fiscal year 2006 ~~(and \$103,400,000 of the general fund--state appropriation for fiscal year 2007 are)~~ is provided solely for persons and services not covered by the medicaid program. The department shall distribute ~~(these amounts)~~ this amount among the regional support networks according to a formula that, consistent with RCW 71.24.035(13), assures continuation of fiscal year 2003 levels of nonmedicaid service in each regional support network area for the following service categories in the following priority order: (i) Crisis and commitment services; (ii) community inpatient services; and (iii) residential care services, including personal care and emergency housing assistance. The formula shall also ensure that each regional support network's combined state and federal allocation is no less than the amount it was due under the fiscal year 2005 allocation methodology. The remaining amounts shall be distributed based upon a formula that incorporates each regional support network's percentage of the state's population. ~~((In consultation with regional support networks and other interested groups, the department shall report to the joint legislative and executive task force by September 2006 on options for modifying the allocation formula to assure equitable statewide access to essential nonmedicaid services:~~

~~((e))~~ (b) \$103,777,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for persons and services not covered by the medicaid program. Consistent with RCW 71.24.035(13), these funds shall be distributed proportional to each regional support network's percentage of the total state population.

(c) \$10,561,000 of the general fund--state appropriation for fiscal year 2007 and \$10,561,000 of the general fund--federal appropriation are provided solely to increase medicaid capitation rates (i) by three percent, for regional support networks whose fiscal year 2006 capitation rates are above the statewide population-weighted average; and (ii) to the statewide population-weighted average, for regional support networks whose fiscal year 2006 capitation rates are below that level.

(d) \$359,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to ensure that no regional support network's combined state and federal allocation is less than the amount it was due under the fiscal year 2006 allocation methodology.

(e) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

~~((f))~~ (f) Within amounts appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely

emotionally disturbed children who are medicaid eligible. Project services shall be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the required nonfederal share of the increased medicaid payment provided for operation of this project.

~~((e))~~ (g) \$3,100,000 of the general fund--state appropriation for fiscal year 2006 and \$3,375,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to establish a base community psychiatric hospitalization payment rate. The base payment rate shall be \$400 per indigent patient day at hospitals that accept commitments under the involuntary treatment act, and \$550 per medicaid patient day at free-standing psychiatric hospitals that accept commitments under the involuntary treatment act. The department shall allocate these funds among the regional support networks to reflect projected expenditures at the enhanced payment level by hospital and region.

~~((f))~~ (h) At least \$902,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

~~((g))~~ \$2,146,000 of the general fund--state appropriation for fiscal year 2006, \$4,408,000 of the general fund--state appropriation for fiscal year 2007, and \$4,559,000 of the general fund--federal appropriation are provided solely for a vendor rate increase to regional support networks for medicaid and nonmedicaid services, to the extent that: Amounts provided in this subsection (1) to serve medicaid clients through regional support networks are sufficient to ensure compliance with federally approved actuarially sound medicaid rate ranges in every rate category. If such amounts are not sufficient to ensure compliance, funds provided in this subsection (1)(g) shall first be applied to address any noncompliant rate category; remaining amounts shall be allocated among the regional support networks by applying a uniform percentage of increase across regional support networks.

~~((h))~~ (i) \$5,000,000 of the general fund--state appropriation for fiscal year 2006 and \$5,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon mentally ill offenders' release from confinement. These amounts shall supplement, and not supplant, local or other funding or in-kind resources currently being used for these purposes. The department is authorized to transfer such amounts as are necessary, which are not to exceed \$418,000 of the general fund--state appropriation for fiscal year 2006 and \$418,000 of the general fund--state appropriation for fiscal year 2007, to the economic services program for the purposes of implementing section 12 of Engrossed Second Substitute House Bill No. 1290 (community mental health) related to reinstating and facilitating access to mental health services upon mentally ill offenders' release from confinement.

~~((i))~~ (j) \$1,500,000 of the general fund--state appropriation for fiscal year 2006 and \$1,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants for innovative mental health service delivery projects. Such projects may include, but are not limited to, clubhouse programs and projects for integrated health care and behavioral health services for general assistance recipients. These amounts shall supplement, and not supplant, local or other funding currently being used for activities funded under the projects authorized in this subsection.

~~((j))~~ (k) The department is authorized to continue to expend federal block grant funds, and special purpose federal grants, through direct contracts, rather than through contracts with regional support networks; and to distribute such funds

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

through a formula other than the one established pursuant to RCW 71.24.035(13).

~~((+))~~ (l) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

~~((+))~~ (m) \$2,250,000 of the general fund--state appropriation for fiscal year 2006, \$2,250,000 of the general fund--state appropriation for fiscal year 2007, and \$4,500,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment. Coordination of these services will be done in partnership between the mental health program and the aging and disability services administration. The funds are not subject to the standard allocation formula applied in accordance with RCW 71.24.035(13)(a).

~~((+))~~ (n) \$750,000 of the general fund--state appropriation for fiscal year 2006 and \$750,000 of the general fund--state appropriation for fiscal year 2007 are provided to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who have been discharged from the state hospitals. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

~~((+))~~ (o) \$539,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to assist with the one-time start-up costs of two evaluation and treatment facilities. Funding for ongoing program operations shall be from existing funds that would otherwise be expended upon short-term treatment in state or community hospitals.

~~((+))~~ (p) \$550,000 of the general fund--state appropriation for fiscal year 2006 and \$150,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for ~~(a pilot project that provides integrated care through a facility specializing in long-term rehabilitation services for people with chronic mental illness who are chronically medically-compromised. This project is to be implemented in coordination with and under the auspices of a regional support network))~~ enhancing rates to a facility that (i) is a licensed nursing home; (ii) is considered to be an "Institution for Mental Diseases" under centers for medicare and medicaid services criteria; (iii) specializes in long-term rehabilitation services for people with chronic mental illness who are chronically medically-compromised; and (iv) provides services to a minimum of 48 consumers funded by a regional support network. These amounts shall be provided in coordination with and under the auspices of a regional support network and shall enhance, and not supplant, other funding or in-kind resources currently being used for these purposes. These funds shall be used to cover costs incurred throughout fiscal year 2006 and fiscal year 2007 and ensure adequate compensation for extra medical care services, personal care services, and other incidental costs that are not fully covered in the current rate paid to the facility.

(q) \$900,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the mental health division, in collaboration with the children's administration and the juvenile rehabilitation services administration, to establish a two-site pilot program to provide evidence-based mental health services to children. The mental health service or services to be provided under the pilot program must be selected from a list of evidence-based service options developed by the department, in consultation with a broadly representative group of individuals with expertise in children's mental health.

(i) Program sites shall be selected through a request for proposal (RFP) process, open to counties or groups of counties, and shall be operational by December 2006.

(ii) Pilot site proposals shall be required to include: A designated lead agency and a commitment to work with community partners, including consumer/family representatives and representatives of the local mental health, juvenile justice, and child welfare systems and, at the applicant's discretion, may also include representatives of other child-serving systems such as health care and education; identification of areas of potential need based upon input from community partners; identification of the service or services that the pilot site would implement based upon community needs and resources; and demonstration of a commitment to participate in efforts that will ensure adherence to the chosen evidence-based practices and evaluate outcomes of implementation of the evidence-based practices.

(iii) The department shall contract with the University of Washington school of medicine's department of psychiatry and behavioral sciences division of public behavioral health and justice to provide support and assistance in all phases of the pilot program, including initiating, implementing, training providers, providing quality assurance, and monitoring implementation and outcomes.

(r) Amounts provided in this subsection are sufficient to implement Second Substitute House Bill No. 2912 (mental health professionals).

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006)	(\$104,749,000)
	\$113,752,000
General Fund--State Appropriation (FY 2007)	(\$110,534,000)
	\$125,276,000
General Fund--Federal Appropriation	(\$150,115,000)
	\$143,693,000
General Fund--Private/Local Appropriation	(\$29,632,000)
	\$29,767,000
Pension Funding Stabilization Account--State Appropriation	\$965,000
	(\$395,030,000)
TOTAL APPROPRIATION	\$413,453,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$3,725,000 of the general fund--state appropriation for fiscal year 2006 and \$3,675,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to operate at least one more forensic ward at western state hospital than was operational in December 2004, and to employ professional staff in addition to those assigned in December 2004 to conduct outpatient evaluations of competency to stand trial.

(c) \$45,000 of the general fund--state appropriation for fiscal year 2006 and \$45,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for payment to the city of Lakewood on September 1 of each year for police services provided by the city at western state hospital and adjacent areas.

(3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2006)	(\$43,322,000)
	\$40,499,000
General Fund--State Appropriation (FY 2007)	(\$46,551,000)
	\$45,276,000
Pension Funding Stabilization Account--State Appropriation	\$129,000
TOTAL APPROPRIATION	(\$89,873,000)
	\$85,904,000

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2006)	\$643,000
General Fund--State Appropriation (FY 2007)	(\$994,000)
	\$20,994,000
General Fund--Federal Appropriation	\$3,209,000
Pension Funding Stabilization Account--State Appropriation	\$1,000
TOTAL APPROPRIATION	(\$4,846,000)
	\$24,847,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$75,000 of the general fund--state appropriation for fiscal year 2006, \$75,000 of the general fund--state

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

appropriation for fiscal year 2007, and \$40,000 of the general fund--federal appropriation are provided solely to implement the request for proposal process required by House Bill No. 1290 (community mental health). If House Bill No. 1290 is not enacted by June 30, 2005, these amounts shall lapse.

(b) \$178,000 of the general fund--state appropriation for fiscal year 2006 and \$221,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to develop and to train community mental health staff in the use of the integrated chemical dependency/mental health screening and assessment system and tool required by section 601 of Senate Bill No. 5763 (mental disorders treatment). If section 601 of Senate Bill No. 5763 is not enacted by June 30, 2005, these amounts shall lapse.

(c) \$20,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of a comprehensive strategy for transforming the delivery of public mental health services for people with severe and persistent mental illness. The strategy shall clearly define state hospital and regional support network (RSN) responsibilities with regard to people who require short and long-term care; emphasize the use of evidence-based practices; fund the phased-in development and ongoing support of community-based alternatives to state psychiatric hospitalization; provide for temporary increases in state hospital capacity only to the extent needed during community service development; link the receipt of community funding to achievement of negotiated performance objectives, and to not pursuing claims for alleged damages from past practices; hold RSN's accountable for managing state hospital admissions and discharges within bed allocation targets established by the department in contract; and hold the state hospitals accountable for admitting people who need acute care on a timely basis, and for effectively supporting these individuals' recovery and return to the community. The legal framework and accountability mechanisms within which the initiative will operate shall be further defined in policy legislation that will be enacted prior to the end of the 2006 legislative session. Key components of the strategy will be specified and funded in further detail in the enacted 2006 supplemental budget.

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2006)	(\$3,620,000)
	\$6,577,000
General Fund--State Appropriation (FY 2007)	(\$3,550,000)
	\$3,938,000
General Fund--Federal Appropriation	(\$6,671,000)
\$5,825,000 Pension Funding Stabilization Account--State	
Appropriation	\$19,000
TOTAL APPROPRIATION	(\$13,841,000)
	\$16,359,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$125,000 of the general fund--state appropriation for fiscal year 2006, \$125,000 of the general fund--state appropriation for fiscal year 2007, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to continue the longitudinal analysis directed in chapter 334, Laws of 2001 (mental health performance audit), and, to the extent funds are available within these amounts, to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders).

(b) \$2,032,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the purposes of complying with and satisfaction of a final court order and judgment in *Pierce County, et al v. State of Washington and State of Washington Department of Social and Health Services, et al*. Thurston County Superior Court Cause No. 03-2-00918-8.

(c) \$520,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the purposes of settling all claims in *County of Spokane, a Washington municipal entity v. State of Washington Department of Social and Health Services and Dennis Braddock, the Secretary of the Department of Social and Health Services, in his official capacity*. Thurston County Superior Court Cause No. 03-2-01268-5. The expenditure of this amount is contingent on the release of all

claims in the case, and total settlement costs shall not exceed the amount provided in this subsection. If the settlement is not executed by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 205. 2005 c 518 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2006) ((\$299,027,000))	\$296,430,000
General Fund--State Appropriation (FY 2007) ((\$311,869,000))	\$311,417,000
General Fund--Federal Appropriation	(\$505,414,000)
	\$502,053,000
Health Services Account--State Appropriation	\$904,000
Pension Funding Stabilization Account--State	
Appropriation	\$138,000
TOTAL APPROPRIATION ((\$1,117,214,000))	\$1,110,942,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The entire health services account appropriation, (~~(\$213,000)~~) \$151,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$400,000)~~) \$427,000 of the general fund--state appropriation for fiscal year 2007, and (~~(\$600,000)~~) \$1,482,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The (~~per worker per month~~) state contribution (~~per agency~~) to the cost of health care benefits per participating worker per month shall be no greater than (~~(\$380.06)~~) \$449.00 in fiscal year 2006 and (~~(\$413.14)~~) \$532.00 in fiscal year 2007.

(b) Individuals receiving family support or high school transition payments as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(c) \$516,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$1,563,000)~~) \$1,917,000 of the general fund--state appropriation for fiscal year 2007, and (~~(\$2,078,000)~~) \$2,433,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(d) \$579,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$1,531,000)~~) \$1,735,000 of the general fund--state appropriation for fiscal year 2007, and (~~(\$2,110,000)~~) \$2,315,000 of the general fund--federal

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues. Funding in this subsection shall be prioritized for (i) clients being diverted or discharged from the state psychiatric hospitals; (ii) clients participating in the dangerous mentally ill offender program; (iii) clients participating in the community protection program; and (iv) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds if the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e) \$12,902,000 of the general fund--state appropriation for fiscal year 2006, \$13,802,000 of the general fund--state appropriation for fiscal year 2007, and \$8,579,000 of the general fund--federal appropriation are provided solely for family support programs for individuals with developmental disabilities.

Of the amounts provided in this subsection (e), \$900,000 of the general fund--state appropriation for fiscal year 2006 and \$1,600,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of a flexible family support pilot program for families who are providing care and support for family members with developmental disabilities. The program shall provide funding for support services such as respite care, training and counseling, assistive technologies, transition services, and assistance with extraordinary household expenses.

(i) To receive funding, an individual must: (A) Be eligible for services from the division of developmental disabilities; (B) live with his or her family; (C) not live independently or with a spouse; (D) not receive paid services through the division, including medicaid personal care and medicaid waiver services; and (E) have gross household income of less than or equal to four hundred percent of the federal poverty level.

(ii) The department shall determine individual funding awards based on the following criteria: (A) Documented need for services, with priority given to individuals in crisis or at immediate risk of needing institutional services, individuals who transition from high school without employment or day program opportunities, individuals cared for by a single parent, and individuals with multiple disabilities; (B) number and ages of family members and their relation to the individual with developmental disabilities; (C) gross annual household income; and (D) availability of state funds.

Funding awards may be made as one-time awards or on a renewable basis. Renewable awards shall be for a period of twelve months for the biennium. Awards shall be based upon the criteria provided in this subsection, but shall be within the following limits: Maximum of \$4,000 per year for an individual whose gross annual household income is up to 100 percent of the federal poverty level; maximum of \$3,000 per year for an individual whose gross annual household income is up to 200 percent of the federal poverty level; maximum of \$2,000 per year for an individual whose gross annual household income is up to 300 percent of the federal poverty level; and maximum of \$1,000 per year for an individual whose gross annual household income is up to 400 percent of the federal poverty level. Of the amounts provided in this subsection, \$150,000 of the general fund--state appropriation for fiscal year 2006 and \$300,000 of

the general fund--state appropriation for fiscal year 2007 are provided solely for one-time awards.

(iii) Eligibility for, and the amount of, renewable awards and one-time awards shall be redetermined annually and shall correspond with the application of the department's mini-assessment tool. At the end of each award period, the department must redetermine eligibility for funding, including increases or reductions in the level of funding, as appropriate.

(iv) By November 1, 2006, the department shall provide recommendations to the appropriate policy and fiscal committees of the legislature on strategies for integrating state-funded family support programs, including, if appropriate, the flexible family support pilot program, into a single program. The department shall also provide a status report on the flexible family support pilot program, which shall include the following information: The number of applicants for funding; the total number of awards; the number and amount of both annual and one-time awards, broken down by household income levels; and the purpose of the awards.

(v) The department shall manage enrollment and award levels so as to not exceed the amounts appropriated for this purpose.

(f) \$840,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$1,979,000)~~) \$3,060,000 of the general fund--state appropriation for fiscal year 2007, and (~~(\$1,219,000)~~) \$1,500,000 of the general fund--federal appropriation are provided solely for employment and day services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided for both waiver and nonwaiver clients.

(g) \$1,000,000 of the general fund--state appropriation for fiscal year 2006, \$1,000,000 of the general fund--state appropriation for fiscal year 2007, and \$2,000,000 of the general fund--federal appropriation are provided for implementation of the administrative rate standardization. These amounts are in addition to any vendor rate increase adopted by the legislature.

(h) \$100,000 of the general fund--state appropriation for fiscal year 2006 (~~(ts)~~) and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for services to community clients provided by licensed professionals at the state residential habilitation centers. The division shall submit claims for reimbursement for services provided to clients living in the community with medical assistance or third-party health coverage, as appropriate, and shall implement a system for billing clients without coverage. The department shall provide a report by December 1, 2006, to the appropriate committees of the legislature on the number of clients served, services provided, and expenditures and revenues associated with those services.

(i) \$65,000 of the general fund--state appropriation for fiscal year 2006 (~~(, \$65,000 of the general fund--state appropriation for fiscal year 2007,)) and (~~(\$130,000)~~) \$65,000 of the general fund--federal appropriation are provided solely for supplemental compensation increases for direct care workers employed by home care agencies in recognition of higher labor market cost pressures experienced by agencies subject to collective bargaining obligations. In order for a specific home care agency to be eligible for such increases, home care agencies shall submit the following to the department:~~

(i) Proof of a legally binding, written commitment to increase the compensation of agency home care workers; and

(ii) Proof of the existence of a method of enforcement of the commitment, such as arbitration, that is available to the employees or their representative, and proof that such a method is expeditious, uses a neutral decision maker, and is economical for the employees.

(j) \$12,000 of the general fund--state appropriation for fiscal year 2007 and \$12,000 of the general fund--federal appropriation are provided solely to increase boarding home provider payment rates by 1.0 percent, effective July 1, 2006.

(k) \$134,000 of the general fund--state appropriation for fiscal year 2007 and \$134,000 of the general fund--federal

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

appropriation are provided solely to increase adult family home provider payment rates by 1.0 percent, effective July 1, 2006.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006)	((76,062,000))
	<u>\$76,623,000</u>
General Fund--State Appropriation (FY 2007)	((78,545,000))
	<u>\$78,815,000</u>
General Fund--Federal Appropriation	((152,479,000))
	<u>\$153,797,000</u>
General Fund--Private/Local Appropriation . . .	((12,000,000))
	<u>\$11,236,000</u>
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$457,000</u>
TOTAL APPROPRIATION	((319,086,000))
	<u>\$320,928,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: The developmental disabilities program is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the program determines it is cost-effective to do so.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2006)	((2,457,000))
	<u>\$2,312,000</u>
General Fund--State Appropriation (FY 2007)	((2,068,000))
	<u>\$1,924,000</u>
General Fund--Federal Appropriation	((3,034,000))
	<u>\$3,014,000</u>
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$17,000</u>
TOTAL APPROPRIATION	((7,559,000))
	<u>\$7,267,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$578,000 of the general fund--state appropriation for fiscal year 2006 and \$578,000 of the general fund--federal appropriation are provided solely for the purpose of developing and implementing a consistent needs assessment instrument for use on all clients with developmental disabilities. In developing the instrument, the department shall develop a process for collecting data on family income for minor children with developmental disabilities and all individuals who are receiving state-only funded services. The department shall ensure that this information is captured as part of the client assessment process.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2006)	<u>\$11,000</u>
General Fund--State Appropriation (FY 2007)	<u>\$17,000</u>
General Fund--Federal Appropriation	((16,668,000))
	<u>\$17,238,000</u>
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$2,000</u>
TOTAL APPROPRIATION	((16,696,000))
	<u>\$17,268,000</u>

Sec. 206. 2005 c 518 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2006)	((604,891,000))
	<u>\$610,472,000</u>
General Fund--State Appropriation (FY 2007)	((623,448,000))
	<u>\$667,693,000</u>
General Fund--Federal Appropriation	((1,264,939,000))
	<u>\$1,316,275,000</u>
General Fund--Private/Local Appropriation . . .	((18,939,000))
	<u>\$18,949,000</u>
Health Services Account--State Appropriation . . .	<u>\$4,888,000</u>
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$317,000</u>
TOTAL APPROPRIATION	((2,517,105,000))
	<u>\$2,618,594,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, ~~((610,000))~~ \$6,911,000 of the general fund--state appropriation for fiscal year 2006, ~~((610,000))~~ \$11,571,000 of the general fund--state appropriation for fiscal year 2007, and

~~((5,552,000))~~ \$23,251,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The ~~((per worker per month))~~ state contribution ~~((per agency))~~ to the cost of health care benefits per eligible participating worker per month shall be no greater than ~~((380.06))~~ \$449.00 in fiscal year 2006 and ~~((413.14))~~ \$532.00 per month in fiscal year 2007. The department, in consultation with the home care quality authority and the health care authority, shall examine how the state determines the appropriate level of health care costs when establishing state contribution rates for all agency and individual home care workers caring for state subsidized clients. The department shall recommend options as to how equivalent benefits can be purchased on behalf of home care workers in a more cost effective manner to the office of financial management and the appropriate fiscal committees of the legislature by October 1, 2006.

(2) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed ~~((149.14))~~ \$147.57 for fiscal year 2006 and shall not exceed ~~((153.50))~~ \$158.55 for fiscal year 2007.

(3) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2006; up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2007; and up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2008.

(4) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(5) In accordance with chapter 74.39 RCW, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(6) ~~((1,413,000))~~ \$1,604,000 of the general fund--state appropriation for fiscal year 2006, ~~((2,887,000))~~ \$3,450,000 of the general fund--state appropriation for fiscal year 2007, and ~~((4,305,000))~~ \$5,064,000 of the general fund--federal appropriation are provided solely to increase compensation for direct care workers employed by home care agencies by 27 cents per hour on July 1, 2005, and by an additional 23 cents per hour on July 1, 2006. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(7) \$1,786,000 of the general fund--state appropriation for fiscal year 2006 and \$1,804,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for operation of the volunteer chore services program.

(8) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPES) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(9) \$93,000 of the general fund--state appropriation for fiscal year 2006, \$8,000 of the general fund--state appropriation for fiscal year 2007, and \$101,000 of the general fund--federal appropriation are provided solely to expand the number of boarding homes that receive exceptional care rates for persons with Alzheimer's disease and related dementias who might otherwise require nursing home care. The department may expand the number of licensed boarding home facilities that specialize in caring for such conditions by up to 85 beds in fiscal year 2006 and up to 150 beds in fiscal year 2007.

(10) \$305,000 of the general fund--state appropriation for fiscal year 2006 and \$377,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the senior farmer's market nutrition program.

~~((+2))~~ (11) \$109,000 of the general fund--state appropriation for fiscal year 2006, \$90,000 of the general fund--state appropriation for fiscal year 2007, and \$198,000 of the general fund--federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1220 (long-term care financing). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

~~((+3))~~ (12) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for area agencies on aging, or entities with which area agencies on aging contract, to provide a kinship navigator for grandparents and other kinship caregivers of children in both western and eastern Washington.

(a) Kinship navigator services shall include but not be limited to assisting kinship caregivers with understanding and navigating the system of services for children in out-of-home care while reducing barriers faced by kinship caregivers when accessing services.

(b) In providing kinship navigator services, area agencies on aging shall give priority to helping kinship caregivers maintain their caregiving role by helping them access existing services and supports, thus keeping children from entering foster care.

~~((+4))~~ (13) \$435,000 of the general fund--state appropriation for fiscal year 2006 (~~(\$435,000 of the general fund--state appropriation for fiscal year 2007;)~~) and ~~((870,000))~~ \$435,000 of the general fund--federal appropriation are provided solely for supplemental compensation increases for direct care workers employed by home care agencies in recognition of higher labor market cost pressures experienced by agencies subject to collective bargaining obligations. In order for a specific home care agency to be eligible for such increases, home care agencies shall submit the following to the department:

~~((+))~~ (a) Proof of a legally binding, written commitment to increase the compensation of agency home care workers; and

~~((+))~~ (b) Proof of the existence of a method of enforcement of the commitment, such as arbitration, that is available to the employees or their representative, and proof that such a method is expeditious, uses a neutral decision maker, and is economical for the employees.

(14) \$7,500,000 of the general fund--state appropriation for fiscal year 2007 and \$7,500,000 of the general fund--federal appropriation are provided solely for purposes of settling all claims in the class action suit commonly known as *Regency Pacific et al. v. Department of Social and Health Services*. The expenditure of this amount is contingent on the release of all claims in the case, and total settlement costs shall not exceed the amount provided in this subsection.

(15) \$390,000 of the general fund--state appropriation for fiscal year 2006, \$779,000 of the general fund--state appropriation for fiscal year 2007, and \$1,141,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 2925 (assisted living facility). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(16) \$121,000 of the general fund--state appropriation for fiscal year 2007 and \$120,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 2475 (individual providers). If the

bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(17) \$101,000 of the general fund--state appropriation for fiscal year 2007 and \$101,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 2914 (residential service provider). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(18) \$3,955,000 of the general fund--state appropriation for fiscal year 2007 and \$3,941,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 2333 (agency home care workers). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(19) \$183,000 of the general fund--state appropriation for fiscal year 2006 and \$184,000 of the general fund--federal appropriation are provided solely for payments to any assisted living facility licensed under chapter 18.20 RCW on January 25, 2002, which serves 20 or more clients participating in the program for all-inclusive care.

(20) \$14,036,000 of the general fund--state appropriation for fiscal year 2007 and \$14,036,000 of the general fund--federal appropriation are provided solely for the implementation of Substitute House Bill No. 2716 (nursing facility payment). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(21) \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for area agencies on aging, or entities with which area agencies on aging contract, to provide support services through the kinship caregiver support program for grandparents and other informal kinship caregivers of children throughout the state.

(22) \$732,000 of the general fund--state appropriation for fiscal year 2007 and \$715,000 of the general fund--federal appropriation are provided solely to increase boarding home provider payment rates by 1.0 percent, effective July 1, 2006.

(23) \$443,000 of the general fund--state appropriation for fiscal year 2007 and \$437,000 of the general fund--federal appropriation are provided solely to increase adult family home provider payment rates by 1.0 percent, effective July 1, 2006.

Sec. 207. 2005 c 518 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2006)	((483,166,000))
	\$486,529,000
General Fund--State Appropriation (FY 2007)	((501,081,000))
	\$558,805,000
General Fund--Federal Appropriation	((1,246,447,000))
	\$1,245,673,000
General Fund--Private/Local Appropriation	((31,466,000))
	\$27,535,000
Pension Funding Stabilization Account--State Appropriation	\$1,138,000
	((2,262,160,000))
TOTAL APPROPRIATION	\$2,319,680,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((273,333,000))~~ \$275,749,000 of the general fund--state appropriation for fiscal year 2006, ~~((273,333,000))~~ \$334,121,000 of the general fund--state appropriation for fiscal year 2007, and ~~((1,020,292,000))~~ \$905,232,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Outcome data regarding job retention and wage progression shall be reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months; and

(b) Submit a report by October 1, 2005, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2005-2007 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels.

(2) ~~(\$75,833,000)~~ \$72,526,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$74,358,000)~~ \$77,880,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts:

(a) The department may expend funds for services that assist recipients to obtain employment and reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided. Mental health, substance abuse, and vocational rehabilitation services may be provided to recipients whose incapacity is not severe enough to qualify for services through a regional support network, the alcoholism and drug addiction treatment and support act, or the division of vocational rehabilitation to the extent that those services are necessary to eliminate or minimize barriers to employment;

(b) The department shall review the general assistance caseload to identify recipients that would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department;

(c) The department shall identify general assistance recipients who are or may be eligible to receive health care coverage or services through the federal veteran's administration and assist recipients in obtaining access to those benefits; and

(d) The department shall report by November of each year to the appropriate committees of the legislature on the progress and outcomes of these efforts.

(3) Within amounts appropriated in this section, the department shall increase the state supplemental payment by \$10 per month for SSI clients who reside in nursing facilities, residential habilitation centers, or state hospitals and who receive a personal needs allowance and decrease other state supplemental payments.

(4) \$5,000,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a subsidy rate increase for child care providers. Of this amount, \$500,000 per year shall be targeted for child care providers in urban areas of region 1 and \$500,000 per year shall be targeted for one or more tiered-reimbursement pilot projects.

(5) \$51,000 of the general fund--state appropriation for fiscal year 2006, \$84,000 of the general fund--state appropriation for fiscal year 2007, and \$261,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 2462 (child support schedule). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

Sec. 208. 2005 c 518 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2006)	(\$57,235,000)
	\$55,036,000
General Fund--State Appropriation (FY 2007)	(\$66,956,000)
	\$66,920,000
General Fund--Federal Appropriation	(\$110,175,000)
	\$136,750,000
General Fund--Private/Local Appropriation	(\$633,000)
	\$634,000
Criminal Justice Treatment Account--State Appropriation	

Violence Reduction and Drug Enforcement Account--State	\$16,500,000
Appropriation	\$48,842,000
Problem Gambling (Treatment) Account--State	
Appropriation	(\$1,500,000)
	\$1,350,000
Public Safety and Education Account--State	
Appropriation	\$2,081,000
Pension Funding Stabilization Account--State	
Appropriation	\$39,000
TOTAL APPROPRIATION	(\$303,922,000)
	\$328,152,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$1,500,000)~~ \$1,350,000 of the problem gambling (~~treatment~~) account appropriation is provided solely for the program established in Engrossed Substitute House Bill No. 1031 (problem gambling). If legislation creating the account is not enacted by June 30, 2005, this amount shall lapse.

(2) \$1,339,000 of the general fund--state appropriation for fiscal year 2006 and \$1,338,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the parent child assistance program, including an expansion of services to southwestern Washington. The department shall contract with the University of Washington and community-based providers in Spokane, Yakima, and southwestern Washington for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount. The amounts provided in this subsection are sufficient to fund section 303 of Senate Bill No. 5763 (mental disorders treatment).

(3) \$2,000,000 of the general fund--state appropriation for fiscal year 2006 and \$3,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for vendor rate adjustments for residential treatment providers for chemical dependency services.

(4) \$465,000 of the general fund--state appropriation for fiscal year 2006, \$934,000 of the general fund--state appropriation for fiscal year 2007, \$1,319,000 of the general fund--federal appropriation, and \$700,000 of the violence reduction and drug enforcement account appropriation are provided solely for vendor rate adjustments for residential treatment providers. To the extent that a portion of this funding is sufficient to maintain sufficient residential treatment capacity, remaining amounts may then be used to provide vendor rate adjustments to other types of providers as prioritized by the department in order to maintain or increase treatment capacity.

(5) \$1,916,000 of the general fund--state appropriation for fiscal year 2006 and \$4,278,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for integrated pilot programs as required by section 203 of Senate Bill No. 5763 (mental disorders treatment). If section 203 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$244,000 of the general fund--state appropriation for fiscal year 2006 and \$244,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for intensive case management pilot programs as required by section 220 of Senate Bill No. 5763 (mental disorders treatment). If section 220 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(7) \$159,000 of the general fund--state appropriation for fiscal year 2006, \$140,000 of the general fund--state appropriation for fiscal year 2007, and \$161,000 of the general fund--federal appropriation are provided solely for development of the integrated chemical dependency/mental health screening and assessment tool required by section 601 of Senate Bill No. 5763 (mental disorders treatment), and associated training and quality assurance. If section 601 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(8) \$5,475,000 of the general fund--state appropriation for fiscal year 2006, \$13,124,000 of the general fund--state appropriation

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

for fiscal year 2007, and \$10,669,000 of the general fund--federal appropriation are provided solely to increase capacity of chemical dependency treatment services for adult medicaid eligible and general assistance-unemployable clients. The department shall monitor the number and type of clients entering treatment, for purposes of determining potential cost offsets.

(9) \$1,967,000 of the general fund--state appropriation for fiscal year 2006, \$2,523,000 of the general fund--state appropriation for fiscal year 2007, and \$1,496,000 of the general fund--federal appropriation are provided solely to increase capacity of chemical dependency treatment services for minors who are under 200 percent of the federal poverty level. The department shall monitor the number and type of clients entering treatment, for purposes of determining potential cost offsets.

Sec. 209. 2005 c 518 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2006)	(\$1,481,212,000)
	<u>\$1,461,557,000</u>
General Fund--State Appropriation (FY 2007)	(\$1,596,101,000)
	<u>\$1,549,435,000</u>
General Fund--Federal Appropriation	(\$4,036,615,000)
	<u>\$4,001,262,000</u>
General Fund--Private/Local Appropriation	\$2,000,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation	\$15,000,000
Health Services Account--State Appropriation (\$636,942,000)	
<u>\$677,288,000 Pension Funding Stabilization Account--State Appropriation</u>	<u>\$123,000</u>
TOTAL APPROPRIATION (\$7,767,870,000)	<u>\$7,706,665,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) The department shall continue to extend medicaid eligibility to children through age 18 residing in households with incomes below 200 percent of the federal poverty level.

(3) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(4) Sufficient amounts are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(5) Sufficient amounts are appropriated in this section for the department to provide an adult dental benefit that is equivalent to the benefit provided in the 2003-05 biennium.

(6) In accordance with RCW 74.46.625, \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments.

(7) (~~\$1,660,000~~) \$2,221,000 of the health services account appropriation, (~~\$4,361,000~~) \$5,402,000 of the general fund--

federal appropriation, (~~\$1,350,000~~) \$1,590,000 of the general fund--state appropriation for fiscal year 2006, and (~~\$1,351,000~~) \$1,591,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(8) (~~\$22,081,000~~) \$21,092,000 of the health services account appropriation and (~~\$20,714,000~~) \$19,725,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(9) In response to the federal directive to eliminate intergovernmental transfer transactions effective June 30, 2005, the department is directed to implement the inpatient hospital certified public expenditures program for the 2005-07 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. Hospitals in the program shall be paid and shall retain (a) one hundred percent of the federal portion of each medicaid inpatient fee-for-service claim payable by the medical assistance administration; and (b) one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Medicaid fee-for-service claim amounts shall be established by applying the department's ratio of costs to charges payment methodology. The department shall provide participating hospitals with the information and instructions needed by the hospital to certify the public expenditures required to qualify for the federal portions of both the medicaid inpatient fee-for-service payments and the disproportionate share hospital payments. In the event that any part of the program including, but not limited to, allowable certified public expenditures, is disallowed by the federal government, the department shall not seek recoupment of payments from the hospitals, provided the hospitals have complied with the directions of the department for participation in the program. The legislature intends that hospitals in the program receive no less in combined state and federal payments than they would have received under the methodology that was in place during fiscal year 2005. The department shall therefore make additional grant payments, not to exceed the amounts (~~provided~~) specified in this subsection, to hospitals whose total payments under the program would otherwise be less than the total state and federal payments they would have received under the methodology in effect during fiscal year 2005. (~~\$37,034,000 of the general fund--state appropriation for fiscal year 2006, \$37,552,000 of the general fund--state appropriation for fiscal year 2007, \$8,300,000 of the emergency medical services and trauma care systems trust account--state appropriation, and \$45,450,000 of the general fund--federal appropriation are provided solely for new state grant and upper payment limit programs for the participating hospitals.~~) Payments under these new state grant and upper payment limit programs shall not exceed \$53,159,000 from general fund--state appropriations in fiscal year 2006, of which \$5,600,000 is appropriated in section 204(1) of this 2006 act and the balance in this section; \$46,548,000 from general fund--state appropriations in fiscal year 2007, of which \$5,600,000 is appropriated in section 204(1) of this 2006 act and the balance in this section; and \$11,328,000 from the general fund--federal appropriations in this section.

(10) (~~\$4,372,000~~) \$4,077,000 of the general fund--state appropriation for fiscal year 2006, (~~\$4,014,000~~) \$4,847,000 of the general fund--state appropriation for fiscal year 2007, and (~~\$65,112,000~~) \$70,100,000 of the general fund--federal appropriation are provided solely for development and

FIFTY-SEVENTH DAY, MARCH 6, 2006

implementation of a replacement system for the existing medicaid management information system.

(11) ~~(\$150,000)~~ \$188,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$75,000)~~ \$37,000 of the general fund--state appropriation for fiscal year 2007, and \$225,000 of the general fund--federal appropriation are provided solely for the department to contract for an independent analysis of the medical assistance administration's current system for establishing hospital inpatient payment rates, and for recommendations on a new or updated system. The department shall submit an interim report of study findings by December 1, 2005, and a final report by November 15, 2006. The interim report shall include a comparison of the strengths and weaknesses of the current rate-setting system relative to those used by other state, federal, and private payers. The final report shall include recommendations on the design and implementation of a new or updated system that will promote equity among hospitals, access to quality care and improved health outcomes for patients, and cost-control and efficiency for taxpayers. The study should make use of complete and current cost data from a wide variety of hospitals, recognize unique aspects of hospital service delivery structures and medicaid payment systems in Washington, recognize impacts on productivity and quality of care that may result from hospital compensation, recruitment, and retention policies, and provide opportunities for comment and participation by key interest groups in the identification and assessment of alternatives.

(12) Payment rates for hospital inpatient and outpatient services shall be increased by an average of 1.3 percent effective July 1, 2005, and by an average of an additional 1.3 percent effective July 1, 2006. The inpatient increases shall be provided only on the portion of a hospital's rate that excludes medical education and outlier costs, and shall be allocated so that hospitals with lower costs of care (excluding medical education and outlier costs) receive larger percentage increases than those with higher costs of care. The inpatient increases shall be allocated in three percentage increments, with the lowest-cost hospitals receiving the largest percentage rate increase, highest-cost hospitals receiving the smallest percentage increase, and medium-cost hospitals receiving the average of the highest and the lowest percentage rate increase. Increases shall not be provided to those hospitals that are certified as critical access. Sufficient funds are appropriated in this section for Healthy Options contractors to increase hospital payment rates commensurate with the increases in fee-for-service payment rates.

(13) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(14) The medical assistance administration is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the administration determines it is cost-effective to do so.

(15) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(16) By October 1, 2005, the department shall recommend to the governor and legislature at least two pilot project designs which seem likely to reduce avoidable emergency room utilization at no net cost to the state within the projects' first eighteen months of operation.

(17) Within funds appropriated in this section, the department shall participate in the health technology assessment program required in section 213(6) of this act.

(18) The department is also required to participate in the joint health purchasing project described in section 213(7) of this act.

(19) The department shall, within available resources, continue operation of the medical care services care management pilot project for clients receiving general assistance benefits in King and Pierce counties. The project may use a full or partial capitation model that includes a mechanism for shared savings. The department shall provide a

report to the appropriate committees of the legislature by January 1, 2006, on costs, savings, and any outcomes or quality measures associated with the pilot programs during the first year of operation.

(20) By October 1, 2005, the department shall report to the appropriate committees of the legislature on the potential fiscal and programmatic costs and benefits associated with an expansion of managed care pilot programs to SSI and other eligible medicaid elderly and disabled persons.

~~((22))~~ (21) By November 15, 2006, the department of social and health services, in consultation with the department of revenue and the health care authority, shall report to the health care and fiscal committees of the legislature on options for providing financial incentives for private practice physicians to serve uninsured, medicare, and medicaid patients. The report shall include an assessment of the relative costs and effectiveness of strategies including, but not limited to, tax credits and payment rate increases. The report shall further suggest alternative mechanisms and thresholds for varying tax credits and payment enhancements according to the extent to which a provider serves uninsured, medicare, and medicaid patients.

(22) The department is directed to pursue all available administrative remedies to dispute and reverse recent large retroactive charges by the federal medicare program for payment of medicare part B premiums on behalf of medicaid recipients, to the extent that such premiums are for periods when medicare coverage was in fact never provided the beneficiaries, and their care was instead fully covered by the state medicaid program. The department shall report to the fiscal committees of the legislature by December 1, 2006, on the actions it has taken to dispute and reverse these charges.

(23) \$132,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Second Substitute House Bill No. 2002 (foster care support services). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(24) \$255,000 of the general fund--state appropriation for fiscal year 2007 and \$2,107,000 of the general fund--federal appropriation are provided solely to increase the availability of family planning services at the department of social and health services' community service offices. Resources will be prioritized for those offices where pregnancy rates are higher than the statewide average.

(25) \$23,000 of the general fund--state appropriation for fiscal year 2006, \$137,000 of the general fund--state appropriation for fiscal year 2007, and \$79,000 of the general fund--federal appropriation are provided solely for conducting a study of the employment status of enrollees in the basic health plan and the medical assistance program, pursuant to Engrossed Substitute House Bill No. 3079 (health care services). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(26) No funds appropriated in this section shall be expended upon gender reassignment surgery or treatment.

Sec. 210. 2005 c 518 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2006)	(\$11,202,000)
	\$10,694,000
General Fund--State Appropriation (FY 2007)	(\$11,350,000)
	\$11,014,000
General Fund--Federal Appropriation	(\$86,908,000)
	\$89,472,000
((General Fund--Private/Local Appropriation	-\$440,000))
Telecommunications Devices for the Hearing and Speech Impaired--State Appropriation	(\$1,791,000)
\$1,792,000 Pension Funding Stabilization Account--State Appropriation	\$31,000
TOTAL APPROPRIATION	(\$111,691,000)
	\$113,003,000

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

The appropriations in this section are subject to the following conditions and limitations: The division of vocational rehabilitation shall maintain support for existing clubhouse programs at the 2003-2005 level.

Sec. 211. 2005 c 518 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2006)	(\$32,933,000)	\$34,612,000
General Fund--State Appropriation (FY 2007)	(\$29,910,000)	\$35,122,000
General Fund--Federal Appropriation	(\$51,489,000)	\$62,385,000
General Fund--Private/Local Appropriation	\$810,000	
Public Safety and Education Account--State		
Appropriation		\$2,452,000
Violence Reduction and Drug Enforcement Account--State		
Appropriation	(\$1,791,000)	\$2,793,000
(Domestic Violence Prevention Account--State		
 Appropriation	(\$1,345,000)	\$1,345,000
Pension Funding Stabilization Account--State		
 Appropriation		\$300,000
TOTAL APPROPRIATION	(\$120,730,000)	\$138,474,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for funding of the teamchild project through the governor's juvenile justice advisory committee.

(2) \$2,452,000 of the public safety and education account--state appropriation and ~~(\$1,791,000)~~ \$2,791,000 of the violence reduction and drug enforcement account--state appropriation are provided solely for the family policy council.

(3) \$3,195,000 of the general fund--state appropriation for fiscal year 2006, \$639,000 of the general fund--state appropriation for fiscal year 2007, and \$3,834,000 of the general--fund federal appropriation are provided solely to implement the 2005-07 home care worker collective bargaining agreement.

(4) ~~(\$1,345,000 of the domestic violence prevention account is provided solely for the implementation of Engrossed Substitute House Bill No. 1314 (domestic violence prevention). If legislation creating the account is not enacted by June 30, 2005, this amount shall lapse.)~~ \$12,000 of the general fund--state appropriation for fiscal year 2007 and \$9,000 of the general fund--federal appropriation for fiscal year 2007 are provided solely to implement Second Substitute House Bill No. 2914 (residential service provider). If the bill is not enacted by June 30, 2006 the amounts provided in this subsection shall lapse.

Sec. 212. 2005 c 518 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2006)	(\$46,381,000)	\$49,255,000
General Fund--State Appropriation (FY 2007)	(\$46,380,000)	\$49,777,000
General Fund--Federal Appropriation	(\$45,103,000)	\$46,248,000
TOTAL APPROPRIATION	(\$137,864,000)	\$145,280,000

Sec. 213. 2005 c 518 s 213 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation (FY 2006)	\$278,000
General Fund--State Appropriation (FY 2007)	\$275,000
General Fund--Federal Appropriation	(\$3,140,000)
	\$3,717,000
State Health Care Authority Administrative Account--	
State Appropriation	(\$29,394,000)
	\$33,779,000
Medical Aid Account--State Appropriation	(\$171,000)
	\$345,000
Health Services Account--State Appropriation	(\$456,207,000)
	\$466,771,000
TOTAL APPROPRIATION	(\$488,912,000)
	\$505,165,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(2) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(3) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(4) \$19,108,000 of the health services account--state appropriation is provided solely for funding for health care services provided through local community clinics.

(5) \$391,000 of the health services account appropriation is provided solely for implementation of Substitute Senate Bill No. 5471, chapter 129, Laws of 2005 (drug purchasing consortium).

(6) The health care authority shall conduct a health technology assessment pilot project to evaluate scientific evidence regarding current and evolving health care procedures, services and technology. The pilot shall be a joint effort of the departments of social and health services, labor and industries, corrections, and veteran's affairs and the health care authority. Upon completion of assessment of a procedure, service or technology, the agencies shall make every effort, consistent with federal and state law, to jointly decide: (a) On coverage of the procedure, service or technology by each agency, and (b) if covered, the guidelines or criteria that will be applied to medical necessity decisions.

(7) The departments of social and health services, labor and industries and the health care authority, in collaboration with affected health care providers, facilities, and contracted health plans, shall design and implement a joint health purchasing project that links payment to health care provider or facility

performance, particularly where such performance is expected to improve patient outcomes or where there are wide variations in clinical practice used to treat a condition or illness. The purchasing effort shall utilize evidence-based performance measures that are designed to improve quality of care and yield measurable and significant savings. The project shall include payment mechanisms that create incentives to improve quality of care. On or before December 1, 2006, the agencies shall report to relevant policy and fiscal committees of the legislature on the status of the purchasing project, including actual and anticipated savings.

(8) \$395,000 of the health services account appropriation is provided solely for implementation of Substitute House Bill No. 1689 (dental residency program). If Substitute House Bill No. 1689 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(9) \$250,000 of the health services account appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1688 (certificate of need program). If Engrossed Second Substitute House Bill No. 1688 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(10) \$316,000 of the health services account--state appropriation and \$15,000 of the general fund--federal appropriation are provided solely for a study of electronic medical records pursuant to Substitute Senate Bill No. 5064 (electronic medical records). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(11) \$458,000 of the health services account appropriation, \$401,000 of the general fund--federal appropriation, \$205,000 of the state health care authority administrative account--state appropriation, and \$174,000 of the medical aid account--state appropriation are provided solely for conducting assessments of health technologies at health technology assessment centers as defined in Engrossed Second Substitute House Bill No. 2575 (health technology assessment), for supporting the activities of the health technology clinical committee, or other activities required to implement Engrossed Second Substitute House Bill No. 2575. This funding shall not be used to establish a new health technology assessment center. Participating agencies will be the medical assistance administration in the department of social and health services, the department of labor and industries, the health care authority's uniform medical plan, the department of corrections, and the department of veterans affairs. If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$500,000 of the state health care authority administrative account--state appropriation is provided solely for the health care authority to develop pilot grants to provide reimbursement, administrative, or quality incentives to providers who adopt health information technologies.

(13) \$1,676,000 of the health services account appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2572 (small business health insurance assistance program). \$1,000,000 of the health services account appropriation provided for Engrossed Second Substitute House Bill No. 2572 shall be used for subsidies to eligible employees' premiums, and the remainder shall be for the administrative costs of the program. If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(14) \$450,000 of the state health care authority administrative account--state appropriation is provided solely for an on-line employee health assessment tool.

(15) \$278,000 of the general fund--state appropriation for fiscal year 2006, \$275,000 of the general fund--state appropriation for fiscal year 2007, and \$72,000 of the general fund--federal appropriation are provided solely for conducting a study of the employment status of enrollees in the basic health plan and the medical assistance program, pursuant to Engrossed Substitute House Bill No. 3079. If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

Sec. 214. 2005 c 518 s 214 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 2006)	. ((\$2,596,000))
	\$2,779,000
General Fund--State Appropriation (FY 2007)	. ((\$2,634,000))
	\$3,051,000
General Fund--Federal Appropriation	. . . . . ((\$1,741,000))
	\$1,321,000
Pension Funding Stabilization Account--State	
Appropriation	. . . . . \$13,000
TOTAL APPROPRIATION	. . ((\$6,971,000))
	\$7,164,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing any changes in existing federal revenues for the remainder of the current fiscal year and changes in projections of federal revenue for the upcoming fiscal year.

(2) \$19,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of House Bill No. 2564 (veterans/discrimination). If House Bill No. 2564 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(3) \$34,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a human rights commission investigator to travel to Vancouver once a week to provide complaint intake, outreach, and conduct investigations.

Sec. 215. 2005 c 518 s 215 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account--State	
Appropriation	. . . . . \$20,000
Accident Account--State Appropriation	. . . . . ((\$16,399,000))
	\$16,452,000
Medical Aid Account--State Appropriation	. . . ((\$16,398,000))
	\$16,451,000
TOTAL APPROPRIATION	. . ((\$32,817,000))
	\$32,923,000

Sec. 216. 2005 c 518 s 216 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Public Safety and Education Account--State	
Appropriation	. . . . . ((\$19,003,000))
	\$19,736,000
Death Investigations Account--State Appropriation	. . \$148,000
Municipal Criminal Justice Assistance Account--	
(Private/Local) State Appropriation	. . . . . \$460,000
TOTAL APPROPRIATION	. . ((\$19,611,000))
	\$20,344,000

The appropriations in this section are subject to the following conditions and limitations:

(1) During the 2005-2007 biennium, the criminal justice training commission is authorized to raise existing fees charged for firearms certification for security guards in excess of the fiscal growth factor established pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting the certification programs and the appropriation levels in this section.

(2) \$100,000 of the public safety and education account--state appropriation is provided solely for support of the coalition of small police agencies major crimes task force. The purpose of this task force is to pool its resources and to establish an efficient and cooperative approach in addressing major violent crimes.

(3) Amounts provided within this section are sufficient to implement the provisions of section 2 of House Bill No. 1136 (electronic monitoring system).

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(4) \$163,000 of the public safety and education account--state appropriation is provided solely for the implementation of section 4 of Second Substitute House Bill No. 2805 (missing persons). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 217. 2005 c 518 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2006)	(\$7,554,000)
	\$7,561,000
General Fund--State Appropriation (FY 2007)	(\$7,648,000)
	\$7,671,000
Public Safety and Education Account--State Appropriation	(\$27,277,000)
	\$30,236,000
Public Safety and Education Account--Federal Appropriation	\$10,000,000
Asbestos Account--State Appropriation	(\$808,000)
	\$810,000
Electrical License Account--State Appropriation (\$34,743,000)	\$35,934,000
Farm Labor Revolving Account--Private/Local Appropriation	\$28,000
Worker and Community Right-to-Know Account--State Appropriation	(\$1,836,000)
	\$1,827,000
Public Works Administration Account--State Appropriation	(\$2,664,000)
	\$2,673,000
Accident Account--State Appropriation	(\$206,490,000)
	\$209,458,000
Accident Account--Federal Appropriation	\$13,621,000
Medical Aid Account--State Appropriation	(\$205,011,000)
	\$209,628,000
Medical Aid Account--Federal Appropriation	\$3,185,000
Plumbing Certificate Account--State Appropriation	(\$1,657,000)
	\$1,675,000
Pressure Systems Safety Account--State Appropriation	(\$3,324,000)
	\$3,357,000
Pension Funding Stabilization Account--State Appropriation	\$31,000
TOTAL APPROPRIATION (\$525,846,000)	\$537,695,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$700,000 of the accident account--state appropriation and \$699,000 of the medical aid account--state appropriation are provided solely for the construction of a computer system to collect data from self-insured employers and are contingent on the passage of Substitute House Bill No. 1310 (workers compensation reporting) on mandatory electronic data reporting by self-insured employers. If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) ~~(\$27,227,000)~~ \$30,000,000 of the public safety and education account--state appropriation, and \$10,000,000 of the public safety and education account--federal appropriation are provided solely for the crime victims' compensation program, subject to the following conditions:

(a) Reimbursement shall be provided throughout the 2005-2007 biennium for full reimbursement of sexual assault forensic exams at workers' compensation rates; ~~(and)~~

(b) Reimbursement shall be provided throughout fiscal year 2007 for full reimbursement of mental health care at workers' compensation rates; and

(c) In accordance with RCW 7.68.015, it is the policy of the state that the department of labor and industries operate the crime victims' compensation program within the amounts provided for this program in this subsection.

(3) \$200,000 of the accident account--state appropriation is provided solely to reimburse the department of agriculture for

the agricultural worker pesticide handling and application training program.

(4) \$71,000 of the medical aid account--state appropriation and \$71,000 of the accident account--state appropriation are provided solely for the review of payment of medical bills and authorization for medical procedures by self-insurers.

(5) The department is required to participate in the health technology assessment program required in section 213(6) of this act.

(6) The department is also required to participate in the joint health purchasing project described in section 213(7) of this act.

(7) \$35,000 of the general fund--state appropriation for fiscal year 2006 and \$8,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1393 (older mobile homes). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(8) \$182,000 of the accident account--state appropriation and \$623,000 of the medical aid account--state appropriation are provided solely to ~~((expand the Spokane center of occupational health and education to include Yakima county. The Spokane center of occupational health will recruit and train approximately one hundred sixty physicians in Yakima county on best practices for occupational medicine and work with labor and business to improve quality and outcomes of medical care provided to injured workers))~~ (a) expand services in the centers of occupational health and education (COHE) in Spokane and Renton; (b) add two additional COHE locations in the state; and (c) include Yakima county in the Spokane COHE.

(9) \$158,000 of the accident account--state appropriation and \$158,000 of the medical aid account--state appropriation are provided solely to implement Substitute House Bill No. 1856 (annual audits of the state industrial insurance fund). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(10) The department shall delay the costs associated with implementation of phase II of its indirect cost allocation plan for the public works administration account until July 1, 2007.

(11) \$236,000 of the public safety and education account--state is provided solely for fiscal year 2007 to implement House Bill No. 2612 (failure to secure a load). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$83,000 of the electrical license account--state is provided solely for fiscal year 2007 to implement Substitute House Bill No. 1841 (electrical trainees). If the bill is not enacted by June 30, 2006 the amount provided in this subsection shall lapse.

(13) \$345,000 of the accident account--state appropriation and \$61,000 of the medical aid account--state appropriation are provided solely for costs pursuant to Engrossed House Bill No. 2623 (agricultural workers). If the bill is not enacted by June 30, 2006, the amounts provided for this purpose shall lapse.

(14) The department shall prepare a report identifying programs funded either directly or indirectly from state workers' compensation funds. The report shall describe the amounts and percentages of funds used to administer identified programs, as well as the criteria used to make funding decisions. In consultation with the workers' compensation advisory committee, the department shall also develop recommendations for equitable, adequate, and stable funding sources for identified programs. The department shall submit the report and the recommendations to the house of representatives committees on appropriations and commerce and labor, or their successor committees, and the senate committees on ways and means and labor, commerce, research and development, or their successor committees, by December 1, 2006.

Sec. 218. 2005 c 518 s 218 (uncodified) is amended to read as follows:

FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund--State Appropriation (FY 2006)	\$1,092,000
General Fund--State Appropriation (FY 2007)	(\$1,096,000)

\$1,350,000 Pension Funding Stabilization Account--State	
Appropriation	\$4,000
TOTAL APPROPRIATION	(((\$2,188,000))
	\$2,446,000

The appropriations in this section are subject to the following conditions and limitations: \$153,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Engrossed House Bill No. 3261 (sentence review). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 219. 2005 c 518 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2006)	(((\$1,918,000))
	\$1,917,000
General Fund--State Appropriation (FY 2007)	(((\$1,880,000))
	\$1,882,000
Charitable, Educational, Penal, and Reformatory	
Institutions Account--State Appropriation	\$10,000
<u>Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	<u>\$10,000</u>
TOTAL APPROPRIATION	(((\$3,808,000))
	\$3,819,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall participate in the health technology assessment program required in section 213(6) of this act.

(b) The department shall participate in the joint health purchasing project described in section 213(7) of this act.

(c) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided for the department to conduct a feasibility study of a veterans' cemetery in eastern Washington. The study shall include location, acquisition costs, projection of continued operations costs, and revenue sources for acquisition and operations. A final report of the findings shall be submitted no later than December 15, 2005.

(d) \$70,000 of the general fund--state appropriation for fiscal year 2006 and \$70,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Senate Bill No. 5539 (veterans conservation corps). If Senate Bill No. 5539 is not enacted by June 30, 2005, these amounts shall lapse.

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2006)	\$2,811,000
General Fund--State Appropriation (FY 2007)	(((\$2,809,000))
	\$3,317,000
General Fund--Federal Appropriation	\$343,000
General Fund--Private/Local Appropriation	(((\$2,016,000))
	\$2,018,000

<u>Veterans' Innovations Program Account--State</u>	
<u>Appropriation</u>	<u>\$3,000,000</u>
<u>Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	<u>\$11,000</u>
TOTAL APPROPRIATION	(((\$7,979,000))
	\$11,500,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the development of a public service announcement outreach campaign directed at returning veterans from Operation Iraqi Freedom and Operation Enduring Freedom.

(b) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$95,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the post traumatic stress counseling program expansion to address the needs of veterans returning from Iraq and Afghanistan.

(c) \$3,000,000 of the veterans' innovations program account--state appropriation for fiscal year 2007 is provided solely to implement Second Substitute House Bill No. 2754 (veterans' innovations program). Of the amount provided in this subsection, \$50,000 is provided solely for a feasibility study on

the use of medical vouchers for veterans that enable them to go to hospitals other than veterans administration hospitals. If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(d) Amounts appropriated in this section may not be used for any purposes relating to public service announcements by statewide elected officials.

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006)	(((\$8,259,000))
	\$5,283,000
General Fund--State Appropriation (FY 2007)	(((\$8,238,000))
	\$5,888,000
General Fund--Federal Appropriation	(((\$31,436,000))
	\$36,144,000
General Fund--Private/Local Appropriation	(((\$26,338,000))
	\$28,858,000
<u>Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	<u>\$187,000</u>
TOTAL APPROPRIATION	(((\$74,271,000))
	\$76,360,000

Sec. 220. 2005 c 518 s 220 (uncodified) is amended to read as follows:

FOR THE HOME CARE QUALITY AUTHORITY

General Fund--State Appropriation (FY 2006)	(((\$919,000))
	\$724,000
General Fund--State Appropriation (FY 2007)	(((\$1,093,000))
	\$1,401,000
General Fund--Federal Appropriation	(((\$1,034,000))
	\$1,167,000
<u>Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	<u>\$2,000</u>
TOTAL APPROPRIATION	(((\$3,046,000))
	\$3,294,000

The appropriations in this section are subject to the following conditions and limitations: The legislature encourages the home care quality authority to move forward with implementation of a statewide referral registry system by use of any existing and future agency administrative moneys and by seeking other means of funding, including grants and additional funding resources.

Sec. 221. 2005 c 518 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2006) (((\$64,090,000))	
	\$62,828,000
General Fund--State Appropriation (FY 2007) (((\$64,485,000))	
	\$69,717,000
General Fund--Federal Appropriation	(((\$455,467,000))
	\$477,467,000
General Fund--Private/Local Appropriation	(((\$101,479,000))
	\$104,937,000
Hospital Commission Account--State Appropriation	(((\$2,615,000))
	\$2,621,000
Health Professions Account--State Appropriation(((\$51,659,000))	
	\$54,831,000
Aquatic Lands Enhancement Account--State	
Appropriation	\$600,000
Emergency Medical Services and Trauma Care Systems	
Trust Account--State Appropriation	(((\$12,578,000))
	\$12,579,000
Safe Drinking Water Account--State Appropriation	(((\$2,907,000))
	\$2,917,000
Drinking Water Assistance Account--Federal	
Appropriation	(((\$16,158,000))
	\$16,179,000
Waterworks Operator Certification--State	
Appropriation	(((\$1,098,000))
	\$1,099,000
Drinking Water Assistance Administrative Account--	
State Appropriation	\$326,000
Water Quality Account--State Appropriation	(((\$3,680,000))

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

	<u>\$3,693,000</u>
State Toxics Control Account--State Appropriation	((\$2,843,000))
	<u>\$2,852,000</u>
Medical Test Site Licensure Account--State	
Appropriation	((\$1,790,000))
	<u>\$1,798,000</u>
Youth Tobacco Prevention Account--State Appropriation	\$1,806,000
Public Health Supplemental Account--Private/Local	
Appropriation	\$3,306,000
Accident Account--State Appropriation	((\$275,000))
	<u>\$277,000</u>
Medical Aid Account--State Appropriation	\$46,000
Health Services Account--State Appropriation	((\$38,101,000))
	<u>\$41,942,000</u>
Tobacco Prevention and Control Account--State	
Appropriation	((\$52,677,000))
	<u>\$52,684,000</u>
Patient Safety Account--State Appropriation	((\$641,000))
\$20,000 Pension Funding Stabilization Account--State	
Appropriation	\$144,000
	<u>\$914,669,000</u>
TOTAL APPROPRIATION	((\$878,625,000))

The appropriations in this section are subject to the following conditions and limitations:

(1) The department or any successor agency is authorized to raise existing fees charged for the clandestine drug lab program, the drinking water program, radioactive materials license fees, X-ray facility registration fees, shellfish commercial paralytic shellfish poisoning fees, the water recreation program, the wastewater management program, newborn specialty clinic fees, acute care hospitals, psychiatric hospitals, child birth centers, correctional medical facilities, alcoholism hospitals, and the midwifery program, in excess of the fiscal growth factor pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section. However, the department may not raise existing fees charged for the midwifery program by more than twenty percent over the biennium and from July 1, 2006, through June 30, 2007, the annual fees for new or renewed licenses shall be no greater than \$450.

(2) \$1,363,000 of the general fund--state fiscal year 2006 appropriation, \$1,363,000 of the general fund--state fiscal year 2007 appropriation, and \$676,000 of the general fund--local appropriation are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(3) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(4) \$383,000 of the general fund--state appropriation for fiscal year 2006, \$317,000 of the general fund--state appropriation for fiscal year 2007, and \$600,000 of the aquatic lands enhancement account appropriation are provided solely to assist counties in marine areas complete on-site sewage system management plans and electronic data bases to inventory on-site sewage systems.

(5) \$60,000 of the health professions account appropriation is provided solely for implementation of Engrossed Substitute

Senate Bill No. 5470 (prescription importation). If Engrossed Substitute Senate Bill No. 5470 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) \$268,000 of the health professions account appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2266 (precursor drugs). If Engrossed Substitute House Bill No. 2266 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(7) \$42,000 of the health professions account appropriation is provided solely for implementation of Second Substitute House Bill No. 1168 (prescription reimportation). If Second Substitute House Bill No. 1168 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(8) ~~((~~\$82,000 of the general fund--state appropriation for fiscal year 2006, \$52,000 of the general fund--state appropriation for fiscal year 2007, and \$641,000~~))~~ \$20,000 of the patient safety account appropriation ~~((are))~~ is provided solely for implementation of Second Engrossed Second Substitute House Bill No. 1291 (patient safety practices). If Engrossed Second Substitute House Bill No. 1291 is not enacted by June 30, ~~((2005))~~ 2006, the amounts provided in this subsection shall lapse.

(9) \$100,000 of the general fund--state appropriation for fiscal year 2006 and ~~((~~\$200,000~~))~~ \$620,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the department to implement a multi-year pilot project covering Adams, Chelan, Douglas, Grant, Okanogan, Skagit, and Franklin counties for persons with household income at or below 200 percent of the federal poverty level who are ineligible for family planning services through the medicaid program. Individuals who will be served under the pilot program include women who have never been pregnant, are not currently pregnant, or are beyond the family planning extension period allowed for first steps program eligibility. It is anticipated that the pilot program will serve ~~((approximately))~~ over 500 women. The department will provide a preliminary report to the appropriate committees of the legislature by January 1, 2006, and a final report by January 1, 2007.

(10) \$462,000 of the general fund--private/local appropriation is provided solely to support specialty clinics that provide treatment services to children that are identified with one of the five heritable or metabolic disorders added to the newborn screening panel by the state board of health in 2003.

(11) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the farmers' market nutrition program of the special supplemental nutrition program for women, infants and children. It is anticipated that these funds will enable the department to expand 2004 participation levels by 8,000 persons annually.

(12) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the infertility prevention project to implement effective prevention strategies designed to reduce the prevalence of chlamydia and gonorrhea and their potentially debilitating complications.

(13) With funds appropriated in this section, the medical advisory committee to the early detection breast and cervical cancer screening program shall study and recommend strategies for adopting emerging technologies and best practices from the national, state, and local levels in the field of early prevention and detection for breast and cervical cancer, and assist the early detection breast and cervical cancer screening program in implementing policy that follows the best practices of high quality health care for clinical, diagnostic, preventative, pathologic, radiological, and oncology services. The committee will report its recommendations to the legislature by December 15, 2006.

(14) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to develop and implement best practices in preventative health care for children. The department and the kids get care program of public health - Seattle and King county will work in collaboration with local health care agencies to disseminate strategic interventions that

FIFTY-SEVENTH DAY, MARCH 6, 2006

are focused on evidence-based best practices for improving health outcomes in children and saving health-care costs.

(15) \$48,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1075 (nursing quality commission). If Substitute House Bill No. 1075 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(16) \$74,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1137 (physical therapy). If Substitute House Bill No. 1137 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(17) \$109,000 of the health professions account appropriation is provided solely for implementation of House Bill No. 1546 (naturopathic physicians). If House Bill No. 1546 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(18) \$80,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1689 (dental health services). If Substitute House Bill No. 1689 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(19) \$42,000 of the general fund--state appropriation for fiscal year 2006 and \$24,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1605 (soil contamination). If Engrossed Second Substitute House Bill No. 1605 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(20) \$40,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for implementation of Substitute House Bill No. 1951 (vision exams for children). If Substitute House Bill No. 1951 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(21) \$43,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for implementation of Engrossed Senate Bill No. 5049 (mold in residential units). If Engrossed Senate Bill No. 5049 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(22) \$26,000 of the general fund--state appropriation for fiscal year 2006 and \$12,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Senate Bill No. 5311 (autism task force). If Senate Bill No. 5311 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(23) \$168,000 of the health services account appropriation is provided solely for a two-year pilot project under which parents have the option to choose vaccines which do not contain mercury.

(24) \$750,000 of the health services account--state appropriation is provided solely to add one or more combination vaccines to the universal access to childhood immunizations program. The vaccine or vaccines to be added shall be selected by the department after a clinical and cost-effectiveness review by the state vaccine advisory committee. The review shall consider at least the following criteria: (a) The likelihood that use of the combination vaccine will increase childhood immunization rates; (b) the vaccine's relative effectiveness, and the prevalence and seriousness of the conditions it prevents; (c) the relative cost of the vaccine, after accounting for the extent to which it would replace some single injection antigens; and (d) the degree to which the vaccine fits the schedule of routinely recommended childhood immunizations. The projected 2007-09 state cost of the combination vaccine or vaccines added pursuant to this review shall not exceed \$3,000,000.

(25) \$151,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a grant to the Kitsap county health district. The funding shall be used to increase the number of women who receive professional support after delivery through a home visit or telephone call by the county health district. In order to receive the funds, Kitsap county health district must provide an equal amount of matching funds.

(26) \$170,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Second Substitute House Bill No. 1488 (brominated flame

retardants). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(27) \$13,000 of the general fund--state appropriation for fiscal year 2007 and \$208,000 of the health professions account appropriation are provided solely for implementation of Substitute House Bill No. 2431 (background checks/health care). If Substitute House Bill No. 2431 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(28) \$11,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2574 (hospital charity care). If Substitute House Bill No. 2574 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(29) \$324,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of House Bill No. 2342 (health care declarations). If House Bill No. 2342 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(30) \$425,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1015 (hospital-acquired infections). If Engrossed Second Substitute House Bill No. 1015 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(31) \$268,000 of the general fund--state appropriation for fiscal year 2007 and \$1,220,000 of the health professions account appropriation are provided solely for implementation of Second Substitute House Bill No. 2292 (health care liability reform). If Second Substitute House Bill No. 2292 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(32) \$96,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 2974 (health professions discipline). If Substitute House Bill No. 2974 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(33) \$17,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Substitute House Bill No. 2335 (body piercing). If Substitute House Bill No. 2335 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(34) \$3,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 2341 (optometry licensing). If Substitute House Bill No. 2341 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(35) \$25,000 of the general fund--private/local appropriation is provided solely for implementation of Substitute House Bill No. 2669 (specialty hospitals). If Substitute House Bill No. 2669 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(36) \$27,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Engrossed Substitute House Bill No. 2884 (reclaimed water). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(37) The department of health shall evaluate alternative models for funding the regulation of the health professions, including charging an equivalent fee for all licensed, certified, and registered health professions and retaining the interest on the health professions account to defray regulatory costs. The department will provide a report to the appropriate committees of the legislature on the potential fiscal and programmatic benefits and challenges of such alternative models by December 1, 2006.

(38) \$2,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for pandemic flu and communicable disease outbreak preparedness and response planning. Of the amount provided: (a) \$120,000 is for activities by the department of health; (b) \$380,000 is for the department to distribute to local health jurisdictions for development of pandemic flu and communicable disease outbreak preparedness and response plans to be approved by the department; and (c) \$1,500,000 is for the department to distribute to local health

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

jurisdictions for implementation of pending plans approved by the department. To the extent that federal funds are available for planning purposes, those funds shall be used first and all state funds shall be reserved for implementation purposes.

Sec. 222. 2005 c 518 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, 2006, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2006 between programs. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2006)	(\$52,282,000)	\$47,281,000
General Fund--State Appropriation (FY 2007)	(\$41,838,000)	\$59,589,000
General Fund--Federal Appropriation	\$1,022,000	
Violence Reduction and Drug Enforcement Account--State Appropriation		\$26,000
Public Safety and Education Account--State Appropriation	(\$2,768,000)	\$2,774,000
(Industrial Insurance Account--State Appropriation)	(\$1,000)	
Pension Funding Stabilization Account--State Appropriation		\$245,000
TOTAL APPROPRIATION	(\$97,937,000)	\$110,937,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) ~~(\$11,250,000)~~ \$5,250,000 of the general fund--state appropriation for fiscal year 2006 ~~(is)~~ and \$17,250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for phase three of the department's offender-based tracking system replacement project. This amount is conditioned on the department satisfying the requirements of section 902 of this act.

(b) \$26,000 of the general fund--state appropriation for fiscal year 2006 and \$44,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1402 (offender travel or transfer). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2006)	(\$516,992,000)	\$522,749,000
General Fund--State Appropriation (FY 2007)	(\$545,816,000)	\$553,597,000
General Fund--Federal Appropriation	(\$4,424,000)	\$3,447,000
Violence Reduction and Drug Enforcement Account--State Appropriation		\$2,984,000
Pension Funding Stabilization Account--State Appropriation		\$2,269,000
TOTAL APPROPRIATION	(\$1,070,216,000)	\$1,085,046,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following:

Lease-develop with the option to purchase or lease-purchase work release beds in facilities throughout the state for \$8,561,000.

(b) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(c) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(d) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(e) During the 2005-07 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(f) The department shall participation in the health technology assessment program required in section 213(6) of this act. The department shall also participate in the joint health purchasing project described in section 213(7) of this act.

(g) The Harborview medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2006)	(\$82,210,000)	\$89,333,000
General Fund--State Appropriation (FY 2007)	(\$81,646,000)	\$92,970,000
Public Safety and Education Account--State Appropriation		\$16,796,000
Pension Funding Stabilization Account--State Appropriation		\$449,000
TOTAL APPROPRIATION	(\$180,592,000)	\$199,548,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$268,000 of the general fund--state appropriation for fiscal year 2006 and \$484,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1402 (offender travel or transfer). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(c) \$122,000 of the general fund--state appropriation for fiscal year 2006 and \$82,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1136 (electronic monitoring system). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(d) \$1,218,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2407 (monitoring sex offenders). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2006)	\$838,000
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FIFTY-SEVENTH DAY, MARCH 6, 2006

General Fund--State Appropriation (FY 2007)	\$882,000
<u>Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	\$3,000
TOTAL APPROPRIATION	(\$1,720,000)
	\$1,723,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2006 and \$110,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2006) ((\$33,839,000))	\$37,289,000
General Fund--State Appropriation (FY 2007) ((\$33,838,000))	\$38,662,000
TOTAL APPROPRIATION	(\$67,677,000)
	\$75,951,000

The appropriations in this subsection are subject to the following conditions and limitations: \$130,000 of the general fund--state appropriation for fiscal year 2006 and \$196,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for expenditures related to the *Farrakhan v. Locke* litigation.

Sec. 223. 2005 c 518 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 2006)	(\$1,887,000)
	\$2,037,000
General Fund--State Appropriation (FY 2007)	(\$1,939,000)
	\$1,962,000
General Fund--Federal Appropriation	(\$15,326,000)
	\$15,362,000
General Fund--Private/Local Appropriation	\$80,000
<u>Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	\$5,000
TOTAL APPROPRIATION	(\$19,232,000)
	\$19,446,000

Sec. 224. 2005 c 518 s 224 (uncodified) is amended to read as follows:

FOR THE SENTENCING GUIDELINES COMMISSION

General Fund--State Appropriation (FY 2006)	\$864,000
General Fund--State Appropriation (FY 2007)	(\$861,000)
	\$863,000
<u>Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	\$4,000
TOTAL APPROPRIATION	(\$1,725,000)
	\$1,731,000

Sec. 225. 2005 c 518 s 225 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--State Appropriation (FY 2006)	\$60,000
General Fund--State Appropriation (FY 2007)	\$60,000
General Fund--Federal Appropriation	(\$259,865,000)
	\$260,228,000
General Fund--Private/Local Appropriation	(\$31,857,000)
	\$31,966,000
Unemployment Compensation Administration Account--	
Federal Appropriation	(\$199,217,000)
	\$200,058,000
Administrative Contingency Account--State	
Appropriation	(\$14,946,000)
	\$16,866,000
Employment Service Administrative Account--State	
Appropriation	(\$24,411,000)

	\$24,491,000
TOTAL APPROPRIATION	(\$530,416,000)
	\$533,729,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$2,087,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is provided to replace obsolete information technology infrastructure.

(2) \$12,735,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is authorized for state choice administrative functions. The department shall submit recommendations by September 1, 2007, to the office of financial management and the legislative fiscal committees for options reducing the costs of the state choice administrative functions for the 2007-2009 biennium. If these options require any statutory changes, the department shall submit agency request legislation to the appropriate legislative policy committees and fiscal committees by December 15, 2007.

(3) \$2,300,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is authorized to continue implementation of chapter 4, Laws of 2003 2nd sp. sess. and for implementation costs relating to Engrossed House Bill No. 2255 (unemployment insurance).

(4) \$4,578,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the Social Security Act (Reed Act). These funds are authorized to provide direct services to unemployment insurance claimants and providing job search review.

(End of part)

**PART III
NATURAL RESOURCES**

Sec. 301. 2005 c 518 s 301 (uncodified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 2006)	\$471,000
General Fund--State Appropriation (FY 2007)	(\$478,000)
	\$479,000
General Fund--Private/Local Appropriation	(\$859,000)
	\$862,000
<u>Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	\$2,000
TOTAL APPROPRIATION	(\$1,808,000)
	\$1,814,000

Sec. 302. 2005 c 518 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2006) ((\$40,648,000))	\$40,689,000
General Fund--State Appropriation (FY 2007) ((\$40,344,000))	\$43,462,000
General Fund--Federal Appropriation	(\$73,911,000)
	\$74,678,000
General Fund--Private/Local Appropriation	(\$13,287,000)
	\$13,290,000
Special Grass Seed Burning Research	
Account--State Appropriation	\$14,000
Reclamation Account--State Appropriation	(\$2,646,000)
	\$2,778,000
Flood Control Assistance Account--State	
Appropriation	(\$3,084,000)
	\$3,422,000

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

State Emergency Water Projects Revolving Account--State Appropriation	(\$1,456,000)
	<u>\$1,312,000</u>
Waste Reduction/Recycling/Litter Control--State Appropriation	(\$15,067,000)
	<u>\$15,081,000</u>
State Drought Preparedness Account--State Appropriation	(\$221,000)
	<u>\$225,000</u>
State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation	(\$384,000)
	<u>\$386,000</u>
Vessel Response Account--State Appropriation ..	\$2,876,000
Site Closure Account--State Appropriation	(\$655,000)
	<u>\$656,000</u>
Water Quality Account--State Appropriation ..	(\$28,021,000)
	<u>\$28,085,000</u>
Wood Stove Education and Enforcement Account--State Appropriation	\$357,000
Worker and Community Right-to-Know Account--State Appropriation	(\$2,142,000)
	<u>\$2,153,000</u>
State Toxics Control Account--State Appropriation	(\$78,169,000)
	<u>\$85,268,000</u>
State Toxics Control Account--Private/Local Appropriation	(\$379,000)
	<u>\$380,000</u>
Local Toxics Control Account--State Appropriation	(\$5,258,000)
	<u>\$5,274,000</u>
Water Quality Permit Account--State Appropriation	(\$31,909,000)
	<u>\$32,468,000</u>
Underground Storage Tank Account--State Appropriation	(\$2,883,000)
	<u>\$2,889,000</u>
Environmental Excellence Account--State Appropriation	\$504,000
Biosolids Permit Account--State Appropriation ..	(\$851,000)
	<u>\$853,000</u>
Hazardous Waste Assistance Account--State Appropriation	(\$5,153,000)
	<u>\$5,171,000</u>
Air Pollution Control Account--State Appropriation	(\$11,199,000)
	<u>\$11,206,000</u>
Oil Spill Prevention Account--State Appropriation	(\$10,219,000)
	<u>\$11,117,000</u>
Air Operating Permit Account--State Appropriation	(\$2,679,000)
	<u>\$2,922,000</u>
Freshwater Aquatic Weeds Account--State Appropriation	(\$2,534,000)
	<u>\$2,144,000</u>
Oil Spill Response Account--State Appropriation ..	\$7,079,000
Metals Mining Account--State Appropriation	\$14,000
Water Pollution Control Revolving Account--State Appropriation	(\$413,000)
	<u>\$485,000</u>
Water Pollution Control Revolving Account--Federal Appropriation	(\$1,995,000)
	<u>\$2,357,000</u>
Freshwater Aquatic Algae Control Account--State Appropriation	\$509,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$186,000</u>
TOTAL APPROPRIATION	(\$386,860,000)
	<u>\$400,290,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,526,196 of the general fund--state appropriation for fiscal year 2006, \$2,526,195 of the general fund--state

appropriation for fiscal year 2007, \$366,000 of the general fund--federal appropriation, \$2,581,000 of the state toxics account--state appropriation, \$540,806 of the water quality account--state appropriation, \$3,748,220 of the water quality permit account--state appropriation, and \$705,000 of the oil spill prevention account are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DOE-01, DOE-02, DOE-04, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(3) \$4,054,000 of the state toxics control account appropriation is provided solely for methamphetamine lab clean-up activities and for the clean up of toxic waste, focusing on clean up within and around Puget Sound.

(4) \$170,000 of the oil spill prevention account appropriation is provided solely for implementation of the Puget Sound conservation and recovery plan action item UW-02 through a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(5) \$2,500,000 of the general fund--state appropriation for fiscal year 2006 and \$2,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for shoreline grants to local governments to implement Substitute Senate Bill No. 6012 (shoreline management), chapter 262, Laws of 2003.

(6) \$156,000 of the general fund--state appropriation for fiscal year 2006 and \$144,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to expand the department's pilot program for processing 401 water quality certification projects to a statewide process and timeline to meet improved permit processing accountability and timelines, which will result in 90 percent of routine certifications occurring within 90 days of application, and acknowledgement of receipt of the application being sent within 10 days.

(7) Fees approved by the department of ecology in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to support water measurement and water storage components of the Columbia River Initiative Program.

(9) ~~(\$661,000 of the reclamation account--state appropriation is provided solely to implement Senate Bill No. 5831 (well construction fees). If the bill is enacted by June 30, 2005, \$150,000 from the general fund--state appropriation for fiscal year 2006 and \$150,000 from the general fund--state appropriation for fiscal year 2007 provided in this section shall lapse. If the bill is not enacted by June 30, 2005, the amount provided from the reclamation account in this subsection shall lapse.~~

~~(10))~~ \$509,000 of the freshwater aquatic algae control account--state is provided solely for implementation of Engrossed Substitute Senate Bill No. 5699 (aquatic invasive species). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((11))~~ (10) \$250,000 of the state toxics control account--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1605 (soil contamination). If the bill is not enacted by June 30, 2005, the amount in this subsection shall lapse.

~~((12))~~ (11) \$200,000 of the water quality account--state appropriation is provided solely for the department to contract with the state conservation commission to provide statewide coordination and support for coordinated resource management.

(12) The department shall assist the office of regulatory assistance in implementing activities consistent with the governor's regulatory improvement program. The department shall support and provide expertise to facilitate, coordinate, and simplify citizen and business interactions so as to improve state

regulatory processes involving state, local, and federal stakeholders.

(13) \$196,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute House Bill No. 2884 (reclaimed water). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(14) \$859,000 of the oil spill prevention account--state appropriation is provided solely to implement Second Substitute House Bill No. 2593 (oil spill prevention). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(15) \$2,023,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Second Substitute House Bill No. 2860 (Columbia river basin). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(16) \$297,000 of the state toxics control account--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1488 (brominated flame retardants). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(17) \$340,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to develop and adopt comprehensive rules related to the use of prior converted crop land and the filling or other use of small, isolated, or other low-value wetlands under the provisions of chapter 90.48 RCW. The department shall use a negotiated rule-making process and shall adopt rules by June 30, 2009.

(18) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to develop a pilot water management process that will include three federally recognized treaty Indian tribes.

(19) \$130,000 of the state toxics control account--state appropriation is provided solely to support pesticide container recycling activities in Washington.

(20) \$700,000 of the state toxics control account--state appropriation is provided solely to continue the clean up of the Everett Asarco residential area.

(21) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to Walla Walla county and Columbia county conservation district for habitat conservation planning and related endangered species act assurances for small irrigators and landowners.

(22) To maximize the use of amounts appropriated during this biennium for the clean up of toxic waste, focusing on clean up within and around Puget Sound, the department shall prioritize for this purpose the use of existing staff, additional FTEs added this biennium, temporary project staff, and contracted services.

Sec. 303. 2005 c 518 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2006)	((34,527,000))
	\$35,187,000
General Fund--State Appropriation (FY 2007)	((34,669,000))
	\$38,748,000
General Fund--Federal Appropriation	\$2,738,000
General Fund--Private/Local Appropriation	\$71,000
Winter Recreation Program Account--State	
Appropriation	((1,110,000))
	\$1,109,000
Off-Road Vehicle Account--State Appropriation	((225,000))
	\$220,000
Snowmobile Account--State Appropriation	\$4,805,000
Aquatic Lands Enhancement Account--State	
Appropriation	\$345,000
Parks Renewal and Stewardship Account--State	
Appropriation	((38,480,000))
	\$38,702,000
Public Safety and Education Account--State	
Appropriation	\$47,000

Parks Renewal and Stewardship Account--Private/Local	
Appropriation	\$300,000
Pension Funding Stabilization Account--State	
Appropriation	\$191,000
TOTAL APPROPRIATION	((117,317,000))
	\$122,463,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2006 and \$79,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$191,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action item PRC-02.

(4) \$185,000 of the parks renewal and stewardship account--state appropriation is provided solely to develop a plan for public education and tourist orientation and interpretation at selected state park sites along the route of the ice age floods from Spokane to the Pacific ocean.

(5) Until July 1, 2007, the commission may not charge fees for general park access or parking. Funding of \$2,800,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to compensate the state parks and recreation commission for lost revenue from general park access or parking fees.

(6) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for deposit into the state parks centennial account to implement Second Substitute House Bill No. 2422 (funding state and local parks). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse. The expenditure of appropriations from the state parks centennial account is contingent upon the receipt of an equal amount of nonstate funds to the state parks centennial account.

Sec. 304. 2005 c 518 s 304 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

General Fund--State Appropriation (FY 2006)	\$1,401,000
General Fund--State Appropriation (FY 2007)	((1,414,000))
	\$1,417,000
General Fund--Federal Appropriation	((18,455,000))
	\$18,462,000
General Fund--Private/Local Appropriation	\$250,000
Aquatic Lands Enhancement Account--State Appropriation	
	\$254,000
Water Quality Account--State Appropriation	\$200,000
Firearms Range Account--State Appropriation	\$24,000
Recreation Resources Account--State Appropriation	
	((3,176,000))
	\$2,196,000
NOVA Program Account--State Appropriation	\$809,000
Pension Funding Stabilization Account--State	
Appropriation	\$1,000
TOTAL APPROPRIATION	((25,983,000))
	\$25,014,000

The appropriations in this section are subject to the following conditions and limitations:

(1) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(2) \$16,025,000 of the general fund--federal appropriation is provided solely for implementation of the forest and fish agreement rules. These funds will be passed through to the department of natural resources and the department of fish and wildlife.

(3) During the 2005-07 fiscal biennium, any county that purchased land before 1978 for off-road vehicle sports park

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

recreation pursuant to 1972 ex.s. c 153 and 1975 1st ex.s. c 34 may discharge its contractual obligations for state-funded capital improvements on those lands if by no later than June 30, 2007:

(a) It sells on the open market, at the highest price achievable, all such lands and related facilities and equipment. After deducting reasonable expenses for the cost of sale, all remaining funds will be deposited within thirty days of closing to the nonhighway and off-road vehicle activities program account in the office of the state treasurer. Any funds derived from such sale shall be expended in accordance with RCW 46.09.170(2)(d)(ii)(A) in the same manner as funds the committee receives from RCW 46.09.110 and shall be used for off-road vehicle recreation facilities in areas west of the crest of the Cascade Mountains with preference for developing a new off-road vehicle sports park; or

(b) With the consent of the interagency committee, it gives all such lands and related facilities and equipment to a state or local agency. The state or local agency must agree to make the lands available for purposes related to motorized off-road vehicle recreation. The agency will not be responsible for contractual obligations for previous state-funded capital improvements on those lands. The interagency committee may award a one time noncompetitive grant to the agency for renovation and other capital improvements and for initial operating costs. If a transfer of property under this subsection (b) is not approved prior to June 30, 2006, then the property shall be sold according to (a) of this subsection.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the biodiversity strategy.

(5) \$20,000 of the general fund--state appropriation for fiscal year 2006 and \$20,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for coordination of federal, state, tribal, local, and private aquatic monitoring efforts. The department shall provide a memorandum to the office of financial management and legislative fiscal committees in January of every year which specifies performance measures to reduce redundancy, increase efficiency, and help meet the goals and objectives of the various entities involved in monitoring and if these performance measures were met.

Sec. 305. 2005 c 518 s 305 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund--State Appropriation (FY 2006)	\$1,057,000
General Fund--State Appropriation (FY 2007)	(\$1,064,000)
<u>\$1,066,000 Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	<u>\$5,000</u>
TOTAL APPROPRIATION	(\$2,121,000)
	\$2,128,000

Sec. 306. 2005 c 518 s 306 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund--State Appropriation (FY 2006)	\$2,235,000
General Fund--State Appropriation (FY 2007)	(\$2,253,000)
<u>\$2,256,000 General Fund--Federal Appropriation</u>	<u>\$250,000</u>
Water Quality Account--State Appropriation	(\$4,175,000)
<u>\$4,178,000 Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	<u>\$3,000</u>
TOTAL APPROPRIATION	(\$8,663,000)
	\$8,922,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$197,000 of the general fund--state appropriation for fiscal year 2006 and \$197,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action item CC-01.

(2) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Substitute House Bill No. 1462 (relating to funding for conservation districts). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

Sec. 307. 2005 c 518 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2006)	(\$45,751,000)
	\$46,666,000
General Fund--State Appropriation (FY 2007)	(\$44,545,000)
	\$45,948,000
General Fund--Federal Appropriation	(\$42,261,000)
	\$49,100,000
General Fund--Private/Local Appropriation	(\$36,025,000)
	\$36,089,000
Off-Road Vehicle Account--State Appropriation	\$392,000
Aquatic Lands Enhancement Account--State	
Appropriation	(\$5,813,000)
	\$5,820,000
Recreational Fisheries Enhancement--State	
Appropriation	(\$3,547,000)
	\$3,753,000
Warm Water Game Fish Account--State Appropriation	
.	(\$2,898,000)
	\$2,904,000
Eastern Washington Pheasant Enhancement	
Account--State Appropriation	\$750,000
Wildlife Account--State Appropriation	(\$62,776,000)
	\$61,709,000
Wildlife Account--Federal Appropriation	(\$30,966,000)
	\$33,029,000
Wildlife Account--Private/Local Appropriation	(\$10,379,000)
	\$10,386,000
Game Special Wildlife Account--State Appropriation	
.	(\$2,147,000)
	\$2,883,000
Game Special Wildlife Account--Federal Appropriation	
.	(\$8,858,000)
	\$8,863,000
Game Special Wildlife Account--Private/Local	
Appropriation	(\$468,000)
	\$469,000
Public Safety and Education Account--State	
Appropriation	\$588,000
Environmental Excellence Account--State Appropriation	
.	\$15,000
Regional Fisheries Salmonid Recovery	
Account--Federal Appropriation	(\$1,755,000)
	\$2,755,000
Oil Spill Prevention Account--State Appropriation	(\$1,040,000)
	\$1,043,000
(Recreation Resources Account--State Appropriation	\$36,000)
Oyster Reserve Land Account--State Appropriation . .	\$411,000
(Freshwater Aquatic Algae Control Account--State	
Appropriation	\$750,000)
Aquatic Invasive Species Prevention Account--State	
Appropriation	\$528,000
<u>\$528,000 Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	<u>\$248,000</u>
TOTAL APPROPRIATION	(\$302,171,000)
	\$314,349,000

The appropriations in this section are subject to the following conditions and limitations:

(1) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(2) \$1,556,714 of the general fund--state appropriation for fiscal year 2006 and \$1,556,713 of the general fund--state

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DFW-01 through DFW-06, DFW-08 through DFW-12, and DFW-16.

(3) \$225,000 of the general fund--state appropriation for fiscal year 2006 and \$225,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(4) The department shall support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(5) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(6) \$180,000 of the wildlife account--state appropriation is provided solely to test deer and elk for chronic wasting disease and to document the extent of swan lead poisoning. Of this amount, \$65,000 is provided solely to document the extent of swan lead poisoning and to begin environmental cleanup.

(7) The department shall provide quarterly status reports to the office of financial management regarding the replacement of the Washington interactive licensing system and the implementation of the hydraulic permit management system.

(8) The department shall prepare a report detailing the hydraulic permit approval program applications and project types. The department shall coordinate with the office of financial management in determining the contents of the report. At minimum, the report shall include permits by applicant (name, state, local, federal, tribal entity, etc.), project type (pamphlet, minor, medium, major, extension, revision, etc.) and project location (county and water resource inventory area). The department shall submit the report to the office of financial management and legislative fiscal committees no later than September 1, 2006.

(9) \$700,000 of the general fund--federal appropriation is provided solely for environmental data quality and access projects in support of state salmon recovery efforts. The department shall coordinate planning and implementation of all activities with the department of information services and the governor's salmon recovery office. The department shall make certain that any activity using these funds is consistent with recommendations to be submitted (per section 405, chapter 488, Laws of 2005) in the joint report to the legislature and office of financial management on December 1, 2006.

(10) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$400,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. Army Corps of Engineers.

~~((+0))~~ (11) \$72,000 of the state wildlife account--state appropriation is provided solely to implement House Bill No. 1211 (multiple season big game permit). If the bill is not enacted by June 30, 2005, the amount provided in this section shall lapse.

(12) ~~((+50,000))~~ \$528,000 of the ~~((freshwater aquatic algae control))~~ aquatic invasive species prevention account--state appropriation is provided solely to implement Senate Bill No. 5699 (preventing and controlling aquatic invasive species and algae). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(13) \$703,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to purchase six purse seine and three gill net licenses to meet the provisions of the United States/Canada salmon treaty.

~~((+5))~~ (14) \$10,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for chum salmon production at Minter creek hatchery.

~~((+6))~~ (15) \$45,000 of the general fund--federal appropriation for fiscal year 2006 and \$45,000 of the general fund--federal appropriation for fiscal year 2007 are provided solely for the management of Canada goose seasons to increase the number of hunting days in southwest Washington.

~~((+7))~~ (16) \$46,000 of the wildlife account--state appropriation is provided solely to increase the number of courses providing the hunter education training program created in RCW 77.32.155. The department shall reduce the current backlog of applicants waiting to take the training program and provide for a stable supply of training program courses in order to avoid future backlogs.

~~((+8))~~ (17) \$481,000 of the wildlife account--state appropriation is provided solely to continued operation of the Naselle Hatchery during the 2005-07 biennium. This will increase production by 3 million Chinook, 1 million Coho, and 30,000 trout.

~~((+9))~~ (18) \$223,000 of the wildlife account--state appropriation is provided solely to implement Senate Bill No. 5227 (wildlife harvest reports). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(19) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for federal match funding for the control of predators that damage livestock, crops, and property.

(20) \$85,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to produce educational materials discouraging activities that harm or disturb the spawning beds of salmon and steelhead. Discouraged activities include, but are not limited to, wading on spawning beds, driving motor vehicles on spawning beds, use of high-powered jet or propeller-driven boats across spawning beds, dragging anchors through spawning beds, digging or removing gravel from spawning beds, or any other physical disturbance capable of disturbing spawning fish or damaging or destroying nests of incubating eggs.

(a) The educational materials produced by the department in accordance with this subsection must include, at a minimum, brochures that are to be disseminated to persons applying for fishing and boating licenses statewide. The department must also distribute the brochures widely to retail outlets that cater to outdoor recreation.

(b) The department shall work cooperatively with the tribal fishery comanagers in the development of the educational materials under this section.

(c) The department shall report to the legislature concerning the effectiveness of this subsection after at least two spawning cycles of salmon and steelhead have occurred.

(21) Within the amounts appropriated in this section, by December 1, 2006, the department shall:

(a) Submit a report detailing the reductions required by omnibus appropriations acts since 1997 for activities supported by the state wildlife fund;

(b) Submit quarterly revenue and expenditure reports for the state wildlife account based on current revenue forecasts to the office of financial management and the fiscal committees of the legislature; and

(c) Develop a model for forecasting state wildlife account revenues for the next six years. The department shall work with the office of financial management and the department of revenue in developing the model. The forecast shall be provided in an electronic format annually on September 1st to the office of financial management and the fiscal committees of the legislature.

(22) The department shall assist the office of regulatory assistance in implementing activities consistent with the governor's regulatory improvement program. The department shall support and provide expertise to facilitate, coordinate, and simplify citizen and business interactions so as to improve state regulatory processes involving state, local, and federal stakeholders.

(23) \$408,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for fire suppression and remediation activities on department lands and facilities that were impacted during the 2005 fire season. Funding shall be used for seeding, planting vegetation, fertilizing, weed control,

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

and the establishment of water bars and other erosion control measures.

(24) \$153,000 of the general fund--state appropriation for fiscal year 2006 and \$113,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the continued operation of the Nemah, Mossyrock, Omak, Colville, Arlington, and Columbia Basin hatcheries during the 2005-07 biennium. Funding shall be used to offset the increased cost of utilities, fuel, fish feed, and mitigation obligations previously funded from local sources. The department shall consult with the appropriate natural resource and fiscal committees of the legislature prior to submitting a 2007-09 budget proposal that changes current hatchery operations, production, and/or maintenance to the office of financial management. Unless specifically authorized by the legislature, the department shall not close any hatchery facility currently in operation.

~~((24))~~ (25) \$4,000 of the wildlife account--state appropriation is provided solely to implement House Bill No. 1210 (temporary fishing license). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(26) Within existing appropriations and utilizing all available federal moneys allocated for the crab buy-back program, the department shall develop and implement a crab buy-back program that allows commercial crab fishers the opportunity to sell their licenses back to the state and exit from the crabbing fishery. The department shall report to the office of financial management and the appropriate fiscal committees of the legislature its detailed implementation plan no later than December 1, 2006.

Sec. 308. 2005 c 518 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2006)	((<u>\$49,220,000</u>))
	<u>\$40,473,000</u>
General Fund--State Appropriation (FY 2007)	((<u>\$43,757,000</u>))
	<u>\$53,517,000</u>
General Fund--Federal Appropriation	((<u>\$15,202,000</u>))
	<u>\$15,215,000</u>
General Fund--Private/Local Appropriation	((<u>\$1,275,000</u>))
	<u>\$1,276,000</u>
Forest Development Account--State Appropriation	((<u>\$54,441,000</u>))
	<u>\$54,697,000</u>
Off-Road Vehicle Account--State Appropriation	((<u>\$3,986,000</u>))
	<u>\$4,001,000</u>
Surveys and Maps Account--State Appropriation	((<u>\$2,436,000</u>))
	<u>\$2,447,000</u>
Aquatic Lands Enhancement Account--State	
Appropriation	((<u>\$8,344,000</u>))
	<u>\$8,451,000</u>
Resources Management Cost Account--State	
Appropriation	((<u>\$85,941,000</u>))
	<u>\$86,332,000</u>
Surface Mining Reclamation Account--State	
Appropriation	((<u>\$1,841,000</u>))
	<u>\$2,098,000</u>
Disaster Response Account--State	
Appropriation	<u>\$5,000,000</u>
Water Quality Account--State Appropriation	((<u>\$2,630,000</u>))
	<u>\$2,636,000</u>
Aquatic Land Dredged Material Disposal Site	
Account--State Appropriation	((<u>\$652,000</u>))
	<u>\$1,321,000</u>
Natural Resources Conservation Areas Stewardship	
Account--State Appropriation	<u>\$34,000</u>
State Toxics Control Account--State Appropriation	<u>\$2,155,000</u>
Air Pollution Control Account--State Appropriation	((<u>\$555,000</u>))
	<u>\$556,000</u>
Derelict Vessel Removal Account--State Appropriation	((<u>\$1,137,000</u>))
	<u>\$1,138,000</u>
Agricultural College Trust Management	

Account--State Appropriation	((<u>\$1,962,000</u>))
\$1,966,000 Pension Funding Stabilization Account--State	
Appropriation	<u>\$136,000</u>
TOTAL APPROPRIATION ((<u>\$280,568,000</u>))	<u>\$283,449,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(2) \$18,000 of the general fund--state appropriation for fiscal year 2006, \$18,000 of the general fund--state appropriation for fiscal year 2007, and \$1,652,050 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DNR-01 and DNR-02.

(3) \$138,000 of the resource management cost account--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1896 (geoduck harvest). If the bill is not enacted by June 30, 2005, the amount in the subsection shall lapse.

(4) ~~((\$953,000))~~ \$972,000 of the general fund--state appropriation for fiscal year 2006 and ~~((\$950,000))~~ \$994,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(5) ~~((\$10,635,000))~~ \$10,689,000 of the general fund--state appropriation for fiscal year 2006, \$13,635,000 of the general fund--state appropriation for fiscal year 2007, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. Of these amounts, up to \$250,000 may be expended for staff and other necessary resources to design and implement a fire data-collection system that includes financial- and performance-management information for fires over 10 acres in size.

None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations.

(6) \$582,000 of the aquatic lands enhancement account appropriation is provided solely for spartina control.

(7) Fees approved by the board of natural resources in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(8) \$9,000,000 of the general fund--state appropriation for fiscal year ~~(2006)~~ 2007 and \$2,000,000 of the aquatic lands enhancement account--state appropriation are provided solely for the purposes of settling those claims identified in ~~(the consent decree and settlement agreement in)~~ (the consent decree and settlement agreement in) *U.S., et al. v. State of Washington, et al.* Subproceeding No. 89-3 (Shellfish), United States District Court for the Western District of Washington at Seattle, Case No. C70-9213. The expenditure of this appropriation is contingent on ~~((the release of those claims in this subproceeding. In the event that the federal government does not appropriate \$22,000,000 for this purpose by June 30, 2006-))~~ a settlement agreement that includes the state of Washington as a party to the agreement which is fully executed by June 29, 2007, and a consent decree entered by June 29, 2007, by the United States District Court for the Western District of Washington settling and releasing the identified treaty claims to harvest shellfish previously negotiated in the settlement agreement. By June 29, 2007, the release of claims associated with the settlement agreement and consent decree must be fully effective and there must be no unfulfilled contingencies that could cause the settlement agreement or consent decree to be vacated at some future date if not fulfilled. In the event that these contingencies are not met, the amounts provided in this subsection shall lapse.

(9) \$2,155,000 of the state toxics account--state appropriation is provided solely for the department to meet its obligations with the U.S. environmental protection agency for the clean-up of Commencement Bay and other sites.

(10) The department shall not develop the Gull Harbor facility without first submitting a master plan to the appropriate committees of the legislature. The plan shall ensure continued public access to the waterfront. The plan shall also examine alternative locations to the Gull Harbor site that would colocate marine equipment for all state agencies needing water access in Thurston county. The report shall be submitted by December 1, 2006.

(11) \$250,000 of the general fund--state appropriation for fiscal year 2006, \$250,000 of the general fund--state appropriation for fiscal year 2007, and \$500,000 of the resource management cost account--state appropriation are provided solely for a report on the future of Washington forests. The purpose of the report is to examine economic, recreational, and environmental trends influencing the forest products industry and secondary manufacturing sectors in Washington state. The department shall contract with the University of Washington college of forestry resources. The college shall consult with the University of Washington economics department for the section on investment returns from granted lands. The report shall contain the following parts:

(a) An update of the 1992 timber supply study for Washington state that was conducted by the University of Washington. The update may be accomplished by reviewing the most recent similar data available in existing reports, examining a sample of the original 1992 study sample of lands, and through other existing data sources that may reveal relevant trends and changes since 1992.

(b) An independent assessment of the economic contribution of the forest products industry, and secondary manufacturing sectors, to the state. This assessment will also examine some of the macroeconomic trends likely to affect the industry in the future.

(c) A comparison of the competitive position of Washington's forest products industry globally, and with other leading forest products states, or regions, of the United States. This evaluation should compare the relative tax burden for growing and harvesting timber between the states or regions and the relative cost of adhering to regulations, and identify the competitive advantages of each state or region.

(d) An assessment of the trends and dynamics that commercial and residential development play in the conversion of the state's forests to nonforestry uses. The assessment will involve gathering relevant data, reviewing that data, and analyzing the relationship between development and the conversion of forest land uses.

(e) Recommendations on: (i) Policy changes that would enhance the competitive position of Washington's forest products industry in Washington state; (ii) policy changes that would, to the extent possible, ensure that a productive forest land base continues to be managed for forest products, recreation, and environmental and other public benefits into the future; and (iii) policy changes that would enhance the recreational opportunities on working forest lands in the state.

(f) Based on the information derived from (a) through (d) of this subsection, an assessment of the expected rate of return from state granted lands. This section of the reports shall also review reports prepared by the department over the past ten years that describe the investment returns from granted lands. The review of these previous reports shall compare and critique the methodology and indicators used to report investment returns. The review shall recommend appropriate measures of investment returns from granted lands.

(g) Analyze and recommend policies and programs to assist Cascade foothills area landowners and communities in developing and implementing innovative approaches to retaining traditional forestry while at the same time accommodating new uses that strengthen the economic and natural benefits from forest lands. For the purposes of this section, the Cascade foothills area generally encompasses the nonurbanized lands within the Cascade mountain range and drainages lying between three hundred and three thousand feet above mean sea level, and located within Whatcom, Skagit, Snohomish, King, Pierce, Thurston, and Lewis counties.

(12) \$4,000 of the general fund--state appropriation for fiscal year (~~2005~~) 2006 and \$4,000 of the general fund--state appropriation for fiscal year (~~2006~~) 2007 are provided solely to compensate the forest board trust for a portion of the lease to the Crescent television improvement district consistent with RCW 79.13.520.

(13) The department shall develop a multiyear work plan and schedule for mapping all applicable areas of the state for landslide hazards and earthquake hazards. The work plan and schedule shall be based on a carryforward funding level, and shall be submitted to the office of financial management and to the fiscal committees of the legislature by June 30, 2006.

(14) \$654,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for geologic hazard research, activities, and mapping, including earthquake, landslide, and tsunami hazards.

Sec. 309. 2005 c 518 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2006)	(\$11,000,000)
	\$11,139,000
General Fund--State Appropriation (FY 2007)	(\$10,443,000)
	\$11,564,000
General Fund--Federal Appropriation	(\$10,608,000)
	\$10,634,000
General Fund--Private/Local Appropriation	\$413,000
Aquatic Lands Enhancement Account--State	
Appropriation	(\$1,986,000)
	\$1,990,000
Water Quality Account--State Appropriation	(\$968,000)
	\$972,000
State Toxics Control Account--State Appropriation	
.	(\$3,416,000)
	\$3,555,000
Water Quality Permit Account--State Appropriation	\$238,000
Pension Funding Stabilization Account--State	
Appropriation	\$39,000
<u>TOTAL APPROPRIATION</u>	<u>(\$39,072,000)</u>
	\$40,544,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$37,000 of the general fund--state appropriation for fiscal year 2006 and \$37,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of the Puget Sound conservation and recovery plan and agency action item WSDA-01.

(2) Fees and assessments approved by the department in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(3) Within funds appropriated in this section, the department, in addition to the authority provided in RCW 17.26.007, may enter into agreements with federal agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.

(4) \$36,000 of the general fund--state appropriation for fiscal year 2006 and \$37,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for an economic impact study of fairs in the state of Washington.

(5) \$12,000 of the general fund--state appropriation for fiscal year 2006 and \$13,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for indemnity payments for poultry that are ordered by the department to be slaughtered or destroyed.

(6) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for market promotion and trade barrier grants.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the small farm and direct marketing program.

(8) \$466,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to complete a database

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

application that would consolidate program information and enable the department to more effectively respond to a food safety or animal disease emergency.

(9) \$150,000 of the general fund--state appropriation for fiscal year 2006 and \$150,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement the Washington wine brand campaign.

(10) The department shall consult with affected agricultural industries before fees for fruit and vegetable inspections may be raised. The consultation shall include a review of current inspection services, the cost of providing those services, and the discontinuation of unnecessary services.

(11) \$85,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute House Bill No. 3033 (animal identification). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$30,000 of the general fund--state appropriation for fiscal year 2006 and \$110,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Engrossed Substitute House Bill No. 2738 (renewable fuel). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(13) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to support noxious weed boards.

(14) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the purchase of agricultural products equipment. The department shall negotiate an appropriate agreement with the agriculture industry for the use of the equipment.

(15) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for spartina eradication efforts.

Sec. 310. 2005 c 518 s 310 (uncodified) is amended to read as follows:

FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Program Trust
 Account--State Appropriation ~~(\$861,000)~~
 \$864,000

(End of part)

PART IV TRANSPORTATION

Sec. 401. 2005 c 518 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund--State Appropriation (FY 2006) . ~~(\$1,886,000)~~
 \$1,537,000
 General Fund--State Appropriation (FY 2007) . ~~(\$1,787,000)~~
 \$1,558,000
 Architects' License Account--State Appropriation . ~~(\$728,000)~~
 \$715,000
 Cemetery Account--State Appropriation ~~(\$224,000)~~
 \$220,000
 Professional Engineers' Account--State Appropriation
 ~~(\$3,179,000)~~
 \$3,217,000
 Real Estate Commission Account--State Appropriation
 ~~(\$7,583,000)~~
 \$7,605,000
 Master License Account--State Appropriation . ~~(\$11,593,000)~~
 \$11,563,000
 Uniform Commercial Code Account--State Appropriation
 ~~(\$2,936,000)~~
 \$2,861,000
 Real Estate Education Account--State Appropriation \$275,000
 Real Estate Appraiser Commission

Account--State Appropriation ~~(\$1,345,000)~~
 \$1,566,000
 Business and Professions Account--State Appropriation
 ~~(\$7,927,000)~~
 \$9,611,000
 Real Estate Research Account--State Appropriation
 ~~(\$301,000)~~
 \$321,000
~~(Wildlife Account--State Appropriation \$13,000)~~
 Funeral Directors and Embalmers
 Account--State Appropriation ~~(\$534,000)~~
 \$531,000
 Geologists' Account--State Appropriation ~~(\$34,000)~~
 \$47,000
 Data Processing Revolving Account--State Appropriation
 \$29,000
 Derelict Vessel Removal Account--State Appropriation \$31,000
 Pension Funding Stabilization Account--State
 Appropriation \$30,000
 TOTAL APPROPRIATION . ~~(\$40,405,000)~~
 \$41,717,000

(1) The appropriations in this section are subject to the following conditions and limitations: In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2005-07 fiscal biennium. Pursuant to RCW 43.135.055, during the 2005-07 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs.

(2) \$7,685,000 of the business and professions account--state appropriation is subject to enactment of Substitute House Bill No. 1394 (business and professions account). If the bill is not enacted by June 30, 2005, the appropriations out of this account shall be made from the general fund.

(3) \$1,653,000 of the master license account--state appropriation is subject to enactment of House Bill No. 2131 (master licensing service). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(4) \$34,000 of the general fund--state appropriation for fiscal year 2006 are subject to enactment of House Bill No. 1241 (vehicle licensing and registration). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(5) \$180,000 of the real estate appraiser commission account--state appropriation is provided solely to implement Senate Bill No. 5274 (real estate appraisers). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) \$56,000 of the business and professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2596 (cosmetology apprenticeship). If the bill is not enacted by June 30, 2006, the amount provided for in this subsection shall lapse.

Sec. 402. 2005 c 518 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund--State Appropriation (FY 2006) ~~(\$36,089,000)~~
 \$37,601,000
 General Fund--State Appropriation (FY 2007) ~~(\$30,702,000)~~
 \$31,128,000
 General Fund--Federal Appropriation ~~(\$4,356,000)~~
 \$4,364,000
 General Fund--Private/Local Appropriation ~~(\$595,000)~~
 \$596,000
 Death Investigations Account--State Appropriation
 ~~(\$5,615,000)~~

	<u>\$4,628,000</u>
Public Safety and Education Account--State	
Appropriation	((\$4,941,000))
	<u>\$4,963,000</u>
Enhanced 911 Account--State Appropriation	\$573,000
County Criminal Justice Assistance	
Account--State Appropriation	((\$2,883,000))
	<u>\$2,895,000</u>
Municipal Criminal Justice Assistance	
Account--State Appropriation	((\$1,154,000))
	<u>\$1,157,000</u>
Fire Service Trust Account--State Appropriation	\$131,000
Fire Service Training Account--State Appropriation	((\$7,550,000))
	<u>\$7,560,000</u>
State Toxics Control Account--State Appropriation ((\$468,000))	<u>\$469,000</u>
Violence Reduction and Drug Enforcement	
Account--State Appropriation	\$313,000
Fingerprint Identification	
Account--State Appropriation	((\$6,257,000))
	<u>\$6,270,000</u>
Disaster Response Account--State Appropriation	\$2,000
((DNA Data Base Account--State Appropriation	- \$150,000
Aquatic Invasive Species Prevention Account--State	
Appropriation	- \$222,000))
Aquatic Invasive Species Enforcement Account--State	
Appropriation	<u>\$145,000</u>
Pension Funding Stabilization Account--State	
Appropriation	<u>\$102,000</u>
	<u>TOTAL APPROPRIATION ((\$102,001,000))</u>
	<u>\$102,897,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of state fire marshal to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.
- (2) ((~~\$222,000~~)) \$145,000 of the aquatic invasive species ((~~prevention~~)) enforcement account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5699 (aquatic invasive species). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.
- (3) \$250,000 of the general fund--state appropriation for fiscal year 2006 ((~~is~~)) and \$240,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed House Bill No. 1241 (vehicle licensing and registration). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.
- (4) \$395,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 5 of Second Substitute House Bill No. 2805 (missing persons). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(End of part)

**PART V
EDUCATION**

Sec. 501. 2005 c 518 s 501 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC
INSTRUCTION**

(1) STATE AGENCY OPERATIONS	
General Fund--State Appropriation (FY 2006)	((\$12,946,000))
	<u>\$13,452,000</u>
General Fund--State Appropriation (FY 2007)	((\$12,870,000))
	<u>\$17,117,000</u>

General Fund--Federal Appropriation	((\$30,248,000))
	<u>\$23,090,000</u>
TOTAL APPROPRIATION	((\$56,064,000))
	<u>\$53,659,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) ((~~\$10,836,000~~)) \$10,835,000 of the general fund--state appropriation for fiscal year 2006 and ((~~\$10,910,000~~)) \$10,980,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award. The students selected for the award must demonstrate understanding through completion of at least one of the classroom-based civics assessment models developed by the superintendent of public instruction, and through leadership in the civic life of their communities. The superintendent shall select two students from eastern Washington and two students from western Washington to receive the award, and shall notify the governor and legislature of the names of the recipients.

(b) \$428,000 of the general fund--state appropriation for fiscal year 2006 and ((~~\$428,000~~)) \$547,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(c) \$509,000 of the general fund--state appropriation for fiscal year 2006 and \$504,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the Washington professional educator standards board. Within the amounts provided in this subsection, the Washington professional educator standards board shall pursue the implementation of recent study recommendations including: (i) Revision of teacher mathematics endorsement competencies and alignment of teacher tests to the updated competencies, and (ii) development of mathematics specialist endorsement.

(d) ((~~\$100,000~~)) \$607,000 of the general fund--state appropriation for fiscal year 2006 ((~~is~~)) and \$592,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for increased attorney general fees related to *School Districts' Alliance for Adequate Funding of Special Education et al. v. State of Washington et al.*, Thurston County Superior Court Cause No. 04-2-02000-7.

(e) \$950,000 of the general fund--state appropriation for fiscal year 2006 and \$950,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for replacement of the apportionment system, which includes the processes that collect school district budget and expenditure information, staffing characteristics, and the student enrollments that drive the funding process.

(f)(i) \$45,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the office of the superintendent of public instruction and the department of health to collaborate and develop a work group to assess school nursing services in class I school districts. The work group shall consult with representatives from the following groups: School nurses, schools, students, parents, teachers, health officials, and administrators. The work group shall:

(A) Study the need for additional school nursing services by gathering data about current school nurse-to-student ratios in each class I school district and assessing the demand for school nursing services by acuity levels and the necessary skills to meet those demands. The work group also shall recommend to the legislature best practices in school nursing services, including a dedicated, sustainable funding model that would best meet the current and future needs of Washington's schools and contribute to greater academic success of all students. The work group shall make recommendations for school nursing services, and may examine school nursing services by grade level. The work group shall assess whether funding for school nurses should continue as part of basic education; and

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(B) In collaboration with managed care plans that contract with the department of social and health services medical assistance administration to provide health services to children participating in the medicaid and state children's health insurance program, identify opportunities to improve coordination of and access to health services for low-income children through the use of school nurse services. The work group shall evaluate the feasibility of pooling school district and managed care plan funding to finance school nurse positions in school districts with high numbers of low-income children.

(ii) The office of superintendent of public instruction shall report the work group's findings and plans for implementation to the legislature by February 1, 2006.

(g) \$78,000 of the general fund--state appropriation for fiscal year 2006 and \$78,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to provide direct services and support to schools around an integrated, interdisciplinary approach to instruction in conservation, natural resources, sustainability, and human adaptation to the environment. Specific integration efforts will focus on science, math, and the social sciences. Integration between basic education and career and technical education, particularly agricultural and natural sciences education, is to be a major element.

(h) \$2,896,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the creation of a statewide data base of longitudinal student information. This amount is conditioned on the department satisfying the requirements in section 902, chapter 518, Laws of 2005.

(i) \$425,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for comprehensive cultural competence and anti-bias education programs for educators and students. The office of superintendent of public instruction shall administer grants to school districts with the assistance and input of groups such as the anti-defamation league and the Jewish federation of Seattle.

(j) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for additional efforts at promoting financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(k) \$80,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the office of the superintendent of public instruction (OSPI) to conduct an inventory of kindergarten readiness assessments and instruments used in schools around the country, as well as those recommended by experts and pertinent research studies. The inventory shall be done in collaboration with early learning efforts in the office of the governor, and shall involve collaboration with experts representing a diverse range of cultural and ethnic backgrounds, including representatives from federally recognized tribes. The inventory shall address the extent to which readiness assessments and instruments respond to the unique learning needs of all children. After completing the inventory, the OSPI shall recommend to the legislature, for statewide adoption, an array of comparable, culturally appropriate assessments or instruments that measure children's readiness to learn in math and reading, and a method for statewide data collection that will allow for analysis and measurement of trends over time. A report containing findings and recommendations on these issues shall be delivered to the education committees of the legislature by December 1, 2006.

(l) \$15,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Engrossed House Bill No. 2910 (environmental education). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(m) \$47,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Engrossed House Bill No. 2579 (educational assessments). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(n) \$7,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2973 (career and technical high

school). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2006)	(\$10,192,000)
	\$16,693,000
General Fund--State Appropriation (FY 2007)	(\$10,155,000)
	\$15,502,000
General Fund--Federal Appropriation	(\$47,465,000)
	\$58,112,000
TOTAL APPROPRIATION	(\$67,812,000)
	\$90,307,000

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

(a) HEALTH AND SAFETY

(i) A maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2007 are provided for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) A maximum of \$96,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$96,000 of the general fund--state appropriation for fiscal year 2007 are provided for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided for a school safety training program provided by the criminal justice training commission. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(iv) \$40,000 of the general fund--state appropriation is provided solely for the safety center advisory committee to develop and distribute a pamphlet to promote internet safety for children, particularly in grades seven through twelve. The pamphlet shall be posted on the superintendent of public instruction's web site. To the extent possible, the pamphlet shall be distributed in schools throughout the state and in other areas accessible to youth, including but not limited to libraries and community centers.

(v) ~~(\$11,600,000)~~ \$10,344,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies and \$800,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time backfill of the federal reductions to the safe and drug free schools and communities grant program.

(vi) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2007 are provided for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide a request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in

36 elementary, middle, and high schools throughout Washington state.

(b) TECHNOLOGY

A maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2007 are provided for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$787,000 of the fiscal year 2006 appropriation and \$799,000 of the fiscal year 2007 appropriation are provided solely for the special services pilot projects. The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of RCW 28A.630.015.

(ii) A maximum of \$548,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of ~~(\$548,000)~~ \$803,000 of the general fund--state appropriation for fiscal year 2007 are ~~(provided)~~ for alternative certification routes. Funds may be used by the professional educator standards board to continue existing alternative-route grant programs and to create new alternative-route programs in regions of the state with service shortages. Of this amount, \$255,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Substitute House Bill No. 2989 (teach math-science program). If this bill is not enacted by June 30, 2006, this amount shall lapse.

(iii) A maximum of \$31,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$31,000 of the general fund--state appropriation for fiscal year 2007 are provided for operation of the Cispus environmental learning center.

(iv) A maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2007 are provided for in-service training and educational programs conducted by the Pacific Science Center.

(v) A maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2007 are provided for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific Science Center.

(vi) A maximum of \$97,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$97,000 of the general fund--state appropriation for fiscal year 2007 are provided to support vocational student leadership organizations.

(vii) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2007 are provided for the Washington civil liberties education program.

(viii) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(ix) ~~(\$1,521,000)~~ \$1,911,000 of the general fund--federal appropriation is provided for the advanced placement fee program to increase opportunities for low-income students and under-represented populations to participate in advanced placement courses and to increase the capacity of schools to provide advanced placement courses to students.

(x) ~~(\$8,292,000)~~ \$5,532,000 of the general fund--federal appropriation is provided for comprehensive school reform demonstration projects to provide grants to low-income schools for improving student achievement through adoption and implementation of research-based curricula and instructional programs.

(xi) ~~(\$19,587,000)~~ \$24,490,000 of the general fund--federal appropriation is provided for 21st century learning center grants, providing after-school and inter-session activities for students.

(xii) \$383,000 of the general fund--state appropriation for fiscal year 2006 and \$294,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Lorraine Wojahn dyslexia pilot reading program in up to five school districts.

(xiii) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for developing and disseminating curriculum and other materials documenting women's role in World War II.

(xiv) \$257,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Second Substitute House Bill No. 2789. If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(xv) \$3,980,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the dissemination of the Navigation 101 curriculum to all districts, including the development and dissemination of electronic student planning tools and the development of a software package to use to analyze the impact of the implementation of Navigation 101 on student performance, and grants to at least one hundred school districts for the implementation of the Navigation 101 program. The implementation grants will be limited to a maximum of two years and the school districts selected shall represent various regions of the state and reflect differences in school district size and enrollment characteristics.

(xvi) \$6,500,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for one-time grants to school districts to offset extraordinary rate increases for natural gas.

Sec. 502. 2005 c 518 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT

General Fund--State Appropriation (FY 2006)	(\$4,180,957,000)
	\$4,193,442,000
General Fund--State Appropriation (FY 2007)	(\$4,243,010,000)
	\$4,281,383,000
TOTAL APPROPRIATION	(\$8,423,967,000)
	\$8,474,825,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2005-06 and 2006-07 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for the additional

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iv) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students may use allocations generated under this subsection (2)(a)(iv) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction with a waiver allowed for skills centers in current operation that are not meeting this standard until the 2007-08 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2005-06 and 2006-07 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of ~~((+0.90))~~ 11.21 percent in the 2005-06 school year and ~~((+1.90))~~ 11.73 percent in the 2006-07 school year for certificated salary allocations provided under subsection (2) of this section, and a

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

rate of ~~((14.57))~~ 14.07 percent in the 2005-06 school year and ~~((15.82))~~ 15.08 percent in the 2006-07 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$9,112 per certificated staff unit in the 2005-06 school year and a maximum of ~~((9,285))~~ \$9,476 per certificated staff unit in the 2006-07 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$22,377 per certificated staff unit in the 2005-06 school year and a maximum of ~~((22,802))~~ \$23,272 per certificated staff unit in the 2006-07 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$17,362 per certificated staff unit in the 2005-06 school year and a maximum of ~~((17,692))~~ \$18,056 per certificated staff unit in the 2006-07 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$531.09 for the 2005-06 and 2006-07 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of ~~((7,621,000))~~ \$8,496,800 outside the basic education formula during fiscal years 2006 and 2007 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$513,000 may be expended in fiscal year 2006 and a maximum of ~~((523,000))~~ \$534,000 may be expended in fiscal year 2007;

(b) For summer vocational programs at skills centers, a maximum of \$2,035,000 may be expended for the 2006 fiscal year and a maximum of \$2,035,000 for the 2007 fiscal year;

(c) A maximum of ~~((365,000))~~ \$369,000 may be expended for school district emergencies;

(d) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs; and

(e) \$394,000 of the general fund--state appropriation for fiscal year 2006 and ~~((787,000))~~ \$1,647,200 of the general fund--state appropriation for fiscal year 2007 are provided solely for incentive grants to encourage school districts to increase enrollment in vocational skills centers. Up to \$500 for each full-time equivalent student may be proportionally distributed to a school district or school districts increasing skills centers enrollment above the levels in the 2004-05 school year. The office of the superintendent of public instruction shall develop criteria for awarding incentive grants pursuant to this subsection. ~~((The total amount allocated pursuant to this subsection shall be limited to \$1,181,000 for the 2005-07 biennium.))~~ Funds provided in this subsection shall first be expended to provide incentive grants to school districts that increase skills center enrollment during the school year. If funds are available after making these allocations, funds may be distributed for: (i) Increasing enrollment including allowing up to an additional .2 full time equivalent student enrollment at skills centers; and (ii) capacity of summer vocational programs at the skills centers.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.2 percent from the 2004-05 school year to the 2005-06 school year and ~~((3.4))~~ 5.2 percent from the 2005-06 school year to the 2006-07 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

Sec. 503. 2005 c 518 s 503 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC
INSTRUCTION--BASIC EDUCATION EMPLOYEE
COMPENSATION.**

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 12E by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP Document 1Sb; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12E.

(2) For the purposes of this section:

(a) "LEAP Document 1Sb" means the computerized tabulation establishing staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on ~~((March 18, 2005, at 10:00))~~ February 19, 2006, at 21:30 hours; and

(b) "LEAP Document 12E" means the computerized tabulation of 2005-06 and 2006-07 school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on ~~((April 6, 2005, at 10:00))~~ February 19, 2006, at 21:30 hours.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of ~~((+0.26))~~ 10.57 percent for school year 2005-06 and ~~((+1.26))~~ 11.09 percent for school year 2006-07 for certificated staff and for classified staff ~~((+1.07))~~ 10.57 percent for school year 2005-06 and ~~((+2.32))~~ 11.58 percent for the 2006-07 school year.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

K-12 Salary Allocation Schedule For Certificated Instructional Staff

2005-06 School Year

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	30,383	31,204	32,054	32,906	35,640	37,401	36,426	39,161	40,924
1	30,792	31,624	32,485	33,375	36,137	37,889	36,831	39,594	41,345
2	31,181	32,022	32,892	33,850	36,605	38,375	37,239	39,994	41,764
3	31,583	32,431	33,311	34,299	37,049	38,861	37,626	40,373	42,187
4	31,977	32,862	33,747	34,770	37,536	39,361	38,031	40,796	42,623
5	32,384	33,273	34,167	35,247	38,002	39,864	38,442	41,199	43,061
6	32,802	33,672	34,596	35,729	38,472	40,344	38,864	41,607	43,478
7	33,536	34,420	35,356	36,551	39,334	41,258	39,655	42,437	44,362
8	34,612	35,543	36,502	37,796	40,616	42,611	40,899	43,720	45,714
9		36,707	37,713	39,054	41,940	44,002	42,156	45,044	47,106
10			38,938	40,376	43,301	45,432	43,479	46,405	48,535
11				41,737	44,726	46,900	44,840	47,830	50,003
12				43,055	46,189	48,428	46,255	49,292	51,532
13					47,688	49,993	47,720	50,791	53,096
14					49,194	51,618	49,227	52,396	54,721
15					50,474	52,961	50,507	53,758	56,144
16 or more					51,483	54,019	51,517	54,833	57,266

~~((K-12 Salary Allocation Schedule For Certificated Instructional Staff~~

~~2006-07 School Year~~

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	30,900	31,735	32,599	33,466	36,247	38,038	37,046	39,827	41,620
1	31,316	32,162	33,038	33,942	36,752	38,534	37,458	40,268	42,048
2	31,712	32,566	33,451	34,426	37,228	39,028	37,873	40,674	42,475
3	32,121	32,983	33,878	34,883	37,679	39,523	38,266	41,060	42,905
4	32,521	33,421	34,321	35,362	38,174	40,031	38,678	41,491	43,348
5	32,935	33,840	34,748	35,846	38,649	40,543	39,097	41,900	43,794
6	33,360	34,245	35,185	36,337	39,127	41,031	39,526	42,315	44,218
7	34,107	35,005	35,957	37,173	40,003	41,960	40,330	43,159	45,116
8	35,201	36,148	37,123	38,439	41,307	43,336	41,594	44,464	46,492

9	37,332	38,355	39,718	42,654	44,751	42,873	45,810	47,908
10		39,601	41,063	44,038	46,205	44,219	47,194	49,361
11			42,448	45,487	47,698	45,603	48,644	50,853
12			43,788	46,975	49,252	47,042	50,131	52,409
13				48,499	50,844	48,532	51,655	54,000
14				50,031	52,496	50,065	53,287	55,652
15				51,333	53,862	51,366	54,673	57,099
16 or more				52,359	54,938	52,393	55,766	58,241))

K-12 Salary Allocation Schedule For Certificated Instructional Staff

2006-07 School Year

<u>Years of Service</u>	<u>BA</u>	<u>BA+15</u>	<u>BA+30</u>	<u>BA+45</u>	<u>BA+90</u>	<u>BA+135</u>	<u>MA</u>	<u>MA+45</u>	<u>MA+90 or PHD</u>
0	31,233	32,077	32,951	33,827	36,637	38,448	37,446	40,257	42,069
1	31,653	32,509	33,394	34,308	37,148	38,949	37,862	40,702	42,502
2	32,054	32,917	33,812	34,797	37,629	39,448	38,281	41,113	42,932
3	32,467	33,338	34,243	35,259	38,086	39,949	38,678	41,503	43,367
4	32,871	33,782	34,691	35,743	38,586	40,463	39,095	41,938	43,816
5	33,290	34,204	35,123	36,233	39,065	40,980	39,518	42,352	44,266
6	33,719	34,614	35,564	36,729	39,548	41,473	39,952	42,771	44,694
7	34,475	35,383	36,345	37,574	40,435	42,412	40,764	43,624	45,603
8	35,580	36,538	37,523	38,853	41,753	43,803	42,043	44,943	46,993
9	35,580	37,734	38,768	40,146	43,113	45,234	43,335	46,304	48,424
10	35,580	37,734	40,028	41,506	44,512	46,703	44,696	47,703	49,893
11	35,580	37,734	40,028	42,905	45,977	48,212	46,095	49,168	51,401
12	35,580	37,734	40,028	44,260	47,481	49,783	47,549	50,671	52,973
13	35,580	37,734	40,028	44,260	49,022	51,392	49,055	52,212	54,582
14	35,580	37,734	40,028	44,260	50,570	53,062	50,604	53,862	56,252
15	35,580	37,734	40,028	44,260	51,886	54,442	51,920	55,262	57,715
16	35,580	37,734	40,028	44,260	52,923	55,530	52,958	56,367	58,869
17	35,580	37,734	40,028	44,260	52,923	55,530	52,958	56,367	58,869
18	35,580	37,734	40,028	44,260	52,923	55,530	52,958	56,367	58,869
19	35,580	37,734	40,028	44,260	52,923	55,530	52,958	56,367	58,869
20	35,580	37,734	40,028	44,260	52,923	55,530	52,958	56,367	58,869
21	35,580	37,734	40,028	44,260	52,923	55,530	52,958	56,367	58,869
22	35,580	37,734	40,028	44,260	52,923	55,530	52,958	56,367	58,869
23	35,580	37,734	40,028	44,260	52,923	55,530	52,958	56,367	58,869
24	35,580	37,734	40,028	44,260	52,923	55,530	52,958	56,367	58,869
25	35,936	38,111	40,428	44,703	53,452	56,085	53,488	56,931	59,458

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five

credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

- (a) "BA" means a baccalaureate degree.
- (b) "MA" means a masters degree.
- (c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

- (a) The employee has a masters degree; or
- (b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP Document 12E and the salary schedules in subsection (4)(a) of this section include two learning improvement days for the 2005-06 school year and two learning improvement days for 2006-07 school year. A school district is eligible for the learning improvement day funds only if the learning improvement days have been added to the 180-day contract year. If fewer days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional days shall be limited to specific activities identified in the state required school improvement plan related to improving student learning that are consistent with education reform implementation, and shall not be considered part of basic education. The principal in each school shall assure that the days are used to provide the necessary school- wide, all staff professional development that is tied directly to the school improvement plan. The school principal and the district superintendent shall maintain documentation as to their approval of these activities. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2) and subsection (7) of this section.

Sec. 504. 2005 c 518 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund--State Appropriation (FY 2006)	(\$73,981,000)
	<u>\$74,349,000</u>
General Fund--State Appropriation (FY 2007)	(\$186,968,000)
	<u>\$226,286,000</u>
Education Legacy Trust Account--State Appropriation	\$470,000
General Fund--Federal Appropriation	(\$864,000)
	<u>\$990,000</u>
TOTAL APPROPRIATION	(\$262,283,000)
	<u>\$302,095,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$135,669,000)~~ \$171,920,000 is provided for a cost of living adjustment of 1.2 percent effective September 1, 2005, and another ~~(+7)~~ 2.8 percent effective September 1, 2006, for state formula staff units. The appropriations include associated incremental fringe benefit allocations at rates of ~~(+0.26)~~ 10.57 percent for the 2005-06 school year and ~~(+1.26)~~ 11.09 percent for the 2006-07 school year for certificated staff and ~~(+1.07)~~ 10.57 percent for the 2005-06 school year and ~~(+2.32)~~ 11.58 percent for the 2006-07 school year for classified staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all

relevant state-funded school programs in part V of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(b) The appropriations in this section provide cost of living and incremental fringe benefit allocations based on formula adjustments as follows:

	School Year	
	2005-06	2006-07
Pupil Transportation (per weighted pupil mile)	(\$0.28) <u>\$0.27</u>	(\$0.68) <u>\$0.93</u>
Highly Capable (per formula student)	\$2.96	(\$7.26) <u>\$10.01</u>
Transitional Bilingual Education (per eligible bilingual student)	(\$7.92) <u>\$7.94</u>	(\$19.44) <u>\$26.81</u>
Learning Assistance (per formula student)	\$1.69	(\$4.14) <u>\$5.71</u>

(c) The appropriations in this section include \$251,000 for fiscal year 2006 and ~~(\$676,000)~~ \$915,000 for fiscal year 2007 for salary increase adjustments for substitute teachers.

(2) ~~(\$126,614,000)~~ \$129,949,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$582.47 per month for the 2005-06 and 2006-07 school years. The appropriations in this section provide for a rate increase to \$629.07 per month for the 2005-06 school year and ~~(\$679.39)~~ \$682.54 per month for the 2006-07 school year. The adjustments to health insurance benefit allocations are at the following rates:

	School Year	
	2005-06	2006-07
Pupil Transportation (per weighted pupil mile)	\$0.42	(\$0.88) <u>\$0.91</u>
Highly Capable (per formula student)	(\$2.89) <u>\$2.88</u>	(\$5.97) <u>\$6.16</u>
Transitional Bilingual Education (per eligible bilingual student)	\$7.54	(\$15.69) <u>\$16.20</u>
Learning Assistance (per formula student)	\$1.49	(\$3.11) <u>\$3.21</u>

(3) The rates specified in this section are subject to revision each year by the legislature.

Sec. 505. 2005 c 518 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2006)	(\$242,170,000)
	<u>\$247,541,000</u>
General Fund--State Appropriation (FY 2007)	(\$248,575,000)
	<u>\$252,607,000</u>
TOTAL APPROPRIATION	(\$490,745,000)
	<u>\$500,148,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$796,000 of this fiscal year 2006 appropriation and a maximum of ~~(\$812,000)~~ \$828,000 of the fiscal year 2007 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the fiscal year 2006 appropriation and \$5,000 of the fiscal year 2007 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of ~~(\$41.51)~~ \$42.52 per weighted mile in the 2005-06 school year and ~~(\$42.01)~~ \$42.11 per weighted mile in the 2006-07 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Included in the 2005-06 school year rate is a one-time increase of \$1.12 to offset extraordinary increases in the price of diesel fuel. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

(5) For busses purchased between July 1, 2005, and June 30, 2007, the office of superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts.

(6) Beginning with the 2005-06 school year, the superintendent of public instruction shall base depreciation payments for school district buses on the five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the current state price. The superintendent may include a weighting or other adjustment factor in the averaging formula to ease the transition from the current-price depreciation system to the average depreciation system. Prior to making any depreciation payment in the 2005-06 school year, the superintendent shall notify the office of financial management and the fiscal committees of the legislature of the specific depreciation formula to be used. The replacement cost shall be based on the lowest bid in the appropriate bus category for that school year. A maximum of \$50,000 of the fiscal year 2006 appropriation may be expended for software programming costs associated with the implementation of this subsection.

Sec. 506. 2005 c 518 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation (FY 2006)	....	\$3,147,000
General Fund--State Appropriation (FY 2007)	....	\$3,159,000
General Fund--Federal Appropriation	.....	(\$288,774,000)
		<u>\$270,423,000</u>
TOTAL APPROPRIATION		(\$295,080,000)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the general fund--state appropriation for fiscal year 2006 and \$3,000,000 of the general fund--state appropriation for fiscal year 2007 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the 2007 fiscal year appropriation are provided for summer food programs for children in low-income areas.

(3) \$47,000 of the general fund--state appropriation for fiscal year 2006 and \$59,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to reimburse school districts for school breakfasts served to students enrolled in the free or reduced price meal program pursuant to House Bill No. 1771 (requiring school breakfast programs in certain schools). If House Bill No. 1771 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

Sec. 507. 2005 c 518 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2006)	(\$460,032,000)
	<u>\$466,686,000</u>
General Fund--State Appropriation (FY 2007)	(\$471,961,000)
	<u>\$480,522,000</u>
General Fund--Federal Appropriation	..... (\$435,464,000)
	<u>\$435,634,000</u>
TOTAL APPROPRIATION	(\$1,367,457,000)
	<u>\$1,382,842,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall use the excess cost methodology developed and implemented for the 2001-02 school year using the S-275 personnel reporting system and all related accounting requirements to ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The S-275 and accounting changes in effect since the 2001-02 school year shall supercede any prior excess cost methodologies and shall be required of all school districts.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state and federal funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

(5)(a) For the 2005-06 and 2006-07 school years, the superintendent shall make allocations to each district based on the sum of:

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(i) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, \$18,940,000 of the general fund--state appropriation and (~~(\$28,698,000)~~) \$29,081,000 of the general fund--federal appropriation are provided for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (8), the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to

revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(12) A maximum of \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(13) A maximum of \$100,000 of the general fund--federal appropriation shall be expended to create a special education ombudsman program within the office of superintendent of public instruction. The purpose of the program is to provide support to parents, guardians, educators, and students with disabilities. The program will provide information to help families and educators understand state laws, rules, and regulations, and access training and support, technical information services, and mediation services. The ombudsman program will provide data, information, and appropriate recommendations to the office of superintendent of public instruction, school districts, educational service districts, state need projects, and the parent and teacher information center.

(14) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(15) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services.

(16) \$1,400,000 of the general fund--federal appropriation shall be expended for one-time grants to school districts for the start-up costs of implementing web-based programs that assist schools in meeting state and federal requirements regarding individualized education plans.

(17) The superintendent, consistent with the new federal IDEA reauthorization, shall continue to educate school districts on how to implement a birth-to-three program and review the cost effectiveness and learning benefits of early intervention.

(18) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carry over funds shall be expended in the special education program.

(19) \$1,874,000 of the general fund--state appropriation for fiscal year 2006 and \$1,874,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for additional allocations to address extraordinary costs in the 2005-06 and 2006-07 school years resulting from the concentration of high-needs students in staffed residential home placements licensed by the department of social and health services.

(a) The superintendent shall provide school districts with an allocation for each public school student in that district who has a properly formulated individualized education program and who resides in a staffed residential home licensed by the department of social and health services. The allocation is an amount equal to the difference between the statewide average

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

per-pupil general apportionment allocation and the eligibility threshold for receiving a state-funded safety net grant for the extraordinary high cost needs of an individual student receiving special education services.

(b) In addition to the allocation in (a) of this subsection (19), the superintendent shall provide districts with a concentration allocation if the district's concentration of students who have properly formulated individualized education programs, who live in staffed residential homes, and who were originally placed by the division of developmental disabilities exceeds 1.5 per 1000 FTEs. For such districts, the superintendent shall provide a concentration allocation for each student who lives in a staffed residential home and has a properly formulated individualized education program. The concentration allocation is equal to the difference between the eligibility threshold for receiving a state-funded safety net allocation for the extraordinary high cost needs of an individual special education student and three times the statewide average per-pupil expenditure.

(c) The additional allocations in this subsection (19) are provided in lieu of special education excess cost funding for these students.

(d) In addition, school districts are eligible to pursue safety net funding beyond these additional allocations so that where districts demonstrate eligibility for safety net funding the combined basic education allocation, additional allocations in (a) and (b) of this subsection (19), and safety net grants recognize the high cost of serving staffed residential home students concentrated in a few school districts through state licensing of staffed residential home placements.

(e) For purposes of this subsection (19), "staffed residential home" means a home licensed by the department of social and health services to provide twenty-four hour care for six or fewer children or expectant mothers, which employs staff to care for them.

Sec. 508. 2005 c 518 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund--State Appropriation (FY 2006)	. . .	(\$3,694,000)
		\$3,691,000
General Fund--State Appropriation (FY 2007)	. . .	(\$3,724,000)
		\$3,711,000
TOTAL APPROPRIATION	. . .	(\$7,418,000)
		\$7,402,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 509. 2005 c 518 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2006)	(\$174,465,000)
	\$173,153,000
General Fund--State Appropriation (FY 2007)	(\$182,702,000)
	\$186,144,000
TOTAL APPROPRIATION	(\$357,167,000)
	\$359,297,000

Sec. 510. 2005 c 518 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2006)	(\$19,084,000)
	\$18,078,000
General Fund--State Appropriation (FY 2007)	(\$19,673,000)
	\$18,237,000
TOTAL APPROPRIATION	(\$38,757,000)
	\$36,315,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) ~~(\$219,000)~~ \$236,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$219,000)~~ \$236,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 511. 2005 c 518 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2006)	. . .	(\$6,860,000)
		\$6,900,000
General Fund--State Appropriation (FY 2007)	. . .	(\$6,926,000)
		\$6,974,000
TOTAL APPROPRIATION	. . .	(\$13,786,000)
		\$13,874,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of ~~(\$347.24)~~ \$347.93 per funded student for the 2005-06 school year and ~~(\$349.48)~~ \$349.10 per funded student for the 2006-07 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$170,000 of the fiscal year 2006 appropriation and \$170,000 of the fiscal year 2007 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$90,000 of the fiscal year 2006 appropriation and \$90,000 of the fiscal year 2007 appropriation are provided for

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

the Washington destination imagination network and future problem-solving programs.

Sec. 512. 2005 c 518 s 513 (unmodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2006)	(\$43,076,000)
	\$45,212,000
General Fund--State Appropriation (FY 2007)	(\$40,427,000)
	\$51,767,000
General Fund--Federal Appropriation	(\$123,345,000)
	\$147,799,000
TOTAL APPROPRIATION	(\$206,848,000)
	\$244,778,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ASSESSMENT

~~(\$19,810,000)~~ \$21,180,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$16,105,000)~~ \$20,449,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$16,111,000)~~ \$18,560,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington assessments of student learning (WASL), including development and implementation of retake assessments for high school students who are not successful in one or more content areas of the WASL and development of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student WASL results, on or around June 10th of each year. \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to (a) investigate the use of existing mathematics assessments in languages other than English as possible means of measuring tenth grade essential academic learnings and standards, including examining the content and rigor of the assessments as well as their reliability and validity; (b) estimate the cost of translating the tenth grade mathematics WASL into other languages and scoring these assessments should they be implemented; and (c) develop recommendations for (a) and (b) of this subsection. Funds provided in this section are sufficient to implement section 5 of Engrossed Second Substitute House Bill No. 2785 (alternative assessment options).

(2) MATH REMEDIATION

The purpose of this subsection (2) is to strengthen high school student performance in meeting the state standards in mathematics.

(a) Included in the general fund--state amounts provided in subsection (1) of this section is \$2,350,000 which is provided solely for the development of a new tenth grade mathematics assessment tool that: (i) Presents the mathematics essential learnings in segments for assessment; (ii) is comparable in content and rigor to the tenth grade mathematics WASL when all segments are considered together; (iii) is reliable and valid; and (iv) can be used to determine a student's academic performance level.

(b) \$110,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the development of WASL knowledge and skill learning modules to assist students performing at tenth grade Level I in mathematics.

(c) \$330,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for development of mathematics knowledge and skill learning modules to teach middle and high school students specific skills that have been identified as areas of difficulty for tenth grade students. The office of the superintendent of public instruction shall develop materials for classroom use and for tutorial learning activities.

(d) \$600,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for development of web-based applications of the curriculum and materials produced under (b) and (c) of this subsection as well as mathematics

knowledge and skill modules and materials previously developed by the office of the superintendent of public instruction. The products are to be designed as on-line courses for students needing Level I instruction; learning modules accessible to classroom teachers for incorporation into classroom instruction; tutorials that can be used as WASL assessment skill refreshers and as tutor-guided and parent-guided learning modules; and on-line practice WASLs with supporting item scoring information and student response examples.

(e) \$1,327,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Engrossed Substitute House Bill No. 3127 (education). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(f) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 4(5) of Engrossed Substitute Senate Bill No. 6255 (student-centered planning) or section 6(5) of Engrossed Second Substitute House Bill No. 2489 (assistance to students) regarding reimbursement of diagnostic assessments.

(3) PROFESSIONAL DEVELOPMENT

(a) \$548,000 of the fiscal year 2006 general fund--state appropriation and \$548,000 of the fiscal year 2007 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(b) \$2,348,000 of the general fund--state appropriation for fiscal year 2006 and \$2,348,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(c) \$705,000 of the general fund--state appropriation for fiscal year 2006 and \$705,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) ~~(\$3,010,000)~~ \$3,095,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$4,018,000)~~ \$4,643,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for salary bonuses and mandatory fringe benefits for teachers who attain certification by the national board for professional teaching standards, subject to the following conditions and limitations:

(i) Teachers who hold a valid certificate from the national board during the 2005-06 or 2006-07 school years shall receive an annual bonus not to exceed \$3,500 in each of these school years in which they hold a national board certificate.

(ii) The annual bonus shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(e) ~~(\$90,399,000)~~ \$98,761,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

~~(3)~~ (4) SCHOOL IMPROVEMENT

(a) \$338,000 of the general fund--state appropriation for fiscal year 2006 and \$338,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (i) Development of an individualized professional growth plan for a new principal or principal candidate; and (ii) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan. Within the

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

amounts provided, \$25,000 per year shall be used to support additional participation of secondary principals.

(b) \$3,046,000 of the general fund--state appropriation for fiscal year 2006 and \$3,046,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(c) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a high school and school district improvement program modeled after the office of the superintendent of public instruction's existing focused assistance program in (b) of this subsection. The state funding for this improvement program will match an equal amount committed by a nonprofit foundation in furtherance of a jointly funded program.

(d) A maximum of \$250,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided for summer accountability institutes offered by the superintendent of public instruction. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, social studies, including civics, and guidance and counseling. The superintendent of public instruction shall emphasize issues of high school reform and mathematics instruction when offering summer institute programs supported by funds provided in this subsection.

(e) \$515,000 of the general fund--state appropriation for fiscal year 2006 and \$515,000 of the general fund--state appropriation for fiscal year 2007 are provided for the evaluation of reading and mathematics textbooks, other instructional materials, and diagnostic tools to determine the extent to which they are aligned with the state standards. A scorecard of the analysis shall be made available to school districts. The superintendent shall also develop and disseminate information on essential components of comprehensive, school-based math and reading programs and shall develop and disseminate grade level expectations for reading and math which shall include professional development modules and web-based materials.

(f) \$1,764,000 of the general fund--state appropriation for fiscal year 2006 and \$1,764,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(i) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(ii) The school improvement specialists shall provide the following:

(A) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(B) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(C) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the

academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(D) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(E) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(F) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(G) Other assistance to schools and school districts intended to improve student mathematics learning.

(g) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the improvement of reading achievement and implementation of research-based reading models. The superintendent shall evaluate reading curriculum programs and other instructional materials to determine the extent to which they are aligned with state standards. A report of the analyses shall be made available to school districts. The superintendent shall report to districts the assessments that are available to screen and diagnose reading difficulties, and shall provide training on how to implement a reading assessment system. Resources may also be used to disseminate grade level expectations and develop professional development modules and web-based materials.

(h) (~~(\$16,758,000)~~) \$30,401,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

~~((+))~~ (5) STUDENT SUPPORTS

(a) \$2,500,000 of the general fund--state appropriation for fiscal year 2006 and (~~(\$2,500,000)~~) \$4,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155 to eliminate the co-pay for students eligible for reduced price lunch eating breakfast, and to provide additional assistance for school districts to initiate a summer food service program.

(b) \$125,000 of the general fund--state appropriation for fiscal year 2006 (~~and \$125,000 of the general fund--state appropriation for fiscal year 2007 are~~) is provided solely for an early reading grant program for community-based initiatives that develop prereading and early reading skills through parental and community involvement, public awareness, coordination of resources, and partnerships with local school districts. Grant awards shall include funding for one-time start up costs for local affiliates and a one-time partial payment of school district dues to local affiliates of up to 30 percent of the per student dues amount. Grant applications shall include:

(i) Strategies for parental involvement emphasizing ages birth to five and outreach to diverse communities;

(ii) Evidence of collaboration with, and support from, local school districts, and how the activities funded in the grant are complementary to the reading improvement efforts of local school districts;

(iii) A plan for community participation and coordination of resources including in-kind and financial support by public and private sector partners;

(iv) Measurable goals and evaluation methodology to determine impact;

(v) Integration of reading strategies from the Washington state early learning and development benchmarks;

(vi) A plan for marketing and public relations;

(vii) Strategies for sustaining the program when grant funding is no longer available; and

(viii) Evidence of district commitment to reading improvement, aligned curriculum, progress monitoring, and time-on-task.

(c) \$850,000 of the general fund--state appropriation for fiscal year 2006 and \$850,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

combine their Washington reading corps programs. Grants provided under this section may be used by school districts for expenditures from September 2005 through August 31, 2007.

(d) \$3,594,000 of the general fund--state appropriation for fiscal year 2006 and \$3,594,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

~~((5))~~ (6) TECHNOLOGY

(a) \$1,959,000 of the general fund--state appropriation for fiscal year 2006 and \$1,959,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(b) \$126,000 of the general fund--state appropriation for fiscal year 2006 and \$126,000 of the general fund--state appropriation for fiscal year 2007 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

(c) \$500,000 of general fund--state appropriation for fiscal year 2007 is provided for the office of the superintendent of public instruction to hold a series of summit meetings to address issues related to closing the achievement gap in public schools.

Sec. 513. 2005 c 518 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2006)	((59,673,000))
	\$58,205,000
General Fund--State Appropriation (FY 2007)	((63,535,000))
	\$61,608,000
General Fund--Federal Appropriation	((45,561,000))
	\$51,741,000
TOTAL APPROPRIATION	((168,769,000))
	\$171,554,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of ~~((757.72))~~ \$759.58 per eligible bilingual student in the 2005-06 school year and ~~((763.70))~~ \$762.69 in the 2006-07 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

(3) The superintendent may withhold up to 1.5 percent of the school year allocations to school districts in subsection (2) of this section, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, solely for the central

provision of assessments as provided in RCW 28A.180.090 (1) and (2).

(4) \$70,000 of the amounts appropriated in this section are provided solely to develop a system for the tracking of current and former transitional bilingual program students.

(5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

Sec. 514. 2005 c 518 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2006)	((65,434,000))
	\$65,018,000
General Fund--State Appropriation (FY 2007)	((65,367,000))
	\$64,626,000
Education Legacy Trust Account--State Appropriation	
.....	\$24,605,000
General Fund--Federal Appropriation	((343,227,000))
	\$348,351,000
TOTAL APPROPRIATION	((498,633,000))
	\$502,600,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state and education legacy trust account appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of ~~((184.29))~~ \$184.69 per funded student for the 2005-06 school year and ~~((186.03))~~ \$186.32 per funded student for the 2006-07 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) A school district's funded students for the learning assistance program shall be the sum of the following as appropriate:

(i) The district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year; and

(ii) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch exceeded forty percent, subtract forty percent from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the prior school year.

(d) In addition to amounts allocated in (b) and (c) of this subsection, an additional amount shall be allocated to a school district for each school year in which the district's allocation is less than the amount the district received for the general fund--state learning assistance program allocation in the 2004-05 school year. The amount of the allocation in this section shall be sufficient to maintain the 2004-05 school year allocation.

(2) Increases in a school district's allocation above the 2004-05 school year level shall be directed to grades nine through ~~((twelve))~~ ten. ~~((Districts are encouraged to offer remediation courses in the summer for students who fail the tenth grade WASL.))~~

(3) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(4) Small school districts are encouraged to make the most efficient use of the funding provided by using regional educational service district cooperatives to hire staff, provide professional development activities, and implement reading and mathematics programs consistent with research-based guidelines

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

provided by the office of the superintendent of public instruction.

(5) A school district may carry over from one year to the next up to 10 percent of the general fund--state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(6) School districts are encouraged to coordinate the use of these funds with other federal, state, and local sources to serve students who are below grade level and to make efficient use of resources in meeting the needs of students with the greatest academic deficits.

NEW SECTION. Sec. 515. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--PROMOTING ACADEMIC SUCCESS

General Fund--State Appropriation (FY 2006) . . . \$4,056,000
General Fund--State Appropriation (FY 2007) . . . \$26,201,000
TOTAL APPROPRIATION . . . \$30,257,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts appropriated in this section are provided solely for remediation for students who have not met standard in one or more content areas of the WASL in the spring of their tenth grade year and on each retake thereafter. The funds may be used for extended learning activities, including summer school, before and after school, Saturday classes, skill seminars, assessment preparation, and in-school or out-of-school tutoring. Extended learning activities may occur on the school campus, via the internet, or at other locations and times that meet student needs. Funds allocated under this section shall not be considered basic education funding. Amounts allocated under this section shall fund new extended learning opportunities, and shall not supplant funding for existing programs and services.

(2) School district allocations for promoting academic success programs shall be calculated as follows:

(a) A portion of the district's student units shall be the number of content area assessments (reading, writing, and mathematics) on which students were more than one standard error of measurement from meeting standard on the Washington assessment of student learning for the current class of eleventh grade students.

(b) The other portion of the district's student units shall be the number of content area assessments (reading, writing, and mathematics) on which students were less than one standard error of measurement from meeting standard but did not meet standard on the Washington assessment of student learning for the current class of eleventh grade students. Districts with at least one but less than 20 student units combining the student units generated from this subsection and (a) of this subsection shall be counted as having 20 student units for the purposes of the allocations in (c) and (d)(A) of this subsection.

(c) Allocations for certificated instructional staff salaries and benefits shall be determined using formula-generated staff units calculated pursuant to this subsection. Ninety-four hours of certificated instructional staff units are allocated per 13.0 student units as calculated under (a) of this subsection and thirty-four hours of certificated instructional staff units are allocated per 13.0 student units as calculated under (b) of this subsection. Allocations for salaries and benefits for the staff units calculated under this subsection shall be calculated in the same manner as provided under section 503 of this act. Salary and benefit increase funding for staff units generated under this section is included in section 504 of this act.

(d) The legislature recognizes that some students in the class of 2007 may wish to retake the WASL even though it is not a graduation requirement. Accordingly, funding in this section provides certificated instructional staff units as described in (c) of this subsection for all students in the class of 2007 who register to retake the WASL and want remedial assistance.

(e) The legislature recognizes that professional development and planning for teachers is an important component of high quality extended learning activities. Accordingly, a one-time

funding amount equal to 20 hours of certificated instructional staff units per 13.0 student units, as calculated in (a) and (b) of this subsection, is provided in this section to insure that extended learning activities are of high quality and aligned to the state's essential academic learning requirements.

(f) The following additional allocations are provided per student unit, as calculated in (a) of this subsection:

- (A) \$12.50 for maintenance, operations, and transportation;
- (B) \$12.00 for pre- and post-remediation assessments;
- (C) \$17.00 per reading remediation student unit;
- (D) \$8.00 per mathematics remediation student unit; and
- (E) \$8.00 per writing remediation student unit.

(g) Funding shall be provided for students served in promoting academic success programs beginning July 2006.

(h) The superintendent of public instruction shall distribute school year allocations according to the monthly apportionment schedule defined in RCW 28A.510.250.

(3) School districts shall report annually to the office of the superintendent of public instruction on the use of these funds, including the types of assistance selected by students, the number of students receiving each type of assistance, and the impact on WASL test scores.

(4) \$1,500,000 of the general fund--state appropriation for fiscal year 2007 is provided for competitive innovation grants awarded to schools and school districts for implementing high school remediation programs that are unique in program delivery, program accessibility, program content, or a combination of these factors and that serve students who have not achieved success on the tenth grade WASL.

(5) School districts may carry over from one year to the next up to 20 percent of funds allocated under this program; however, carryover funds shall be expended for promoting academic success programs, and may be used to provide extended learning programs for students beyond their eleventh grade year who want continued remedial assistance to pass the WASL.

Sec. 516. 2005 c 518 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM

Student Achievement Account--State Appropriation
..... (~~\$629,356,000~~)
\$630,537,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$300.00 per FTE student for the 2005-06 school year and \$375.00 per FTE student for the 2006-07 school year. For the purposes of this section, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year, as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) The superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

NEW SECTION. Sec. 517. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE DEPARTMENT OF EARLY LEARNING

General Fund--State Appropriation (FY 2006)	\$105,000
General Fund--State Appropriation (FY 2007)	\$32,775,000
General Fund--Federal Appropriation	\$180,000
TOTAL APPROPRIATION	\$33,060,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$29,941,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for providing early childhood education assistance. Of this amount, \$1,497,000 is provided solely to increase the number of children receiving education and \$2,146,000 is provided solely for a targeted vendor rate increase.

(2) \$525,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an early reading grant program for community-based initiatives that develop prereading and early reading skills through parental and community involvement, public awareness, coordination of resources, and partnerships with local school districts. If Substitute House Bill No. 2836 (reading achievement account) is enacted by June 30, 2006, this amount shall be deposited in the reading achievement account. Grant awards shall include funding for one-time start up costs for local affiliates and a one-time partial payment of school district dues to local affiliates of up to 30 percent of the per student dues amount. Grant applications shall include:

(a) Strategies for parental involvement emphasizing ages birth to five and outreach to diverse communities;

(b) Evidence of collaboration with, and support from, local school districts, and how the activities funded in the grant are complementary to the reading improvement efforts of local school districts;

(c) A plan for community participation and coordination of resources including in-kind and financial support by public and private sector partners;

(d) Measurable goals and evaluation methodology to determine impact;

(e) Integration of reading strategies from the Washington state early learning and development benchmarks;

(f) A plan for marketing and public relations;

(g) Strategies for sustaining the program when grant funding is no longer available; and

(h) Evidence of district commitment to reading improvement, aligned curriculum, progress monitoring, and time-on-task.

(3) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the child care career and wage ladder program created by chapter 507, Laws of 2005.

(4) \$26,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2353 (family child care providers). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(5) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a child care consultation pilot program linking child care providers with evidence-based

and best practice resources regarding caring for infants and young children who present behavioral concerns. The department shall contract with at least two entities that represent one of the following: A local child care resource and referral network; a local public health department; or a community-based organization with knowledge or expertise in child development and child care programs. Each contracted entity shall coordinate with its local community to develop a program model that incorporates the use of consultants knowledgeable in infant and early childhood development. At a minimum, these consultants shall: (a) Consult with parents and other caregivers in order to solve problems with individual children and families; (b) directly observe children in the child care setting; (c) provide support and guidance to child care staff through structured opportunities for training, team building, communication, and problem solving; and (d) coordinate with specialists in public health, infant and toddler early intervention, infant mental health, and other experts or practitioners involved with the care and well-being of young children. The department shall report to the appropriate policy committees of the legislature by December 1, 2006, on outcomes and evaluation data from the pilot program.

(6) If a bill creating the department of early learning is not enacted by June 30, 2006, the appropriations for the department of early learning in this section shall lapse and shall be appropriated as follows:

(a) FOR THE DEPARTMENT OF COMMUNITY TRADE AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 2007)	\$29,941,000
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This appropriation is provided solely for providing early childhood education assistance. Of this amount, \$1,497,000 is provided solely to increase the number of children receiving education and \$2,146,000 is provided solely for a targeted vendor rate increase.

(b) FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--STATE AGENCY OPERATIONS

General Fund--State Appropriations (FY 2007)	\$525,000
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This appropriation is provided solely for an early reading grant program for community-based initiatives that develop prereading and early reading skills through parental and community involvement, public awareness, coordination of resources, and partnerships with local school districts and shall be used in accordance with the requirements set forth in subsection (2) of this section.

(c) FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation	\$1,276,000
General Fund--Federal Appropriation	\$180,000

The appropriations in this subsection are subject to the following conditions and limitations:

(i) \$180,000 of the general fund--federal appropriation is provided solely for the headstart--state collaboration office.

(ii) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the child care career and wage ladder program created by chapter 507, Laws of 2005.

(iii) \$26,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2353 (family child care providers). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(iv) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a child care consultation pilot program linking child care providers with evidence-based and best practice resources regarding caring for infants and young children who present behavioral concerns and shall be used in accordance with the requirements set forth in subsection (5) of this section.

(d) The remainder of the appropriations in this section shall lapse.

(End of part)

**PART VI
HIGHER EDUCATION**

Sec. 601. 2005 c 518 s 602 (uncodified) is amended to read as follows:

(1) The appropriations in sections ~~((603))~~ 602 through ~~((609))~~ 608 of this act provide state general fund support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

	2005-06 Annual Average		2006-07 Annual Average	
University of Washington				
Main campus	33,037		((33,217))	<u>33,367</u>
Bothell branch	1,340		1,540	
Tacoma branch	1,644		1,869	
Washington State University				
Main campus	((18,695))	<u>18,7</u> <u>11</u>	((18,910))	<u>19,022</u>
Tri-Cities branch	675		700	
Vancouver branch	1,353		1,678	
Central Washington University	8,323		8,649	
Eastern Washington University	8,593		8,919	
The Evergreen State College	4,038		4,143	
Western Washington University	((11,559))	<u>11,5</u> <u>34</u>	((11,729))	<u>11,704</u>
State Board for Community and Technical Colleges	130,905		133,040	

(2) For the state universities, the number of full-time equivalent student enrollments enumerated in this section for the branch campuses are the minimum required enrollment levels for those campuses. At the start of an academic year, the governing board of a state university may transfer full-time equivalent student enrollments from the main campus to one or more branch campus. Intent notice shall be provided to the

office of financial management and reassignment of funded enrollment is contingent upon satisfying data needs of the forecast division who is responsible to track and monitor state-supported college enrollment.

Sec. 602. 2005 c 518 s 603 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 2006)	((556,499,000))	\$558,880,000
General Fund--State Appropriation (FY 2007)	((556,220,000))	\$584,320,000
Administrative Contingency Account--State		
Appropriation	\$2,950,000	
Education Legacy Trust--State Appropriation	\$46,669,000	
Pension Funding Stabilization Account--State		
Appropriation	\$1,276,000	
TOTAL APPROPRIATION ((51,172,338,000))		<u>\$1,194,095,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(2) \$539,000 of the general fund--state appropriation for fiscal year 2006 and \$540,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the displaced homemakers program.

(3) Access to baccalaureate and graduate degree programs continues to be limited for residents of North Snohomish, Island, and Skagit counties. The higher education consortium created to serve the region has not been able to successfully address the region's access needs. The university center model of service delivery, centered on a community college campus with a single point of accountability, has proven more effective in developing degree programs and attracting students.

Therefore, the management and leadership responsibility for consortium operations are assigned to Everett community college. Everett community college shall collaborate with community and business leaders, other local community colleges, the public four-year institutions of higher education, and the higher education coordinating board to develop an educational plan for the North Snohomish, Island, and Skagit county region based on the university center model.

(4) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$50,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(5) \$28,761,000 of the general fund--state appropriation for fiscal year 2006 and \$28,761,000 of the general fund--state appropriation for fiscal year 2007 are provided solely as special funds for training and related support services, including financial aid, as specified in chapter 226, Laws of 1993 (employment and training for unemployed workers). Funding is provided to support up to 6,200 full-time equivalent students in each fiscal year.

(6) \$2,000,000 of the education legacy trust appropriation for fiscal year 2006 and \$2,000,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely for basic skills education at community and technical colleges and community-based providers. These funds may be used to align or integrate adult basic education and English as a second language courses with vocational training.

(7) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the community and technical colleges as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, the state board for

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

community and technical colleges shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Increase the number of academic students who are eligible to transfer to baccalaureate institutions;
- (b) Increase the number of students prepared for work; and
- (c) Increase the number of basic skills students who demonstrate substantive skill gain.

Specific six-year targets for the goals stated in this subsection shall be established by the state board and the office of financial management and shall be determined based on the per student funding level assumed in this act.

The state board for community and technical colleges shall provide a summary of the progress and ongoing efforts toward meeting the provisions of this section to the governor and the appropriate fiscal and policy committees of the legislature prior to November 1, 2006.

(8) \$11,070,000 of the education legacy trust appropriation for fiscal year 2006 and \$22,599,000 of the education legacy trust appropriation for fiscal year 2007 are provided to increase budgeted enrollments by 2,050 student FTEs in academic year 2006 and an additional 2,135 student FTEs in academic year 2007. By December 15th of each year of the 2005-07 fiscal biennium, the board shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs enrolled with the funding provided in this subsection.

(9) \$2,250,000 of the education legacy trust appropriation for fiscal year 2006 and \$2,250,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely to increase salaries and related benefits for part-time faculty. A college district may match the state funds with local revenue. The board shall report by January 30, 2006, to the office of financial management and the appropriate fiscal and policy committees of the legislature on (a) the distribution of state funds, and (b) wage adjustments for part-time faculty.

(10) \$2,250,000 of the education legacy trust appropriation for fiscal year 2006, \$2,400,000 of the general fund--state appropriation for fiscal year 2007, and \$2,250,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide salary increments and associated benefits for faculty who qualify through professional development and training. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount. Beginning in fiscal year 2007, the state board shall determine the method of allocating to the community and technical colleges the appropriations granted for academic employee increments, provided that the amount of the appropriation attributable to the proportionate share of the part-time faculty salary base shall only be accessible for part-time faculty.

(11) \$2,950,000 of the administrative contingency account--state appropriation is provided solely for administration and customized training contracts through the job skills program, which shall be made available broadly and not to the exclusion of private nonprofit baccalaureate degree granting institutions or vocational arts career schools operating in Washington state who partner with a firm, hospital, group, or industry association concerned with commerce, trade, manufacturing, or the provision of services to train current or prospective employees. The state board shall make an annual report by January 1 of each fiscal year to the governor and appropriate policy and fiscal committees of the legislature regarding the implementation of this section listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the successful partnerships supported by these state funds.

(12) \$904,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for start-up and planning funds for four applied baccalaureate degree programs at community and technical colleges as authorized in RCW 28B.50.810. The applied baccalaureate degrees shall be specifically designed for individuals who hold associate of applied science degrees, or

equivalent, in order to maximize application of their technical course credits toward the applied baccalaureate degree.

(13) \$156,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for three community and technical college partnerships with universities as authorized in RCW 28B.50.820. This appropriation is in addition to funding provided for 2005-07 general growth enrollments. The community and technical college system shall serve 120 student FTEs in this program within the targeted enrollments established by section 601 of this act.

(14) \$761,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(15) \$5,075,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the opportunity grants pilot program as outlined in Engrossed Second Substitute House Bill No. 2630 (creating the opportunity grant program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(16) \$325,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement the provisions of Substitute House Bill No. 3113 (expanding access to higher education in north Snohomish, Island, and Skagit counties). This appropriation is in addition to funding provided for 2005-07 general growth enrollments. The community and technical college system shall serve 250 student FTEs in this program within the targeted enrollments established by section 601 of this act. If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(17) \$1,400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to permit system-level license purchasing of full text databases for certain fields of study, including allied health, information technology and engineering. Funding will provide uniform access to these databases across the community and technical college system.

(18) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely as matching funds for strategic statewide partnerships with health care providers or facilities to address the health workforce shortage. Partnerships funded under this subsection may include efforts to increase the capacity of community and technical colleges to educate students enrolled in health professions programs, improve retention of health care workers, improve knowledge of the health industry workforce, and increase the number of youth and diverse populations in the health work force. Health care providers or facilities participating in partnerships under this subsection shall provide a one dollar match for each state dollar provided.

(19) \$768,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement the provisions of Second Substitute House Bill No. 2583 (regarding community and technical college part-time academic employee health benefits). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(20) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the fire fighter apprenticeship program at South Seattle Community College.

Sec. 603. 2005 c 518 s 604 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2006) ((\$336,644,000))	\$337,629,000
General Fund--State Appropriation (FY 2007) ((\$344,118,000))	\$355,314,000
General Fund--Private/Local Appropriation	\$300,000
Accident Account--State Appropriation ((\$6,204,000))	\$6,209,000
Medical Aid Account--State Appropriation . . . ((\$6,141,000))	\$6,143,000
Education Legacy Trust--State Appropriation	\$10,748,000
Pension Funding Stabilization Account--State	
Appropriation	\$604,000
TOTAL APPROPRIATION ((\$704,155,000))	

\$716,947,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$165,000 of the general fund--state appropriation for fiscal year 2006 and \$165,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(2) \$300,000 of the general fund--private/local appropriation is provided solely for shellfish biotoxin monitoring as specified in chapter 263, Laws of 2003 (SSB 6073, shellfish license fee).

(3)(a) \$3,057,000 of the education legacy trust appropriation for fiscal year 2006 and \$7,691,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 360 new enrollments at the Seattle campus, 325 new enrollments at the Tacoma campus, and 275 new enrollments at the Bothell campus. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(b) \$2,500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for 150 additional high-demand student enrollments. The university shall make it a priority to expand access to baccalaureate programs in engineering, math, and science. By December 15, 2006, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs enrolled with the funding provided in this subsection.

(4) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, the University of Washington shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

(a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;

(b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;

(c) Improve freshman retention rates;

(d) Improve and sustain the quality of its degree programs as measured by the number of programs that are ranked in the top twenty nationally;

(e) Sustain the quality of its research programs as measured by the national ranking for federal research grants received; and

(f) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before (~~October~~) November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to (~~November~~) December 1, 2006.

(5) \$200,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to assist the transition of University of Washington-Tacoma and University of Washington-Bothell from branch campuses serving upper-division students, to four-year campuses serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. Consistent with the recommendations of the higher

education coordinating board, UW-Tacoma and UW-Bothell may begin enrolling lower-division students beginning in fiscal year 2007.

(6) \$30,000 of the general fund--state appropriation for fiscal year 2006 and \$30,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for research on labor and economic issues in Washington state through the Harry Bridges center.

(7) \$146,000 of the general fund--state appropriation for fiscal year 2006 and (~~(\$146,000))~~ \$296,000 of the general fund--state appropriation for the fiscal year 2007 are provided solely to the Burke Museum to enhance the museum's public outreach capabilities.

(8) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for the fiscal year 2007 are provided solely to the institute for learning and brain sciences (ILABS) to develop a partnership, linking ILABS to policymakers, private sectors and user-groups.

(9) The University of Washington medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department of corrections has negotiated with other community hospitals in Washington state.

(10) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Olympic natural resources center.

(11) \$350,000 of the general fund--state appropriation for fiscal year 2006 and \$350,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to maintain the autism center at the University of Washington-Tacoma campus. The facility will continue to function as a satellite facility to the autism center at the University of Washington medical center in Seattle and provide clinical service and professional training.

(12) \$2,400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for research in life science fields.

(13) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for improvements to the Pacific Northwest seismic network.

(14) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time expenditures associated with creating the policy consensus center.

(15) \$1,008,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(16) \$2,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the university to implement a department of global health. The school of medicine and the school of public health and community medicine will jointly form and operate the department. The focus will be establishing sustainable improvements in global health through public health policy, practice, and medical care.

(17) \$3,400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to pay for operations and maintenance costs of the bioengineering and genome sciences buildings that will come on line during the 2005-07 biennium.

(18) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to expand the Washington search for young scholars program at the Robinson center at the University of Washington.

(19) \$125,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the college of education at the University of Washington to conduct a review of curriculum offered by public schools in Washington. The purpose of this review is to examine the extent to which the curriculum offered by these institutions fully and accurately include the history, contributions, and contemporary experiences of people of color. The review will include the identification of barriers which may impede school districts from successfully adopting and using these types of curriculum.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

The report by the university is due to the legislature by December 1, 2007.

Sec. 604. 2005 c 518 s 605 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2006) ((\$206,494,000))	\$206,511,000
General Fund--State Appropriation (FY 2007) ((\$211,876,000))	\$213,902,000
Education Legacy Trust--State Appropriation	\$11,162,000
<u>Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	\$293,000
TOTAL APPROPRIATION ((\$429,526,000))	\$431,868,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$210,000 of the general fund--state appropriation for fiscal year 2006 and \$210,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

(2)(a) \$2,741,000 of the education legacy trust appropriation for fiscal year 2006 and \$6,900,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 430 new enrollments at the Pullman campus, 450 new enrollments at the Vancouver campus, and 25 new enrollments at the Tri-Cities campus. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(b) \$1,174,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for 80 additional high demand student enrollments. The university shall make it a priority to expand baccalaureate and graduate level access to nursing programs and to expand baccalaureate programs in engineering and construction management. By December 15, 2006, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs enrolled with the funding provided in this subsection.

(3) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Washington State University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that are ranked in the top twenty nationally;
- (e) Sustain the quality of its research programs as measured by the national ranking for federal research grants received; and
- (f) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before (~~(October))~~ November 1, 2006 the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts

toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to (~~(November))~~ December 1, 2006.

(4) \$507,000 of the education legacy trust appropriation for fiscal year 2006 and \$1,014,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely to expand the entering class of veterinary medicine students by 16 resident student FTEs each academic year during the 2005-2007 biennium.

(5) \$350,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to assist the transition of Washington State University-Vancouver from a branch campus serving only upper-division students, to a four-year campus serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. Consistent with the recommendations of the higher education coordinating board, WSU-Vancouver may begin enrolling lower-division students beginning in fiscal year 2007.

(6) The university shall give consideration to reprioritizing agricultural research funding to allow for expansion of the center for precision agricultural systems and development of the biologically intensive and organic agriculture program.

(7) \$25,000 of the general fund--state appropriation for fiscal year 2006 and \$25,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to study the cost of complying with vehicle licensing and registration laws. Funding is subject to the passage of House Bill No. 1241 (modifying vehicle licensing and registration penalties). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(8) \$42,000 of the general fund--state appropriation for fiscal year 2006 and \$43,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Senate Bill No. 5101 (providing incentives to support renewable energy). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(9) \$200,000 of the general fund--state appropriation for fiscal year 2006 and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to conduct research on alternatives for controlling ghost shrimp in Willapa bay.

(10) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time expenditures associated with creating the policy consensus center.

(11) \$716,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(12) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to assist the Washington State University (WSU) Tri-Cities in planning the transition from a branch campus serving upper-division students, to a four-year campus serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. WSU Tri-Cities may begin enrolling lower-division students beginning in Fall 2007.

(13) \$800,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the university to operate the AgWeatherNet system.

(14) \$800,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the center for sustaining agriculture and natural resources to create a biologically intensive and organic agriculture program.

(15) \$5,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the university to publish a comprehensive reference book on Washington state local governments through the division of governmental studies and services. Copies of the publication shall be provided to the appropriate policy and fiscal committees of the legislature.

(16) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for allocation to a private nonprofit medical and scientific research institute to be located

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

in Spokane for the purposes of developing and implementing new medical treatment therapies involving systems biology, genomics, and nanotechnology. The allocation shall be matched by an equal amount of funds from nonstate sources. The university shall not retain any of these funds for administrative purposes.

Sec. 605. 2005 c 518 s 606 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2006)	(\$46,137,000)
	\$46,300,000
General Fund--State Appropriation (FY 2007)	(\$47,069,000)
	\$47,100,000
Education Legacy Trust--State Appropriation	\$6,461,000
Pension Funding Stabilization Account--State	
Appropriation	\$110,000
TOTAL APPROPRIATION	(\$99,667,000)
	\$99,971,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,147,000 of the education legacy trust appropriation for fiscal year 2006 and \$4,314,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 650 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Eastern Washington University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation; and
- (e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before (~~October~~) November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to (~~November~~) December 1, 2006.

(3) \$212,000 of the general fund--state appropriation for fiscal year 2006 and \$213,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the northeast autism center to provide community based approaches to assisting children and adults with autism spectrum disorder and to include the establishment of a preschool at Eastern Washington University to serve children identified with autism spectrum disorder.

(4) \$158,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

Sec. 606. 2005 c 518 s 607 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2006)	(\$45,379,000)
	\$45,751,000
General Fund--State Appropriation (FY 2007)	(\$46,739,000)
	\$47,256,000
Education Legacy Trust--State Appropriation	\$6,461,000
Pension Funding Stabilization Account--State	
Appropriation	\$103,000
TOTAL APPROPRIATION	(\$98,579,000)
	\$99,571,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,147,000 of the education legacy trust appropriation for fiscal year 2006 and \$4,314,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 650 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Central Washington University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation; and
- (e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before (~~October~~) November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to (~~November~~) December 1, 2006.

(3) For the 2006-07 and 2007-08 academic years, the legislature hereby increases the limit on total gross authorized operating fees revenue waived, exempted, or reduced by Central Washington University pursuant to RCW 28B.15.910 to eleven percent.

(4) \$206,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(5) \$165,000 of the general fund--state appropriation for fiscal year 2006 and \$495,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to fund

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

additional tuition waiver authority granted to the university in the 2005-07 biennial budget.

Sec. 607. 2005 c 518 s 608 (unmodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund--State Appropriation (FY 2006)	(\$25,586,000)
	\$25,661,000
General Fund--State Appropriation (FY 2007)	(\$26,174,000)
	\$26,407,000
Education Legacy Trust--State Appropriation	\$2,116,000
Pension Funding Stabilization Account--State	
Appropriation	\$75,000
TOTAL APPROPRIATION	(\$53,876,000)
	\$54,259,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$705,000 of the education legacy trust appropriation for fiscal year 2006 and \$1,411,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 210 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the college shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the college as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, The Evergreen State College shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation;
- (e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before (~~October~~) November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to (~~November~~) December 1, 2006.

(3) \$40,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington state institute for public policy to conduct an analysis of the availability, services, and effectiveness of programs in community and technical colleges that serve the educational needs of recent immigrant students who are not proficient in English and who are or have been enrolled in high school but have not met graduation requirements. The analysis shall include, but not be limited to, the type of programs provided, the geographic availability of programs, the identification of best practices, how the programs are funded, and the effectiveness of the programs. The analysis shall also

include recommendations for improving the programs to better meet the needs of recent immigrant students and for expanding the availability of programs statewide. A report shall be submitted to the fiscal and education committees of the legislature, the superintendent of public instruction, and the state board for community and technical colleges by December 1, 2006.

(4) \$170,000 of the general fund--state appropriation for fiscal year 2006 and \$140,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for sections 217 and 605 of Senate Bill No. 5763 (mental disorders treatment). If neither section 217 nor section 605 is enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(5) \$69,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(6) \$61,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state institute for public policy to begin conducting the study of continued foster care support services outlined in Second Substitute House Bill No. 2002 (foster care support services). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(7) \$80,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to meet the demand for collective bargaining and bargaining unit training. All of the funding provided in this subsection shall be allocated to the labor education and research center to support such training and shall not be used for overhead expenses.

(8) \$40,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state institute for public policy to update the list of cost-beneficial juvenile justice programs that the institute has previously published and to update the cost parameters used to estimate the benefits of such programs as outlined in Fourth Substitute House Bill No. 1483 (investing in youth program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(9) \$30,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state institute for public policy to begin a study of the pilot program created in section 204(1)(g) of this act. Subject to the approval of the institute's board, the study shall measure improvements in the delivery of mental health services to children and shall include, at a minimum, an assessment of program outcomes and cost-effectiveness, including consideration of hospital utilization, residential or out-of-home placements, utilization of child welfare services, school attendance, and involvement in the juvenile justice system. The institute shall provide the appropriate committees of the legislature with an initial study plan and activity report by June 30, 2007.

Sec. 608. 2005 c 518 s 609 (unmodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2006)	(\$58,896,000)
	\$58,993,000
General Fund--State Appropriation (FY 2007)	(\$60,514,000)
	\$61,185,000
Education Legacy Trust--State Appropriation	\$3,475,000
Pension Funding Stabilization Account--State	
Appropriation	\$161,000
TOTAL APPROPRIATION	(\$122,885,000)
	\$123,814,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,158,000 of the education legacy trust appropriation for fiscal year 2006 and \$2,317,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 340 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Western Washington University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

(a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;

(b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;

(c) Improve freshman retention rates;

(d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation; and

(e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before (~~October~~) November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to (~~November~~) December 1, 2006.

(3) Access to baccalaureate and graduate degree programs continues to be limited for residents of North Snohomish, Island, and Skagit counties. The higher education consortium created to serve the region has not been able to successfully address the region's access needs. The university center model of service delivery, centered on a community college campus with a single point of accountability, has proven more effective in developing degree programs and attracting students.

Therefore, the management and leadership responsibility for consortium operations are assigned to Everett community college. Everett community college shall collaborate with community and business leaders, other local community colleges, the public four-year institutions of higher education, and the higher education coordinating board to develop an educational plan for the North Snohomish, Island, and Skagit county region based on the university center model.

(4) \$98,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(5) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided to help planning efforts to coordinate expansion of the university's campus to the Bellingham waterfront.

(6) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to establish a planning and emergency management program at Western Washington University.

Sec. 609. 2005 c 518 s 610 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (FY 2006) . . . ~~(\$2,665,000)~~

\$5,666,000

General Fund--State Appropriation (FY 2007) . . . ~~(\$2,684,000)~~

	\$5,682,000
General Fund--Federal Appropriation	(\$4,289,000)
\$4,291,000 Pension Funding Stabilization Account--State	
Appropriation	\$29,000
<hr/>	
TOTAL APPROPRIATION	(\$9,638,000)
	<u>\$15,668,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the general fund--state appropriation for fiscal year 2006 and \$300,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to develop college readiness standards for English and science.

(2) \$2,914,000 of the general fund--state appropriation for fiscal year 2006 and \$2,888,000 of the general fund--state appropriation for fiscal year 2007 are provided for financial aid administration, in addition to the four percent cost allowance provision for state work study under section 610(7) of this act. These amounts are provided to administer all the financial aid and grant programs assigned to the board by the legislature and administered by the agency. To the extent the executive director finds the agency will not require the full sum provided in this subsection, a portion may be transferred to supplement financial grants-in-aid to eligible clients contained in section 610 of this act after notifying the board and the office of financial management of the transfer.

Sec. 610. 2005 c 518 s 611 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation (FY 2006) (~~(\$159,363,000)~~)

\$156,449,000

General Fund--State Appropriation (FY 2007) (~~(\$164,634,000)~~)

\$162,943,000

General Fund--Federal Appropriation (~~(\$13,073,000)~~)

\$13,075,000

Education Legacy Trust--State Appropriation \$62,910,000

Pension Funding Stabilization Account--State

Appropriation \$1,000

TOTAL APPROPRIATION (~~(\$399,980,000)~~)

\$395,378,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$299,000 of the general fund--state appropriation for fiscal year 2006 and \$308,000 of the general fund--state appropriation for fiscal year 2007 are (~~provided solely~~) for the western interstate commission for higher education.

(2) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are (~~provided solely~~) for higher education student child care matching grants under chapter 28B.135 RCW.

(3) \$25,000 of the general fund--state appropriation for fiscal year 2006 and \$25,000 of the general fund--state appropriation for fiscal year 2007 are (~~provided solely~~) for the benefit of students who participate in college assistance migrant programs (CAMP) operating in Washington state. To ensure timely state aid, the board may establish a date after which no additional grants would be available for the 2005-06 and 2006-07 academic years. The board shall disperse grants in equal amounts to eligible post-secondary institutions so that state money in all cases supplements federal CAMP awards.

(4) \$124,901,000 of the general fund--state appropriation for fiscal year 2006, \$134,506,000 of the general fund--state appropriation for fiscal year 2007, \$28,400,000 of the education legacy trust appropriation for fiscal year 2006, and \$31,654,000 of the education legacy trust appropriation for fiscal year 2007 are (~~provided solely~~) for the state need grant program. After April 1st of each fiscal year, (~~up to one percent of~~) uncommitted funds from the annual appropriation for the state need grant program may be transferred to the state work study (~~program~~) or educational opportunity grant programs and up to one percent may be transferred to the state education trust account as authorized in RCW 28B.92.140.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

~~((5))~~ ~~\$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely)~~ Of the amounts provided in this subsection, up to \$500,000 is to implement House Bill No. 1345 (part-time student financial aid). ~~((If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.))~~ The board may not expend more than the amount provided in this subsection to implement the bill.

~~((6))~~ ~~(5)~~ \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are ~~((provided solely))~~ for the implementation of Second Substitute House Bill No. 1050 (foster care endowed scholarship program). The purpose of the program is to help students who are or were in foster care attend an institution of higher education in the state of Washington. ~~((If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.))~~

~~((7))~~ ~~(6)~~ \$250,000 of the general fund--state appropriation for fiscal year 2006 and ~~((250,000))~~ \$850,000 of the general fund--state appropriation for the fiscal year 2007 are ~~((provided solely))~~ to support the future teachers' conditional scholarship and loan repayment program. Of this amount, \$600,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Substitute House Bill No. 2989 (establishing the Washington teach math-science program). If this bill is not enacted by June 30, 2006, the amount provided shall lapse.

~~((8))~~ ~~(7)~~ \$17,048,000 of the general fund--state appropriation for fiscal year 2006, \$17,048,000 of the general fund--state appropriation for fiscal year 2007, \$863,000 of the education legacy trust appropriation for fiscal year 2006, and \$1,993,000 of the education legacy trust appropriation for fiscal year 2007 are ~~((provided solely))~~ for the state work study program. After April 1st of each fiscal year, ~~((up to one percent of))~~ uncommitted funds from the annual appropriation for the state work study program may be transferred to the state need grant or educational opportunity grant programs. In addition to the administrative allowance in ~~((subsection (11) of this))~~ section 609(2) of this act, four percent of the general fund--state amount and the education legacy trust amounts in this subsection may be transferred to and expended for state work study program administration.

~~((9))~~ ~~(8)~~ \$2,867,000 of the general fund--state appropriation for fiscal year 2006 and \$2,867,000 of the general fund--state appropriation for fiscal year 2007 are ~~((provided solely))~~ for educational opportunity grants pursuant to chapter 233, Laws of 2003 (ESB 5676). The board may deposit sufficient funds from its appropriation into the state education trust fund as established in RCW ~~((28B.10.821))~~ 28B.92.140 to provide a one-year renewal of the grant for each new recipient of the educational opportunity grant award. After April 1st of each fiscal year, uncommitted funds from the annual appropriation for the educational opportunity grant program may be transferred to the state work study or state need grant programs.

~~((10))~~ ~~(9)~~ \$2,384,000 of the general fund--state appropriation for fiscal year 2006 and \$2,361,000 of the general fund--state appropriation for fiscal year 2007 are ~~((provided solely))~~ to implement the Washington scholars program. Any Washington scholars program moneys not awarded by April 1st of each year may be transferred by the board to the Washington award for vocational excellence. Amounts provided in this subsection are sufficient for the higher education coordinating board to select three Washington scholars in fiscal year 2006 and two Washington scholars in fiscal year 2007 from each legislative district under the provisions of RCW 28A.600.100 through 28A.600.150.

~~((11))~~ ~~(10)~~ \$794,000 of the general fund--state appropriation for fiscal year 2006 and \$847,000 of the general fund--state appropriation for fiscal year 2007 are ~~((provided solely))~~ to implement Washington award for vocational excellence program. Any Washington award for vocational program moneys not awarded by April 1st of each year may be transferred by the board to the Washington scholars program.

~~((12))~~ ~~(11)~~ \$246,000 of the general fund--state appropriation for fiscal year 2006 and \$246,000 of the general fund--state appropriation for fiscal year 2007 are ~~((provided solely))~~ for community scholarship matching grants of \$2,000 each and up to a total of \$46,000 per year in grants for nonprofit community organizations with preference given to organizations affiliated with scholarship America to administer the scholarship matching grants. To be eligible for the matching grant, a nonprofit community organization organized under section 501(c)(3) of the internal revenue code must demonstrate that it has raised \$2,000 in new moneys for college scholarships after the effective date of this section. An organization may receive more than one \$2,000 matching grant and preference shall be given to organizations affiliated with scholarship America.

~~((13))~~ ~~(12)~~ Subject to state need grant service requirements pursuant to chapter 28B.119 RCW, ~~((4,265,000))~~ \$4,325,000 of the general fund--state appropriation for fiscal year 2006 is ~~((provided solely))~~ for the Washington promise scholarship program. The Washington promise scholarship program is terminated following fiscal year 2006. No Washington promise scholarship awards may be offered to students beyond the graduating high school class of 2004. Unexpended funds remaining after June 30, 2006, may be transferred to the state education trust account authorized in RCW 28B.92.140.

~~((14))~~ ~~\$2,963,000 of the general fund--state appropriation for fiscal year 2006 and \$2,958,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for financial aid administration, in addition to the four percent cost allowance provision for state work study under subsection (5) of this section. These funds are provided to administer all the financial aid and grant programs assigned to the board by the legislature and administered by the agency. To the extent the executive director finds the agency will not require the full sum provided in this subsection, a portion may be transferred to supplement financial grants-in-aid to eligible clients after notifying the board and the office of financial management of the intended transfer.)~~

~~(13)~~ \$75,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time costs associated with stabilizing the GEAR-UP scholarship program.

~~(14)~~ \$3,100,000 of the general fund--state appropriation for fiscal year 2006 and \$3,100,000 of the general fund--state appropriation for fiscal year 2007 are for the health professions loan repayment and scholarship program.

~~(15)~~ \$60,000 of the general fund--state appropriation for fiscal year 2006 and \$60,000 of the general fund--state appropriation for fiscal year 2007 are for the Washington center scholarship program.

~~(16)~~ \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the board to contract with the Washington leadership 1000 scholarship fund. The funds shall be used to support, develop, and implement the leadership 1000 scholarship program which matches private benefactors with selected economically disadvantaged students who would otherwise be unable to attend college after depleting all other sources of scholarship and financial aid.

~~(17)~~ By December 15th of each fiscal year, the board shall submit a report to the legislature detailing the outcomes from the previous year and a progress report on the current year for each of the student aid programs listed in this section: (a) The number of students served; (b) the award amount provided to students by sector; (c) the total amount spent; and (d) an explanation for any variation between the amount listed in the subsections and the amount expended.

Sec. 611. 2005 c 518 s 612 (uncodified) is amended to read as follows:

FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation (FY 2006)	...	\$1,225,000
General Fund--State Appropriation (FY 2007)	.	((1,231,000))
		\$1,363,000
General Fund--Federal Appropriation	.....	((53,890,000))
		\$53,897,000
Pension Funding Stabilization Account--State		

Appropriation	\$7,000
TOTAL APPROPRIATION	(\$56,346,000)
	\$56,492,000

Sec. 612. 2005 c 518 s 613 (uncodified) is amended to read as follows:

FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE

General Fund--State Appropriation (FY 2006)	(\$1,446,000)
	\$1,483,000
General Fund--State Appropriation (FY 2007)	(\$1,476,000)
\$1,514,000 Pension Funding Stabilization Account--State	
Appropriation	\$8,000
TOTAL APPROPRIATION	(\$2,922,000)
	\$3,005,000

The appropriations in this section are subject to the following conditions and limitations:

The legislature finds that economic development, especially in emerging technologies, is critical to Spokane and Eastern Washington. The principal goal of the state's investment in the Spokane intercollegiate research and technology institute (SIRTI) is to bridge the gap between academic discovery and economic development, thereby leveraging the state's investment in research. However, it is essential to find appropriate ways to mark the success of these efforts. By September 15, 2005, SIRTI shall develop a plan for review by the house of representatives higher education committee and the senate labor, commerce, research and development committee, describing the agency's strategy and budget for commercial application of academic research. The plan shall include actions to be taken to select, develop, commercialize, and graduate clients. The plan shall also detail how to measure significant impacts to the overall economic climate of the Spokane region, including job creation and wages, that are attributable to SIRTI.

Sec. 613. 2005 c 518 s 614 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (FY 2006)	\$2,322,000
General Fund--State Appropriation (FY 2007)	(\$2,349,000)
	\$2,356,000
General Fund--Federal Appropriation	(\$1,300,000)
	\$1,350,000
General Fund--Private/Local Appropriation (FY 2007) (\$1,000)	
\$151,000 Pension Funding Stabilization Account--State	
Appropriation	\$6,000
TOTAL APPROPRIATION	(\$5,972,000)
	\$6,185,000

Sec. 614. 2005 c 518 s 615 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2006)	(\$3,408,000)
	\$3,407,000
General Fund--State Appropriation (FY 2007)	(\$2,757,000)
\$2,763,000 Pension Funding Stabilization Account--State	
Appropriation	\$13,000
TOTAL APPROPRIATION	(\$6,165,000)
	\$6,183,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$102,000 of the general fund--state appropriation for fiscal year 2006 and \$95,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Senate Bill No. 5707 (women's history consortium). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) \$262,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to coordinate and fund programs related to the Lewis and Clark bicentennial commemoration.

(3) \$155,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for reimbursement of costs incurred by the Pacific county sheriff's office resulting from Lewis and Clark bicentennial commemoration events.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for reimbursement of costs incurred by local law enforcement resulting from Lewis and Clark bicentennial commemoration events scheduled in the cities of Clarkston, Dayton, Kennewick, Stevenson, Toppenish, and Vancouver.

Sec. 615. 2005 c 518 s 616 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2006)	(\$1,636,000)
	\$1,633,000
General Fund--State Appropriation (FY 2007)	(\$1,630,000)
\$1,631,000 Pension Funding Stabilization Account--State	
Appropriation	\$8,000
TOTAL APPROPRIATION	(\$3,266,000)
	\$3,272,000

Sec. 616. 2005 c 518 s 617 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2006)	(\$5,133,000)
	\$5,149,000
General Fund--State Appropriation (FY 2007)	(\$5,251,000)
	\$5,285,000
General Fund--Private/Local Appropriation	\$1,335,000
Pension Funding Stabilization Account--State	
Appropriation	\$38,000
TOTAL APPROPRIATION	(\$11,719,000)
	\$11,807,000

Sec. 617. 2005 c 518 s 618 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation (FY 2006)	(\$8,419,000)
	\$8,439,000
General Fund--State Appropriation (FY 2007)	(\$8,613,000)
	\$8,709,000
General Fund--Private/Local Appropriation	\$232,000
Pension Funding Stabilization Account--State	
Appropriation	\$50,000
TOTAL APPROPRIATION	(\$17,264,000)
	\$17,430,000

(End of part)

PART VII SPECIAL APPROPRIATIONS

Sec. 701. 2005 c 518 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2006) (\$694,444,000)	
	\$640,544,000
General Fund--State Appropriation (FY 2007) (\$668,119,000)	
	\$783,019,000
State Building Construction Account--State	
Appropriation	(\$3,924,000)
	\$5,924,000
State Taxable Building Construction	
Account--State Appropriation	(\$139,000)
	\$539,000

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

Gardner-Evans Higher Education Construction
 Account--State Appropriation ~~(\$1,215,000)~~
\$1,395,000
~~(Debt-Limit General Fund Bond Retirement~~
~~Account--State Appropriation \$4,113,000)~~
 Debt-Limit Reimbursable Bond Retirement
 Account--State Appropriation \$2,583,000
 TOTAL APPROPRIATION ~~(\$1,374,537,000)~~
\$1,434,004,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2006 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2006. \$100,000,000 of the fiscal year 2007 general fund--state appropriation is provided as a reserve for debt service payments in the 2007-09 biennium.

Sec. 702. 2005 c 518 s 702 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center
 Account--State Appropriation \$29,411,000
 Accident Account--State Appropriation ~~(\$5,111,000)~~
\$5,112,000
 Medical Aid Account--State Appropriation ~~(\$5,111,000)~~
\$5,112,000
 TOTAL APPROPRIATION . ~~(\$39,633,000)~~
\$39,635,000

Sec. 703. 2005 c 518 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2006) . . . \$24,588,000
 General Fund--State Appropriation (FY 2007) . . . \$26,743,000
 Nondebt-Limit Reimbursable Bond Retirement
 Account--State Appropriation ~~(\$131,844,000)~~
\$130,909,000
 TOTAL APPROPRIATION ~~(\$183,175,000)~~
\$182,240,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

Sec. 704. 2005 c 518 s 704 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2006) \$1,357,000
 General Fund--State Appropriation (FY 2007) \$1,357,000
 State Building Construction Account--State Appropriation
 \$1,080,000
 State Taxable Building Construction
 Account--State Appropriation ~~(\$13,000)~~
\$78,000
 Gardner-Evans Higher Education Construction
 Account--State Appropriation \$452,000
 TOTAL APPROPRIATION . . ~~(\$4,259,000)~~
\$4,324,000

Sec. 705. 2005 c 518 s 705 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT-- FIRE CONTINGENCY POOL

Disaster Response Account--State Appropriation ~~(\$4,000,000)~~
\$8,000,000

The sum of ~~(\$4,000,000)~~ \$8,000,000 is appropriated from the disaster response account for the purpose of making allocations to the Washington state patrol for fire mobilizations costs or to the department of natural resources for fire suppression costs.

NEW SECTION. Sec. 706. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT-- FIRE CONTINGENCY

General Fund--State Appropriation (FY 2006) \$1,600,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit into the disaster response account for the purposes specified in section 705 of this act.

NEW SECTION. Sec. 707. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR SUNDRY CLAIMS.

The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

- (1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:
 - (a) Kirk F. Schultz, claim number SCJ 2006-01 . . \$12,312
 - (b) Scott A. King, claim number SCJ 2006-02 . . . \$9,922
 - (c) Mark D. Huckaba, claim number SCJ 2006-03 . . . \$10,000
 - (d) James D. Brittain, claim number SCJ 2006-02 . \$20,000
- (2) Payment from the state wildlife account for damage to crops by wildlife pursuant to RCW 77.36.050:
 - (a) For deposit into the self-insurance liability account for reimbursement of payment made to Circle S Landscape, claim number SCG 2004-05 \$21,926
 - (b) Venture Farms, claim number SCG 2005-03 . . \$57,448
 - (c) Patrick O'Hagen, claim number SCG 2006-02 . . \$1,673
 - (d) Patrick O'Hagen, claim number SCG 2006-03 . . \$2,389
 - (e) Swampapple Enterprises, Inc., claim number SCG 2006-04 \$3,574
 - (f) Wilbur H. Mundy, claim number SCG 2006-05 \$10,307
 - (g) Sam Kayser, claim number SCG 2006-08 \$1,108
- (3) Payment for reinterment of human remains from historic graves pursuant to RCW 68.60.050: Darrin Erdahl, claim number SCO 2006-01 \$3,000

Sec. 708. 2005 c 518 s 713 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS.

The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2005, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

- (1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:
 General Fund--State Appropriation (FY 2006) . . . \$32,450,000
 General Fund--State Appropriation (FY 2007) ~~(\$38,550,000)~~

\$38,750,000

(a) \$100,000 of the general fund--state appropriations for fiscal year 2006 and \$200,000 of the general fund--state appropriations for fiscal year 2007 are provided solely to implement Substitute House Bill No. 1936 (emergency medical technicians). If the bill is not enacted by June 30, 2005, the amounts provided shall lapse.

(b) \$950,000 of the general fund--state appropriation for fiscal year 2006 and \$950,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the state contributions required under Substitute Senate Bill No. 5615 (law enforcement officers' and fire fighters' retirement system plan 2 disability benefit). If the bill is not enacted by June 30, 2005, the amounts provided shall lapse.

(c) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute House Bill No. 2932 (catastrophic disability). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(d) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute House Bill No. 2934 (survivor health benefits). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2006)	. ((\$6,000,000))	
		\$6,601,000
General Fund--State Appropriation (FY 2007)	. ((\$6,000,000))	
		\$9,539,000

(3) There is appropriated for contributions to the judges retirement system:

General Fund--State Appropriation (FY 2006)	.....	\$300,000
General Fund--State Appropriation (FY 2007)	.....	\$300,000
TOTAL APPROPRIATION	. ((\$83,600,000))	
		\$87,940,000

NEW SECTION. Sec. 709. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE GOVERNOR--EMERGENCY COMMUNICATIONS INTEROPERABILITY

Public Safety and Education Account--State

Appropriation \$500,000

The appropriation in this section is subject to the following conditions and limitations: Funds are provided for acquisition and deployment of interoperable telecommunications devices to local jurisdictions. One program manager position is provided to assist local and state public safety providers improve their interoperability readiness and enhance levels of cooperation and coordination. The governor shall allocate these funds as necessary with consultative assistance from the state interoperability executive committee.

Sec. 710. 2005 c 518 s 716 (uncodified) is amended to read as follows:

FOR THE GOVERNOR--LIFE SCIENCES DISCOVERY FUND AUTHORITY

General Fund--State Appropriation (FY 2006)	.....	\$150,000
General Fund--State Appropriation (FY 2007)	.....	\$92,000
TOTAL APPROPRIATION	.....	\$1,142,000

The ~~((appropriation))~~ appropriations in this section ~~((is))~~ are subject to the following conditions and limitations: The ~~((appropriation))~~ appropriations in this section ~~((is))~~ are provided solely for a grant to the life sciences discovery fund authority to be used in accordance with ~~((Engrossed Second Substitute Senate Bill No. 5581 (life sciences)))~~ chapter 424, Laws of 2005 (life sciences research). ~~((If the bill is not enacted by June 30, 2005, the appropriation in this section shall lapse.))~~

Sec. 711. 2005 c 518 s 720 (uncodified) is amended to read as follows:

STRATEGIC PURCHASING STRATEGY.

(1) The office of financial management shall work with the appropriate state agencies to generate savings of ~~((~~\$50,000,000~~, of which))~~ \$25,000,000 ~~((shall be))~~ from the state general fund, that can arise from a strategic purchasing strategy. From appropriations in this act, the office of financial management shall reduce general fund--state allotments by ~~((~~\$8~~))~~ \$4 million for fiscal year 2006 and by ~~((~~\$17~~))~~ \$21 million for fiscal year 2007 to reflect the savings from the strategic purchasing strategy. The allotment reductions shall be placed in unallotted status and remain unexpended. These unexpended amounts shall lapse to the state general fund at the end of each fiscal year.

(2) The department of general administration, with the assistance of the department of information services and the department of printing and in consultation with the office of financial management, shall conduct an analysis of the state's purchasing processes to identify the most reasonable strategy of attaining a statewide savings target of ~~((~~\$50,000,000~~))~~ \$25,000,000 from the state general fund without affecting direct program activities. The analysis shall identify savings by agency and fund that will result from the implementation of a strategic purchasing strategy. The results of this analysis shall then be provided to the director of financial management by October 1, 2005, and updated as needed, so the director may use it as the basis to achieve the savings identified in subsection (1) of this section.

(3) Before the purchase of goods and services, all state agencies and higher education institutions shall first consider the utilization of current or existing master contracts. All state agencies and higher education institutions shall strive to use master contracts when that use is consistent with the agency's requirements and purchase is financially cost-effective.

NEW SECTION. Sec. 712. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT-- ENERGY FREEDOM ACCOUNT

General Fund--State Appropriation (FY 2007) . . . \$25,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for deposit into the energy freedom account. The appropriation in this section constitutes funding for purposes of section 15 of Engrossed Third Substitute House Bill No. 2939. If Engrossed Third Substitute House Bill No. 2939 (energy freedom) is not enacted by June 30, 2006, the appropriation in this section shall lapse.

(2) Of the amounts deposited into the energy freedom account pursuant to this appropriation, \$2,000,000 is provided solely to be appropriated from the energy freedom account for a loan to the Grays Harbor county bioenergy project (06-04-852).

NEW SECTION. Sec. 713. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT-- CONTRIBUTIONS TO RETIREMENT SYSTEMS

General Fund--State Appropriation (FY 2007) . . . \$1,100,000
Special Account Retirement Contribution

Increase Revolving Account Appropriation \$200,000

TOTAL APPROPRIATION \$1,300,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$500,000 of the general fund--state appropriation for fiscal year 2007 and \$200,000 of the special account retirement contribution appropriation are provided solely to adjust agency appropriations to reflect increased employer contributions pursuant to House Bill No. 2687 (\$1000 minimum benefit). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(2) \$600,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to reflect increased employer contributions pursuant to House Bill No. 2684 (plan 3 five-year vesting). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(3) To facilitate the transfer of moneys to dedicated funds and accounts, the state treasurer shall transfer sufficient moneys to each dedicated fund or account from the special account retirement contribution increase revolving account in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 714. A new section is added to 2005 c 518 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--
WASHINGTON HOUSING TRUST FUND**

General Fund--State Appropriation (FY 2007) . . . \$25,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit into the Washington housing trust fund. The appropriation in this section constitutes funding for purposes of section 15 of Engrossed Second Substitute House Bill No. 2418 (affordable housing). If Engrossed Second Substitute House Bill No. 2418 is not enacted by June 30, 2006, the appropriation in this section shall lapse.

NEW SECTION. Sec. 715. A new section is added to 2005 c 518 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--
PERSONNEL LITIGATION SETTLEMENT**

General Fund--State Appropriation (FY 2007) . . . \$11,813,000

Special Personnel Litigation Revolving
Account Appropriation \$10,689,000
TOTAL APPROPRIATION \$22,502,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire appropriation is provided solely for the purposes of the settlement of litigation involving compensation differentials among personnel classes, *W.P.E.A. v. State of Washington*.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer shall transfer sufficient moneys from each dedicated fund or account, including local funds of state agencies and institutions of higher education, to the special personnel litigation revolving account in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 716. A new section is added to 2005 c 518 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--
PENSION FUNDING STABILIZATION ACCOUNT**

General Fund--State Appropriation (FY 2007) . . . \$48,599,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit into the pension funding stabilization account for the purpose of reducing the unfunded public employees' retirement system and teachers' retirement system pension liability. If the bill creating this account is not enacted by June 30, 2006, the appropriation in this section shall lapse.

NEW SECTION. Sec. 717. A new section is added to 2005 c 518 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--
CONTRIBUTIONS TO RETIREMENT SYSTEMS.**

(1) Beginning September 1, 2006, the following employer contribution rates are established in addition to already established employer contribution rates: For all members of the teachers' retirement system, an additional 1.29 percent; for all members of the school employees' retirement system, an additional 0.87 percent.

(2) Beginning January 1, 2007, the following employer contribution rate is established in addition to the already established employer contribution rate: For all members of the public employees' retirement system and the public safety employees' retirement system, an additional 1.77 percent.

(3) Funds collected through these additional rates are to be used as contributions to the unfunded liabilities of the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

NEW SECTION. Sec. 718. A new section is added to 2005 c 518 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--
VETERANS INNOVATIONS PROGRAM ACCOUNT**

General Fund--State Appropriation (FY 2007) \$3,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit into the veterans innovations program account. If Engrossed Second Substitute House Bill No. 2754 (veterans' programs) is not enacted by June 30, 2006, the appropriation in this section shall lapse.

Sec. 719. 2005 c 518 s 724 (uncodified) is amended to read as follows:

INCENTIVE SAVINGS--FY 2006. The sum of one hundred million dollars or so much thereof as may be available on June 30, 2006, from the total amount of unspent fiscal year 2006 state general fund appropriations, exclusive of amounts placed in unallotted status pursuant to section 711 of this act, is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

Sec. 720. 2005 c 518 s 725 (uncodified) is amended to read as follows:

INCENTIVE SAVINGS--FY 2007. The sum of one hundred million dollars or so much thereof as may be available on June 30, 2007, from the total amount of unspent fiscal year 2007 state general fund appropriations, exclusive of amounts placed in unallotted status pursuant to section 711 of this act, is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

(End of part)

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

Sec. 801. 2005 c 518 s 801 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--STATE REVENUES
FOR DISTRIBUTION**

General Fund Appropriation for fire insurance
premium distributions (~~(\$6,577,000)~~)
\$6,561,000
General Fund Appropriation for public utility
district excise tax distributions (~~(\$45,422,000)~~)
\$44,292,000
General Fund Appropriation for prosecuting
attorney distributions (~~(\$3,457,000)~~)

	<u>\$3,568,000</u>
General Fund Appropriation for boating safety and education distributions	((\$4,430,000))
	<u>\$4,252,000</u>
General Fund Appropriation for other tax distributions	\$38,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$1,969,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$147,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties	((\$71,110,000))
	<u>\$83,325,000</u>
County Criminal Justice Assistance Appropriation	((\$53,914,000))
	<u>\$53,650,000</u>
Municipal Criminal Justice Assistance Appropriation	((\$21,104,000))
	<u>\$21,315,000</u>
Liquor Excise Tax Account Appropriation for liquor excise tax distribution	((\$37,413,000))
	<u>\$40,512,000</u>
Liquor Revolving Account Appropriation for liquor profits distribution	((\$76,186,000))
	<u>\$88,818,000</u>
City-County Assistance Account Appropriation for local government financial assistance distribution	\$20,100,000
	<u>TOTAL APPROPRIATION ((\$350,527,000))</u>
	<u>\$368,547,000</u>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 802. 2005 c 518 s 802 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Account Appropriation ((\$1,913,400))	<u>\$2,050,000</u>
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The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2005-07 biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 803. 2005 c 518 s 803 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Account Appropriation ((\$1,275,600))	<u>\$1,367,000</u>
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The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2005-07 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to

cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 804. 2005 c 518 s 804 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

General Fund Appropriation for federal grazing fees distribution	((\$1,632,000))	<u>\$1,644,000</u>
General Fund Appropriation for federal flood control funds distribution	\$68,000	
Forest Reserve Fund Appropriation for federal forest reserve fund distribution	\$84,500,000	
	<u>TOTAL APPROPRIATION ((\$86,200,000))</u>	<u>\$86,212,000</u>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 805. 2005 c 518 s 805 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS.

For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs.

State Convention and Trade Center Account:	
For transfer to the state general fund, \$5,150,000 for fiscal year 2006 and \$5,150,000 for fiscal year 2007	\$10,300,000
General Fund: For transfer to the tourism development and promotion account, \$150,000 for fiscal year 2006 and \$150,000 for fiscal year 2007	\$300,000
Financial Services Regulation Account: For transfer to the state general fund, \$778,000 for fiscal year 2006 and \$779,000 for fiscal year 2007	\$1,557,000
Public Works Assistance Account: For transfer to the drinking water assistance account, \$8,400,000 for fiscal year 2006	\$8,400,000
Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual balance of the tobacco settlement account	\$185,823,000
Health Services Account: For transfer to the state general fund, \$45,000,000 for fiscal year 2006	\$45,000,000
Health Services Account: For transfer to the tobacco prevention and control account	((\$23,366,000))
	<u>\$25,086,000</u>
Health Services Account: For transfer to the water quality account	\$7,885,000
Health Services Account: For transfer to the violence reduction and drug enforcement account	\$6,932,000
Public Employees' and Retirees' Insurance Account:	
For transfer to the state general fund, \$40,000,000 for fiscal year 2006 and \$45,000,000 for fiscal year 2007	\$85,000,000
Department of Retirement Systems Expense Account:	
For transfer to the state general fund, \$2,000,000 for fiscal year 2006	\$2,000,000

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

Secretary of State's Revolving Account: For transfer to the state general fund, \$250,000 for fiscal year 2006 and \$250,000 for fiscal year 2007 \$500,000

State Treasurer's Service Account: For transfer to the state general fund, ~~(\$5,500,000)~~ \$9,500,000 for fiscal year 2006 and ~~(\$5,000,000)~~ \$7,000,000 for fiscal year 2007 ~~(\$10,500,000)~~ \$16,500,000

General Fund: For transfer to the water quality account, \$318,000 for fiscal year 2006 and \$319,000 for fiscal year 2007 \$637,000

State Toxics Control Account: For transfer to the water quality account \$12,500,000

Water Quality Account: For transfer to the water pollution control revolving account . ~~(\$10,534,000)~~ \$16,534,000

Pollution Liability Insurance Trust Account: For transfer to the state general fund ~~(\$7,500,000)~~ \$3,750,000

Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account, an amount not to exceed ~~(\$15,000,000)~~ \$21,800,000

Waste Reduction, Recycling, and Litter Control Account: For transfer to the state general fund, \$1,000,000 for fiscal year 2006 and \$1,000,000 for fiscal year 2007 \$2,000,000

Public Works Assistance Account: For transfer to the public facility construction loan revolving account, \$4,500,000 for fiscal year 2006 \$4,500,000

Nisqually Earthquake Account: For transfer to the disaster response account, \$3,000,000 for fiscal year 2006 \$3,000,000

Natural Resources Equipment Revolving Fund: For transfer to the state general fund for fiscal year 2006 \$1,000,000

General Fund: For transfer to the violence reduction and drug enforcement account, \$1,500,000 for fiscal year 2006 and \$1,500,000 for fiscal year 2007 \$3,000,000

Education Legacy Trust Account: For transfer to the student achievement account, ~~(\$35,541,000)~~ \$35,555,000 for fiscal year 2006 and ~~(\$102,697,000)~~ \$103,046,000 for fiscal year 2007 ~~(\$138,238,000)~~ \$138,601,000

Sec. 806. 2005 c 518 s 806 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS. For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs. The transfers are subject to the enactment of Senate Bill No. 5391 (tricare supplemental insurance), chapter 46, Laws of 2005.

Public Employees' and Retirees' Insurance Account:
 For transfer to the state general fund,
 \$5,000,000 ~~(for fiscal year 2006 and \$12,000,000)~~
 for fiscal year 2007 ~~(\$17,000,000)~~ \$5,000,000

~~((General Fund--State Account: For transfer to the tourism development and promotion account, \$150,000 for fiscal year 2006 and \$150,000 for fiscal year 2007 \$300,000))~~

(End of part)

**PART IX
 MISCELLANEOUS**

Sec. 901. 2005 c 518 s 948 (uncodified) is amended to read as follows:

COMPENSATION--INSURANCE BENEFITS. The appropriations for state agencies, including institutions of higher education are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$663.00 per eligible employee for fiscal year 2006. For fiscal year 2007 the monthly employer funding rate shall not exceed \$744.00 per eligible employee represented by a collective bargaining unit under the personnel system reform act of 2002, or \$618.00 per eligible nonrepresented employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2006, through December 31, 2006, the subsidy shall be \$131.87. Starting January 1, 2007, the subsidy shall be \$149.67 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$48.42 per month beginning September 1, 2005, and ~~(\$55.73)~~ \$55.15 beginning September 1, 2006;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$48.42 each month beginning September 1, 2005, and ~~(\$55.73)~~ \$55.15 beginning September 1, 2006, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

Sec. 902. 2005 c 518 s 963 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT--(~~WPEA~~)
 PSE/PROFESSIONAL (~~LOCAL 365 UNIT C~~)
 TECHNICAL EMPLOYEES--WESTERN WASHINGTON
 UNIVERSITY.**

Budget amounts reflect the collective bargaining agreement reached between the Western Washington University and the public school employees of Washington (~~Public Employees Association bargaining unit C~~) professional technical employees under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective retroactive to July 1, 2005. Provisions also include a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 903. A new section is added to 2005 c 518 (uncodified) to read as follows:

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

COLLECTIVE BARGAINING AGREEMENT-- WASHINGTON STATE UNIVERSITY, WFSE BU 2. Budget amounts reflect the collective bargaining agreement reached between Washington State University and the Washington federation of state employees bargaining unit 2 -- service employees under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective retroactive to July 1, 2005. Provisions also include a one-time 2% lump sum payment effective July 1, 2006, and implementation of the department of personnel 2002 salary survey for classes more than 25% below market rate.

Sec. 904. RCW 79A.05.070 and 2003 c 186 s 1 are each amended to read as follows:

The commission may:

(1) Make rules and regulations for the proper administration of its duties;

(2) Accept any grants of funds made with or without a matching requirement by the United States, or any agency thereof, for purposes in keeping with the purposes of this chapter; accept gifts, bequests, devises and endowments for purposes in keeping with such purposes; enter into cooperative agreements with and provide for private nonprofit groups to use state park property and facilities to raise money to contribute gifts, grants, and support to the commission for the purposes of this chapter. The commission may assist the nonprofit group in a cooperative effort by providing necessary agency personnel and services, if available. However, none of the moneys raised may inure to the benefit of the nonprofit group, except in furtherance of its purposes to benefit the commission as provided in this chapter. The agency and the private nonprofit group shall agree on the nature of any project to be supported by such gift or grant prior to the use of any agency property or facilities for raising money. Any such gifts may be in the form of recreational facilities developed or built in part or in whole for public use on agency property, provided that the facility is consistent with the purposes of the agency;

(3) Require certification by the commission of all parks and recreation workers employed in state aided or state controlled programs;

(4) Act jointly, when advisable, with the United States, any other state agencies, institutions, departments, boards, or commissions in order to carry out the objectives and responsibilities of this chapter;

(5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and considerations as the commission shall specify;

(6) Charge such fees for services, utilities, and use of facilities as the commission shall deem proper. Until July 1, 2007, the commission may not charge fees for general park access or parking;

(7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed forty years;

(8) Determine the qualifications of and employ a director of parks and recreation who shall receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040 and determine the qualifications and salary of and employ such other persons as may be needed to carry out the provisions hereof; and

(9) Without being limited to the powers hereinbefore enumerated, the commission shall have such other powers as in the judgment of a majority of its members are deemed necessary to effectuate the purposes of this chapter: PROVIDED, That the commission shall not have power to supervise directly any local park or recreation district, and no funds shall be made available for such purpose.

Sec. 905. RCW 90.56.120 and 2005 c 304 s 2 are each amended to read as follows:

(1)(a) There is established in the office of the governor the oil spill advisory council.

(b) The primary purpose of the council is to maintain the state's vigilance in, by ensuring an emphasis on, the prevention of oil spills to marine waters, while recognizing the importance of also improving preparedness and response.

(c) The council shall be an advisory body only.

(2)(a) In addition to members appointed under (b) of this subsection, the council is composed of the chair-facilitator and sixteen members representing various interests as follows:

(i) Three representatives of environmental organizations;

(ii) One representative of commercial shellfish interests;

(iii) One representative of commercial fisheries that primarily fishes in Washington waters;

(iv) One representative of marine recreation;

(v) One representative of tourism interests;

(vi) Three representatives of county government from counties bordering Puget Sound, the Columbia river/Pacific Ocean, and the Strait of Juan de Fuca/San Juan Islands;

(vii) One representative of marine labor;

(viii) Two representatives of marine trade interests;

(ix) One representative of major oil facilities;

(x) One representative of public ports; and

(xi) An individual who resides on a shoreline who has an interest, experience, and familiarity in the protection of water quality.

(b) In addition to the members identified in this subsection, the governor shall invite the participation of tribal governments through the appointment of two representatives to the council.

(3) Appointments to the council shall reflect a geographical balance and the diversity of populations within the areas potentially affected by oil spills to state waters.

(4) Members shall be appointed by the governor and shall serve four-year terms, except the initial members appointed to the council. Initial members to the council shall be appointed as follows: Six shall serve two-year terms, six shall serve three-year terms, and seven shall serve four-year terms. Vacancies shall be filled by appointment in the same manner as the original appointment for the remainder of the unexpired term of the position vacated. Members serve at the pleasure of the governor.

(5) The governor shall appoint a chair-facilitator who shall serve as a nonvoting member of the council. The chair shall not be an employee of a state agency, nor shall the chair have a financial interest in matters relating to oil spill prevention, preparedness, and response. The chair shall convene the council at least four times per year. At least one meeting per year shall be held in a Columbia river community, an ocean coastal community, and a Puget Sound community. The chair shall consult with councilmembers in setting agendas and determining meeting times and locations.

(6) All members shall be reimbursed for travel expenses while attending meetings of the council or technical advisory committees, or when on official business authorized by the chair-facilitator, as provided in RCW 43.03.050 and 43.03.060. Members of the council identified in subsection (2)(a)(i), (ii), (iii), (iv), (v), (vi), (vii), and (xi) of this section and the chair-facilitator shall each be compensated on a per diem basis as a class two group according to RCW 43.03.230.

(7) The first meeting of the council shall be convened by the governor or the governor's designee. Other meetings may be convened by a vote of at least a majority of the voting members of the council, or by call of the chair. All meetings are subject to the open public meetings act. The council shall maintain minutes of all meetings.

(8) To the extent possible, all decisions of the council shall be by the consensus of the members. If consensus is not possible, nine voting members of the council may call for a vote on a matter. When a vote is called, all decisions shall be determined by a majority vote of the voting members present. Two-thirds of the voting members are required to be present for a quorum for all votes. The subject matter of all votes and the vote tallies shall be recorded in the minutes of the council.

(9) The council may form subcommittees and technical advisory committees.

NEW SECTION. Sec. 906. If any provision of this act or its application to any person or circumstance is held invalid, the

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 907. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

(End of part)

INDEX	PAGE #
ADMINISTRATOR FOR THE COURTS	8
ATTORNEY GENERAL	20
BOARD FOR VOLUNTEER FIREFIGHTERS	48
BOARD OF ACCOUNTANCY	45
BOARD OF INDUSTRIAL INSURANCE APPEALS	103
BOARD OF TAX APPEALS	43
CASELOAD FORECAST COUNCIL	21
CENTRAL WASHINGTON UNIVERSITY	222
CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS	20
COLLECTIVE BARGAINING AGREEMENT	
WASHINGTON STATE UNIVERSITY, WFSE BU 2	257
COLUMBIA RIVER GORGE COMMISSION	127
COMMISSION ON AFRICAN-AMERICAN AFFAIRS	38
COMMISSION ON ASIAN-PACIFIC-AMERICAN AFFAIRS	18
COMMISSION ON HISPANIC AFFAIRS	37
COMMISSION ON JUDICIAL CONDUCT	7
COMPENSATION--INSURANCE BENEFITS	256
CONSERVATION COMMISSION	136
COURT OF APPEALS	7
CRIMINAL JUSTICE TRAINING COMMISSION	104
DEPARTMENT OF AGRICULTURE	148
DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION	52
DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT	22
DEPARTMENT OF CORRECTIONS	119
DEPARTMENT OF EARLY LEARNING	203
DEPARTMENT OF ECOLOGY	127
DEPARTMENT OF FISH AND WILDLIFE	137
DEPARTMENT OF GENERAL ADMINISTRATION	43
DEPARTMENT OF HEALTH	111
DEPARTMENT OF INFORMATION SERVICES	44
DEPARTMENT OF LABOR AND INDUSTRIES	105
DEPARTMENT OF LICENSING	151
DEPARTMENT OF NATURAL RESOURCES	143
DEPARTMENT OF PERSONNEL	36
DEPARTMENT OF RETIREMENT SYSTEMS	
CONTRIBUTIONS TO RETIREMENT SYSTEMS	242
OPERATIONS	38
DEPARTMENT OF REVENUE	40
DEPARTMENT OF SERVICES FOR THE BLIND	124
DEPARTMENT OF SOCIAL AND HEALTH SERVICES	54
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM	97
AGING AND ADULT SERVICES PROGRAM	81
ALCOHOL AND SUBSTANCE ABUSE PROGRAM	88
CHILDREN AND FAMILY SERVICES PROGRAM	56
DEVELOPMENTAL DISABILITIES PROGRAM	74
ECONOMIC SERVICES PROGRAM	86
JUVENILE REHABILITATION PROGRAM	61
MEDICAL ASSISTANCE PROGRAM	90
MENTAL HEALTH PROGRAM	65
PAYMENTS TO OTHER AGENCIES PROGRAM	99
VOCATIONAL REHABILITATION PROGRAM	97
DEPARTMENT OF VETERANS AFFAIRS	109
EASTERN WASHINGTON STATE HISTORICAL SOCIETY	237
EASTERN WASHINGTON UNIVERSITY	221
ECONOMIC AND REVENUE FORECAST COUNCIL	32
EMPLOYMENT SECURITY DEPARTMENT	125
ENVIRONMENTAL HEARINGS OFFICE	136
FOR THE OFFICE OF FINANCIAL MANAGEMENT	

CONTRIBUTIONS TO RETIREMENT SYSTEMS	247
PENSION FUNDING STABILIZATION ACCOUNT	247
PERSONNEL LITIGATION SETTLEMENT	246
VETERANS INNOVATIONS PROGRAM ACCOUNT	248
FORENSIC INVESTIGATION COUNCIL	45
GOVERNOR	
EMERGENCY COMMUNICATIONS	
INTEROPERABILITY	243
LIFE SCIENCES DISCOVERY FUND AUTHORITY	244
GOVERNOR'S OFFICE OF INDIAN AFFAIRS	17
GROWTH MANAGEMENT HEARINGS BOARD	52
HIGHER EDUCATION COORDINATING BOARD	
FINANCIAL AID AND GRANT PROGRAMS	230
POLICY COORDINATION AND ADMINISTRATION	229
HOME CARE QUALITY AUTHORITY	111
HORSE RACING COMMISSION	46
HOUSE OF REPRESENTATIVES	1
HUMAN RIGHTS COMMISSION	103
INCENTIVE SAVINGS	
FY 2006	248
FY 2007	248
INDETERMINATE SENTENCE REVIEW BOARD	108
INSURANCE COMMISSIONER	45
INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION	134
JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE	2
JOINT LEGISLATIVE SYSTEMS COMMITTEE	5
LAW LIBRARY	7
LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE	5
LIEUTENANT GOVERNOR	14
LIQUOR CONTROL BOARD	46
MILITARY DEPARTMENT	48
OFFICE OF ADMINISTRATIVE HEARINGS	36
OFFICE OF CIVIL LEGAL AID	10
OFFICE OF FINANCIAL MANAGEMENT	32
CONTRIBUTIONS TO RETIREMENT SYSTEMS	245
ENERGY FREEDOM ACCOUNT	245
FIRE CONTINGENCY	241
FIRE CONTINGENCY POOL	241
WASHINGTON HOUSING TRUST FUND	246
OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES	43
OFFICE OF PUBLIC DEFENSE	10
OFFICE OF THE GOVERNOR	11
OFFICE OF THE STATE ACTUARY	6
PERSONNEL APPEALS BOARD	38
PUBLIC DISCLOSURE COMMISSION	14
PUBLIC EMPLOYMENT RELATIONS COMMISSION	51
SECRETARY OF STATE	15
SENATE	1
SENTENCING GUIDELINES COMMISSION	124
SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE	235
STATE AUDITOR	18
STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES	208
STATE CONVENTION AND TRADE CENTER	52
STATE HEALTH CARE AUTHORITY	99
STATE INVESTMENT BOARD	40
STATE PARKS AND RECREATION COMMISSION	132
STATE PATROL	153
STATE SCHOOL FOR THE BLIND	237
STATE SCHOOL FOR THE DEAF	238
STATE TREASURER	18
BOND RETIREMENT AND INTEREST	239, 240
COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT	251
FEDERAL REVENUES FOR DISTRIBUTION	252
MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT	251
STATE REVENUES FOR DISTRIBUTION	250
TRANSFERS	253, 255
STATUTE LAW COMMITTEE	6
STRATEGIC PURCHASING STRATEGY	244

FIFTY-SEVENTH DAY, MARCH 6, 2006

SUNDRY CLAIMS 241

SUPERINTENDENT OF PUBLIC INSTRUCTION 155

 BASIC EDUCATION EMPLOYEE COMPENSATION 170

 EDUCATION REFORM PROGRAMS 188

 EDUCATIONAL SERVICE DISTRICTS 185

 GENERAL APPORTIONMENT 163

 INSTITUTIONAL EDUCATION PROGRAMS 186

 LEARNING ASSISTANCE PROGRAM 197

 LOCAL EFFORT ASSISTANCE 186

 PROGRAMS FOR HIGHLY CAPABLE STUDENTS 187

 PROMOTING ACADEMIC SUCCESS 199

 PUPIL TRANSPORTATION 177

 SCHOOL EMPLOYEE COMPENSATION

ADJUSTMENTS 175

 SCHOOL FOOD SERVICE PROGRAMS 179

 SPECIAL EDUCATION PROGRAMS 180

 STUDENT ACHIEVEMENT PROGRAM 202

 TRANSITIONAL BILINGUAL PROGRAMS 196

SUPREME COURT 7

THE EVERGREEN STATE COLLEGE 224

UNIVERSITY OF WASHINGTON 213

UTILITIES AND TRANSPORTATION COMMISSION .. 48

WASHINGTON POLLUTION LIABILITY REINSURANCE

PROGRAM 150

WASHINGTON STATE ARTS COMMISSION 236

WASHINGTON STATE HISTORICAL SOCIETY 236

WASHINGTON STATE LOTTERY 37

WASHINGTON STATE UNIVERSITY 217

WESTERN WASHINGTON UNIVERSITY 227

WORK FORCE TRAINING AND EDUCATION

COORDINATING BOARD 235"

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Prentice moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6386 and request of the House a conference thereon.

The President declared the question before the Senate to be motion by Senator Prentice that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6386.

The motion by Senator Prentice carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6386 and requested of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6386 and the House amendment(s) thereto: Senators Senator Prentice, Doumit and Zarelli.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MOTION

On motion of Senator Mulliken, Senator Oke was excused.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6144, with the following amendment(s) 6144-S AMH CJC H5382.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Sec. 2. RCW 9A.44.130 and 2005 c 380 s 1 are each amended to read as follows:

(1)(a) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person.

(b) Any adult or juvenile who is required to register under (a) of this subsection:

(i) Who is attending, or planning to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW shall, within ten days of enrolling or prior to arriving at the school to attend classes, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the school, and the sheriff shall promptly notify the principal of the school;

(ii) Who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution;

(iii) Who gains employment at a public or private institution of higher education shall, within ten days of accepting employment or by the first business day after commencing work at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's employment by the institution; or

(iv) Whose enrollment or employment at a public or private institution of higher education is terminated shall, within ten days of such termination, notify the sheriff for the county of the person's residence of the person's termination of enrollment or employment at the institution.

(c) Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, or a public or private school regulated under Title 28A RCW or chapter 72.40 RCW on September 1, 2006, must notify the county sheriff immediately.

(d) The sheriff shall notify the school's principal or institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(e)(i) A principal receiving notice under this subsection must disclose the information received from the sheriff under (b) of this subsection as follows:

(A) If the student who is required to register as a sex offender is classified as a risk level II or III, the principal shall provide the information received to every teacher of any student required to register under (a) of this subsection and to any other

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

personnel who, in the judgment of the principal, supervises the student or for security purposes should be aware of the student's record;

(B) If the student who is required to register as a sex offender is classified as a risk level I, the principal shall provide the information received only to personnel who, in the judgment of the principal, for security purposes should be aware of the student's record.

(ii) Any information received by a principal or school personnel under this subsection is confidential and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.

(2) This section may not be construed to confer any powers pursuant to RCW (~~(4-24-500)~~) 4.24.550 upon the public safety department of any public or private school or institution of higher education.

(3)(a) The person shall provide the following information when registering: (i) Name; (ii) address; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) aliases used; (viii) social security number; (ix) photograph; and (x) fingerprints.

(b) Any person who lacks a fixed residence shall provide the following information when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x) where he or she plans to stay.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must

register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS. Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within (~~(thirty)~~) three business days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes for offenses committed before, on, or after February 28, 1990, or Washington state for offenses committed before, on, or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed before, on, or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within

FIFTY-SEVENTH DAY, MARCH 6, 2006

twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

When an offender registers under this subsection (4)(a)(v), the county sheriff shall provide written notice to the offender that he or she is subject to Washington law for any new felony he or she commits within the state. The county sheriff shall require that the offender sign the notice and shall retain the signed copy of the notice as verification that the offender has received it. The county sheriff shall give a copy of the signed notice to the offender for his or her retention. The fact that an offender has or has not received the notice required under this subsection does not prohibit, or in any way limit, the ability of Washington or any other jurisdiction to prosecute the offender for any crimes committed in this state. The notice must be in at least ten point type and must be in substantially the following form:

NOTICE

AS A NEW OR RETURNING RESIDENT OF WASHINGTON STATE, YOU ARE SUBJECT TO WASHINGTON LAW FOR ANY NEW FELONY YOU COMMIT WITHIN THE STATE. ANY PRIOR CONVICTIONS YOU HAVE FROM OTHER JURISDICTIONS MAY AFFECT THE MANNER IN WHICH YOU ARE SENTENCED IN WASHINGTON. FOR EXAMPLE, YOUR SENTENCE FOR A NEW FELONY COMMITTED IN WASHINGTON COULD BE LIFE WITHOUT THE POSSIBILITY OF PAROLE IF YOUR CRIMINAL HISTORY INCLUDES A CONVICTION FROM WASHINGTON OR ANY OTHER JURISDICTION THAT WOULD BE CONSIDERED A "STRIKE" UNDER WASHINGTON'S PERSISTENT OFFENDER LAW. A LIST OF STRIKE OFFENSES MAY BE FOUND IN THE DEFINITION OF "PERSISTENT OFFENDER" IN RCW 9.94A.030.

SIGNATURE:

(vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

(vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than twenty-four hours after entering the county and provide the information required in subsection (3)(b) of this section.

(viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION. Offenders who

2006 REGULAR SESSION

lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE. Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints, and photograph with the new state within ten days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within ten days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (10) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(b) A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require the person to list the locations where the person has stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

(8) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

(9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means:

(i) Any offense defined as a sex offense by RCW 9.94A.030;

(ii) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);

(iii) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

(iv) Any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a sex offense under this subsection; and

(v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection.

(b) "Kidnapping offense" means: (i) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent; (ii) any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection (9)(b); and (iii) any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a kidnapping offense under this subsection (9)(b).

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational

institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

(10)(a) A person who knowingly fails to register with the county sheriff or notify the county sheriff, or who changes his or her name without notifying the county sheriff and the state patrol, as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (9)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (9)(a) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(11)(a) A person who knowingly fails to register or who moves within the state without notifying the county sheriff as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (9)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (9)(b) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(12) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a peace officer, including a county sheriff, or law enforcement agency, for failing to release information authorized under this section.

NEW SECTION. Sec. 3. This act takes effect September 1, 2006." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Regala moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6144 and ask the House to recede therefrom.

The President declared the question before the Senate to be motion by Senator Regala that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6144 and ask the House to recede therefrom.

The motion by Senator Regala carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 6144 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 1, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6257, with the following amendments{s} 6257-S AMH CL CORD 293, 6257-S AMH HUDG CORD 302.

On page 2, line 2, after "of a" strike "security officer" and insert "private security guard"

On page 2, beginning on line 3, strike all of section 2

Correct the title.

On page 2, line 2, after "officer" insert ". For purposes of this subsection, "guest services or crowd management employees" include ushers, ticket takers, parking lot attendants, and other persons employed to perform similar job duties as identified by department rules adopted in consultation with interested parties"

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

Senator Delvin moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6257 and ask the House to recede therefrom.

Senators Delvin spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Delvin that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6257 and ask the House to recede therefrom.

The motion by Senator Delvin carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 6257 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6330, with the following amendments{s} 6330-S AMH APP H5453.1.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that in order to promote international trade and enhance the work of Washington's international trade offices, college and graduate students should be provided an opportunity to gain experience in international trade by assisting Washington businesses enter foreign markets.

NEW SECTION. **Sec. 2.** (1) The department of community, trade, and economic development shall research alternative funding sources for the purpose of instituting an international trade corps fellowship program in collaboration with other public and private entities, including, but not limited to, the international programs at institutions of higher education.

(2) The department shall submit a report to the legislature by December 1, 2007, with recommendations regarding instituting an international trade corps fellowship program without the use of state general fund moneys. The report should also include recommendations regarding the number of fellows participating each year, the cost of administrating the program, and the criteria for the selection of candidates."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Shin moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6330 and ask the House to recede therefrom.

MOTION

On motion of Senator Finkbeiner, Senator McCaslin was excused.

Senators Shin and Pflug spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Shin that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6330 and ask the House to recede therefrom.

The motion by Senator Shin carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 6330 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6680, with the following amendments{s} 6680 AMH . . . H5456.2.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.20.037 and 2004 c 273 s 3 are each amended to read as follows:

(1) No later than (~~January 1, 2006~~) two years after full implementation of the provisions of Title II of P.L. 109-13, improved security for driver's licenses and personal identification cards (Real ID), as passed by Congress May 10, 2005, the department shall implement a voluntary biometric matching system for driver's licenses and identicards. (~~The~~) A biometric matching system shall be used only to verify the identity of an applicant for a renewal or duplicate driver's license or identicard by matching a biometric identifier submitted by the applicant against the biometric identifier submitted when the license was last issued. This project requires a full review by the information services board using the criteria for projects of the highest visibility and risk.

(2) (~~The~~) Any biometric matching system selected by the department shall be capable of highly accurate matching, and shall be compliant with biometric standards established by the American association of motor vehicle administrators.

(3) The biometric matching system selected by the department must incorporate a process that allows the owner of a driver's license or identicard to present a personal identification number or other code along with the driver's license or identicard before the information may be verified by a third party, including a governmental entity.

(4) Upon the establishment of a biometric driver's license and identicard system as described in this section, the department shall allow every person applying for an original, renewal, or duplicate driver's license or identicard to voluntarily submit a biometric identifier. Each applicant shall be informed of all ways in which the biometric identifier may be used, all parties to whom the identifier may be disclosed and the conditions of disclosure, the expected error rates for the biometric matching system which shall be regularly updated as the technology changes or empirical data is collected, and the potential consequences of those errors. The department shall adopt rules to allow applicants to verify the accuracy of the system at the time that biometric information is submitted, including the use of at least two separate devices.

(5) The department may not disclose biometric information to the public or any governmental entity except when authorized by court order.

(6) All biometric information shall be stored with appropriate safeguards, including but not limited to encryption.

(7) The department shall develop procedures to handle instances in which the biometric matching system fails to verify the identity of an applicant for a renewal or duplicate driver's license or identicard. These procedures shall allow an applicant to prove identity without using a biometric identifier.

(8) Any person who has voluntarily submitted a biometric identifier may choose to discontinue participation in the biometric matching program at any time, provided that the department utilizes a secure procedure to prevent fraudulent requests for a renewal or duplicate driver's license or identicard. When the person discontinues participation, any previously collected biometric information shall be destroyed.

(9) (~~If Engrossed Substitute Senate Bill No. 5428 or House Bill No. 1681 is enacted into law~~) This section does not apply when an applicant renews his or her driver's license or identicard by mail or electronic commerce." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Brandland moved that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 6680 and ask the House to recede therefrom.

Senators Brandland and Haugen spoke in favor of the motion.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

Senators spoke against the motion.

The President declared the question before the Senate to be motion by Senator Brandland that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 6680 and ask the House to recede therefrom.

The motion by Senator Brandland carried and the Senate refused to concur in the House amendment(s) to Senate Bill No. 6680 and asked the House to recede therefrom.

MOTION

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

MOTION

Senator Mulliken moved adoption of the following resolution:

SENATE RESOLUTION
8710

By Senators Mulliken, Deccio, Regala, Rasmussen, Shin, Esser, Prentice, Doumit and McAuliffe

WHEREAS, Catholic education is an integral part of the mission of the Catholic Church, and its strong commitment to students and educational excellence is of great value to the State of Washington; and

WHEREAS, Catholic school educators have been enriching students' lives in Washington State for more than one hundred fifty years, beginning with the Sisters of Providence at Fort Vancouver; and

WHEREAS, Catholic schools throughout the state provide thousands of students a safe and thriving environment in which they can obtain quality education; and

WHEREAS, Catholic schools are committed to serving students of diverse backgrounds, and the Catholic community generously continues to strive toward making its schools available, accessible, and affordable; and

WHEREAS, Catholic schools encourage and prepare students to obtain high levels of achievement through religious, academic, and cocurricular programs; and

WHEREAS, Catholic schools across the State of Washington have almost twenty-nine thousand prekindergarten through high school students receiving an exceptional education in ninety-three elementary and secondary schools; and

WHEREAS, Catholic school educators are dedicated to producing academically strong students who also commit themselves to service; and

WHEREAS, Catholic schools have trained many of our finest leaders throughout this state and nation; and

WHEREAS, Catholic schools have been nationally recognized by the United States Department of Education as "Schools of Excellence"; and

WHEREAS, Catholic schools across the nation are celebrating "Catholic Schools Week 2006: Character. Compassion. Values.";

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the Catholic schools of Washington State and honor their academic excellence and faith-based instruction during this celebration of Catholic Schools Week, Sunday, January 29, 2006, through Saturday, February 4, 2006; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the school departments at the Archdiocese of Seattle, the Diocese of Spokane, the Diocese of Yakima, and the Washington State Catholic Conference.

Senators Mulliken, McAuliffe, Deccio, Rasmussen and Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8710.

The motion by Senator Mulliken carried and the resolution was adopted by voice vote.

MOTION

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

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5042,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5204,
SECOND SUBSTITUTE SENATE BILL NO. 5717,
SUBSTITUTE SENATE BILL NO. 5838,
SUBSTITUTE SENATE BILL NO. 6168,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6189,
SENATE BILL NO. 6231,
SENATE BILL NO. 6371,
ENGROSSED SENATE BILL NO. 6376,
SUBSTITUTE SENATE BILL NO. 6382,
SUBSTITUTE SENATE BILL NO. 6401,
SENATE BILL NO. 6411,
SENATE BILL NO. 6416,
SUBSTITUTE SENATE BILL NO. 6417,
SUBSTITUTE SENATE BILL NO. 6441,
SENATE BILL NO. 6463,
SUBSTITUTE SENATE BILL NO. 6473,
SENATE BILL NO. 6504,
SENATE BILL NO. 6531,
SENATE BILL NO. 6539,
SENATE BILL NO. 6545,
SUBSTITUTE SENATE BILL NO. 6570,
SUBSTITUTE SENATE BILL NO. 6571,
SUBSTITUTE SENATE BILL NO. 6572,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6580,
ENGROSSED SENATE BILL NO. 6606,
SENATE BILL NO. 6658,
SUBSTITUTE SENATE BILL NO. 6670,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6679,
SENATE BILL NO. 6720,
SENATE BILL NO. 6723,
SENATE BILL NO. 6762,
SENATE BILL NO. 6766,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6776,
SUBSTITUTE SENATE BILL NO. 6791,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6802,
SENATE BILL NO. 6816,
SENATE BILL NO. 6861,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6870,
ENGROSSED SENATE JOINT MEMORIAL NO. 8019,

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED HOUSE BILL NO. 1069,
SECOND SUBSTITUTE HOUSE BILL NO. 1384,
FOURTH SUBSTITUTE HOUSE BILL NO. 1483,
HOUSE BILL NO. 1966,
SUBSTITUTE HOUSE BILL NO. 2033,
SUBSTITUTE HOUSE BILL NO. 2233,
SECOND SUBSTITUTE HOUSE BILL NO. 2342,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352,
HOUSE BILL NO. 2386,
SUBSTITUTE HOUSE BILL NO. 2402,
SUBSTITUTE HOUSE BILL NO. 2407,
SUBSTITUTE HOUSE BILL NO. 2426,
SUBSTITUTE HOUSE BILL NO. 2446,
HOUSE BILL NO. 2477,
SECOND SUBSTITUTE HOUSE BILL NO. 2498,
SUBSTITUTE HOUSE BILL NO. 2500,
HOUSE BILL NO. 2501,
SUBSTITUTE HOUSE BILL NO. 2537,
HOUSE BILL NO. 2544,
HOUSE BILL NO. 2567,

FIFTY-SEVENTH DAY, MARCH 6, 2006

AFTERNOON SESSION

ENGROSSED HOUSE BILL NO. 2579,
HOUSE BILL NO. 2606,
SUBSTITUTE HOUSE BILL NO. 2654,
HOUSE BILL NO. 2681,
HOUSE BILL NO. 2704,
SECOND SUBSTITUTE HOUSE BILL NO. 2789,
SUBSTITUTE HOUSE BILL NO. 2817,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2848,
SUBSTITUTE HOUSE BILL NO. 2867,
SUBSTITUTE HOUSE BILL NO. 2917,
SUBSTITUTE HOUSE BILL NO. 2958,
SECOND SUBSTITUTE HOUSE BILL NO. 2964,
SUBSTITUTE HOUSE BILL NO. 2973,
HOUSE BILL NO. 2991,
HOUSE BILL NO. 3041,
HOUSE BILL NO. 3048,
SUBSTITUTE HOUSE BILL NO. 3113,
HOUSE BILL NO. 3122,
HOUSE BILL NO. 3205,

The Senate was called to order at 2:02 p.m. by President Owen.

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6241, with the following amendments{s} 6241-S AMH TR
Strike everything after the enacting clause and insert the following:

"2005-07 BIENNIUM

Sec. 1 2005 c 313 s 1 (uncodified) is amended to read as follows:

(1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2007.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2006" or "FY 2006" means the fiscal year ending June 30, 2006.

(b) "Fiscal year 2007" or "FY 2007" means the fiscal year ending June 30, 2007.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

GENERAL GOVERNMENT AGENCIES -- OPERATING

NEW SECTION. **Sec. 101** A new section is added to 2005 c 313 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Multimodal Transportation Account -- State Appropriation
. \$217,000

Sec. 102 2005 c 313 s 102 (uncodified) is amended to read as follows:

FOR THE MARINE EMPLOYEES COMMISSION

Puget Sound Ferry Operations Account--State
Appropriation ((~~\$390,000~~))
\$394,000

MESSAGE FROM THE HOUSE

March 6, 2006

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5042,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5204,
SECOND SUBSTITUTE SENATE BILL NO. 5717,
SUBSTITUTE SENATE BILL NO. 5838,
SUBSTITUTE SENATE BILL NO. 6168,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6189,
SENATE BILL NO. 6231,
SENATE BILL NO. 6371,
ENGROSSED SENATE BILL NO. 6376,
SUBSTITUTE SENATE BILL NO. 6382,
SUBSTITUTE SENATE BILL NO. 6401,
SENATE BILL NO. 6411,
SENATE BILL NO. 6416,
SUBSTITUTE SENATE BILL NO. 6417,
SUBSTITUTE SENATE BILL NO. 6441,
SENATE BILL NO. 6463,
SUBSTITUTE SENATE BILL NO. 6473,
SENATE BILL NO. 6504,
SENATE BILL NO. 6531,
SENATE BILL NO. 6539,
SENATE BILL NO. 6545,
SUBSTITUTE SENATE BILL NO. 6570,
SUBSTITUTE SENATE BILL NO. 6571,
SUBSTITUTE SENATE BILL NO. 6572,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6580,
ENGROSSED SENATE BILL NO. 6606,
SENATE BILL NO. 6658,
SUBSTITUTE SENATE BILL NO. 6670,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6679,
SENATE BILL NO. 6720,
SENATE BILL NO. 6723,
SENATE BILL NO. 6762,
SENATE BILL NO. 6766,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6776,
SUBSTITUTE SENATE BILL NO. 6791,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

At 12:26 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

The appropriation in this section is subject to the following conditions and limitations: To address its growing caseload, the marine employees commission shall develop a plan for prioritizing cases to schedule for hearings. The commission shall report back to the transportation committees of the legislature on its case prioritization plan by December 15, 2005.

Sec. 103 2005 c 313 s 104 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account -- State Appropriation ((~~\$329,000~~))

\$330,000

The appropriation in this section is subject to the following conditions and limitations: (~~\$329,000~~) \$330,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the motor fuel quality program.

Sec. 104 2005 c 313 s 105 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHEOLOGY AND HISTORIC PRESERVATION

Motor Vehicle Account -- State Appropriation ((~~\$200,000~~))

\$487,000

The appropriation in this section is subject to the following conditions and limitations:

(1) (~~If Second Substitute Senate Bill No. 5056 is not enacted by June 30, 2005, the entire appropriation shall lapse.~~

~~(2) The entire~~) \$200,000 of the motor vehicle account--state appropriation is for additional staffing costs to be dedicated to state transportation activities. Furthermore, any staff hired to support transportation activities must have practical experience with complex construction projects.

(2) \$236,000 of the motor vehicle account--state appropriation is provided solely for legal expenses related to the Lower Elwha Klallam Tribe v. Washington (graving dock) case.

(3) \$51,000 of the motor vehicle account--state appropriation is provided solely for a pilot project testing remote sensing technology in archeological investigations and surveys for transportation projects.

NEW SECTION. Sec. 105 A new section is added to 2005 c 313 (uncodified) to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor Vehicle Account -- State Appropriation \$50,000

The appropriation in this section is subject to the following conditions and limitations: The total appropriation is provided solely for an evaluation of the current business needs of the legislative transportation fiscal committee staffs with respect to the transportation executive information system (TEIS). The committee shall work with the staffs of the transportation committees, the office of financial management, and the department of transportation to perform the evaluation. Results of the evaluation, including any recommendation for system improvements and usability, shall be submitted to the transportation committees of the legislature and the office of financial management by December 1, 2006.

GENERAL GOVERNMENT AGENCIES--CAPITAL

Sec. 106 2005 c 313 s 106 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE PARKS AND RECREATION--CAPITAL PROJECTS

Motor Vehicle Account -- State Appropriation ((~~\$1,400,000~~))

\$1,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) (~~\$1,300,000~~) \$900,000 of the motor vehicle account--state appropriation is a one-time appropriation and is provided solely for the SR 14 interchange portion of the Beacon Rock state park entrance road project. Any portion of the appropriation not expended by June 30, 2007, shall revert to the motor vehicle account--state.

(2) \$100,000 of the appropriation is provided solely for road work on state route 20 at Deception Pass state park.

TRANSPORTATION AGENCIES -- OPERATING

Sec. 201 2005 c 313 s 201 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account -- State Appropriation ((~~\$2,135,000~~))

\$2,145,000

Highway Safety Account -- Federal Appropriation ((~~\$15,828,000~~))

\$15,833,000

School Zone Safety Account -- State Appropriation \$3,300,000

Bicycle and Pedestrian Safety Account--State Appropriation \$40,000

TOTAL APPROPRIATION ((~~\$21,303,000~~))

\$21,318,000

The appropriations in this section are subject to the following conditions and limitations: The Washington traffic safety commission shall contract with the Washington state institute for public policy to conduct a study of the impact of state programs concerning the reduction of DUI recidivism. The study must include, on a prioritized basis to the extent federal funds are made available for the study, the following components: (1) The state's existing deferred prosecution program; (2) the state's vehicle impound program; and (3) other states' programs that restrict a person's access to the vehicle, or suspend the vehicle license and registration, upon arrest or conviction.

The completed study must be submitted to the appropriate legislative committees by December 1, 2006.

Sec. 202 2005 c 313 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account -- State Appropriation ((~~\$821,000~~))

\$823,000

Motor Vehicle Account -- State Appropriation ((~~\$1,942,000~~))

\$1,950,000

County Arterial Preservation Account -- State Appropriation ((~~\$777,000~~))

\$780,000

TOTAL APPROPRIATION ((~~\$3,540,000~~))

\$3,553,000

Sec. 203 2005 c 313 s 203 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account -- State Appropriation ((~~\$1,624,000~~))

\$1,630,000

Transportation Improvement Account -- State Appropriation ((~~\$1,625,000~~))

\$1,632,000

TOTAL APPROPRIATION ((~~\$3,249,000~~))

\$3,262,000

Sec. 204 2005 c 313 s 204 (uncodified) is amended to read as follows:

FOR THE BOARD OF PILOTAGE COMMISSIONERS

Pilotage Account -- State Appropriation ((~~\$417,000~~))

\$1,020,000

The appropriation in this section is subject to the following conditions and limitations: \$500,000 of the appropriation is provided solely for stipends to trainees in the training program as set forth in rules adopted by the board; however, if Engrossed Substitute Senate Bill No. 6870 (pilot trainees stipends) is enacted by June 30, 2006, then \$600,000 of the total appropriation provided in this act shall lapse and the appropriation provided in Engrossed Substitute Senate Bill No. 6870 shall govern.

Sec. 205 2005 c 313 s 205 (uncodified) is amended to read as follows:

FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account -- State Appropriation ((~~\$1,400,000~~))

\$1,763,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$200,000 of the total appropriation is provided solely for the joint transportation committee to conduct a finance study of the Washington state ferry system. The purpose of the study is to facilitate policy discussions and decisions by members of the legislature regarding the Washington state ferry system. The legislature recognizes there is a need within the Washington state ferry system for predictable cash flows, transparency, assessment of organizational structure, verification that the Washington state ferry system is operating at maximum efficiency, and better labor relations. The committee shall report the study to the house of representatives and senate transportation committees by December 1, 2006.

(b) The study must include, at a minimum, a review and evaluation of the ferry system's financial plan, including current assumptions and past studies, in the following areas:

(i) Operating program, including ridership, revenue, and cost forecasts and the accuracy of those forecasts; and

(ii) Capital program, including project scoping, prioritization and cost estimating, project changes including legislative input regarding significant project changes, and performance measures.

(c) In addition to committee members, or their designees, the governor shall appoint a representative for this study. The

committee may retain consulting services to assist the committee in conducting the study, including the evaluation of financial, operating, and capital plans. The committee may also appoint other persons to assist with the study.

(2) The joint transportation committee shall conduct a study regarding the feasibility of a statewide uniform motor vehicle excise tax (MVET) depreciation schedule. In addition to committee members, the participants in the study must include at a minimum the following individuals: (a) A representative of a regional transit authority (Sound Transit); (b) a representative of a regional transportation planning organization; (c) the secretary of transportation, or his or her designee; (d) a representative of the attorney general's office; (e) a representative of the department of licensing; and (f) a representative of the financial community. The purpose of the study is to develop an MVET depreciation schedule that more accurately reflects vehicle value but does not hinder outstanding contractual obligations.

(3) Funds provided in this section are sufficient for the committee to administer a study of the most reliable and cost-effective means of providing passenger-only ferry service.

(a) The study shall be guided by a 18 member task force consisting of the chairs and ranking members of the house of representatives and senate transportation committees, a designee of the director of the office of financial management, a member of the transportation commission, a designee of the secretary of transportation, a representative of organized labor, and ten stakeholders to be appointed by the governor as follows: Six representatives of ferry user communities, two representatives of public transportation agencies, and two representatives of commercial ferry operators.

(b) The study shall examine issues including but not limited to the long-term viability of different service providers, cost to ferry passengers, the state subsidies required by each provider, and the availability of federal funding for the different service providers.

(c) By November 30, 2005, the task force shall make its recommendations to the house of representatives and senate transportation committees.

(4) \$450,000 of the motor vehicle account--state appropriation is provided solely to administer a consultant study of the long-term viability of the state's transportation financing methods and sources.

(a) At a minimum, the study must examine the following: (i) The short and long-term viability of the motor fuel tax (both state and federal) as a major source of funding for transportation projects and programs; (ii) the desirability and effectiveness of state-distributed transportation funds for the benefit of local units of government; (iii) the potential for alternative and/or emerging sources of transportation revenues, with particular emphasis on user-based fees and charges; and (iv) trends and implications of debt financing for transportation projects. The scope of work for the study may be expanded to include analysis of other financing issues relevant to the long-term viability of the state's transportation system.

(b) The findings and recommendations must be submitted to the fiscal committees of the legislature by ~~(November 1, 2006)~~ January 1, 2007.

(5) \$84,000 of the motor vehicle account--state appropriation is provided solely to contract with the joint legislative audit and review committee for a review of the organization, decision-making processes, and performance measures of the traffic safety commission. The study will include an analysis of the role of commissioners and staff and the process for prioritizing the commission's initiatives.

(6) \$75,000 of the motor vehicle account--state appropriation is provided solely to contract with the Washington

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

state institute for public policy for a review of existing research on programs and policies which decrease accidents by teenage drivers, including but not limited to publicly operated driver education and intermediate drivers licensing programs. The institute shall also evaluate the costs and benefits of programs and policies showing the greatest positive impact on teenage driving safety.

Sec. 206 2005 c 313 s 206 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Table with 2 columns: Description and Amount. Rows include Motor Vehicle Account, Multimodal Transportation Account, and TOTAL APPROPRIATION.

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the motor vehicle fund account--state appropriation is provided solely for a comprehensive tolling study. The transportation commission, with the technical assistance of the department, must conduct a study of the state's transportation system to determine the feasibility of administering tolls on specific transportation facilities or a network of facilities.

(a) The study must include an analysis of the only currently-authorized toll facility, the Tacoma Narrows bridge project. The study findings must include (i) the development of more uniform and equitable policies regarding the distribution of financial obligations imposed on those paying the tolls on the Tacoma Narrows bridge, and (ii) opportunities and options for reducing the outstanding indebtedness on the bridge project, including the possibility of buy-downs and other means of spreading the cost of the project more equitably.

(b) The study element for the benefit of a regional transportation investment district or regional transportation improvement authority must also address the state highway system and other transportation facilities in King, Pierce, and Snohomish counties to determine the feasibility of value pricing on a facility or network of facilities. This study element should: (i) Determine the potential for value pricing to generate revenues for needed transportation facilities; (ii) maximize the efficient operation of facilities and the transportation network; and (iii) provide economic indicators for future system investments. This element of the study must take into account congestion levels, facility and corridor capacity, time of use, economic considerations, and other factors deemed appropriate.

(c) The study must specifically analyze the potential for a toll facility on SR 704, the cross-base highway located in Pierce county.

(2) ~~(\$2,270,000)~~ \$1,362,000 of the motor vehicle account--state appropriation is provided solely for the transportation performance audit board. ~~(Within this amount, the transportation performance audit board shall conduct a study and make recommendations to the legislature regarding the~~

~~modification RCW 47.01.012, state transportation goals and benchmarks. In conducting the study, the board shall consider at a minimum: Original recommendations of the Blue Ribbon Commission on Transportation; the current policy goals and benchmark categories; the goals outlined in Substitute House Bill No. 1969; the recent work related to benchmarks completed by the transportation commission and the Washington state department of transportation; the measures review completed by TPAB; and best practices.~~

~~The board shall submit study results, including any legislative recommendations, to the transportation committees of the legislature by January 1, 2006.)~~

(3) \$1,150,000 of the multimodal account--state appropriation is provided solely for a statewide rail capacity and needs analysis. The purpose of this study is to (a) assess the rail freight and rail passenger infrastructure needs in this state; (b) review the current powers, authorities, and interests the state has in both passenger and freight rail; (c) recommend public policies for state participation and ownership in rail infrastructure and service delivery, including but not limited to planning and governance issues; and (d) develop a rail asset management plan. The commission shall report their findings and conclusions of the study to the transportation committees of the legislature by December 1, 2006.

(4) The transportation commission shall implement tolls on the Tacoma Narrows bridge in the following manner:

(a) For the period when the new bridge is open and the preexisting bridge is undergoing rehabilitation, electronic toll users shall pay a toll of \$1.50. All other users will pay a toll of \$3.00; and

(b) When all lanes of both bridges are available to vehicles, the toll shall be \$3.00 except for commercial vehicles whose toll will be set by the commission.

Sec. 207 2005 c 313 s 207 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account -- State Appropriation (\$664,000)

The appropriation in this section is subject to the following conditions and limitations: The board shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects funded by this act.

Sec. 208 2005 c 313 s 208 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL -- FIELD OPERATIONS BUREAU

State Patrol Highway Account -- State Appropriation (\$202,530,000)

Table with 2 columns: Description and Amount. Rows include State Patrol Highway Account -- Federal Appropriation, State Patrol Highway Account -- Private/Local Appropriation, and TOTAL APPROPRIATION.

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject

FIFTY-SEVENTH DAY, MARCH 6, 2006

to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol. The patrol shall report to the house of representatives and senate transportation committees by December 31, 2005, on the use of agency vehicles by officers engaging in the off-duty employment specified in this subsection. The report shall include an analysis that compares cost reimbursement and cost-impacts, including increased vehicle mileage, maintenance costs, and indirect impacts, associated with the private use of patrol vehicles.

(2) In addition to the user fees, the patrol shall transfer into the state patrol nonappropriated airplane revolving account under RCW 43.79.470 no more than the amount of appropriated state patrol highway account and general fund funding necessary to cover the costs for the patrol's use of the aircraft. The state patrol highway account and general fund--state funds shall be transferred proportionately in accordance with a cost allocation that differentiates between highway traffic enforcement services and general policing purposes.

(3) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the transportation committees of the senate and house of representatives by December 31st of each year.

(4) The state patrol highway account--state appropriation for DUI reimbursements shall only be spent for pursuit vehicle video cameras, datamaster DUI testing equipment, tire deflator equipment, and taser guns. The Washington state patrol prior to the issuance of any taser guns will train the troopers on using the equipment. The agency will provide a report to the transportation committees of the senate and house of representatives by December 31st of each year on the occurrences where the taser guns were utilized along with any issues that have been identified.

(5) \$29,000 of the state patrol highway account--state appropriation is provided solely for the implementation of House Bill No. 1469. If House Bill No. 1469 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) \$5,580,000 of the total appropriation is provided solely for a 3.8% salary increase for commissioned officers effective July 1, 2005, in addition to any other salary increases provided for in this act.

((8)) (7) The Washington state patrol is authorized to use certificates of participation to fund the King Air aircraft replacement over a term of not more than ten years and an amount not to exceed \$1,900,000.

(8)(a) \$834,000 of the state patrol highway account--state appropriation is provided solely for the collective bargaining agreement reached between the governor and the Washington state patrol troopers association under chapter 438, Laws of 2005. For commissioned troopers and sergeants covered under this section, funding is provided for a 2.6% salary increase effective July 1, 2006. This increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Provisions of the collective bargaining agreement contained in this subsection are described in general terms. Only major economic terms are included in this description. This description does not contain the complete contents of the agreement. Due to the timing challenges in negotiating the initial collective bargaining agreement under chapter 438, Laws of 2005, this agreement was not concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st

deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

(b) \$62,000 of the state patrol highway account--state appropriation is provided solely for salary increases for commissioned captains and lieutenants covered under this section, if a new collective bargaining agreement is reached between the governor and the Washington state patrol lieutenants association by July 1, 2006. The amount provided in this subsection is contingent on an agreement being reached by July 1, 2006, and shall be held in reserve status until the agreement is reached. If an agreement is not reached by July 1, 2006, the amount provided in this subsection shall lapse. If an agreement is reached by July 1, 2006, the increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Due to the timing challenges in negotiating a collective bargaining agreement funded under this subsection, the agreement will not have been concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

(9) The Washington state patrol, in consultation with the department of licensing, local law enforcement agencies, and other appropriate organizations, shall study the options for implementing an inspection program for tow truck operators that are not licensed as registered tow truck operators. This study shall also evaluate prospective sources of funding and the amount of funding necessary for the program. The Washington state patrol shall report to the transportation committees of the legislature by December 1, 2006, on the options, strategies, and recommendations for implementing an inspection program for tow truck operators that are not licensed as registered tow truck operators.

(10) \$1,100,000 of the state patrol highway account--state appropriation is provided solely for the implementation of House Bill No. 2682. If House Bill No. 2682 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 209 A new section is added to 2005 c 313 (uncodified) to read as follows:

**FOR THE WASHINGTON STATE PATROL --
INVESTIGATIVE SERVICES BUREAU**

State Patrol Highway Account--State Appropriation
.. \$1,358,000

Sec. 210 2005 c 313 s 209 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL --
TECHNICAL SERVICES BUREAU**

State Patrol Highway Account -- State Appropriation
... ((~~\$82,748,000~~))

\$91,359,000

State Patrol Highway Account -- Private/Local
Appropriation \$2,008,000
TOTAL APPROPRIATION ((~~\$84,756,000~~))
\$93,367,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$247,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Second Substitute House Bill No. 1188. If Second Substitute House Bill No. 1188 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(2) The Washington state patrol is instructed to work with the risk management division in the office of financial management in compiling the state patrol data for establishing the agency's risk management insurance premiums to the tort claims account. The office of financial management and the Washington state patrol shall submit a report to the transportation committees of the senate and house of representatives by December 31st of each year on the number of claims, estimated claims to be paid, method of calculation, and the adjustment in the premium.

(3) ~~(\$6,228,000 of the total appropriation is provided solely for automobile fuel in the 2005-2007 biennium.~~

~~(4))~~ (4) \$8,678,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

~~((5))~~ (4) \$5,254,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.

~~((6))~~ (5) \$384,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the patrol.

(6)(a) \$28,000 of the state patrol highway account--state appropriation is provided solely for the collective bargaining agreement reached between the governor and the Washington state patrol troopers association under chapter 438, Laws of 2005. For commissioned troopers and sergeants covered under this section, funding is provided for a 2.6% salary increase effective July 1, 2006. This increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Provisions of the collective bargaining agreement contained in this subsection are described in general terms. Only major economic terms are included in this description. This description does not contain the complete contents of the agreement. Due to the timing challenges in negotiating the initial collective bargaining agreement under chapter 438, Laws of 2005, this agreement was not concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

(b) \$2,000 of the state patrol highway account--state appropriation is provided solely for salary increases for commissioned captains and lieutenants covered under this section, if a new collective bargaining agreement is reached between the governor and the Washington state patrol lieutenants association by July 1, 2006. The amount provided in this subsection is contingent on an agreement being reached by July 1, 2006, and shall be held in reserve status until the agreement is reached. If an agreement is not reached by July 1, 2006, the amount provided in this subsection shall lapse. If an agreement is reached by July 1, 2006, the increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Due to the timing challenges in negotiating a collective bargaining agreement funded under this subsection, the agreement will not have been concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

Sec. 211 2005 c 313 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING --
MANAGEMENT AND SUPPORT SERVICES**

Marine Fuel Tax Refund Account -- State Appropriation \$3,000

Motorcycle Safety Education Account -- State Appropriation \$96,000
Wildlife Account -- State Appropriation ~~(\$82,000)~~
\$95,000
Highway Safety Account -- State Appropriation ~~(\$11,418,000)~~
\$11,574,000
Motor Vehicle Account -- State Appropriation ~~(\$7,043,000)~~
\$7,381,000
DOL Services Account -- State Appropriation ~~(\$88,000)~~
\$102,000
~~((Biometric Security Account -- State Appropriation \$57,000))~~
TOTAL APPROPRIATION ~~(\$18,787,000)~~
\$19,251,000

The appropriations in this section are subject to the following conditions and limitations: \$1,134,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6103. If Engrossed Substitute Senate Bill No. 6103 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

Sec. 212 2005 c 313 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING --
INFORMATION SERVICES**

Marine Fuel Tax Refund Account -- State Appropriation \$2,000
Motorcycle Safety Education Account -- State Appropriation \$35,000
Wildlife Account -- State Appropriation \$102,000
Highway Safety Account -- State Appropriation ~~(\$20,698,000)~~
\$22,632,000
Motor Vehicle Account -- State Appropriation ~~(\$12,095,000)~~
\$12,135,000
Motor Vehicle Account -- Private/Local Appropriation \$500,000
DOL Services Account -- State Appropriation ~~(\$7,825,000)~~
\$5,919,000
~~((Biometric Security Account -- State Appropriation \$728,000))~~
TOTAL APPROPRIATION ~~(\$41,985,000)~~
\$41,325,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall submit a report to the transportation committees of the legislature, detailing the progress made in transitioning from the HP3000 system, by December 30, 2005, and each December 1st thereafter until the project is fully completed.

(2) \$357,000 of the motor vehicle account--state appropriation is provided solely for the implementation of all special license plate bills introduced during the 2005 legislative session and approved by the special license plate review board. The amount provided in this subsection shall be reduced accordingly for any of those bills that are not enacted by June 30, 2005.

(3) \$58,000 of the state wildlife account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5423. If Substitute Senate Bill No. 5423 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) \$145,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6103. If Engrossed Substitute Senate Bill No. 6103 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(5) \$8,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6287 (parking privileges for persons who are legally blind). If Substitute Senate Bill No. 6287 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(6) \$15,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2389 (parking privileges for persons with porphyria). If Substitute House Bill No. 2389 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(7) \$12,000 of the highway safety account--state appropriation is provided solely for the implementation of House Bill No. 2829 (driver training schools). If House Bill No. 2829 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 213 2005 c 313 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING -- VEHICLE SERVICES

Marine Fuel Tax Refund Account -- State Appropriation	\$26,000
Wildlife Account -- State Appropriation	(\$626,000)
	<u>\$627,000</u>
Motor Vehicle Account -- State Appropriation	(\$49,894,000)
	<u>\$51,276,000</u>
Motor Vehicle Account -- Private/Local Appropriation	\$872,000
DOL Services Account -- State Appropriation	\$1,146,000
Highway Safety Account--State Appropriation	\$404,000
TOTAL APPROPRIATION	(\$52,968,000)
	<u>\$54,351,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$247,000 of the motor vehicle account--state appropriation is provided solely for the implementation of all special license plate bills introduced during the 2005 legislative session and approved by the special license plate review board. The amount provided in this subsection shall be reduced accordingly for any of those bills that are not enacted by June 30, 2005.

(2) \$11,000 of the wildlife account--state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 5423. If Engrossed Senate Bill No. 5423 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(3) \$404,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6103. If Engrossed Substitute Senate Bill No. 6103 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) \$37,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6287 (parking privileges for persons who are legally blind). If Substitute Senate Bill No. 6287 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(5) \$5,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2389 (parking privileges for persons with porphyria). If Substitute House Bill No. 2389 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 214 2005 c 313 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING -- DRIVER SERVICES

Motorcycle Safety Education Account -- State Appropriation	(\$3,005,000)	<u>\$3,006,000</u>
Highway Safety Account -- State Appropriation	(\$85,051,000)	
		<u>\$87,078,000</u>
Highway Safety Account--Federal Appropriation	\$8,000	
(Biometric Security Account -- State Appropriation . . . . .	... \$1,523,000)	
TOTAL APPROPRIATION	(\$89,587,000)	
	<u>\$90,092,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$970,000 of the highway safety account--state appropriation is provided solely for the commercial driver license program. The department shall informally report to the transportation committees of the legislature on the progress made in addressing federal audit findings and in implementing the federal motor carrier safety improvement act. Reports shall be made by the following dates: November 1, 2005, and each November 1st thereafter.

(2) \$412,000 of the motorcycle safety and education account--state appropriation is provided solely for the department's motorcycle safety program. The department shall informally report to the transportation committees of the legislature detailing the progress made in implementing national highway traffic safety assessment guidelines. Reports shall be made by the following dates: November 1, 2005, and each November 1st thereafter.

(3) The department of licensing, in consultation with the department of transportation and other stakeholders, shall draft legislation to bring the state into compliance with any federal legislation or rules enacted relative to identification necessary for persons crossing international borders. The department shall report to the transportation committees of the legislature by December 1, 2005, on the recommended legislation for bringing the state into compliance with federal requirements.

(4) \$738,000 of the highway safety account--state appropriation is provided solely for the implementation of House Bill No. 2829 (driver training schools). If House Bill No. 2829 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(5) The department shall join in any lawsuits filed by other states seeking funding to implement the provisions of Title II of P.L. 109-13, improved security for driver's license and personal identification cards (Real ID), as passed by Congress May 10, 2005.

Sec. 215 2005 c 313 s 214 (uncodified) is amended to read as follows:

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND MAINTENANCE -- PROGRAM B

FOR THE DEPARTMENT OF TRANSPORTATION -- FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION -- PROGRAM D -- OPERATING

Tacoma Narrows Toll Bridge Account -- State Appropriation ((~~\$8,615,000~~))

Motor Vehicle Account -- State Appropriation ((~~\$33,499,000~~))

\$8,124,000

\$33,600,000

Sec. 216 2005 c 313 s 215 (uncodified) is amended to read as follows:

Sec. 218 2005 c 313 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION -- INFORMATION TECHNOLOGY -- PROGRAM C

FOR THE DEPARTMENT OF TRANSPORTATION -- AVIATION -- PROGRAM F

Motor Vehicle Account -- State Appropriation ((~~\$55,941,000~~))

Aeronautics Account -- State Appropriation ((~~\$5,632,000~~))

\$56,295,000

\$7,137,000

Motor Vehicle Account -- Federal Appropriation \$1,973,000

Aeronautics Account -- Federal Appropriation \$2,150,000

Puget Sound Ferry Operations Account -- State Appropriation ((~~\$8,558,000~~))

~~(Aircraft Search and Rescue Safety and Education Account -- State Appropriation \$262,000)~~

\$8,572,000

Multimodal Transportation Account -- State Appropriation \$363,000

Multimodal Transportation Account -- State Appropriation \$100,000

TOTAL APPROPRIATION ((~~\$66,835,000~~))

Multimodal Transportation Account -- Federal Appropriation \$900,000

\$67,203,000

TOTAL APPROPRIATION ((~~\$9,044,000~~))

\$10,287,000

The appropriations in this section are subject to the following conditions and limitations:

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((~~\$850,000~~))~~ \$800,000 of the motor vehicle account--state appropriation is provided solely for the continued maintenance and support of the transportation executive information system (TEIS). The TEIS shall be enhanced during the ~~((2005))~~ 2006 legislative interim to continue the shift towards a monitoring and reporting system capable of tracking and reporting on major project milestones and measurements. The department shall work with the legislature to identify and define meaningful milestones and measures to be used in monitoring the scope, schedule, and cost of projects. The department shall provide updated information on six project milestones for all active projects, funded in part or in whole with 2005 transportation partnership account funds or 2003 nickel account funds, on a quarterly basis in TEIS. The department shall also provide updated information on six project milestones for projects agreed to by the legislature, office of financial management, and the department, and funded with preexisting funds, on a quarterly basis in TEIS.

(1)(a) \$433,000 of the aeronautics account--state appropriation is provided solely for airport pavement projects. The department's aviation division shall complete a priority airport pavement project list by January 1, 2006, to be considered by the legislature in the 2006 supplemental budget. If Substitute Senate Bill No. 5414 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~(b) ((The entire aircraft search and rescue safety and education account appropriation shall lapse if Substitute Senate Bill No. 5414 is enacted by June 30, 2005.~~

~~(c))~~ If Substitute Senate Bill No. 5414 is enacted by July 1, 2005, then the remaining unexpended fund balance in the aircraft search and rescue, safety, and education account shall be deposited into the state aeronautics account.

(2) \$350,000 of the motor vehicle account--state appropriation is provided solely for a financial and capital project system needs assessment for future automation development and enhancements. The completed assessment will identify options which shall be presented to the transportation committees of the senate and the house of representatives by December 31, 2005.

(2) The entire multimodal transportation account--state and federal appropriations are provided solely for implementing Engrossed Substitute Senate Bill No. 5121. If Engrossed Substitute Senate Bill No. 5121 is not enacted by June 30, 2005, or if federal funds are not received by March 1, 2006, for the purpose of implementing Engrossed Substitute Senate Bill No. 5121, the amount provided in this subsection shall lapse.

Sec. 219 2005 c 313 s 218 (uncodified) is amended to read as follows:

(3) The department shall consult with the office of financial management and the department of information services to ensure that (a) the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, use or develop common statewide information systems to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication.

FOR THE DEPARTMENT OF TRANSPORTATION -- PROGRAM DELIVERY MANAGEMENT AND SUPPORT -- PROGRAM H

(4) The department shall review its GPS network services and survey data, and evaluate the added benefits of using real-time data from a regional cooperative GPS network.

Motor Vehicle Account -- State Appropriation ((~~\$48,961,000~~))

\$52,828,000

Motor Vehicle Account -- Federal Appropriation \$500,000

Multimodal Account -- State Appropriation \$250,000

TOTAL APPROPRIATION ((~~\$49,711,000~~))

\$53,578,000

Sec. 217 2005 c 313 s 216 (uncodified) is amended to read as follows:

The appropriations in this section are subject to the following conditions and limitations:

FIFTY-SEVENTH DAY, MARCH 6, 2006

(1) \$300,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely for the purposes of providing contract services to the association of Washington cities and Washington state association of counties for (a) activities of the transportation permit efficiency and accountability committee, including pilot mitigation banking activities, and (b) other permit delivery efforts.

(2) ~~(\$1,475,000)~~ \$1,775,000 of the motor vehicle account--state appropriation is provided solely for the staffing activities of the transportation permit efficiency and accountability committee.

(3) \$3,500,000 of the motor vehicle account--state appropriation is provided solely for consultant contracts to assist the department in the delivery of the capital construction program by identifying improvements to program delivery, program management, project controls, program and project monitoring, forecasting, and reporting. The consultants shall work with the department of information services and include department of information services' recommendations in their reports.

The consultants shall develop a capital construction strategic plan, due to the transportation committees of the house of representatives and senate and to the office of financial management, by June 30, 2006.

The consultants shall also coordinate their work with other budget and performance efforts, including Roadmap, the joint transportation committee budget study, the findings of the critical applications modernization and integration strategies study, including proposed next steps, and the priorities of government process.

The department shall report to the transportation committees of the house of representatives and senate, and the office of financial management, by July 31, 2006, on recommended capital budgeting and reporting options. Options must include appropriate project groupings for reporting purposes, and appropriate measures for reporting project progress, timeliness, cost, and criteria and processes for project transfers.

Sec.220 2005 c 313 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION -- ECONOMIC PARTNERSHIPS -- PROGRAM K

Motor Vehicle Account -- State Appropriation
~~(\$1,068,000)~~ \$1,072,000

Sec. 221 2005 c 313 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION --HIGHWAY MAINTENANCE -- PROGRAM M

Motor Vehicle Account -- State Appropriation
~~(\$296,648,000)~~ \$299,720,000

Motor Vehicle Account -- Federal Appropriation
\$1,426,000

Motor Vehicle Account -- Private/Local Appropriation
\$4,315,000

TOTAL APPROPRIATION
~~(\$302,389,000)~~ \$305,461,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major

disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account -- state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account -- private/local appropriation.

(4) Funding is provided for maintenance on the state system to allow for a continuation of the level of service targets included in the 2003-05 biennium. In delivering the program, the department should concentrate on the following areas:

(a) Meeting or exceeding the target for structural bridge repair on a statewide basis;

(b) Eliminating the number of activities delivered in the "f" level of service at the region level;

(c) Reducing the number of activities delivered in the "d" level of service by increasing the resources directed to those activities on a statewide and region basis; and

(d) Evaluating, analyzing, and potentially redistributing resources within and among regions to provide greater consistency in delivering the program statewide and in achieving overall level of service targets.

(5) The department shall develop and implement a plan to improve work zone safety on a statewide basis. As part of the strategy included in the plan, the department shall fund equipment purchases using a portion of the money from the annual OTEF equipment purchasing and replacement process. The department shall also identify and evaluate statewide equipment needs (such as work zone safety equipment) and prioritize any such needs on a statewide basis. Substitute purchasing at the statewide level, when appropriate, shall be utilized to meet those identified needs. The department must report to the transportation committees of the legislature by December 1, 2005, on the plan, and by December 1, 2006, on the status of implementing the plan.

Sec. 222 2005 c 313 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION -- TRAFFIC OPERATIONS -- PROGRAM Q--OPERATING

Motor Vehicle Account -- State Appropriation
~~(\$42,811,000)~~ \$43,847,000

Motor Vehicle Account -- Federal Appropriation
\$2,050,000

Motor Vehicle Account -- Private/Local Appropriation
\$128,000

TOTAL APPROPRIATION
~~(\$44,989,000)~~ \$46,025,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,400,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(2) The department shall provide directional signs to the Muckleshoot tribal offices on Interstate 5 and State Routes 167 and 410. The Muckleshoot tribe will pay for the signs.

Sec. 223 2005 c 313 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION -- TRANSPORTATION MANAGEMENT AND SUPPORT -- PROGRAM S

Motor Vehicle Account -- State Appropriation	
(\$25,434,000)	<u>\$25,516,000</u>
Motor Vehicle Account -- Federal Appropriation	
\$30,000	
Puget Sound Ferry Operations Account -- State	
Appropriation \$1,321,000	
Multimodal Transportation Account -- State Appropriation	
..... \$973,000	
TOTAL APPROPRIATION	(\$27,758,000)
	<u>\$27,840,000</u>

Sec. 224 2005 c 313 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION -- TRANSPORTATION PLANNING, DATA, AND RESEARCH -- PROGRAM T

Motor Vehicle Account -- State Appropriation	
(\$22,390,000)	<u>\$22,602,000</u>
Motor Vehicle Account -- Federal Appropriation	
\$16,756,000	
Multimodal Transportation Account -- State Appropriation	
..... (\$2,267,000)	<u>\$2,379,000</u>
Multimodal Transportation Account -- Federal	
Appropriation \$2,829,000	
Multimodal Transportation Account -- Private/Local	
Appropriation \$100,000	
Transportation Partnership Account--State	
Appropriation (\$6,000,000)	<u>\$2,000,000</u>
TOTAL APPROPRIATION	(\$50,342,000)
	<u>\$46,666,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) In order to qualify for state planning funds available to regional transportation planning organizations under this section, a regional transportation planning organization containing any county with a population in excess of one million shall provide voting membership on its executive board to any incorporated principal city of a metropolitan statistical area within the region, as designated by the United States census bureau, and to any incorporated city within the region with a population in excess of eighty thousand as of July 1, 2005. Additionally, a regional transportation planning organization described under this subsection shall conduct a review of its executive board membership criteria to ensure that the criteria appropriately reflects a true and comprehensive representation of the organization's jurisdictions of significance within the region.

~~((3)) \$2,000,000 of the transportation partnership account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) election and department of transportation project oversight. These funds~~

~~are provided as a loan to the RTID and shall be repaid to the state motor vehicle account within one year following the certification of the election results related to the RTID. If either Engrossed Substitute House Bill No. 2157 or Senate Bill No. 6089 are enacted by June 30, 2005, the amount provided in this subsection shall lapse. None of this appropriation may be used for election expenses for an election held before January 1, 2006.~~

~~---~~~~(4))~~ (2) \$175,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department to support the processing and analysis of the backlog of city and county collision reports by January 2006. The amount provided in this subsection shall lapse if federal funds become available for this purpose.

~~((5))~~ (3) \$150,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1565. If Engrossed Second Substitute House Bill No. 1565 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((6))~~ (4) The department of transportation shall evaluate the number of spaces available for long-haul truck parking relative to current and projected future needs. The department of transportation shall also explore options for augmenting the number of spaces available, including, but not limited to, expanding state-owned rest areas or modifying regulations governing the use of these facilities, utilizing weigh stations and park and ride lots, and encouraging the expansion of the private sector's role. Finally, the department shall explore the utility of coordinating with neighboring states on long-haul truck parking and evaluate methodologies for alleviating any air quality issues relative to the issue. The department must report to the transportation committees of the legislature by December 1, 2005, on the options, strategies, and recommendations for long-haul truck parking.

~~((7))~~ (5) \$50,000 of the multimodal transportation account--state appropriation is provided solely for evaluating high-speed passenger transportation facilities and services, including rail or magnetic levitation transportation systems, to connect airports as a means to more efficiently utilize airport capacity, as well as connect major population and activity centers. This evaluation shall be coordinated with the airport capacity and facilities market analysis conducted pursuant to Engrossed Substitute Senate Bill No. 5121 and results of the evaluation shall be submitted by July 1, 2007. If Engrossed Substitute Senate Bill No. 5121 is not enacted by June 30, 2005, or if federal funds are not received by March 1, 2006, for the purpose of implementing Engrossed Substitute Senate Bill No. 5121, the amount provided in this subsection shall lapse.

(6) The department shall conduct a study of the resources allocated to each of the seven department regions and the corresponding workloads. Given the magnitude of the investments in the Puget Sound region, particular emphasis shall be given to reviewing the resources allocated and corresponding workloads with respect to the urban corridors region and the northwest region. Based on the results of this study, the department shall submit recommendations by December 1, 2006, to the legislature and the office of financial management regarding reallocating resources and revising regional boundaries within the department, as appropriate, in order to better coincide allocated resources with designated regional boundaries.

(7) \$1,000,000 of the multimodal transportation account--state appropriation is provided solely for implementing Engrossed Substitute House Bill No. 2871. If Engrossed Substitute House Bill No. 2871 is not enacted by June 30, 2006,

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

the amount provided in this subsection shall lapse. The regional transportation commission's duties to develop, complete, and submit a governance proposal to the 2007 legislature are highly time sensitive. As a result, the director of the office of financial management shall determine that competitive bidding is not cost-effective or appropriate for personal service contracts entered into by the commission, and, by the director's authority under RCW 39.29.011(5), shall exempt any such personal service contract from the competitive bidding requirements of chapter 39.29 RCW.

(8) \$2,000,000 of the transportation partnership account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) election, not including public outreach activities, and department of transportation project oversight. The department shall provide support from its urban corridors region to assist in preparing project costs, expenditure plans, and modeling. The department shall not deduct a management reserve, nor charge management or overhead fees. These funds are provided as a loan to the RTID and shall be repaid to the state motor vehicle account within one year following the certification of the election results related to the RTID. If neither Engrossed Substitute House Bill No. 2871 nor Substitute Senate Bill No. 6599 is enacted by June 30, 2006, the amount provided in this subsection shall lapse. None of this appropriation may be used for election expenses for an election held before January 1, 2007.

(9) \$100,000 of the motor vehicle account--state appropriation is provided solely to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely to conduct an analysis of expanding the transportation concurrency requirements prescribed under the growth management act, chapter 36.70A RCW, to include development impacts on level of service standards applicable to state-owned transportation facilities, including state highways and state ferry routes. The objective of the analysis is to determine how to ensure that jurisdictional divisions do not defeat growth management act concurrency goals. The department shall convene a committee to oversee the analysis, with the committee comprised of, at a minimum, four members of the transportation committees of the legislature, four members of the appropriate land use committees of the legislature, and one member each from the association of Washington cities and the Washington state association of counties, or a designee thereof. The completed study, including recommendations, must be submitted to the appropriate standing committees of the legislature, and to the office of financial management, by December 1, 2006.

(10) The department of transportation, the Washington state economic revenue forecast council, and the office of financial management shall review and adopt a method of forecasting motor vehicle and special fuel prices, revenue, and the amount of consumption that has an increased rate of accuracy as compared to the existing method. The three agencies shall submit a report to the transportation committees of the legislature by December 1, 2006, outlining the methods researched and the criteria utilized to select and adopt the new fuel forecasting method.

Sec. 225 2005 c 313 s 224 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION -- CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Account -- State Appropriation
((~~\$45,030,000~~))

\$46,874,000

Motor Vehicle Account -- Federal Appropriation
\$400,000
TOTAL APPROPRIATION ((~~\$45,430,000~~))
\$47,274,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$31,749,000 of the motor vehicle fund--state appropriation is provided solely for the liabilities attributable to the department of transportation. The office of financial management must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT DIVISION OF RISK MANAGEMENT FEES
\$1,667,000

(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR ((~~\$1,017,000~~))
\$1,026,000

(c) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES \$4,049,000

(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL ((~~\$3,572,000~~))
\$4,548,000

(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION
\$31,749,000

(f) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE
\$1,717,000

(g) FOR ARCHIVES AND RECORDS MANAGEMENT
\$545,000

(h) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS ENTERPRISES ((~~\$1,114,000~~))
\$1,124,000

(i) FOR PAYMENT OF THE DEPARTMENT OF PERSONNEL HRMS PAYROLL SYSTEM \$817,000

(j) FOR PAYMENT OF THE OFFICE OF FINANCIAL MANAGEMENT ROADMAP CHARGES
\$12,000

(k) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT CAPITAL BUDGET SYSTEM CHARGES
\$15,000

(l) FOR PAYMENT OF DEPARTMENT OF INFORMATION SERVICES RATE INCREASES \$5,000

Sec. 226 2005 c 313 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION -- PUBLIC TRANSPORTATION -- PROGRAM V

Multimodal Transportation Account -- State Appropriation ((~~\$62,269,000~~))
\$87,133,000

Multimodal Transportation Account -- Federal

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

Appropriation	\$2,603,000
Multimodal Transportation Account -- Private/Local	
Appropriation	\$155,000
TOTAL APPROPRIATION	(\$65,027,000)
	<u>\$89,891,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$5,500,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$19,500,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2003 as reported in the "Summary of Public Transportation - 2003" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. The first \$450,000 provided to King county shall be used as follows:

(i) \$320,000 shall be used to provide electric buses, instead of diesel buses, for service on Capital Hill in Seattle, Washington through June 30, 2007;

(ii) \$130,000 shall be used to provide training for blind individuals traveling through Rainier Valley and the greater Seattle area. The training is to include destination training and retraining due to the expected closure of the downtown bus tunnel and training on how to use the Sound Transit light rail system.

(2) Funds are provided for the rural mobility grant program as follows:

(a) \$7,000,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the Summary of Public Transportation - 2003 published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$7,000,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(3) ~~(\$5,000,000)~~ \$8,900,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; no operating costs for public transit agencies are eligible for funding under this grant program. No additional employees may be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. Additional criteria for selecting grants must include leveraging funds other than state funds.

(4) \$3,000,000 of the multimodal transportation account--state appropriation is provided solely for the city of

Seattle for the Seattle streetcar project on South Lake Union. ~~((Should the city receive any state funds for this purpose during the 2003-05 or 2005-07 biennium, the amount provided in this subsection must be reduced accordingly.))~~

(5) \$1,200,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 2124. If Engrossed Substitute House Bill No. 2124 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6)(a) \$20,000,000 of the multimodal transportation account--state appropriation is provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2006-B, Regional Mobility Grant Program Projects as developed February 27, 2006. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. When funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout, the department shall expeditiously extend new grant awards to qualified alternative projects identified on the list.

(b) Pursuant to the grant program established in ((Engrossed Substitute House Bill No. 2124)) RCW 47.66.030, the department shall issue a call for projects and/or service proposals. Applications must be received by the department by November 1, 2005, and November 1, 2006. The department must submit a prioritized list for funding to the transportation committees of the legislature that reflects the department's recommendation, as well as, a list of all project or service proposals received.

(7) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely for new tri-county connection service for Island, Skagit, and Whatcom transit agencies.

(8) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely to King county as a state match to obtain federal funding for a car sharing program for persons meeting certain income or employment criteria.

(9) \$750,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of the local government and regional transportation planning requirements in Engrossed Substitute House Bill No. 3089 (commute trip reduction). The department may use contract or temporary employees to implement the bill and shall allocate the remaining funds to regional transportation planning organizations, counties, and cities on an as needed basis. If Engrossed Substitute House Bill No. 3089 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(10) \$200,000 of the multimodal account appropriation is provided solely for up to three low-income car ownership programs. The department shall seek to leverage available federal funds from the job access and reverse commute program to augment the funding provided in this subsection. Additionally, the department shall report back to the appropriate committees of the legislature with a review of the obstacles presented by state laws on surplus property disposal to

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

community organizations reconditioning cars and selling those cars at below market rates to low-income families.

Sec. 227 2005 c 313 s 226 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION -- MARINE -- PROGRAM X

Puget Sound Ferry Operations Account -- State Appropriation	(\$350,454,000)	<u>\$372,254,000</u>
Multimodal Transportation Account -- State Appropriation	\$3,660,000	
TOTAL APPROPRIATION	(\$354,114,000)	<u>\$375,914,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$57,928,000)~~ \$75,280,000 of the total appropriation is provided solely for auto ferry vessel operating fuel in the 2005-2007 biennium.

(2) ~~(The total appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 2005-2007 biennium may not exceed \$222,356,000, plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$584.58 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2006 and \$584.58 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2007, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 2005-2007 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2)-))~~ The maximum amount of expenditures for compensation paid to ferry employees during the 2005-2007 biennium shall not exceed \$226,455,000. This amount reflects the sole source of state funding available to support the implementation of any collective bargaining agreements or arbitration awards with respect to state ferry employee compensation, including salaries, wages, and employee benefits, during the 2005-2007 biennium, which amount includes \$6,223,000 in full satisfaction of the arbitration awards for the 2001-2003 biennium and \$1,339,000 for labor productivity gains agreements. The department's use of this expenditure authority constitutes a good faith attempt to implement such agreements and awards, including those applicable to prior biennia. It is the intent of the legislature that the expenditure authority provided in this subsection fully satisfy any agreements or awards required to be implemented during the 2005-2007 biennium, and that the provisions of Substitute House Bill No. 3178 (marine employees collective bargaining) will govern the implementation of agreements or awards effective beginning with the 2007-2009 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's state administrative and accounting manual, chapter 75.70, named under objects of expenditure "A" and "B".

(3) \$1,116,000 of the Puget Sound ferry operations account--state appropriation is provided solely for ferry security operations necessary to comply with the ferry security plan

submitted by the Washington state ferry system to the United States coast guard. The department shall track security costs and expenditures. Ferry security operations costs shall not be included as part of the operational costs that are used to calculate farebox recovery.

(4) The Washington state ferries must work with the department's information technology division to implement an electronic fare system, including the integration of the regional fare coordination system (smart card). Each December and June, semi-annual updates must be provided to the transportation committees of the legislature concerning the status of implementing and completing this project, with updates concluding the first December after full project implementation.

(5) The Washington state ferries shall continue to provide service to Sidney, British Columbia.

(6) \$3,660,000 of the multimodal transportation account--state appropriation is provided solely to provide passenger-only ferry service. The ferry system shall continue passenger-only ferry service from Vashon Island to Seattle through June 30, 2007. Beginning September 1, 2005, ferry system management shall implement its agreement with the Inlandboatmen's Union of the Pacific and the International Organization of Masters, Mates and Pilots providing for part-time passenger-only work schedules. ~~((Funds may not be spent to implement the results of the passenger-only ferry study conducted by the joint transportation committee provided in section 205 of this act until approved by the legislature.))~~

(7) \$350,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the implementation of Substitute House Bill No. 3178 (marine employees collective bargaining). If Substitute House Bill No. 3178 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 228 2005 c 313 s 227 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION -- RAIL -- PROGRAM Y -- OPERATING

Multimodal Transportation Account -- State Appropriation	(\$36,420,000)	<u>\$36,826,000</u>
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$29,091,000 of the multimodal transportation account -- state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service.

(2) \$2,750,000 of the multimodal transportation account--state appropriation is provided solely for a new round trip rail service between Seattle and Portland beginning July 1, 2006.

(3) No AMTRAK Cascade runs may be eliminated.

(4) ~~(\$200,000)~~ \$40,000 of the multimodal transportation account--state appropriation is provided solely for the produce railcar program. The department is encouraged to implement the produce railcar program by maximizing private investment.

Sec. 229 2005 c 313 s 228 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION -- LOCAL PROGRAMS -- PROGRAM Z--OPERATING

Motor Vehicle Account -- State Appropriation	(\$7,947,000)	<u>\$8,500,000</u>
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FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

Motor Vehicle Account -- Federal Appropriation \$2,597,000
Multimodal Transportation Account--State Appropriation (((\$211,000))

\$411,000
TOTAL APPROPRIATION (((\$10,755,000))
\$11,508,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$211,000 of the motor vehicle account--state appropriation and (((\$211,000)) \$411,000 of the multimodal transportation account--state appropriation are provided solely for the state's contribution to county and city studies of flood hazards in association with interstate highways. First priority shall be given to threats along the I-5 corridor.

(2) \$525,000 of the motor vehicle account--state appropriation is provided solely to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely for contract services with the association of Washington cities and the Washington state association of counties for improving transportation permitting and mitigation processes.

TRANSPORTATION AGENCIES--CAPITAL

Sec. 301 2005 c 313 s 302 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account -- State Appropriation (((\$67,933,000))

\$64,933,000
Motor Vehicle Account -- State Appropriation \$355,000

County Arterial Preservation Account -- State Appropriation (((\$30,392,000))

\$32,697,000
TOTAL APPROPRIATION (((\$98,680,000))
\$97,985,000

The appropriations in this section are subject to the following conditions and limitations: \$355,000 of the motor vehicle account--state appropriation is provided for county ferries as set forth in RCW 47.56.725(4).

Sec. 302 2005 c 313 s 303 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account -- State Appropriation (((\$99,425,000))

\$101,425,000
Small City Preservation and Sidewalk Account -- State Appropriation \$2,000,000

Transportation Improvement Account -- State Appropriation (((\$103,601,000))

\$94,401,000
TOTAL APPROPRIATION (((\$205,026,000))
\$197,826,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement account -- state appropriation includes up to \$14,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. ((The transportation improvement board may authorize the use of

current revenues available to the agency in lieu of bond proceeds for any part of the state appropriation.)

(2) \$2,000,000 of the small city preservation and sidewalk account--state appropriation is provided to fund the provisions of chapter 83, Laws of 2005 (Substitute Senate Bill No. 5775).

Sec. 303 2005 c 313 s 304 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION -- PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS) -- CAPITAL

Motor Vehicle Account -- State Appropriation (((\$2,492,000))

\$2,328,000

The appropriation in this section is subject to the following conditions and limitations:

(1) (((\$601,000)) \$584,000 of the motor vehicle account--state appropriation is provided solely for ((the)) statewide administration.

(2) \$632,000 of the motor vehicle account--state appropriation is provided solely for regional minor projects.

(3) (((\$224,000)) \$305,000 of the motor vehicle account--state appropriation is provided solely for designing the replacement of the existing outdated maintenance facility in Ephrata.

(4) (((\$219,000)) \$239,000 of the motor vehicle account--state appropriation is provided solely for the designing of the northwest regional maintenance complex in Seattle.

(5) (((\$833,000)) \$568,000 of the motor vehicle account--state appropriation is provided solely for the Olympic region headquarters project.

(a) The department of transportation is authorized to use certificates of participation for the financing of the Olympic region project in the amount of \$34,874,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW.

(b) The Washington state department of transportation may utilize the design-build process in accordance with chapter 39.10 RCW for the Olympic region project. If the design-build process is used, it may be developed in partnership with the department of general administration.

Sec. 304 2005 c 313 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION -- IMPROVEMENTS -- PROGRAM I

Transportation 2003 Account (Nickel Account) -- State Appropriation (((\$1,175,004,000))

\$1,180,217,000
Motor Vehicle Account -- State Appropriation (((\$70,359,000))

\$82,236,000
Motor Vehicle Account -- Federal Appropriation (((\$229,036,000))

\$390,742,000
Motor Vehicle Account -- Private/Local Appropriation (((\$33,893,000))

\$58,522,000
Special Category C Account--State Appropriation (((\$3,419,000))

\$3,961,000
Tacoma Narrows Toll Bridge Account Appropriation (((\$272,329,000))

\$274,038,000

FIFTY-SEVENTH DAY, MARCH 6, 2006

Transportation Partnership Account--State	
Appropriation	(\$519,786,000)
	\$384,186,000

Multimodal Transportation Account -- State	
Appropriation	\$1,002,000
TOTAL APPROPRIATION	(\$2,303,826,000)
	\$2,374,904,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document (~~(2005-6)~~) 2006-1, Highway Improvement Program (I) as developed (~~(April 24, 2005)~~) February 27, 2006, except for: Funding for SR 522 for the Paradise Lake road and Snohomish River bridge sections. Instead, this funding is returned to its original allocations under the nickel program. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

~~((b))~~ (a) Within the amounts provided in this subsection, ~~(\$5,000,000)~~ \$6,835,000 of the transportation partnership account--state appropriation ~~(is provided solely)~~, \$5,002,000 of the transportation 2003 account (nickel account)--state appropriation, and \$2,645,000 of the motor vehicle account--federal appropriation are for project ~~((I09040S))~~ I09040T: I-90/Seattle to Mercer Island – Two way transit/HOV. Expenditure of these funds is contingent upon the development of an access plan that provides equitable and dependable access for I-90 Mercer Island exit and entry.

~~((c))~~ (b) Within the amounts provided in this subsection, \$500,000 of the transportation partnership account--state appropriation is ~~(provided solely)~~ for a west Olympia access study, to complete an access study for state route 101/west Olympia.

~~((d))~~ (c) Within the amounts provided in this subsection, \$800,000 of the transportation partnership account--state appropriation is ~~(provided solely)~~ for an SR 534 access point decision report.

~~((e))~~ (d) Within the amounts provided within this subsection, ~~(\$435,000,000)~~ \$6,000,000 of the transportation partnership account--state appropriation is ~~(provided solely)~~ for project 509009B: I-90 Snoqualmie Pass East - Hyak to Keechelus dam. However, if the preferred alternative selected for this project results in a lower total project cost, the remaining funds may be used for concrete rehabilitation on I-90 in the vicinity of this project.

(2) The motor vehicle account--state appropriation includes ~~(\$53,000,000)~~ up to \$40,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. ~~(The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.)~~

(3) The department shall not commence construction on any part of the SR 520 bridge project until agreements have been reached with the incorporated towns or cities that represent the communities affected by the SR 520 project. The agreements must provide reasonable assurance that no further degradation will occur to the citizens' current use and enjoyment of their properties as a result of repairs and improvements made to the SR 520 bridge and its connecting roadways. Such assurances may be achieved through engineering design choices, mitigation measures, or a combination of both.

(4) The transportation partnership account--state appropriation includes ~~(\$400,000,000)~~ up to \$150,000,000 in proceeds from the sale of bonds authorized ~~(by Substitute~~

House Bill No. 2311 (or the version as enacted into law)) in RCW 47.10.873. ~~(The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.)~~

(5) The Tacoma Narrows toll bridge account--state appropriation includes up to \$257,016,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The Tacoma Narrows toll bridge account--state appropriation includes ~~(\$15,313,000)~~ up to \$17,022,000 in unexpended proceeds from the ~~(January 2003)~~ March 2005 bond sale authorized in RCW 47.10.843 for the Tacoma Narrows bridge project.

(6) The transportation 2003 account (nickel account)--state appropriation includes ~~(\$940,000,000)~~ up to \$885,000,000 in proceeds from the sale of bonds authorized by chapter 147, Laws of 2003. ~~(The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.)~~

~~(7) To manage some projects more efficiently, federal funds may be transferred from program Z to program I and replaced with state funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2006.~~

~~((8))~~ (7) The department shall, on a quarterly basis beginning July 1, 2005, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act ~~(and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium)~~. Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

~~((9))~~ (8) The department of transportation shall conduct an analysis of the causes of traffic congestion on I-5 in the vicinity of Fort Lewis and develop recommendations for alleviating the congestion. The department must report to the transportation committees of the legislature by December 1, 2005, on its analysis and recommendations regarding traffic congestion on I-5 in the vicinity of Fort Lewis.

~~((10))~~ (9) The department of transportation is authorized to proceed with the SR 519 Intermodal Access project if the city of Seattle has not agreed to a project configuration or design by July 1, 2006.

~~(\$12,513,000,000)~~ (10) \$12,841,000 of the transportation 2003 account (nickel account)--state appropriation and ~~(\$5,000,000)~~\$4,939,000 of the transportation partnership account--state appropriation are provided solely for construction of a new interchange on SR 522 to provide direct access to the University of Washington Bothell/Cascadia community college joint campus. This appropriation assumes an additional ~~(\$8,000,000)~~ \$8,061,000 will be provided in the 2007-09 biennium from the transportation partnership account.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(11) The motor vehicle account--state appropriation includes up to \$14,214,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.843.

(12) The special category C account--state appropriation includes up to \$1,710,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.812.

(13) The department should consider using mitigation banking on appropriate projects whenever possible, without increasing the cost to projects. The department should consider using the advanced environmental mitigation revolving account (AEMRA) for corridor and watershed based mitigation opportunities, in addition to project specific mitigation.

(14) \$6,200,000 of the motor vehicle account--federal appropriation is provided solely for eastern Washington international border crossing and freight mobility projects, including pavement preservation, pavement structural strengthening, and other safety enhancements. Projects shall include funding for U.S. route 97 international border vicinity paving and improvement projects, and the Usk Bridge.

(15) \$19,262,149 of the motor vehicle account--federal appropriation and \$1,873,478 of the transportation 2003 account (nickel account) appropriation are provided solely for project 154302E: SR 543 (I-5 to the international boundary).

(16) \$3,509,738 of the motor vehicle account--federal appropriation and \$30,793 of the motor vehicle account--state appropriation are provided solely for project 100598C: I-5 Blaine Exit interchange improvements.

(17) \$250,000 of the transportation 2003 (nickel) account appropriation within the SR 520 project funding for project design is provided solely for the city of Seattle to prepare a plan for addressing the impacts of the SR 520 bridge replacement and HOV project on Seattle neighborhoods, parks, and institutions of higher education. In evaluating the project's impacts, the city shall give great weight to the concerns of neighborhoods and institutions of higher education impacted by design proposals. The mayor and council shall convene the advisory committee. The mayor and council shall have final approval of the plan. The legislature intends that the plan will allow a comprehensive approach to mitigating the impacts of the project and that the city presents the plan to the state department of transportation. The state department of transportation shall not commence construction on any part of the SR 520 bridge replacement and HOV project until agreements have been reached with the city, consistent with the 520 expansion impact plan.

The city must designate representation from the community council of each neighborhood impacted by the SR 520 bridge replacement and HOV project and representation from the arboretum to serve on an advisory committee to guide the planning process and plan preparation of the 520 expansion impact plan. The University of Washington shall designate a representative to serve on the advisory committee. The secretary of the state department of transportation shall designate a representative to serve on the advisory committee. The funds provided may be spent to contract with a consultant to: (a) Facilitate the activities of the advisory committee; (b) analyze impacts of alternative designs; (c) perform conceptual design work on proposals made by the advisory committee; and (d) prepare mitigation plans for alternative design concepts.

(18) After April 1, 2006, the Washington state department of transportation shall continue planning for the Alaskan Way viaduct only for alternatives described in the environmental impact statement for which full funding is appropriated, earmarked, or in hand.

(19) Prior to commencing construction, the department of transportation must complete all of the following requirements for both the Alaskan Way viaduct and Seattle seawall

replacement project, and the state route number 520 bridge replacement and HOV project: (a) In accordance with the national environmental policy act, the department must designate the preferred alternative, prepare a substantial project mitigation plan, and complete a comprehensive cost estimate review using the department's cost estimate validation process, for each project; (b) in accordance with all applicable federal highway administration planning and project management requirements, the department must prepare a project finance plan for each project that clearly identifies secured and anticipated fund sources, cash flow timing requirements, and project staging and phasing plans if applicable; and (c) the department must report these results for each project to the joint transportation committee.

Sec. 305 2005 c 313 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION -- PRESERVATION -- PROGRAM P

Transportation 2003 Account (Nickel Account) -- State Appropriation	(\$10,622,000)	\$1,687,000
Motor Vehicle Account -- State Appropriation	(\$76,824,000)	\$104,330,000
Motor Vehicle Account -- Federal Appropriation	(\$404,360,000)	\$431,311,000
Motor Vehicle Account -- Private/Local Appropriation	(\$6,656,000)	\$8,485,000
Puyallup Tribal Settlement Account--State Appropriation	\$11,000,000	
Transportation Partnership Account--State Appropriation	(\$139,533,000)	\$24,540,000
TOTAL APPROPRIATION	(\$648,995,000)	\$581,353,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document ((2005-6) 2006-1, Highway Preservation Program (P) as developed ((April 24, 2005)) February 27, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

((a) Within the amounts provided in this subsection, \$139,033,000 of the transportation partnership account--state appropriation is provided solely for implementation of structures preservation (P2) projects.

(b) Within the amounts provided in this subsection, \$500,000 of the transportation partnership account--state appropriation is provided solely for implementation of other facilities (P3) projects.)

(2) \$11,000,000 of the Puyallup tribal settlement account--state appropriation is provided solely for mitigation costs associated with the Murray Morgan/((11st)) 11th Street Bridge demolition. The department may negotiate with the city of Tacoma for the purpose of transferring ownership of the Murray Morgan/11th Street Bridge to the city. The department may use the Puyallup tribal settlement account appropriation, as well as any funds appropriated in the current biennium and

FIFTY-SEVENTH DAY, MARCH 6, 2006

planned in future biennia for the demolition and mitigation for the demolition of the bridge to rehabilitate or replace the bridge, if agreed to by the city. In no event shall the department's participation exceed \$26,500,000 and no funds may be expended unless the city of Tacoma agrees to take ownership of the bridge in its entirety and provide that the payment of these funds extinguishes any real or implied agreements regarding future expenditures on the bridge.

(3) ~~(\$11,590,000)~~ \$740,000 of the motor vehicle account--state appropriation, ~~(\$95,299,000)~~ \$106,149,000 of the motor vehicle account--federal appropriation, and ~~(\$113,591,000)~~ \$10,305,000 of the transportation partnership account--state appropriation are provided solely for the Hood Canal bridge project.

(4) The motor vehicle account--state appropriation includes ~~(\$530,000)~~ up to \$735,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes.

(5) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

~~(6) (To manage some projects more efficiently, federal funds may be transferred from program Z to program P and replaced with state funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2006.~~

~~(7))~~ The department shall, on a quarterly basis beginning July 1, 2005, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act ~~(and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium)~~. Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(7) The motor vehicle account--state appropriation includes up to \$912,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.843.

(8) The motor vehicle account--state appropriation includes up to \$15,000,000 in proceeds from the sale of bonds authorized by House Bill No. 3315. Of this amount \$10,000,000 is for repair of unstable slopes that threaten state highways and \$5,000,000 is for emergency repairs. Slide repair on state routes 101, 4, 105, and 107 must be funded from the amount provided in this subsection if federal emergency funds are not available.

Sec. 306 2005 c 313 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION -- TRAFFIC OPERATIONS -- PROGRAM Q--CAPITAL

Motor Vehicle Account -- State Appropriation	(\$17,519,000)	
		<u>\$17,555,000</u>
Motor Vehicle Account -- Federal Appropriation	\$15,068,000	
Motor Vehicle Account--Local Appropriation	\$108,000	
TOTAL APPROPRIATION	(\$32,695,000)	<u>\$32,731,000</u>

The appropriations in this section are subject to the following conditions and limitations: The motor vehicle account--state appropriation includes \$11,255,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than the commercial vehicle information systems and network. These moneys shall be placed into reserve status until such time as federal funds are secured that require a state match.

Sec. 307 2005 c 313 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION -- WASHINGTON STATE FERRIES CONSTRUCTION -- PROGRAM W

Puget Sound Capital Construction Account -- State Appropriation	(\$153,184,000)	<u>\$122,324,000</u>
Puget Sound Capital Construction Account -- Federal Appropriation	(\$59,967,000)	<u>\$73,590,000</u>
Puget Sound Capital Construction Account--Private/Local Appropriation	\$26,000	
Multimodal Transportation Account -- State Appropriation	\$13,249,000	
Transportation 2003 Account (Nickel Account) -- State Appropriation	(\$34,987,000)	<u>\$34,991,000</u>
TOTAL APPROPRIATION	(\$261,413,000)	<u>\$244,180,000</u>

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel construction, major and minor vessel preservation, and terminal preservation, construction, and improvements. The appropriations in this section are subject to the following conditions and limitations:

(1) The Puget Sound capital construction account -- state appropriation includes ~~(\$72,000,000)~~ up to \$40,950,000 in proceeds from the sale of bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. ~~(The transportation commission may authorize the use of current revenues available to the motor vehicle account in lieu of bond proceeds for any part of the state appropriation.)~~

(2) The multimodal transportation account--state appropriation includes up to \$10,249,000 in proceeds from the sale of bonds authorized by RCW 47.10.867. ~~(The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds from any part of the state appropriation.)~~

(3) \$15,617,000 of the Puget Sound capital construction account--state appropriation is provided solely for the Eagle Harbor Terminal Preservation project.

(4) The entire transportation 2003 account (nickel account) appropriation and \$10,249,000 of the multimodal transportation account--state appropriation are provided solely for the projects and activities as listed by fund, project and amount in LEAP

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

Transportation Document ((2005-6)) 2006-1, Ferries Construction Program (W) as developed ((April 24, 2005)) February 27, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

Transportation Document ((2005-2)) 2006-C, Rail Capital Program (Y) as developed ((April 23, 2005)) February 27, 2006, except for the projects: "Palouse River & Coulee City RR Acquisition" and "PR & CC Cheney-Coulee-Pullman Upgrades." Instead, these projects and their funding shall be combined into one project. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

(5) The department shall, on a quarterly basis beginning July 1, 2005, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).

(b) Within the amounts provided in this subsection, \$6,500,000 of the multimodal transportation account--state appropriation is ((provided solely)) for the two commuter rail projects listed in the LEAP Transportation Document ((2005-6)) 2006-C, Rail Capital Program (Y) as developed ((April 24, 2005)) February 27, 2006.

~~((6)) \$3,000,000 of the multimodal transportation account--state appropriation is provided solely to implement approved recommendations of the stakeholder task force convened to study the most reliable and cost-effective means of providing passenger-only ferry service. The funds provided in this subsection shall be placed in reserve by the office of financial management. The funds may not be released until approved by the legislature.))~~

(c) The office of financial management shall negotiate the purchase of the CW line. The purchase agreement must include both the operating and capital rights of the CW line. If the office of financial management is unable to negotiate the purchase of the CW line, the office may stop all negotiations and acquire the line and operational rights through any other alternative means available. The office of financial management shall also negotiate a new operational agreement for the line, in consultation with local governments and other stakeholders.

(6) The multimodal transportation account--state appropriation includes up to \$1,170,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.867.

(d) The office of financial management shall negotiate a new operating agreement on the P&L and PV Hooper lines, in consultation with local governments and other stakeholders. If the office of financial management is unable to negotiate a new operating agreement for the lines, the office may stop all negotiations and acquire the operational rights through any other alternative means available.

(7) \$37,117,000 of the Puget Sound capital construction account--state appropriation is provided solely for the design, acquisition of equipment, and construction of 144-car capacity vessels.

Sec. 308 2005 c 313 s 309 (uncodified) is amended to read as follows:

(4) If the department issues a call for projects, applications must be received by the department by November 1, 2005, and November 1, 2006.

FOR THE DEPARTMENT OF TRANSPORTATION -- RAIL -- PROGRAM Y -- CAPITAL

Essential Rail Assistance Account -- State Appropriation	
. \$250,000	
Multimodal Transportation Account -- State Appropriation	((67,158,000))
	\$69,176,000
Multimodal Transportation Account -- Private/Local Appropriation	\$8,287,000
Multimodal Transportation Account -- Federal Appropriation	((11,966,000))
	\$17,268,000
TOTAL APPROPRIATION	((88,161,000))
	\$94,981,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The multimodal transportation account -- state appropriation includes up to \$33,435,000 in proceeds from the sale of bonds and up to \$830,000 in unexpended bond proceeds authorized by RCW 47.10.867. ~~((The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.))~~

(5) \$50,000 of the multimodal transportation account--state appropriation is provided solely for a study of eastern Skagit county freight rail. The study shall examine the feasibility of restoring portions of freight rail line to the towns of Lyman, Hamilton, and Concrete. The study must also identify existing and potential industrial sites available for development and redevelopment, and the freight rail service needs of the identified industrial sites.

(6) The department shall finalize and issue the Amtrak Cascades long range plan update as of the effective date of this act.

(7) Funds provided for the Tacoma rail improvement project may be expended for preconstruction engineering, but construction shall not begin until Tacoma rail transfers ownership to local jurisdictions of the tracks from the new interconnect in Thurston county south.

(8) \$3,500,000 of the multimodal transportation account--state appropriation is provided solely for construction of a rail loop at the Port of Walla Walla including five turnouts, potable water system, fire flow system, property acquisition, and relocation of an irrigation line.

Sec. 309 2005 c 313 s 310 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION -- LOCAL PROGRAMS -- PROGRAM Z--CAPITAL

Highway Infrastructure Account -- State Appropriation	\$207,000
Highway Infrastructure Account -- Federal Appropriation	\$1,602,000
Motor Vehicle Account--Federal Appropriation	((18,221,000))

(2) If federal block grant funding for freight or passenger rail is received, the department shall consult with the transportation committees of the legislature prior to spending the funds on additional projects.

(3)(a) ~~((67,158,000))~~ \$68,926,000 of the multimodal transportation account--state appropriation, ~~((11,966,000))~~ \$17,268,000 of the multimodal transportation account--federal appropriation, \$8,287,000 of the multimodal transportation account--local appropriation, and \$250,000 of the essential rail assistance account are provided solely for the projects and activities as listed by fund, project and amount in LEAP

FIFTY-SEVENTH DAY, MARCH 6, 2006

	<u>\$23,798,000</u>
Motor Vehicle Account -- State Appropriation	
(\$6,702,000)	
	<u>\$5,840,000</u>
Transportation Partnership Account--State Appropriation	
..... \$2,008,000	
Freight Mobility Investment Account -- State	
Appropriation (\$12,000,000)	
	<u>\$6,000,000</u>
Multimodal Transportation Account -- State	
Appropriation (\$36,002,000)	
	<u>\$40,403,000</u>
Transportation 2003 Account (nickel account)--State	
Appropriation \$557,000	
Freight Mobility Multimodal Account--State	
Appropriation \$9,700,000	
TOTAL APPROPRIATION (\$74,734,000)	
	<u>\$90,115,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) To manage some projects more efficiently, federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the ~~((transportation commission))~~ office of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2006.

(2) The department shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects as outlined in the project lists distributed with this act, and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium, except for projects managed by the freight mobility strategic investment board. The department shall work with the transportation committees of the legislature to agree on report formatting and elements. For projects funded by new revenue in the 2003 and 2005 transportation packages, reporting elements shall include, but not be limited to, project scope, schedule, and costs. Other projects may be reported on a programmatic basis. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information system (TEIS).

(3) The multimodal transportation account -- state appropriation includes up to \$6,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.867. ~~((The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.))~~

(4) ~~(\$3,545,000)~~ \$1,545,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely to fund the multiphase cooperative project with the state of Oregon to dredge the Columbia River. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(5) ~~(\$274,000)~~ \$206,000 of the motor vehicle account--state appropriation is reappropriated and provided solely for additional traffic and pedestrian safety improvements near schools. The highways and local programs division within the department of transportation shall administer this program. The department shall review all projects receiving grant awards

under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded traffic and pedestrian safety improvement grant funds, but does not report activity on the project within one year of grant award should be reviewed by the department to determine whether the grant should be terminated. The department must promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.

(6) The motor vehicle account--state appropriation includes up to \$905,000 in unexpended proceeds from the sale of bonds authorized by RCW 47.10.843.

(7) ~~(\$867,000)~~ \$607,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely to support the safe routes to school program.

(8) ~~(\$18,221,000)~~ \$16,110,000 of the motor vehicle account--federal appropriation is provided solely for the local freight capital projects in progress identified in this subsection. The specific funding listed is provided solely for the respective projects: SR 397 Ainsworth Ave. Grade Crossing, ~~(\$5,180,000)~~ \$4,992,000; Colville Alternate Truck Route, ~~(\$2,000,000)~~ \$1,746,000; S. 228th Street Extension and Grade Separation, \$6,500,000; Bigelow Gulch Road-Urban Boundary to Argonne Rd., \$2,000,000; Granite Falls Alternate Route, ~~(\$1,791,000)~~ \$122,000; and Pacific Hwy. E./Port of Tacoma Road to Alexander, \$750,000.

(9) ~~(\$3,400,000)~~ \$2,898,000 of the motor vehicle account--state appropriation is provided solely for the local freight capital projects in progress identified in this subsection. The specific funding listed is provided solely for the respective projects: Duwamish Intelligent Transportation Systems (ITS), ~~(\$2,520,000)~~ \$2,382,000; Port of Kennewick/Piert Road, ~~(\$520,000)~~ SR 397 Ainsworth Ave. Grade Crossing, \$360,000) \$516,000.

(10) \$6,000,000 of the multimodal account--state appropriation is provided solely for the local freight 'D' street grade separation project.

(11) The department ~~((must))~~ shall issue a call for pedestrian safety projects, such as safe routes to schools and transit, and bicycle and pedestrian paths. Applications must be received by the department by November 1, 2005, and November 1, 2006. The department shall identify cost-effective projects, and submit a prioritized list to the legislature for funding by December 15th of each year. Recommendations made to the legislature for safe routes to schools and bicycle and pedestrian path projects must, to the extent practicable based on available funding, allocate sixty percent of available funds to bicycle and pedestrian path projects and forty percent to safe routes to schools. Preference ~~((with))~~ shall be given to projects that provide a local match. ~~((The grant recipients may only be governmental entities.))~~ Any unallocated funding may be used for grants of up to a maximum of \$1,000 to nonprofit or governmental organizations for the purpose of supporting school-based safe routes to school promotions or programs. Specific conditions and amounts for mini-grants will be established by the department.

(12) ~~(\$19,540,000)~~ \$18,370,000 of the multimodal transportation account--state appropriation, \$6,000,000 of the freight mobility multimodal account--state appropriation, and ~~(\$12,000,000)~~ \$6,000,000 of the freight mobility investment account--state appropriation are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document ~~((2005-6))~~ 2006-1, Local Programs

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(Z) as developed (~~April 24, 2005~~) February 27, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

(13) \$870,000 of the multimodal transportation account--state appropriation is provided solely for the Yakima Avenue, 9th Street to Front Street, pedestrian safety improvement project.

(14) \$5,000,000 of the multimodal transportation account--state appropriation and \$2,000,000 of the motor vehicle account--federal appropriation are provided solely for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified on the LEAP Transportation Document 2006-A, Pedestrian and Bicycle Safety Program Projects and Safe Routes to Schools Program Projects as developed February 27, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. When funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout, the department shall expeditiously extend new grant awards to qualified alternative projects identified on the list.

(15)(a) The legislature intends that federal funds administered by the department of transportation and used to fund projects selected by regional transportation planning organizations be used in a more effective and efficient manner. The legislature further intends that regional transportation planning organizations implement a project selection process which focuses on the highest priority investments in their regional transportation plan to solve the transportation issues facing that region. These federal funds are not to be used as "peanut butter" and spread through the region on low-priority projects. The regional transportation planning organization shall make these funds available for the wide range of projects eligible for these federal funds, including transit, highways and arterials, and rural transportation projects as long as the projects are a priority and address the regions most pressing transportation issues.

(b) The department shall provide a full and transparent accounting of all federal surface transportation program funds received and expected to be received by the state under the new federal surface transportation act and shall as soon as possible make this information available to regional transportation planning organizations and the legislature. The regional transportation planning organizations shall provide information to the department of transportation that details the project prioritization process and criteria, the prioritized list of projects, and the transportation problem that the project addresses. The department of transportation will issue a report to the transportation committees of the legislature providing information about the implementation of this subsection every November 1st covering the prior federal fiscal year. These funds shall not be used for administrative costs or participation in project selection processes or transportation improvement program compilation processes. Nothing in this subsection displaces currently programmed projects, but to the extent

practicable, the region is to implement this subsection as soon as possible.

TRANSFERS AND DISTRIBUTIONS

Sec. 401 2005 c 313 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER -- BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation	
. (\$54,913,000)	
	<u>\$334,313,000</u>
Nondebt-Limit Reimbursable Account Appropriation	
. . . (\$8,775,000)	
	<u>\$6,091,000</u>
Ferry Bond Retirement Account Appropriation	
(\$39,010,000)	
	<u>\$38,241,000</u>
Transportation Improvement Board Bond Retirement Account--State Appropriation	
(\$30,899,000)	
	<u>\$30,923,000</u>
Motor Vehicle Account--State Appropriation	
(\$2,562,000)	
	<u>\$674,000</u>
Transportation Improvement Account--State Appropriation	
(\$105,000)	
	<u>\$120,000</u>
Multimodal Transportation Account--State Appropriation	
(\$303,000)	
	<u>\$370,000</u>
Transportation 2003 Account (Nickel Account) Appropriation	
(\$19,177,000)	
	<u>\$6,638,000</u>
Transportation Partnership Account--State Appropriation	
\$1,125,000	
TOTAL APPROPRIATION	
(\$455,744,000)	
	<u>\$418,495,000</u>

Sec. 402 2005 c 313 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER -- BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Motor Vehicle Account--State Appropriation	
(\$283,000)	
	<u>\$246,000</u>
Transportation Improvement Account--State Appropriation	
. \$13,000	
Multimodal Transportation Account--State Appropriation	
. (\$96,000)	
	<u>\$35,000</u>
Transportation 2003 Account (Nickel Account)--State Appropriation	
(\$2,400,000)	
	<u>\$2,212,000</u>
Transportation Partnership Account--State Appropriation	
(\$2,800,000)	
	<u>\$375,000</u>
TOTAL APPROPRIATION	
(\$5,592,000)	

\$2,881,000
Sec. 403 2005 c 313 s 403 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER -- BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS

(1) Motor Vehicle Account--State Reappropriation:
For transfer to the Tacoma Narrows toll bridge account \$257,016,000

The department of transportation is authorized to sell up to \$257,016,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.

(2) Motor Vehicle Account--State Appropriation:
For transfer to the Puget Sound capital construction account (~~(\$72,000,000)~~)

\$40,950,000

The department of transportation is authorized to sell up to (~~(\$72,000,000)~~) \$40,950,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

Sec. 404 2005 c 313 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER -- STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties (~~(\$450,757,000)~~)

\$487,612,000

Sec. 405 2005 c 313 s 405 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER -- TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers (~~(\$820,769,000)~~)

\$1,037,342,000

Sec. 406 2005 c 313 s 406 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION -- TRANSFERS

(1) RV Account--State Appropriation:
For transfer to the Motor Vehicle Account--State . . . \$2,000,000

(2) Motor Vehicle Account--State Appropriation:
For transfer to Puget Sound Capital Construction Account--State \$73,000,000

(3) Highway Safety Account--State Appropriation:
For transfer to the Motor Vehicle Account--State (~~(\$10,000,000)~~)

\$5,000,000

(4) Motor Vehicle Account--State Appropriation:
For transfer to the Puget Sound Ferry Operations Account--State (~~(\$19,087,000)~~)

\$31,000,000

(5) Motor Vehicle Account--State Appropriation:
For transfer to the Transportation Partnership

Account--State (~~(\$51,372,000)~~) \$32,935,000

(6) Highway Safety Account--State Appropriation:
For transfer to the Multimodal Transportation Account--State (~~(\$21,170,000)~~)

\$25,980,000

(7) Transportation Partnership Account--State Appropriation:
For transfer to the Small City Pavement and Sidewalk Account--State (~~(\$2,000,000)~~)

\$1,000,000

(8) Transportation Partnership Account--State Appropriation:
For transfer to the Transportation Improvement Account--State (~~(\$5,000,000)~~)

\$2,500,000

(9) Transportation Partnership Account--State Appropriation:
For transfer to the (~~(Rural)~~) County Arterial (~~(Trust)~~) Preservation Account--State (~~(\$3,000,000)~~)

\$1,500,000

(10) License Plate Technology Account--State Appropriation:
For transfer to the Motor Vehicle Account--State \$2,500,000

~~((11) Motor Vehicle Account--State Appropriation:
For transfer to the State Patrol Highway Account--State \$1,406,000~~

~~---(12) Motor Vehicle Account--State Appropriation:
For transfer to the Transportation 2003 Account (Nickel Account)--State \$461,000~~

~~---(13)) (11) Multimodal Transportation Account--State Appropriation:
For transfer to the Transportation Partnership Account--State \$29,400,000~~

(12) Motor Vehicle Account--State Appropriation:
For transfer to the Freight Mobility Multimodal Account--State, up to a maximum of \$3,700,000

(13) Multimodal Transportation Account--State Appropriation:
For transfer to the Tacoma Narrows Toll Bridge Account--State \$2,700,000

(14) Motor Vehicle Account--State Appropriation:
For transfer to the Freight Mobility Multimodal Account--State \$4,610,000

The transfers identified in this section are subject to the following conditions and limitations:

(a) The department of transportation shall only transfer funds in subsection (2) of this section up to the level provided, on an as-needed basis.

(b) The amount (~~identified in subsection (3) of this section may not include any revenues collected as passenger fares.~~) transferred in subsection (12) of this section shall be the same as the Union Pacific Railroad's original contribution, adjusted for earned interest and expenditures, and shall be made on June 30, 2006.

(c) The amount transferred in subsection (14) of this section is the equivalent of the Burlington Northern Santa Fe funds advanced to the SR 519 project and shall be invested in a freight mobility project agreed to by the freight mobility strategic investment board and the BNSF railway if the final design of the SR 519 project does not include the original rail benefit.

COMPENSATION

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

Sec. 501 2005 c 313 s 501 (uncodified) is amended to read as follows:

EMPLOYEE SALARY COST OF LIVING ADJUSTMENT.

For those funds that support noncapital FTE employees, agency appropriations in sections 101 through 408 of this act provide funding for salary cost of living adjustments subject to the following conditions and limitations:

(1) In addition to the purposes set forth in subsection (2) through (4) of this section, the appropriations for cost of living adjustments provide for a 3.2% increase effective July 1, 2005, for all state employees represented by a collective bargaining unit under the personnel system reform act of 2002.

(2) The appropriations for cost of living adjustments provide for a 3.2% increase effective September 1, 2005, for all classified employees, except those represented by a collective bargaining unit under the personnel system reform act of 2002, and except the certificated employees covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board or the director of personnel, as applicable.

(3) The appropriations are also sufficient to fund a 3.2% salary increase effective September 1, 2005, for ferry system employees and for general government, legislative, and judicial employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(4) The appropriations for cost of living adjustments provide for a 1.6% salary increase effective July 1, 2006, until June 30, 2007, for all state employees represented by a collective bargaining unit under the personnel system reform act of 2002. In addition, appropriation is provided for a 1.6% increase effective September 1, 2006, for all classified employees, except those represented by a collective bargaining unit under the personnel system reform act of 2002, and except the certificated employees covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board or the director of personnel, as applicable. The appropriation is also sufficient to fund a 1.6% salary increase effective September 1, 2006, until June 30, 2007, for ferry system employees and for general government, legislative, and judicial employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials. This subsection shall not apply to Washington state patrol commissioned troopers and sergeants covered under sections 208(8)(a) and 210(6)(a) of this act. If a new collective bargaining agreement is reached between the governor and the Washington state patrol lieutenants association by July 1, 2006, this subsection shall not apply to Washington state patrol commissioned captains and lieutenants covered under sections 208(8)(b) and 210(6)(b) of this act.

(5)(a) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board or the director of personnel, as applicable.

(b) The average salary increases paid under this section to agency officials whose maximum salaries are established by the committee on agency official salaries shall not exceed the average increases provided under subsection (3) of this section.

IMPLEMENTING PROVISIONS

NEW SECTION. Sec. 601 A new section is added to 2005 c 313 (uncodified) to read as follows:

Executive Order number 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions that issue grants or loans for capital projects shall comply with the requirements set forth in this executive order.

NEW SECTION. Sec. 602 2005 c 313 s 602 (uncodified) is repealed.

Sec. 603 2005 c 313 s 603 (uncodified) is amended to read as follows:

(1) The ~~((transportation commission))~~ director of the office of financial management may authorize a transfer of spending allocation within the appropriation provided and between projects funded with transportation 2003 account (nickel account) appropriations ~~((or the))~~ transportation partnership account appropriations, multimodal transportation account appropriations, freight mobility account appropriations, or freight mobility investment account appropriations, in order to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

~~(b)~~ Transfers from a project may be made if the funds allocated to the project are in excess of the amount needed to complete the project;

~~((b))~~ (c) Transfers from a project may be made if the project is experiencing unavoidable expenditure delays;

~~((c))~~ (d) Transfers from a project may not be made as a result of the reduction of the scope of a project, nor shall a transfer be made to support increases in the scope of a project;

~~((d))~~ (e) Each transfer between projects may only occur if the ((commission)) director of the office of financial management finds that any resulting change will not hinder the completion of the projects approved by the legislature; ((and

~~(e))~~ (f) Transfers may not occur to projects not identified on the applicable project list; and

~~(g)~~ Transfers may not be made while the legislature is in session.

(2) Upon approval of every transfer, a report of the transfers made to date shall be submitted ((on October 1st of each fiscal year)) to the senate and house of representatives transportation committees. The report must also include a list of monitored projects or transfers currently under consideration by the department, and a financial plan consistent with legislative intent.

Sec. 604 RCW 47.29.170 and 2005 c 317 s 17 are each amended to read as follows:

Before accepting any unsolicited project proposals, the commission must adopt rules to facilitate the acceptance, review, evaluation, and selection of unsolicited project proposals. These rules must include the following:

(1) Provisions that specify unsolicited proposals must meet predetermined criteria;

(2) Provisions governing procedures for the cessation of negotiations and consideration;

(3) Provisions outlining that unsolicited proposals are subject to a two-step process that begins with concept proposals and would only advance to the second step, which are fully detailed proposals, if the commission so directed;

(4) Provisions that require concept proposals to include at least the following information: Proposers' qualifications and experience; description of the proposed project and impact; proposed project financing; and known public benefits and opposition; and

(5) Provisions that specify the process to be followed if the commission is interested in the concept proposal, which must include provisions:

(a) Requiring that information regarding the potential project would be published for a period of not less than thirty days, during which time entities could express interest in submitting a proposal;

(b) Specifying that if letters of interest were received during the thirty days, then an additional sixty days for submission of the fully detailed proposal would be allowed; and

(c) Procedures for what will happen if there are insufficient proposals submitted or if there are no letters of interest submitted in the appropriate time frame.

The commission may adopt other rules as necessary to avoid conflicts with existing laws, statutes, or contractual obligations of the state.

The commission may not accept or consider any unsolicited proposals before ~~((January 1))~~ June 30, 2007.

MISCELLANEOUS

NEW SECTION. Sec. 701 If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 702 This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

(End of bill)

INDEX PAGE #
BOARD OF PILOTAGE COMMISSIONERS 5
COUNTY ROAD ADMINISTRATION BOARD 5, 38
DEPARTMENT OF AGRICULTURE 2
DEPARTMENT OF ARCHEOLOGY AND HISTORIC PRESERVATION 2
DEPARTMENT OF LICENSING
DRIVER SERVICES 19
INFORMATION SERVICES 16
MANAGEMENT AND SUPPORT SERVICES 16
VEHICLE SERVICES 18
DEPARTMENT OF TRANSPORTATION
AVIATION -- PROGRAM F 21
CHARGES FROM OTHER AGENCIES -- PROGRAM U . . 30
ECONOMIC PARTNERSHIPS -- PROGRAM K 24
FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION -- PROGRAM D 21
HIGHWAY MAINTENANCE -- PROGRAM M 24
IMPROVEMENTS -- PROGRAM I 40
INFORMATION TECHNOLOGY -- PROGRAM C 20
LOCAL PROGRAMS -- PROGRAM Z -- CAPITAL 53
LOCAL PROGRAMS -- PROGRAM Z -- OPERATING . . . 38
MARINE -- PROGRAM X 35
PRESERVATION -- PROGRAM P 46
PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS) 39
PROGRAM DELIVERY MANAGEMENT AND SUPPORT -- PROGRAM H 22
PUBLIC TRANSPORTATION -- PROGRAM V 31
RAIL -- PROGRAM Y -- CAPITAL 51
RAIL -- PROGRAM Y -- OPERATING 37
TOLL OPERATIONS AND MAINTENANCE -- PROGRAM B 20

TRAFFIC OPERATIONS -- PROGRAM Q -- CAPITAL . . 48
TRAFFIC OPERATIONS -- PROGRAM Q -- OPERATING 25
TRANSFERS 60
TRANSPORTATION MANAGEMENT AND SUPPORT -- PROGRAM S 26
TRANSPORTATION PLANNING, DATA, AND RESEARCH -- PROGRAM T 26
WASHINGTON STATE FERRIES CONSTRUCTION -- PROGRAM W 49
EMPLOYEE SALARY COST OF LIVING ADJUSTMENT 62
FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD 10
JOINT TRANSPORTATION COMMITTEE 6
LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE 3
MARINE EMPLOYEES COMMISSION 2
OFFICE OF FINANCIAL MANAGEMENT 2
STATE TREASURER
BOND RETIREMENT AND INTEREST 58, 59
STATE REVENUES FOR DISTRIBUTION 60
TRANSFERS 60
TRANSPORTATION COMMISSION 8
TRANSPORTATION IMPROVEMENT BOARD 5, 39
WASHINGTON STATE PARKS AND RECREATION CAPITAL PROJECTS 4
WASHINGTON STATE PATROL
FIELD OPERATIONS BUREAU 11
INVESTIGATIVE SERVICES BUREAU 14
TECHNICAL SERVICES BUREAU 14
WASHINGTON TRAFFIC SAFETY COMMISSION 4
Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6241 and request of the House a conference thereon.

Senators Haugen and Benson spoke in favor of passage of the motion.

The President declared the question before the Senate to be motion by Senator Haugen that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6241.

The motion by Senator Haugen carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 6241 and requested of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 6241 and the House amendment(s) thereto: Senators Senator Haugen, Jacobsen and Benson.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MESSAGE FROM THE HOUSE

March 2, 2006

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6839, with the following amendments{s} 6839-S.E AMH TR H5343.1, 6839-S.E AMH . . . H5418.5.

On page 17, after line 11, insert the following:

"NEW SECTION. **Sec. 15** Section 7 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect March 24, 2006."

Correct the title.

On page 7, line 33, strike "~~((4,000,000))~~ 2,000,000" and insert "4,000,000"

On page 17, after line 5, insert the following:

"**Sec. 12** RCW 46.68.080 and 1961 c 12 s 46.68.080 are each amended to read as follows:

~~((AH))~~ (1) Motor vehicle license fees ~~((and all motor vehicle))~~ collected under RCW 46.16.0621 and 46.16.070 and fuel taxes collected under RCW 82.36.025(1) and 82.38.030(1) and directly or indirectly paid by the residents of those counties composed entirely of islands and which have neither a fixed physical connection with the mainland nor any state highways on any of the islands of which they are composed, shall be paid into the motor vehicle fund of the state of Washington and shall monthly, as they accrue, and after deducting therefrom the expenses of issuing such licenses and the cost of collecting such ~~((motor))~~ vehicle fuel tax, be paid to the county treasurer of each such county to be by him disbursed as hereinafter provided.

(2) One-half of ~~((AH))~~ the motor vehicle license fees ~~((and motor vehicle))~~ collected under RCW 46.16.0621 and 46.16.070 and one-half of the fuel taxes collected under RCW 82.36.025(1) and 82.38.030(1) and directly or indirectly paid by the residents of those counties composed entirely of islands and which have either a fixed physical connection with the mainland or state highways on any of the islands of which they are composed, shall be paid into the motor vehicle fund of the state of Washington and shall monthly, as they accrue, and after deducting therefrom the expenses of issuing such licenses and the cost of collecting such motor vehicle fuel tax, be paid to the county treasurer of each such county to be by him disbursed as hereinafter provided.

(3) All funds paid to the county treasurer of the counties of either class ~~((above))~~ referred to ~~((as in this section provided))~~ in subsections (1) and (2) of this section, shall be by such county treasurer distributed and credited to the several road districts of each such county and paid to the city treasurer of each incorporated city and town within each such county, in the direct proportion that the assessed valuation of each such road district and incorporated city and town shall bear to the total assessed valuation of each such county.

(4) The amount of motor vehicle fuel tax paid by the residents of those counties composed entirely of islands shall, for the purposes of this section, be that percentage of the total amount of motor vehicle fuel tax collected in the state that the motor vehicle license fees paid by the residents of counties composed entirely of islands bears to the total motor vehicle license fees paid by the residents of the state.

(5)(a) An amount of fuel taxes shall be deposited into the Puget Sound ferry operations account. This amount shall equal the difference between the total amount of fuel taxes collected in the state under RCW 82.36.020 and 82.38.030 less the total amount of fuel taxes collected in the state under RCW 82.36.020(1) and 82.38.030(1) and be multiplied by a fraction. The fraction shall equal the amount of motor vehicle license fees collected under RCW 46.16.0621 and 46.16.070 from counties described in subsection (1) of this section divided by the total amount of moto vehicle license fees collected in the state under RCW 46.16.0621 and 46.16.070.

(b) An additional amount of fuel taxes shall be deposited into the Puget Sound ferry operations account. This amount

shall equal the difference between the total amount of fuel taxes collected in the state under RCW 82.36.020 and 82.38.030 less the total amount of fuel taxes collected in the state under RCW 82.36.020(1) and 82.38.030(1) and be multiplied by a fraction. The fraction shall equal the amount of motor vehicle license fees collected under RCW 46.16.0621 and 46.16.070 from counties described in subsection (2) of this section divided by the total amount of motor vehicle license fees collected in the state under RCW 46.16.0621 and 46.16.070, and this shall be multiplied by one-half."

Renumber the remaining sections consecutively and correct the title. and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6839 and request of the House a conference thereon.

Senators Haugen and Benson spoke in favor of passage of the motion.

The President declared the question before the Senate to be motion by Senator Haugen that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6839.

The motion by Senator Haugen carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6839 and requested of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6839 and the House amendment(s) thereto: Senators Haugen, Jacobsen and Benson.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MESSAGE FROM THE HOUSE

February 28, 2006

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6384, with the following amendments{s} 6384-S.E AMH CB AMH5296.4.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A supplemental capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2007, out of the several funds specified in this act.

SUPPLEMENTAL APPROPRIATIONS

NEW SECTION. Sec. 101. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Infrastructure Study (06-2-850)

FIFTY-SEVENTH DAY, MARCH 6, 2006

The appropriation in this section is subject to the following conditions and limitations:

(1) The legislature finds that the December 16, 2005, inventory and evaluation of the state's public infrastructure programs and funds report completed pursuant to section 129(1), chapter 518, Laws of 2005 identified the need for systematic improvements to infrastructure grant, loan, and technical assistance programs. The report identified needed improvements, including (a) the development of common infrastructure program processes, procedures, and financing mechanisms; and (b) the consolidation of programs to improve coordination and efficiency of the state's investments and to minimize duplication.

(2) The appropriation in this section is provided solely for the office of financial management, in consultation with staff from appropriate fiscal committees of the legislature and affected state agencies, to:

(a) Identify and prioritize processes, procedures, financing mechanisms, and programs for integration, standardization, or consolidation;

(b) Identify program overlaps and gaps between the state's infrastructure programs;

(c) Identify local projects funded by the legislature but not included in existing grant, loan, or technical assistance programs and analyze whether the projects meet the programs' criteria;

(d) Identify a strategy to include projects such as those identified in (c) of this subsection within existing or potential consolidated programs. Consider program processes, procedures, criteria, policies, and rules related but not limited to project review and selection, funding limits, and participation requirements;

(e) Identify or develop a comprehensive funding structure to support the integration and standardization of processes, procedures, and consolidated programs; and

(f) Report recommendations to the appropriate fiscal committees of the legislature by December 15, 2006.

Appropriation:

State Building Construction Account--State \$100,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$100,000

NEW SECTION. Sec. 102. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

Life-cycle Cost Model Update (06-2-851)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely to update the life-cycle cost model developed by the joint legislative audit and review committee. The joint legislative audit and review committee shall:

(1) Update the model's assumptions;

(2) Enhance the model's ability to inform decision-makers about the current and long-term capital and operating impacts of facility leasing options compared to state ownership; and

(3) Revise the model to allow for comparisons of alternate financing approaches, including but not limited to the use of certificates of participation, 63-20 financing, and state general obligation bond funding.

Appropriation:

State Building Construction Account--State \$50,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$50,000

Sec. 103. 2005 c 488 s 109 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water Assistance Program (06-4-003)

Appropriation:

Drinking Water Assistance Account--State \$8,100,000
Drinking Water Assistance Repayment
Account--State ((\$11,500,000))
\$21,780,000
Subtotal Appropriation ((\$19,600,000))
\$29,880,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$78,400,000
TOTAL ((\$98,000,000))
\$108,280,000

Sec. 104. 2005 c 488 s 112 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Building for the Arts (06-4-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.63A.750.

(2) The appropriation is provided solely for the following list of projects:

Table with 3 columns: Projects, Location, Recommendation. Lists various arts projects like African-American museum, McIntyre hall, Northwest film forum, etc.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

McCaw hall	Seattle	\$1,000,000
KidsQuest children's museum	Bellevue	\$200,000
Total		((\$5,390,000) \$4,690,000)

Appropriation:

State Building Construction Account--State	((\$5,390,000) \$4,690,000)
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$16,000,000
TOTAL	((\$21,390,000) \$20,690,000)

Sec. 105. 2005 c 488 s 125 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing Assistance, Weatherization, and Affordable Housing (04-4-003)

The reappropriations in this section ((~~is~~) are) are subject to the following conditions and limitations:

(1) \$1,700,000 of the reappropriation is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(2) \$700,000 of the reappropriation is provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.

(3) \$84,500 of the reappropriation is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

(4) \$600,000 of the reappropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers. It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C. Sec. 1342. The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need. Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.

(5) \$1,400,000 of the reappropriation is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children.

~~(6) (Up to \$1,000,000 of the reappropriation is provided to help capitalize a self-insurance risk pool for nonprofit corporations in Washington that develop housing units for low-income persons and families. The self-insurance risk pool shall be approved by the state risk manager. The self-insurance risk pool shall repay to the state the amount of the reappropriation provided to the risk pool under this section whenever the capitalization exceeds the minimum requirements established by the office of the risk manager. Any reappropriation authority not expended by June 30, 2007, shall lapse.)~~ \$960,000 of the Washington housing trust account appropriation is provided solely for implementation of the multiunit residential building liability revolving fund program authorized in chapter ... (Second Substitute House Bill No. 3070), Laws of 2006. If the bill is not enacted by June 30, 2006, the amounts in this subsection shall lapse.

Reappropriation:

State Taxable Building Construction Account--State	..... ((\$25,780,000) \$24,820,000)
Washington Housing Trust Account--State	..... \$960,000
Prior Biennia (Expenditures)	..... \$55,220,000
Future Biennia (Projected Costs)	..... \$0

TOTAL \$81,000,000
Sec. 106. 2005 c 488 s 131 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Local/Community Projects (06-4-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

(2) Funding for the Inland Northwest Science and Technology Center shall be held in reserve until the balance of phase I funding has been secured or committed from local government and community sources.

(3) The Washington state arts commission shall design a plaque that shall be affixed to buildings or displayed as part of a project receiving any appropriation from this section. The plaque shall provide information to the public that the building or project has been made possible by the tax dollars of Washington citizens. The commission may contact the secretary of state to obtain approval for use of the Washington seal in the design of the plaque. The final design shall be approved by the chairs and ranking members of the house of representatives capital budget committee and the senate ways and means committee.

(4) The appropriation is provided solely for the following list of projects:

Projects	Recommendation
7th street theatre	\$600,000
Alder creek pioneer association carousel museum	\$450,000
Asian counseling and referral service	\$2,000,000
Bailey Gatzert children's play area	\$75,000
Bridge for kids	\$850,000
Brookside school ADA playground equipment	\$25,000
Buena library	\$50,000
Cannon house	\$250,000
Central area motivation program (CAMP)	\$250,000
Cesar Chavez park	\$150,000
<u>Chambers creek footbridge</u>	<u>\$177,000</u>
Childhaven	\$150,000
Clark Lake park and retreat center	\$500,000
Colman school <u>preconstruction activities</u>	(\$500,000) <u>\$1,200,000</u>
Columbia breaks fire interpretive center	\$150,000

1026
 FIFTY-SEVENTH DAY, MARCH 6, 2006

JOURNAL OF THE SENATE

2006 REGULAR SESSION

Covington aquatics center phase 1	\$350,000	MOBIUS/Inland Northwest science and technology center	\$1,500,000
Crossroads community center and park	\$250,000	Mt. Baker theater	\$200,000
Cutter theater	\$71,000	Mt. Vernon Jasper Gates statue	\$12,000
Des Moines beach park historic buildings	\$300,000	Multicultural center of Kitsap county	\$250,000
Discovery park	\$1,000,000	Nathaniel Orr home site museum interpretive center	\$29,000
East Whatcom regional resource center	\$1,750,000	<u>Neighborhood house rainier vista</u>	<u>\$213,000</u>
Eatonville family park	\$50,000	New Lakewood clinic	\$350,000
El Centro de la Raza	\$900,000	Northeast community center expansion	\$250,000
Filipino community center	\$200,000	Northshore performing arts center	\$1,000,000
Foster creek	\$150,000	Northwest communities education center	\$1,000,000
Fox theater	\$2,398,000	Oak Harbor multi-purpose community and sports facility	\$50,000
GC health clinic	\$12,000	Omak grandstand	\$250,000
Grand Army of the Republic cemetery	\$5,000	Pacific Northwest salmon center	\$1,000,000
Granite Falls museum expansion	\$50,000	Pacific science center	\$900,000
Greenbridge plaza in White Center	\$200,000	Performing arts center (PACE)	\$500,000
Habitat park south hill	\$400,000	Puget Sound freight building warehouse--Thea Foss waterway	\$2,000,000
<u>Hanford reach interpretive center</u>	<u>\$2,000,000</u>	Relocation of Sieke Japanese gardens	\$250,000
Hidden river environmental education center	\$50,000	River walk and Sammamish river restoration	\$200,000
ICL education center	\$200,000	Roslyn city hall	\$150,000
Japanese cultural and community center	\$200,000	Ruth Dykeman children's center	\$27,000
Joel Pritchard park	\$2,500,000	Sandman historical tug restoration	\$10,000
Joe's creek project	\$856,000	<u>Seattle Aquarium</u>	<u>\$1,500,000</u>
Juanita creek channel and riparian restoration	\$500,000	Seattle community center (1115 E. Pike street)	\$13,000
Julia Butler Hansen home restoration	\$10,000	Seward park environmental and audubon center	\$400,000
LeRoi smelter smokestack monument	\$3,000	Snohomish senior center	\$150,000
Lewis and Clark confluence project	\$1,500,000		
McCaw hall	\$2,000,000		
<u>Meridian habitat park</u>	<u>\$400,000</u>		
<u>Miners' memorial</u>	<u>\$36,500</u>		
<u>Miracle league handicapped baseball</u>	<u>\$57,000</u>		

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

		Projects	Recommendation
Sno-Valley senior activity center kitchen	\$50,000	Belfair sewer improvements	\$8,000,000
Sound way property preservation	\$500,000	Bellingham waterfront restoration	\$2,000,000
Spokane river whitewater course	\$400,000	Bremerton Harborside	\$4,000,000
Sumas ballpark	\$250,000	Burien town square	\$2,000,000
Synthetic sportsfield partnership at Robinswood park	\$400,000	Carnation sewer	\$2,000,000
Tall ships moorage	\$300,000	City of Covington	((\$1,000,000)) <u>\$3,000,000</u>
Tukwila kayak and canoe launching facility	\$20,000	Infrastructure for Renton Boeing property	\$5,000,000
Undeveloped woodlands linked to interurban nature trail	\$150,000	Military communities infrastructure projects	\$5,000,000
Vancouver museum	\$125,000	Pacific Northwest national labs campus infrastructure project	\$6,000,000
Vancouver national historical reserve west barracks	\$1,000,000	Rainier court	\$1,500,000
Veterans memorial museum	\$100,000	Redevelop Snohomish riverfront	\$1,500,000
West Seattle community resource center	\$500,000	Ridgefield employment center project	\$2,000,000
West central community center	\$500,000	Tukwila Southcenter parkway infrastructure	\$6,000,000
West Hylebos wetlands boardwalk	\$100,000	Yakima town center restoration	\$4,000,000
Wilson playfield land acquisition	\$200,000	Total	((\$50,000,000)) <u>\$52,000,000</u>
Wing Luke Asian art museum	\$2,000,000		
Youth housing/drop-in center	\$400,000		
Total	((\$39,391,000)) <u>\$44,474,500</u>		

Appropriation:

State Building Construction Account--State	((\$39,391,000)) \$44,474,500
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	((\$39,391,000)) \$44,474,500

Sec. 107. 2005 c 488 s 138 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Job/Economic Development Grants (06-4-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the following list of projects:

(2) \$1,000,000 of the appropriation for the Pacific Northwest national labs campus infrastructure project is provided solely for giga-pop infrastructure.

(3) \$1,000,000 of the public works assistance account--state appropriation and \$2,000,000 of the state building construction account--state appropriation are provided solely for the city of Covington.

(4) \$5,000,000 of the appropriation is provided solely for military communities infrastructure projects ((is provided solely for grants to support projects in Island county, Kitsap county, Pierce county, Snohomish county, and Spokane county when a military base in that county is identified for potential closure in the federal base realignment and closure process. The grants will be used to address infrastructure improvements that will aid in the removal of the base from the closure list. The office of financial management shall establish a process for selecting projects for funding based on criteria used to determine the federal base realignment and closure list and recommendations by the department of community, trade, and economic development and the military department. Final allocation of the grants shall be at the discretion and with the approval of the director of the office of financial management)). Military communities infrastructure projects shall include:

(a) Grants to counties and cities for the purchase of development easements to restrict the use of accident potential zones and clear zones. The office of financial management shall establish a competitive process for selecting projects to receive the grants. Final allocation of these grants shall be at the

discretion and with the approval of the director of the office of financial management.

The grants are subject to the following conditions:

(i) The county or city must be subject to and in compliance with RCW 36.70A.530.

(ii) The grants may not be used to remove encroachments into these zones allowed by county or city zoning or permitting actions;

(iii) The county or city must have an encroachment prevention plan preventing future encroachment into these zones; and

(iv) The grant provided by the state must not exceed one-third of the project cost with funds from local and federal sources providing the balance of the funds.

(b) \$481,000 of the appropriation is provided solely for improvements to a military department site on Fairchild air force base.

Appropriation:

Public Works Assistance Account--State	\$50,000,000
State Building Construction Account--State	\$2,000,000
Subtotal Appropriation	\$52,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$50,000,000)
	\$52,000,000

NEW SECTION. Sec. 108. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Energy Freedom Program (E3SHB No. 2939) (06-2-854)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely to implement the energy freedom program created in chapter . . . (Engrossed Third Substitute House Bill No. 2939), Laws of 2006. If the bill is not enacted by June 30, 2006, the appropriation shall lapse.

(2) The department shall not expend more than \$466,000 of the appropriation on administrative costs.

Appropriation:

Energy Freedom Account--State	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

Sec. 109. 2006 c ... s 2 (E2SHB No. 2393) (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Energy Freedom Program (06-2-852)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) The appropriation is provided solely for low-interest loans to political subdivisions for renewable energy projects including the development of biofuel oilseed crushers, supporting infrastructure, and facilities. The political subdivision may negotiate an appropriate agreement with the bioenergy industry for the use of the oilseed crushers, supporting infrastructure, and facilities.

(b) For purposes of this section, political subdivision means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state.

(2) The appropriation is provided solely for the following list of projects:

Project	Recommendation
Spokane conservation district	\$2,750,000

Odessa public development authority \$2,750,000

Port of Columbia county \$2,750,000

Port of Sunnyside \$750,000

Total \$9,000,000

(3) All agreements negotiated between the political subdivision and the bioenergy industry for use of the oilseed crushers, supporting infrastructure, or facilities funded in this section must provide for at least a fifty percent match by the industry partner. The industry match may include, but is not limited to, investments in rail, buildings, refining capacity, or seed stock.

(4) All other project funds must be disbursed prior to energy freedom loans, except where required on a matching basis by other federal or state programs.

(5) The department shall disburse loans to the political subdivision on a reimbursement basis only.

(6) The department may defer loan repayment for up to twenty-four months or until the projects start to receive revenue from operations, whichever is sooner.

(7) Upon written notice to the political subdivision, the department may suspend or cancel its loans if any of the following occur:

(a) The political subdivision fails to make satisfactory and reasonable progress to complete the project, or the department concludes the political subdivision will be unable to complete the project or any portion of it; or

(b) The political subdivision or bioenergy industry partners have made misrepresentations in any information furnished to the department or the legislature in connection with the project.

(8) In the event that any portion of the loan has been paid to the political subdivision under this section at the time of breach, or failure of the political subdivision to satisfactorily perform, the department may require that the full amount of the loan, or a portion thereof, be repaid within a period specified by the department.

(9) Future loan repayments shall be deposited into the energy freedom account created in section 3 of this act.

(10) Chapter 39.12 RCW applies to the renewable energy projects funded in whole or in part by the appropriation in this section.

(11) It is the intent of the legislature to provide loans for the development of a Washington state biodiesel industry based on Washington grown oilseed. The legislature is aware that in the development of this industry, the start-up process may necessitate the use of other oilseeds until Washington state growers plant sufficient crops to support this industry. The legislature also understands the realities of weather and market conditions in this process. The conversion to maximum Washington grown oilseed must be accomplished as quickly as possible. The political subdivision shall: (a) Develop a plan for outreach to local growers and an estimate of when maximum Washington state oilseed-based production will be reached; (b) develop a goal for the political subdivision to return a portion of the biofuel to local oilseed producers; and (c) report this information to the department of community, trade, and economic development by December 1, 2006. The department shall report on the implementation of this section by January 1, 2007, to the appropriate committees of the legislature.

Appropriation:

(State Taxable Building Construction)	
Energy Freedom Account--State	\$9,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,000,000

NEW SECTION. Sec. 110. A new section is added to 2005 c 488 (uncodified) to read as follows:

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Grays Harbor PUD Bioenergy Project (06-04-852)

Appropriation:

State Building Construction Account--State . . .	\$1,500,000
Energy Freedom Account--State	\$6,000,000
Subtotal Appropriation	\$7,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,500,000

Sec. 111. 2005 c 488 s 142 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building: Rehabilitation and Capital Addition (01-1-008)

Reappropriation:

Thurston County Capital Facilities Account--State	(\$100,000)
	\$214,063
Prior Biennia (Expenditures)	\$106,280,442
Future Biennia (Projected Costs)	\$0
TOTAL	(\$106,380,442)
	\$106,494,505

NEW SECTION. **Sec. 112.** A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Pritchard-Legislative Support Building Predesign (06-2-851)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for predesign of the Joel M. Pritchard building as a legislative support facility and public cafeteria. The predesign shall include, but not be limited to, the following: (1) A rehabilitation plan addressing electrical and mechanical systems, plumbing, seismic safety, fire protection, accessibility, energy consumption, and space use including the conversion of the upper floor stack space into usable office space or alternative uses; (2) an assessment of the facility requirements of legislative support agencies including the code reviser, the joint legislative audit and review committee, the legislative service center, and the legislative evaluation and accountability program as potential building tenants; and (3) a financing strategy for the facility that may consider a combination of funding sources including state general obligation bonds and the use of alternative financing mechanisms that utilize dedicated revenue streams through the conversion of existing lease payments into debt service payments.

Appropriation:

State Building Construction Account--State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

Sec. 113. 2005 c 488 s 143 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Cherberg Building: Rehabilitation (02-1-005)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is for the purpose of furthering the John A. Cherberg building rehabilitation project, including but not limited to the following: Project final design and initial

phase of reconstruction; purchase and remodel of the two modular buildings currently owned by the Legislative building rehabilitation project; and remodel of a portion of the Joel M. Pritchard building for use as swing space during reconstruction.

(2) The appropriations in this section are subject to the following conditions and limitations:

(a) Funding is provided solely for design, construction, and other costs related to the relocation efforts associated with this project.

~~((a))~~ (b) The department may negotiate agreements with the senate for additional fees to manage the John A. Cherberg building rehabilitation project.

~~((b))~~ (c) Upon completion of the project, the temporary modular buildings shall be sold and removed, and the parking lot shall be restored and landscaped.

(d) \$5,000 of the appropriation in this section is provided solely for a competitive grant for the redesign and repair of the gnomon on the capitol campus sundial adjacent to the Cherberg building. All Washington public community and technical colleges are encouraged to submit design proposals to the Washington state arts commission by December 31, 2006. Final selection shall be made by the commission.

Reappropriation:

State Building Construction Account--State . . .	\$2,500,000
Appropriation:	
State Building Construction Account--State . .	\$12,253,000
Thurston County Capital Facilities Account--State	\$1,439,000
Subtotal Appropriation	\$13,692,000
Prior Biennia (Expenditures)	\$3,100,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$19,292,000

Sec. 114. 2005 c 488 s 152 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

~~((General Administration Building Rehabilitation))~~ North Capital Campus Executive Office Building(s) (06-1-002)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for predesign for replacement or renovation of the general administration building combined with the development of an office building on the block adjoining Capital Way and 11th avenue. The combined development is intended to provide: (1) Executive office space for statewide elected officials; (2) public access space for the state library collection and historically significant documents from the state archives and the state historical museum; and (3) high density general office space that can adapt to changing state needs. The project will maximize interagency sharing of support services such as information technology, printing and mailing, management and storage of supplies, reception areas, and other common functions. The project will also include sufficient parking to provide a significant net increase in parking spaces beyond what is required for the new office space. The project shall also include leasable ground floor retail space on Capital Way. The department shall consult with statewide elected officials and the city of Olympia in developing the predesign. ~~((The predesign shall evaluate the use of the Pritchard building as one of the options for use by the state library and historically significant documents from the state archives and state historical museum.))~~ Due to the intended replacement of the building adjoining Capital Way and 11th avenue, the department shall not charge the facility depreciation component of lease charges for nonprofit tenants in that facility during the 2005-2007 biennium.

Appropriation:

Thurston County Capital Facilities Account--State	
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FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

.....	(\$750,000)
	<u>\$1,650,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	(\$65,500,000)
	<u>\$312,017,000</u>
TOTAL	(\$66,250,000)
	<u>\$313,667,000</u>

Sec. 115. 2005 c 488 s 156 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Statewide Office Facilities: Preservation Minor Works (06-1-003)

The appropriations in this section are subject to the following conditions and limitations: Funding is provided for electrical and elevator upgrades in the insurance building.

Appropriation:

Thurston County Capital Facilities Account--State	\$2,965,000
General Administration Service Account--State	\$1,850,000
Subtotal Appropriation	\$4,815,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,239,000
TOTAL	\$21,054,000

NEW SECTION. Sec. 116. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capital Campus Master Plan (06-2-001)

Appropriation:

General Administration Services Account--State ..	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 117. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Senate Electronic Voting Machine (06-2-852)

Appropriation:

State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

Sec. 118. 2005 c 488 s 201 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

School Mapping (06-1-100)

The appropriations in this section ~~((is))~~ are subject to the following conditions and limitations: ~~((The appropriation is provided solely for the initial mapping of schools and production of software and may not be used to supplant any local government's existing school or other building mapping program that can transfer data to a statewide first responder building mapping information system.))~~ Mapping of ~~((public buildings, including))~~ school buildings ~~((s))~~ shall be undertaken under standards adopted by the Washington association of sheriffs and police chiefs mapping software standards as required by RCW 36.28A.070. The ~~((criminal justice training commission))~~ Washington association of sheriffs and police chiefs shall work with the office of the superintendent of public instruction to ensure school mapping is part of newly

constructed or renovated construction projects ~~((and shall develop policies and procedures to ensure efficient use and implementation of such procedures)).~~ For school construction projects funded through the state board of education's state school construction assistance program during the 2005-2007 biennium, the Washington association of sheriffs and police chiefs shall prioritize the initial mapping or remapping of the state board of education's state school construction assistance program projects that are colocated with schools funded by the appropriation in this section. Additionally, the Washington association of sheriffs and police chiefs shall develop policies and procedures to ensure efficient use and implementation of such procedures.

It is the intention of the legislature that the design of new and remodeled facilities incorporate mapping and remapping as needed.

The Washington association of sheriffs and police chiefs will consult with the office of the superintendent of public instruction and report to the fiscal committees of the legislature on efficient and low-cost ways to maintain up-to-date maps.

Appropriation:

Education Construction Account--State	\$4,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,500,000

Sec. 119. 2005 c 488 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen Children's Center - Housing Units (00-1-041)

Reappropriation:

State Building Construction Account--State	\$500,000
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Appropriation:

State Building Construction Account--State ...	\$5,800,000
Prior Biennia (Expenditures)	\$5,605,495
Future Biennia (Projected Costs)	(\$16,100,000)
	<u>\$10,300,000</u>
TOTAL	\$22,205,495

NEW SECTION. Sec. 120. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School: New Intensive Management Unit Building, and Health Center and Administration Building (06-2-202)

Appropriation:

State Building Construction Account--State ...	\$1,250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,500,000
TOTAL	\$13,750,000

Sec. 121. 2005 c 488 s 238 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Washington Information Network 2-1-1 (06-2-850)

The appropriation in this section is subject to the following conditions and limitations: The department shall require the organizations to prepare a financing plan that specifies the full cost of implementing the system statewide including capital costs and operating costs by September 1, 2006. The financing plan shall identify appropriate sources of revenue to support full implementation and ongoing operational costs. Allowable uses of appropriated funds include the purchase of software, equipment, programming, and improvements located in states

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

adjacent to Washington and that support the 2-1-1 information network in Washington.

Subtotal Reappropriation . . . ~~(\$19,493,229)~~

\$18,566,229 Appropriation:

Appropriation:

State Building Construction Account--State . . . \$1,000,000
Prior Biennia (Expenditures) . . . \$0
Future Biennia (Projected Costs) . . . \$0
TOTAL . . . \$1,000,000

General Fund--Federal . . . \$927,000
Prior Biennia (Expenditures) . . . \$19,944,803
Future Biennia (Projected Costs) . . . \$0
TOTAL . . . \$39,438,032

NEW SECTION. Sec. 122. A new section is added to 2005 c 488 (uncodified) to read as follows:

Sec. 125. 2005 c 488 s 264 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

FOR THE DEPARTMENT OF CORRECTIONS

Retsil Building 9 Renovation - Transient Program (06-1-008)

Washington State Penitentiary: North Close Security Compound (04-2-005)

Appropriation:

General Fund--Federal . . . \$318,000
State Building Construction Account--State . . . \$171,000
Subtotal Appropriation . . . \$489,000
Prior Biennia (Expenditures) . . . \$0
Future Biennia (Projected Costs) . . . \$0
TOTAL . . . \$489,000

Reappropriation:

State Building Construction Account--State . \$124,000,000
Appropriation:
~~(General Fund--Federal . . . \$927,000)~~
State Building Construction Account--State ~~(\$5,891,000)~~
Subtotal Appropriation . . . \$6,818,000
~~((Subtotal Appropriation . . . \$6,818,000))~~
Prior Biennia (Expenditures) . . . \$9,940,000
Future Biennia (Projected Costs) . . . \$0
TOTAL . . . \$140,758,000

Sec. 123. 2005 c 488 s 252 (uncodified) is amended to read as follows:

NEW SECTION. Sec. 126. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

FOR THE DEPARTMENT OF CORRECTIONS

Coyote Ridge Corrections Center: Expansion (98-2-011)
The appropriations in this section are subject to the following conditions and limitations:

Washington State Penitentiary: Replace Correctional Industry Roof (06-1-023)

(1) ~~(\$179,000,000)~~ The appropriation in this section is provided solely to design and construct a ~~(+280)~~ 1,792 bed medium-security prison at Coyote Ridge corrections center in Connell.

Appropriation:

State Building Construction Account--State . . . \$1,453,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State . . . \$1,998,000
Subtotal Appropriation . . . \$3,451,000
Prior Biennia (Expenditures) . . . \$0
Future Biennia (Projected Costs) . . . \$0
TOTAL . . . \$3,451,000

(2) The facility shall be a publicly-owned and operated facility.

(3) The new facility shall include at least 512 hybrid-security beds that have a lower cost to construct than conventional medium security beds but still maintain a medium security perimeter.

NEW SECTION. Sec. 127. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(4) Design of the facility shall incorporate efficiencies in administrative space and support services realized by sharing services within the region. The department shall examine other states' and private industry standard designs, and report on how efficiencies will be incorporated into the design of the facility to the office of financial management and to legislative fiscal staff not later than September 1, 2005. Nothing in this subsection requires the department to adopt design parameters that would endanger public safety or generate increased operating costs.

(5) Once opened, a portion of the new facility shall be used to alleviate the crowded conditions in reception at the Washington corrections center in Shelton.

NEW SECTION. Sec. 128. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Reappropriation:

State Building Construction Account--State . . . \$921,140

Appropriation:

State Building Construction Account--State ~~(\$179,000,000)~~
\$229,000,000
Prior Biennia (Expenditures) . . . \$986,347
Future Biennia (Projected Costs) . . . \$0
TOTAL . . . ~~(\$180,907,487)~~
\$230,907,487

Sec. 124. 2005 c 488 s 255 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Larch Corrections Center: 80 Bed Expansion (06-2-852)

Appropriation:

State Building Construction Account--State . . . \$3,071,500
Prior Biennia (Expenditures) . . . \$0
Future Biennia (Projected Costs) . . . \$0
TOTAL . . . \$3,071,500

Sec. 129. 2005 c 488 s 287 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

Monroe Corrections Center: 100-Bed Management and Segregation Unit (00-2-008)

Employment Resource Center (05-2-001)

Reappropriation:

General Fund--Federal . . . \$819,229
State Building Construction Account--State ~~(\$18,674,000)~~
\$17,747,000

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely ~~((to))~~ for services and activities including the purchase and ~~((install))~~ installation of state of the art equipment

FIFTY-SEVENTH DAY, MARCH 6, 2006

for a 40,000 square foot facility supporting work force development programs using funds available to the state in section 903(d) of the Social Security Act (Reed act).

Reappropriation:

Unemployment Compensation Administration	
Account--Federal	\$6,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

Sec. 130. 2005 c 488 s 323 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (06-4-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$10,000,000 of the state building construction account--state appropriation is provided for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.

(2) \$5,000,000 of the state building construction account--state appropriation is provided solely for water quality grants for hardship communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality rules; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.

(3) \$1,000,000 of the state building construction account--state appropriation is provided solely to design appropriate wastewater treatment facilities to serve the Hoodspport to Skokomish reservation areas of Hood Canal. The exact facilities will be based upon the recommendations from an analysis of wastewater management options for the Hoodspport to Skokomish river currently being undertaken by Mason county.

(4) \$750,000 of the state building construction account--state appropriation is provided solely for assistance in management and clean up activities at Long Lake in Kitsap county and \$50,000 of the state building construction account--state appropriation is provided solely for assistance in cleaning up Wapato Lake in Pierce county. The assistance is contingent on the lake communities adopting a lake management plan that meets the department's requirement.

(5) \$320,000 of the water quality account--state appropriation is provided solely to Mason county to develop a septic system data base and identify failing septic systems in Hood Canal.

(6) \$70,000 of the water quality account--state appropriation is provided solely to Kitsap county for surveys of septic systems in Hood Canal.

(7) \$70,000 of the water quality account--state appropriation is provided solely to Jefferson county for surveys of septic systems in Hood Canal.

(8) Up to \$1,500,000 of the water quality account--state appropriation is provided solely for grants for on-site sewage replacement. This appropriation may be used to: (a) Establish new or expand existing on-site sewage repair and replacement loan or grant programs by county governments or tribes; or (b) develop a pilot program to administer an on-site sewage repair and replacement loan program through a qualified private or nonprofit lending institution. This appropriation must be used in conjunction with the water pollution control revolving account--state appropriation in section 134 of this act provided for this purpose. Of this amount, up to \$1,000,000 may be used to help financially distressed homeowners repair and replace failing on-site sewage systems, and up to \$500,000 may be used to help local governments plan, implement, and administer the local loan fund assistance programs. The total overall local government and tribal administration costs may not exceed

2006 REGULAR SESSION

seven percent of the total statewide grant and loan on-site program. The department must report on the use of these funds to the Puget Sound water quality action team as part of its activities under the 2005-2007 Puget Sound conservation and recovery plan.

(9) \$3,500,000 of the state toxics control account--state appropriation is provided solely for wastewater treatment upgrades at Twanoh, Dosewallips, Fort Casey, Fort Ebey, Birch Bay, and Sequim Bay state parks.

(10) \$1,000,000 of the state toxics control account--state appropriation is provided solely for the city of Carnation wastewater treatment facility.

(11) The remaining appropriation in this section is provided for statewide water quality implementation and planning grants and loans.

Appropriation:

State Building Construction Account--State ..	\$20,000,000
Water Quality Account--State	(\$7,500,000)
	\$9,000,000
State Toxics Control Account--State	(\$10,500,000)
	\$15,000,000
Subtotal Appropriation	(\$38,000,000)
	\$44,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$211,808,000
TOTAL	(\$249,808,000)
	\$255,808,000

Sec. 131. 2005 c 488 s 324 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

State Drought Preparedness (05-4-009)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for response to the statewide drought that was declared pursuant to chapter 43.83B RCW. The department of ecology may provide funding or compensation for purchase or lease of water rights and to public bodies as defined in RCW 43.83B.050 in connection with projects and measures designed to alleviate drought conditions which may affect: Public health and safety; drinking water supplies; agricultural activities; or fish and wildlife survival.

(2) Projects or measures for which funding or compensation will be provided must be connected with a water system, water source, or water body which is receiving, or has been projected to receive, less than seventy-five percent of normal water supply, as the result of natural drought conditions. This reduction in water supply must be such that it is causing, or will cause, undue hardship for the entities or fish or wildlife depending on the water supply. General criteria for guidelines to be established by the department of ecology for distribution of funds must include: A balanced and equitable distribution of the funds among the different sectors affected by drought; a funding process that ensures funds are available for drought impacts that arise both early and later during the course of the drought; and preference for projects that leverage other federal and local funds.

(3) Up to \$1,500,000 of the reappropriation in this section is provided to the Roza irrigation district for the purchase or lease of water rights.

(4) Of the funds provided in this section, \$150,000 is provided solely to support the development and demonstration of water management measures in the Walla Walla Basin that improve and protect instream flow and water quality, and which also help sustain agricultural and economic vitality. The director of the department shall report to the legislature by December 31, 2006, with any findings, conclusions, and recommendations regarding such water management measures.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(5) \$50,000 of the reappropriation in this section is provided solely to Chelan county to assess the feasibility of storing water in Campbell creek canyon to supplement instream flows in Peshastin creek, as part of the Peshastin irrigation district.

Reappropriation:

State Drought Preparedness Account--State	(\$8,200,000)
	\$7,230,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$8,200,000)
	\$7,230,000

Sec. 132. 2005 c 488 s 325 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Local Toxics Grants for Clean up and Prevention (06-4-008) The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,000,000 of the appropriation is provided solely for grants to local governments for local projects that implement the state "never waste" plan. Grant funds will emphasize additional organics composting and conversion, green building, and moderate risk waste projects described in the plan. Of this amount, up to \$1,600,000 may be used for one-time funding for auto switch recycling consistent with the memorandum of agreement being finalized with the auto recyclers association.

(2) \$2,000,000 of the appropriation is provided for emission reduction projects for local governments to retrofit public sector diesel engines with exhaust emission control devices or to make other modifications or operational changes, including cleaner fuels, to allow public sector fleets to reduce their emissions.

(3) \$3,000,000 of the appropriation is provided solely for grants to local governments needing assistance in complying with the new phase II storm water permit requirements. Of this amount, \$300,000 is provided solely for Mason county to prepare storm water management plans for Belfair and Hoodspout consistent with the storm water program in the Puget Sound conservation and recovery plan.

(4) (\$60,000,000) \$70,900,000 of the appropriation is provided solely for remedial action grants. Of this amount, \$1,000,000 is provided to the town of Warden to respond to contamination of their existing water system.

(5) From within this appropriation, the department shall prepare an online guide to help small businesses and homeowners learn what to do if they discover toxic wastes on their property. The guide shall provide information about local resources for clean up and disposal of toxic wastes.

(6) \$8,000,000 of the appropriation is provided solely for coordinated prevention grants provided to local governments for local government solid and hazardous waste planning, household and small business hazardous waste collection and disposal, recycling capital purchases and program development, and local solid waste enforcement.

Appropriation:

Local Toxics Control Account--State	(\$80,000,000)
	\$98,900,000
Prior Biennia (Expenditures)	\$45,000,000
Future Biennia (Projected Costs)	\$180,000,000
TOTAL	(\$315,000,000)
	\$323,900,000

Sec. 133. 2005 c 488 s 327 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Safe Soil Remediation and Awareness Projects (06-2-001)

Appropriation:

State Toxics Control Account--State	(\$2,000,000)
	\$5,000,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs)	\$0
TOTAL	(\$2,000,000)
	\$5,000,000

Sec. 134. 2005 c 488 s 329 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Account (06-4-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall give priority loan funding consideration to on-site septic system rehabilitation and replacement programs in Mason, Kitsap, and Jefferson counties for at least \$1,000,000 from the water pollution control revolving account--state in the second year of the funding cycle.

(2) Up to \$5,000,000 of the water pollution control revolving account--state appropriation is provided solely for loans for on-site sewage replacement. This appropriation may be used to:

- (a) Establish new or expand existing on-site sewage repair and replacement loan programs by county governments or tribes; or
- (b) develop a pilot program to administer an on-site sewage repair and replacement loan program through a qualified private or nonprofit lending institution. This appropriation must be used in conjunction with water quality account--state appropriation in section 130 of this act provided for this purpose. The department must work with the department of health, the Puget Sound water quality action team, local governments, and the lending industry in developing and piloting this program. The department shall provide a status report on the loan program to the governor and the appropriate legislative fiscal committees by June 30, 2007, including any recommendations for improving the program. The department must report on the use of these funds to the Puget Sound water quality action team as part of its activities under the 2005-2007 Puget Sound conservation and recovery plan.

Appropriation:

Water Pollution Control Revolving Account--State	\$162,839,146
Water Pollution Control Revolving Account--Federal	\$76,777,140
Subtotal Appropriation	\$239,616,286
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$912,000,000
TOTAL	\$1,151,616,286

NEW SECTION. Sec. 135. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Motor Vehicle Mercury Removal Program (06-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is for one-time funding to implement the memorandum of agreement establishing the Washington motor vehicle mercury switch removal program. If chapter ... (Second Substitute House Bill No. 1731), Laws of 2006 is enacted by June 30, 2006, then the amount in this section shall be appropriated to the Hood Canal aquatic rehabilitation program under the interagency committee for outdoor recreation in section 151 of this act.

Appropriation:

State Toxics Control Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 136. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

Early Spill Response Equipment Caching (06-1-003)

The appropriation in this section is subject to the following conditions and limitations: \$1,450,000 of the appropriation is provided solely for grants to local governments to secure and place hazardous material spill response equipment at critical locations around the state. Grant funds will emphasize strategic placement of equipment that will allow for quick access and deployment by state, local, or tribal responders in the event of a spill.

Appropriation:

Local Toxics Control Account--State	\$1,450,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,450,000

NEW SECTION, Sec. 137. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Local Innovative Storm Water Grants (06-2-006)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for grants to local governments in Puget Sound to fund innovative, low-impact development storm water management projects to meet critical storm water management needs and protect or restore water quality. Projects may include use of bioretention, rainwater harvest, permeable pavement, vegetated roofs, and other low-impact development techniques. Projects funded in Puget Sound must meet the design guidelines contained in the low impact development technical guidance manual for Puget Sound, unless the municipality can demonstrate that site conditions warrant a deviation from the design guidelines and the deviations in design shall provide similar performance. All projects must include performance monitoring. The department must report on the use of these funds to the Puget Sound water quality action team as part of its activities under the 2005-2007 Puget Sound conservation and recovery plan.

Appropriation:

State Building Construction Account--State . . .	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,500,000

NEW SECTION, Sec. 138. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Waste Tire Clean Up (06-1-002)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the department to initiate clean up of waste tires at the highest risk sites statewide. This clean up work must include major progress at the Goldendale site in Klickitat county.

Appropriation:

Waste Tire Removal Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION, Sec. 139. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxics Sites - Puget Sound (06-4-001)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided for the clean up of contaminated sites that lie adjacent to and are within one-half mile of Puget Sound. Clean ups must include orphan and abandoned sites that pose a threat to Puget Sound with the highest priority sites being cleaned up first. The department

must report on the use of these funds to the Puget Sound water quality action team as part of its activities under the 2005-2007 Puget Sound conservation and recovery plan.

Appropriation:

State Toxics Control Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION, Sec. 140. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxic Sites - Upland and Aquatics (06-1-005)

The appropriation in this section is subject to the following conditions and limitations: The department must report on the use of these funds to the Puget Sound water quality action team as part of its activities under the 2005-2007 Puget Sound conservation and recovery plan.

Appropriation:

State Toxics Control Account--State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION, Sec. 141. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Columbia River Basin Water Supply Development Program (06-2-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for implementation of the Columbia river basin water supply development program in chapter ... (Engrossed Second Substitute House Bill No. 2860), Laws of 2006.

Appropriation:

Columbia River Basin Water Supply Development Account--State . . .	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

Sec. 142. 2005 c 488 s 340 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Minor Works: Facility Preservation (04-1-001)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations in this section are provided solely to continue minor works projects that reduce the deferred maintenance backlog.

Reappropriation:

State Building Construction Account--State	\$147,269
Parks Renewal and Stewardship Account--State	(\$2,600,000)
	\$679,079
Subtotal Reappropriation	(\$2,747,269)
	\$826,348
Prior Biennia (Expenditures)	\$4,990,231
Future Biennia (Projected Costs)	\$0
TOTAL	(\$7,737,500)
	\$5,816,579

Sec. 143. 2005 c 488 s 341 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Parkland Acquisition (04-2-013)

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

Reappropriation:

Parkland Acquisition Account--State	(\$412,690)
	<u>\$191,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$412,690)
	<u>\$191,000</u>

Sec. 144. 2005 c 488 s 342 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Recreation Development (04-2-002)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Up to \$100,000 of the reappropriation shall be used to retain a consultant to conduct a predesign study for a headquarters building located in Thurston county. The predesign shall compare a new leased facility against options to build and evaluate appropriate funding strategies.

(2) (~~(\$900,000)~~) Up to \$700,000 of the reappropriation is provided (~~solely~~) to install fee collection stations at selected parks statewide. Any unused funding of this reappropriation may be expended on other recreation development projects.

(3) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the commission shall file quarterly project progress reports with the office of financial management.

Reappropriation:

State Building Construction Account--State	\$700,000
Prior Biennia (Expenditures)	\$2,200,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,900,000

Sec. 145. 2005 c 488 s 346 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Beacon Rock - Pierce Trust (06-1-030)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for improvements to ~~((the group camp at))~~ Beacon Rock state park.

(2) The funding has been provided solely and directly for this project.

Appropriation:

Parks Renewal and Stewardship Account--Private/Local	\$350,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$350,000

NEW SECTION. Sec. 146. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Sustainable Development and Restoration (06-1-011)

Appropriation:

State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

Sec. 147. 2005 c 488 s 360 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Parkland Acquisition Account (06-2-020)

The appropriation in this section is subject to the following conditions and limitations: The state parks and recreation commission shall provide lists of potential purchases and sales to the office of financial management and the legislature prior to committing the state parks and recreation commission to any sale or purchase of land or buildings and prior to any allotments made for those purchases. Included in the lists will be any potential operating or capital cost impacts known to the state parks and recreation commission.

Appropriation:

Parkland Acquisition Account--State	(\$4,000,000)
	<u>\$6,000,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	(\$20,000,000)
	<u>\$22,000,000</u>

Sec. 148. 2005 c 488 s 365 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Park Development (06-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 is provided solely to construct a pedestrian/emergency vehicle access bridge across Connor creek to allow for beach access.

(2) \$500,000 is provided solely to determine long-term park zoning, design park amenities and services, and provide site permit and initial construction development at Nisqually-Mashel. The state parks and recreation commission shall provide a predesign in accordance with the office of financial management's predesign instructions.

(3) \$150,000 is provided solely for initial park development at Sequim Bay-Miller Peninsula. The state parks and recreation commission shall provide a predesign in accordance with the office of financial management's predesign instructions.

Appropriation:

State Building Construction Account--State	\$900,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$900,000

NEW SECTION. Sec. 149. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Hood Canal Wastewater and Improvement Projects (06-1-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for wastewater and clean water improvement projects at the following locations:

Projects	Amount
Twanoh state park	\$100,000
Dosewallips state park	\$1,200,000
Belfair state park	\$700,000
Potlatch state park	\$1,050,000
Kitsap Memorial state park	\$500,000
Scenic Beach state park	\$900,000
Twanoh and Triton Cove state parks	\$300,000
Shine Tidelands state park	\$850,000
Pleasant Harbor state park	\$150,000
Triton Cove state park	\$170,000
Total	\$5,920,000

Appropriation:

Hood Canal Aquatic Rehabilitation Bond Account--State	\$5,920,000
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FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,920,000

NEW SECTION. Sec. 150. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Puget Sound Wastewater and Improvement Projects (06-1-851)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for wastewater and clean water improvement projects at the following locations:

Projects	Amount
Sequim Bay state park	\$125,000
Fort Flagler state park	\$750,000
Larabee state park	\$750,000
Fort Worden state park	\$300,000
Camano Island state park	\$300,000
Deception Pass state park	\$350,000
Possession Point	\$250,000
Illahee state park	\$1,100,000
Kopachuck state park	\$1,200,000
Penrose Point state park	\$700,000
Blake Island state park	\$250,000
Fay Bainbridge state park	\$1,300,000
Total	\$7,375,000

Appropriation:

State Building Construction Account--State ...	\$7,375,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,375,000

NEW SECTION. Sec. 151. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Hood Canal Aquatic Rehabilitation Program (06-4-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) The Puget Sound action team and the local management board shall develop a list of projects, studies, and activities relating to the recovery of Hood Canal in accordance with RCW 90.88.030. The list developed shall be based upon the project's likely value in addressing and resolving Hood Canal's low-dissolved oxygen concentrations.

(2) The Puget Sound action team and the local management board shall recommend to the interagency committee for outdoor recreation and the governor a prioritized list of projects to be funded under subsection (1) of this section. The governor may remove projects from the list recommended by the Puget Sound action team and the local management board and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and the amount of recommended state funding.

(3) The interagency committee for outdoor recreation shall not sign contracts or otherwise financially obligate funds from the Hood Canal aquatic rehabilitation bond account before the legislature has appropriated funds for a specific list of projects. The legislature may remove projects from the list recommended by the Puget Sound action team and the local management board.

Appropriation:

Hood Canal Aquatic Rehabilitation Bond Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$42,600,000

TOTAL	\$43,600,000
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Sec. 152. 2005 c 488 s 368 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms and Archery Range Program (FARP) (98-2-004)
Reappropriation:

Firearms Range Account--State	(\$31,478)	\$61,478
Prior Biennia (Expenditures)	\$542,191	
Future Biennia (Projected Costs)	\$0	
TOTAL	(\$573,669)	\$603,669

Sec. 153. 2005 c 488 s 369 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway Off-road Vehicle Program (NOVA) (98-2-002)
Reappropriation:

Nonhighway and Off-Road Vehicle Activities Program Account--State	(\$1,243,986)	\$1,322,986
Prior Biennia (Expenditures)	\$9,851,937	
Future Biennia (Projected Costs)	\$0	
TOTAL	(\$11,095,923)	\$11,174,923

Sec. 154. 2005 c 488 s 370 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington Wildlife and Recreation Program (WWRP) (98-2-003)

The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may be used to fund alternate projects approved by the legislature from the same account in biennia succeeding that in which the moneys were originally appropriated.

Reappropriation:

Outdoor Recreation Account--State	\$4,547,515
Habitat Conservation Account--State	(\$1,170,894)
	\$4,382,894
Subtotal Reappropriation	(\$5,718,409)
	\$8,930,409
Prior Biennia (Expenditures)	\$71,883,173
Future Biennia (Projected Costs)	\$0
TOTAL	(\$77,601,582)
	\$80,813,582

Sec. 155. 2005 c 488 s 372 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Salmon Recovery Funding Board Programs (SRFB) (00-2-001)

Reappropriation:

General Fund--Federal	(\$11,227,424)	\$13,320,424
Salmon Recovery Account--State	(\$2,366,010)	\$3,597,010
Subtotal Reappropriation	(\$13,593,434)	\$16,917,434
Prior Biennia (Expenditures)	\$88,031,707	
Future Biennia (Projected Costs)	\$0	

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

TOTAL ((\$101,625,141))
\$104,949,141

**FOR THE INTERAGENCY COMMITTEE FOR
OUTDOOR RECREATION**

Sec. 156. 2005 c 488 s 376 (uncodified) is amended to read as follows:

**FOR THE INTERAGENCY COMMITTEE FOR
OUTDOOR RECREATION**

Firearms and Archery Range Program (02-0-001)
Reappropriation:
Firearms Range Account--State ((\$44,677))
\$120,677
Prior Biennia (Expenditures) \$355,323
Future Biennia (Projected Costs) \$0
TOTAL ((\$400,000))
\$476,000

Sec. 157. 2005 c 488 s 382 (uncodified) is amended to read as follows:

**FOR THE INTERAGENCY COMMITTEE FOR
OUTDOOR RECREATION**

Wildlife and Recreation Program (WWRP) (02-4-003)
The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may be used to fund projects in the following order: (1) The department of natural resources Cypress Island project; and (2) alternate projects approved by the legislature from the same account in biennia succeeding that in which the funds were originally appropriated.

Reappropriation:
Outdoor Recreation Account--State ((\$2,041,864))
\$3,525,864
Habitat Conservation Account--State \$6,928,926
Subtotal Reappropriation ((\$8,970,790))
\$10,454,790
Prior Biennia (Expenditures) \$36,029,210
Future Biennia (Projected Costs) \$0
TOTAL ((\$45,000,000))
\$46,484,000

Sec. 158. 2005 c 488 s 385 (uncodified) is amended to read as follows:

**FOR THE INTERAGENCY COMMITTEE FOR
OUTDOOR RECREATION**

Boating Facilities Program (BFP) (04-4-003)
Reappropriation:
Recreation Resources Account--State ((\$3,753,480))
\$4,484,480
Prior Biennia (Expenditures) \$3,753,479
Future Biennia (Projected Costs) \$0
TOTAL ((\$7,506,959))
\$8,237,959

Sec. 159. 2005 c 488 s 386 (uncodified) is amended to read as follows:

**FOR THE INTERAGENCY COMMITTEE FOR
OUTDOOR RECREATION**

Firearms and Archery Range Program (04-4-006)
Reappropriation:
Firearms Range Account--State ((\$144,997))
\$154,997
Prior Biennia (Expenditures) \$105,003
Future Biennia (Projected Costs) \$0
TOTAL ((\$250,000))
\$260,000

Sec. 160. 2005 c 488 s 387 (uncodified) is amended to read as follows:

Family Forest Fish Blockages Program (04-4-011)
Reappropriation:
State Building Construction Account--State .. ((\$780,379))
\$1,191,379
Prior Biennia (Expenditures) \$1,219,621
Future Biennia (Projected Costs) \$0
TOTAL ((\$2,000,000))
\$2,411,000

Sec. 161. 2005 c 488 s 390 (uncodified) is amended to read as follows:

**FOR THE INTERAGENCY COMMITTEE FOR
OUTDOOR RECREATION**

National Recreation Trails Program (NRTTP) (04-4-008)
Reappropriation:
General Fund--Federal ((\$1,130,000))
\$1,447,000
Prior Biennia (Expenditures) \$1,130,000
Future Biennia (Projected Costs) \$0
TOTAL ((\$2,260,000))
\$2,577,000

Sec. 162. 2005 c 488 s 391 (uncodified) is amended to read as follows:

**FOR THE INTERAGENCY COMMITTEE FOR
OUTDOOR RECREATION**

Nonhighway and Off-Road Vehicle Activities Program (NOVA) (04-4-004)
Reappropriation:
NOVA Program Account--State ((\$5,492,729))
\$5,620,729
Prior Biennia (Expenditures) \$1,433,581
Future Biennia (Projected Costs) \$0
TOTAL ((\$6,926,310))
\$7,054,310

Sec. 163. 2005 c 488 s 392 (uncodified) is amended to read as follows:

**FOR THE INTERAGENCY COMMITTEE FOR
OUTDOOR RECREATION**

Salmon Recovery Funding Board Programs (SRFB) (04-4-001)
Reappropriation:
General Fund--Federal ((\$32,832,305))
\$35,876,305
State Building Construction Account--State ((\$11,500,000))
\$13,885,000
Subtotal Reappropriation ((\$44,332,305))
\$49,761,305
Prior Biennia (Expenditures) \$1,000,000
Future Biennia (Projected Costs) \$0
TOTAL ((\$45,332,305))
\$50,761,305

Sec. 164. 2005 c 488 s 398 (uncodified) is amended to read as follows:

**FOR THE INTERAGENCY COMMITTEE FOR
OUTDOOR RECREATION**

Family Forest Fish Passage Program (06-4-011)
The appropriations in this section are subject to the following conditions and limitations:
(1) The appropriation is provided solely for the salmon recovery funding board in consultation with the small forest landowner office of the department of natural resources and the

FIFTY-SEVENTH DAY, MARCH 6, 2006

department of fish and wildlife to provide grants to correct fish passage blockages on nonindustrial forest lands. Selection of projects must be coordinated with the other salmon recovery grant programs provided in section 403 of this act.

(2) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the committee shall file quarterly project progress reports with the office of financial management.

Appropriation:

State Building Construction Account--State . . .	\$4,150,000
General Fund--Federal	\$217,000
<u>Subtotal Appropriation</u>	<u>\$4,367,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$4,150,000)
	\$4,367,000

Sec. 165. 2005 c 488 s 401 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway and Off-Road Vehicle Program (NOVA) (06-4-004)

The appropriation in this section is subject to the following conditions and limitations: \$345,000 of the appropriation is for implementation of the off-road vehicle data base authorized in chapter ... (Substitute House Bill No. 2658), Laws of 2006. If the bill is not enacted by June 30, 2006, the amount in this section shall be used for the nonhighway and off-road vehicle program.

Appropriation:

Nonhighway and Off-Road Vehicle Activities	
Program Account--State	\$7,579,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$39,946,858
TOTAL	\$47,525,858

Sec. 166. 2005 c 488 s 402 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

National Recreation Trails Program (NRTTP) (06-4-008)

The appropriation in this section is subject to the following conditions and limitations: \$500,000 is provided solely for mountains to sound greenway outdoor recreation projects on the I-90 corridor located in King county and western Kittitas county. Projects must be recreational or scenic in nature, including recreational trail development and expansion, visitor facilities enhancement, sign location, snopark improvements, and property acquisition.

Appropriation:

General Fund--Federal	(\$2,350,000)
	\$2,800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$9,400,000
TOTAL	(\$11,750,000)
	\$12,200,000

Sec. 167. 2005 c 488 s 395 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Facilities Program (BFP) (06-4-003)

The appropriation in this section is subject to the following conditions and limitations: Any amount of the appropriation that is not obligated to a specific project in the first application round shall be used to fund boat sewage disposal facilities.

Appropriation:

2006 REGULAR SESSION

Recreation Resources Account--State	(\$8,350,000)
	\$7,271,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$36,597,535
TOTAL	(\$44,947,535)
	\$43,868,535

NEW SECTION, Sec. 168. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Local Parks - Level of Service Standard Study (06-2-851)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the interagency committee for outdoor recreation to develop recommendations for a statewide approach to a recreation level of service for local and regional active recreation facilities, including indicators with which to measure progress in achieving level of service objectives. The recommendations must be coordinated with those of the priorities of government effort. The interagency committee for outdoor recreation shall also recommend standardized definitions for types of parks and recreational facilities, and a process for periodically measuring performance indicators and reporting the results. The interagency committee for outdoor recreation may enter into a contract with an entity with expertise in parks facility planning, level of service standards, and geographic information systems.

(2) The interagency committee for outdoor recreation shall submit a report to the appropriate committees of the legislature by January 1, 2007. The report must include the following: (a) Level of service standards including individual participation measures; (b) service area analysis using geographic information system tools and techniques; and (c) recommendations to incorporate level of service reporting into grant-in-aid programs.

Appropriation:

Youth Athletic Facility Account--State	\$50,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$50,000

Sec. 169. 2005 c 488 s 414 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION

Skokomish Anaerobic Digester (06-4-009)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a grant to the Mason conservation district for construction of an anaerobic digester in the Skokomish river watershed. Up to ~~(\$50,000)~~ \$65,000 of this amount may be spent on completing design concepts and feasibility analysis. The remaining funds shall be allotted only after the following has occurred: (1) Mason conservation district secures nonstate matching funds or in-kind contributions of at least twenty-five percent of the total project cost; (2) a feasibility study is completed and submitted to the Puget Sound action team and the state conservation commission; and (3) the Puget Sound action team and the state conservation commission approve the project proposal.

Appropriation:

State Building Construction Account--State	\$560,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$560,000

Sec. 170. 2005 c 488 s 425 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

Facility, Infrastructure, Lands, and Access Condition Improvements (06-1-002)

The appropriations in this section are subject to the following limitations: \$5,000 of the appropriation in this section is provided solely for bank stabilization of the south Toledo access road.

Appropriation:

General Fund--Federal	\$650,000
State Building Construction Account--State	\$6,457,000
Subtotal Appropriation	\$7,107,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$26,600,000
TOTAL	\$33,707,000

Sec. 171. 2005 c 488 s 427 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Fish and Wildlife Population and Habitat Protection (06-1-003)

The appropriations in this section are subject to the following conditions and limitations:

(1) It is the intent of the legislature that expenditures from the wildlife account--state appropriation shall only be made to the extent funds are available in the account and will not result in a reduction to other programs or activities.

(2) The department of fish and wildlife, in coordination with the department of natural resources, shall pursue claims against the Columbia rural electric association and Asplundh for damage to state property caused by the school fire in the Wooten wildlife area. Any compensation received from such claims will be deposited in the state wildlife account.

Appropriation:

General Fund--Federal	\$2,830,000
General Fund--Private/Local	\$3,500,000
State Building Construction Account--State	\$500,000
Wildlife Account--State	\$600,000
Subtotal Appropriation	\$7,430,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$34,920,000
TOTAL	\$42,350,000

NEW SECTION. Sec. 172. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Land Acquisition Pass-Thru Grants (06-4-018)

Appropriation:

Wildlife Account--Federal	\$3,300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,300,000

NEW SECTION. Sec. 173. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Department of Natural Resources - Department of Fish and Wildlife Land Exchange - Shrub Steppe (06-2-851)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely to appraise the value of lands for exchange with the department of natural resources. Forest lands transferred to the department of natural resources under this section shall be actively managed by the department under a cooperative agreement with surrounding public and private landowners to implement landscape scale restoration and other management objectives.

Appropriation:

State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL \$500,000
NEW SECTION. Sec. 174. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Alternative Mitigation Exchange Service (06-2-852)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for contract services with the association of Washington cities and the Washington state association of counties for the purpose of developing and demonstrating an alternative mitigation exchange service in Vancouver and Clark county. The purposes of the exchange are to improve the environmental value of permit decision-making and to accomplish permit streamlining objectives.

Appropriation:

State Building Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 175. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Estuary and Salmon Restoration in Puget Sound (06-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for nearshore estuary and shoreline projects supporting salmon recovery in Puget Sound.

(2) Project selection and funding decisions shall be submitted for approval to the executive committee of the Puget Sound nearshore partnership between the department and the United States army corps of engineers.

(3) Funded projects require a nonstate match or in-kind contributions. The match requirements must be approved by the executive committee identified in subsection (2) of this section.

(4) Project selection and funding decisions must be coordinated with the salmon recovery funding board to ensure that project funding and matching requirements are maximized to the greatest extent possible.

(5) The department shall not utilize any amount of this appropriation to support administration or overhead. Funding to support the administration of the funds and the implementation of selected projects must be obtained from the department's operating budget.

(6) Eligible projects must be within Puget Sound and identified in a current salmon recovery plan.

(7) All funds must be obligated to a specific project or projects no later than October 15, 2006.

(8) The department shall submit a report to the legislature and the office of financial management by November 1, 2006. The report must describe the status of all projects authorized for funding under this appropriation, including project location, implementation timeline, performance measures, funding structure, matching funds, and expected results.

Appropriation:

State Building Construction Account--State	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,000,000
TOTAL	\$7,500,000

Sec. 176. 2005 c 488 s 443 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Land Bank (06-2-015)

The appropriation in this section is subject to the following conditions and limitations: The department shall prepare an

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

inventory of acquisitions, sales, transfers, or exchanges of water rights within the past ten years. This inventory shall be submitted in a report to the appropriate committees of the legislature by December 1, 2006. The report shall also estimate the cost of a study to inventory all water rights that are connected to existing state lands.

Appropriation:

Resources Management Cost Account--State	(\$5,000,000)
	\$43,000,000
Prior Biennia (Expenditures)	\$10,462,000
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	(\$55,462,000)
	\$93,462,000

Sec. 177. 2005 c 488 s 451 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Small Timber Landowner (FREP) (06-2-019)

The appropriation in this section is subject to the following conditions and limitations:

(1) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.

(2) The department may not expend more than ~~(\$200,000)~~ \$300,000 of the appropriation for administrative or staff costs.

Appropriation:

State Building Construction Account--State	\$8,000,000
Prior Biennia (Expenditures)	\$7,750,000
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$55,750,000

NEW SECTION. Sec. 178. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Federal HCP Land Acquisition Grants (06-2-950)

Appropriation:

General Fund--Federal	\$6,720,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,720,000

Sec. 179. 2005 c 488 s 453 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Statewide Aquatic Restoration Projects (06-2-008)

The appropriations in this section are subject to the following conditions and limitations: \$2,000,000 of the state toxics control account--state appropriation is provided solely for costs related to removal of creosote logs and pilings in Puget Sound.

Appropriation:

Aquatic Lands Enhancement Account--State	\$300,000
State Toxics Control Account--State	\$2,000,000
State Building Construction Account--State	\$150,000
Subtotal Appropriation	(\$450,000)
	\$2,450,000
Prior Biennia (Expenditures)	\$200,000
Future Biennia (Projected Costs)	\$1,200,000
TOTAL	(\$1,850,000)
	\$3,850,000

NEW SECTION. Sec. 180. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Old Growth Forest Inventory (06-2-855)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely to conduct an inventory of old growth forests located on state lands east of the crest of Cascade mountains. The inventory is intended to be a continuation of the inventory conducted pursuant to section 905, chapter 277, Laws of 2004, and must be completed in two phases.

(2) In conducting the inventory required by this section, the department of natural resources shall reconvene a scientific panel with membership consistent with the structure created in section 905, chapter 277, Laws of 2004, and direct the panel to review the best available applicable scientific information. The panel shall also develop a definition for old-growth trees and stands located east of the crest of the Cascade mountains using attributes measured in department of natural resources inventory plots.

(3) The first phase of the inventory required by this section shall be completed by July 1, 2007. In the first phase, the panel shall identify reference stands for old-growth ponderosa pine, dry mixed conifer species, and pine-oak plant associations.

(4) The second phase of the inventory required by this section shall be completed by December 15, 2007. In the second phase, the department of natural resources shall use the definition provided by the scientific panel under subsection (2) of this section to produce an inventory of old growth forests located on state lands east of the crest of Cascade mountains. The inventory must include:

(a) Maps that illustrate the distribution of forest stands containing old-growth ponderosa pine, dry mixed-conifer species, and pine-oak plant associations, including sites with residual old-growth ponderosa pine trees; and

(b) Tables describing the number of acres of old-growth stands in each county, forest type, and department of natural resources' administrative unit.

(5) The department of natural resources shall report the information required by this section to the appropriate committees of the legislature.

(6) Until the completion of the inventory required by this section, the department of natural resources may not cut or remove any Douglas fir, ponderosa pine, or larch trees from state lands located east of the crest of the Cascade mountains if the tree is one hundred sixty years in age or older and has a diameter of twenty-eight inches or more when measured at breast height, unless removal of the tree is determined by the department of natural resources to be necessary to prevent an imminent physical or ecological hazard or otherwise satisfy a safety concern.

Appropriation:

State Building Construction Account--State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000

Sec. 181. 2005 c 488 s 460 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Hop Initiative (06-1-951)

Appropriation:

State Building Construction Account--State	(\$500,000)
	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$500,000)
	\$1,000,000

Sec. 182. 2005 c 488 s 601 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Common School Construction Account Deposits

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$15,000,000)~~ \$33,766,000 in fiscal year 2006 and \$15,000,000 in fiscal year 2007 of the education savings account appropriation shall be deposited in the common school construction account.

(2) \$99,737,000 of the education construction account appropriation shall be deposited in the common school construction account.

Appropriation:

Education Savings Account--State	(\$30,000,000)
	\$48,766,000
Education Construction Account--State	\$99,737,000
Subtotal Appropriation	(\$129,737,000)
	\$148,503,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$129,737,000)
	\$148,503,000

Sec. 183. 2005 c 488 s 605 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

School Construction Assistance Program (06-4-100)

The appropriations in this section are subject to the following conditions and limitations:

(1) For state assistance grants for purposes of calculating square foot eligibility, kindergarten student headcount shall not be reduced by fifty percent.

(2)(a) \$14,439,000 from this appropriation is provided solely for projects at skills centers that are included on the prioritized list of capital items and major capital project list submitted by the state board of education ~~(and)~~.

(b) \$150,000 from this appropriation is provided solely for a comprehensive feasibility study for the development of a skills center in Skagit county.

(c) \$400,000 from this appropriation is provided solely for comprehensive feasibility studies for the development of skills centers in the following targeted areas: Moses Lake, northeast King county, Pierce county, and Seattle. Skills centers shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures and the proposed expenditures shall conform to state board of education rules and procedures for reimbursement of capital items. The state board of education shall develop a plan to include skills center capital requests within the state construction assistance program.

(3) \$156,155,000 of this appropriation is provided solely to increase the area cost allowance by \$12.14 per square foot for grades K-12 for fiscal year 2006, an additional \$12.27 per square foot for grades K-12 for fiscal year 2007, the student square footage allocation in fiscal year 2007 in accordance with the first step in the state board of education six-year plan, and the amount of state assistance provided for modernization and new in-lieu projects to one hundred percent of the area cost allowance.

(4) The appropriation in this section includes the amounts deposited in the common school construction account under section 601 of this act.

Appropriation:

State Building Construction Account--State	\$130,200,000
Common School Construction Account--State	(\$474,853,000)
	\$511,116,000
Subtotal Appropriation	(\$605,053,000)
	\$641,316,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,832,159,000
TOTAL	(\$3,437,212,000)
	\$3,473,475,000

Sec. 184. 2005 c 488 s 606 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Environmental Learning Centers (06-2-951)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,950,000 from this appropriation is provided solely for capital projects at the Chewelah peak learning center. The Chewelah peak learning center shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures.

(2) \$400,000 of this appropriation is provided solely for capital projects at Camp Waskowitz learning center. Camp Waskowitz shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures.

(3) \$500,000 of this appropriation is provided solely for capital projects at IslandWood education center on Bainbridge island. IslandWood shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures.

Appropriation:

State Building Construction Account--State	\$2,350,000
Common School Construction Account--State	\$500,000
Subtotal Appropriation	\$2,850,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$2,350,000)
	\$2,850,000

Sec. 185. 2005 c 488 s 607 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Apple Award Construction Achievement Grants (06-4-850)

The appropriation in this section is subject to the following conditions and limitations: Grants of \$25,000 are provided to public elementary schools whose students have shown the greatest combined average increase in the percentage of students meeting the fourth grade reading, mathematics, and writing standards on the Washington assessment of student learning from school year 2003-04 as compared to school year 2004-05 and school year 2004-05 as compared to school year 2005-06 ~~(and 2006-07)~~. \$250,000 shall be available for awards in ~~(2005-06)~~ fiscal year 2006 and \$250,000 in ~~(2006-07)~~ fiscal year 2007. The program shall be administered by the state board of education which shall determine categories for selection that provides geographic and school district size representation.

The grants shall be used for capital construction purposes as determined by the students in the schools and approved by the district's school directors. The funds may be used exclusively for capital construction projects on school property or on other public property in the community, city, or county in which the school is located.

Appropriation:

Education Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

Sec. 186. 2005 c 488 s 609 (uncodified) is amended to read as follows:

((FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION)) FOR THE STATE BOARD OF EDUCATION

High Performance Buildings (06-4-852)

The appropriation in this section is subject to the following conditions and limitations: Additional funding will be provided to school districts constructing public schools to recognized standards for high performance public buildings for a transition period of three years. The districts building high performance public schools will be granted funding per school project for capital-related costs associated with the design and construction of public K-12 schools that meet or exceed comprehensive design, construction, and operating standards for high performance and sustainable school buildings. No more than \$250,000 will be allotted for each elementary school built to high performance standards, no more than \$350,000 will be allotted for each middle school built to high performance standards, and no more than \$500,000 will be allotted to each high school built to high performance standards. These levels may be modified, in a limited manner, if specific project conditions warrant and as determined by the office of the superintendent of public instruction. The state board of education and the office of the superintendent of public instruction shall not expend more than \$195,000 of the appropriation for administrative costs.

Appropriation:

State Building Construction Account--State . . .	\$6,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$13,000,000
TOTAL	\$19,500,000

Sec. 187. 2005 c 488 s 610 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

State School Construction Assistance Program Administration (06-2-001)
The appropriation in this section is subject to the following conditions and limitations: \$76,000 of the common school construction account--state appropriation is provided solely to implement chapter ... (Substitute House Bill No. 3098), Laws of 2006 (state board of education). If the bill is not enacted by June 30, 2006, the appropriation shall lapse.

Appropriation:

Common School Construction Account--State((\$2,279,004))	<u>\$2,355,004</u>
Prior Biennia (Expenditures)	\$3,969,379
Future Biennia (Projected Costs)	\$10,554,882
TOTAL	(\$16,803,265)
	\$16,879,265

Sec. 188. 2005 c 488 s 612 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

Campus Preservation (06-1-003)

Appropriation:

State Building Construction Account--State . . ((\$700,000))	<u>\$900,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,800,000
TOTAL	(\$3,500,000)
	\$3,700,000

Sec. 189. 2005 c 488 s 613 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE DEAF

Omnibus Minor Works - Preservation (06-1-002)

Appropriation:

State Building Construction Account--State . . ((\$200,000))	<u>\$400,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$775,000

TOTAL	(\$975,000)
	\$1,175,000

Sec. 190. 2005 c 488 s 632 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Guggenheim Hall Renovation (06-1-006)

The appropriations in this section (~~is~~) are subject to the following conditions and limitations: No money from the appropriation in this section may be expended on surge space.

Appropriation:

State Building Construction Account--State ((\$24,500,000))	<u>\$19,750,000</u>
Education Construction Account--State	\$4,750,000
<u>Subtotal Appropriation</u>	<u>\$24,500,000</u>
Prior Biennia (Expenditures)	\$1,812,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$26,312,000

Sec. 191. 2005 c 488 s 650 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Biotechnology/Life Sciences 2 (04-2-085)

Reappropriation:

Washington State University Building Account--State	\$1,400,000
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Appropriation:

Gardner-Evans Higher Education Construction Account--State	\$10,000,000
Prior Biennia (Expenditures)	\$3,250,000
Future Biennia (Projected Costs)	(\$45,000,000)
	\$56,000,000
TOTAL	(\$49,650,000)
	\$70,650,000

Sec. 192. 2005 c 488 s 659 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

Minor Works - Facility Preservation (06-1-001)

The appropriation in this section is subject to the following conditions and limitations: \$50,000 of the appropriation from the Washington State University building account--state is provided solely for preliminary design, engineering, permitting, and cost estimate evaluations to modernize and expand the existing dairy facilities in Pullman.

Appropriation:

State Building Construction Account--State . .	\$25,000,000
Washington State University Building Account--State	(\$5,500,000)
	\$10,500,000
Subtotal Appropriation	(\$30,500,000)
	\$35,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$120,000,000
TOTAL	(\$150,500,000)
	\$155,500,000

NEW SECTION. Sec. 193. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

Martin Williamson Renovation (06-1-706)

Appropriation:

Gardner-Evans Higher Education Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$24,238,000
TOTAL	\$24,438,000

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

NEW SECTION. Sec. 194. A new section is added to 2005 c 488 (uncodified) to read as follows:

shall seek to maximize public input through coordination of the planning effort with established neighborhood advisory groups and boards recognized by the city of Bellingham.

FOR EASTERN WASHINGTON UNIVERSITY

Reappropriation:

Patterson Hall Remodel (06-2-002)	
Appropriation:	
Gardner-Evans Higher Education Construction	
Account--State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$26,078,000
TOTAL	\$26,278,000

Western Washington University Capital Projects	
Account--State	(\$38,826)
	\$36,466
Prior Biennia (Expenditures)	\$290,174
<u>Future Biennia (Projected Costs)</u>	<u>\$0</u>
TOTAL	\$326,640

NEW SECTION. Sec. 195. A new section is added to 2005 c 488 (uncodified) to read as follows:

Sec. 198. 2005 c 488 s 795 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Replace Chiller (06-1-025)	
Appropriation:	
Gardner-Evans Higher Education Construction	
Account--State	\$1,880,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,880,000

Skagit Valley College: Science Building Replacement (04-1-209)

Sec. 196. 2005 c 488 s 696 (uncodified) is amended to read as follows:

Reappropriation:	
State Building Construction Account--State	\$14,664
Appropriation:	
State Building Construction Account--State	\$2,693,000
<u>Gardner-Evans Higher Education Construction</u>	
Account--State	\$325,000
Subtotal Appropriation	\$3,018,000
Prior Biennia (Expenditures)	\$285,336
Future Biennia (Projected Costs)	(\$24,268,049)
	\$26,693,049
TOTAL	(\$27,261,049)
	\$30,011,049

Sec. 199. 2005 c 488 s 777 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Seminar Building Phase II - Construction (02-2-004)
 The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall not be used for vehicles, laptop computers, small printers, disposable items, or other items with a useful life of less than one year.

Reappropriation:
The Evergreen State College Capital Projects

Everett Community College: Undergraduate Education Center (04-2-692)

Account--State	\$700,000
<u>Appropriation:</u>	
<u>Education Construction Account--State</u>	<u>\$4,250,000</u>
Prior Biennia (Expenditures)	\$42,550,000
Future Biennia (Projected Costs)	\$0
TOTAL	(\$43,250,000)
	\$47,500,000

Appropriation:	
State Building Construction Account--State	\$7,363,700
<u>Gardner-Evans Higher Education Construction</u>	
Account--State	\$3,844,000
Subtotal Appropriation	\$11,207,700
Prior Biennia (Expenditures)	\$126,000
Future Biennia (Projected Costs)	(\$27,407,540)
	\$38,103,591
TOTAL	(\$34,897,240)
	\$49,437,291

Sec. 197. 2005 c 488 s 714 (uncodified) is amended to read as follows:

NEW SECTION. Sec. 200. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Campus Roadway Development (04-2-073)
The reappropriation in this section is subject to the following conditions and limitations:

(1) The purpose of the reappropriation is to complete a predesign of potential south campus roadway options and general circulation issues that avoids significant impacts on adjacent neighborhoods and conforms to the city of Bellingham traffic plans.

(2) The predesign shall also investigate options to achieve higher rates of alternative modes of transportation among faculty, staff, and students, minimize surface parking, and make improvements for traffic circulation, including public transit. Safe movement of pedestrians and bicyclists shall be a priority.

(3) Allotment for predesign is contingent upon the completion of a communication and public involvement plan for this project that is consistent with the significant projects section of the Western Washington University institutional master plan and adjacent neighborhood plans adopted by the city of Bellingham, the city of Bellingham Western Washington University neighborhood plan, and the neighborhood meeting requirements contained in Bellingham municipal code 20.40.060. The communication and public involvement plan

Seattle Central Community College: Maritime Academy Repairs (06-1-502)

Appropriation:	
Gardner-Evans Higher Education Construction	
Account--State	\$268,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,588,000
TOTAL	\$1,856,000

NEW SECTION. Sec. 201. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River College: Water System Replacement (06-1-501)

Appropriation:

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

Gardner-Evans Higher Education Construction	
Account--State	\$1,951,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,951,000

NEW SECTION, Sec. 202. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Highline Community College: Primary Power Branch Replacement (06-1-503)

Appropriation:

Gardner-Evans Higher Education Construction	
Account--State	\$1,717,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,717,000

NEW SECTION, Sec. 203. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Skagit Valley College: Campus Fire Loop Replacement (06-1-504)

Appropriation:

Gardner-Evans Higher Education Construction	
Account--State	\$1,634,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,634,000

Sec. 204. 2005 c 488 s 905 (uncodified) is amended to read as follows:

(1) To ensure that minor works appropriations are carried out in accordance with legislative intent, funds appropriated in this act shall not be allotted until project lists are on file at the office of financial management (~~and the office of financial management has formally approved the lists. Proposed revisions~~), the house of representatives capital budget committee, and the senate ways and means committee. All projects must meet the criteria included in subsection (2)(a) of this section. Revisions to the lists must be filed with (~~and approved by~~) the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee and include an explanation of variances from the prior list before funds may be expended on the revisions.

(2)(a) Minor works projects are single line appropriations that shall include multiple projects valued between \$25,000 and \$1,000,000 each that are of a similar nature and can (~~generally~~) be completed within two years of the appropriation with the funding provided. These projects cannot be combined with or be a part of an overall project, that if combined over a continuous period of time, would exceed \$1,000,000. Minor works categories include (i) health, safety, and code requirements; (ii) facility preservation; (iii) infrastructure preservation; and (iv) program improvement or expansion. Improvements for accessibility in compliance with the Americans with disabilities act may be included in any of the above minor works categories.

(b) Minor works appropriations shall not be used for, among other things: Studies, except for technical or engineering reviews or designs that lead directly to and support a project on the same minor works list; planning; design outside the scope of work on a minor works list; moveable, temporary, and traditionally funded operating equipment not in compliance with the equipment criteria established by the office of financial management; software not dedicated to control of a specialized system; moving expenses; land or facility acquisition; or to

supplement funding for projects with funding shortfalls unless expressly authorized elsewhere in this act. The office of financial management may make an exception to the limitations described in this subsection (2)(b) for exigent circumstances after notifying the legislative fiscal committees and waiting ten days for comments by the legislature regarding the proposed exception.

(3) The (~~office of financial management~~) agency shall (~~forward~~) provide copies of these project lists and revised lists to the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee. No expenditure may be incurred or obligation entered into for minor works appropriations until the office of financial management has approved the allotment of the funds to be expended. The office of financial management shall encourage state agencies to incorporate accessibility planning and improvements into the normal and customary capital program.

(4) It is generally not intended to make future appropriations for capital expenditures or for maintenance and operating expenses for an acquisition project or a significant expansion project that is initiated through the minor works process and therefore does not receive a policy and fiscal analysis by the legislature. Minor works projects are intended to be one-time expenditures that do not require future state resources to complete.

NEW SECTION, Sec. 205. A new section is added to 2005 c 488 (uncodified) to read as follows:

Executive Order No. 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions shall comply with the requirements set forth in this executive order.

Sec. 206. 2005 c 488 s 909 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(1) Department of general administration:

(a) Enter into a financing contract for up to \$12,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the fifth and final phase of the roof membrane replacement at the east plaza parking structure as well as safety improvements to the parking garage below the plaza.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(b) Enter into a financing contract for up to \$6,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the fourth phase of the office building-2 rehabilitation that will renew failing building systems, correct code deficiencies, and improve access.

(c) Enter into a financing contract for up to \$13,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the rehabilitation of the Cherberg building.

(2) Liquor control board: Enter into a financing contract for up to \$17,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an extension to the liquor control board's distribution center to meet liquor sales growth through 2018.

(3) Department of corrections:

(a) Enter into a financing contract for up to \$400,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a waste transfer station and purchase a garbage truck at the McNeil Island corrections center.

(b) Enter into a financing contract for up to \$4,588,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a transportation services warehouse and offices for correctional industries.

(c) Enter into a financing contract for up to \$4,536,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct additions to the food factory and warehouses at the Airway Heights corrections center for correctional industries.

(4) Parks and recreation commission: Enter into a financing contract in an amount not to exceed \$4,800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop Cama Beach state park.

(5) Community and technical colleges:

~~(a) Enter into a financing contract on behalf of Bellevue Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase the North Center building.~~

~~(b)) Enter into a financing contract on behalf of Clark College for up to \$9,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a ((parking structure)) building for a training center.~~

~~((c)) (b) Enter into a financing contract on behalf of Clover Park Technical College for up to \$14,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student center.~~

~~((d)) (c) Enter into a financing contract on behalf of Columbia Basin College for up to \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the Hawk Union building.~~

(d) Enter into a financing contract on behalf of Edmonds Community College for up to \$8,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a bookstore and student center.

(e) Enter into a financing contract on behalf of Edmonds Community College for up to \$4,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a black box theater as a part of the Instructional Lab building.

(f) Enter into a financing contract on behalf of Green River Community College for up to \$7,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Kent Station higher education center.

(g) Enter into a financing contract on behalf of Olympic College for up to \$3,600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an addition to the student center bookstore.

(h) Enter into a financing contract on behalf of Shoreline Community College for up to \$15,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student union building.

(i) Enter into a financing contract on behalf of Skagit Valley Community College for up to \$3,200,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate existing space into a new student center.

(j) Enter into a financing contract on behalf of Walla Walla Community College for up to \$2,175,100 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land, make site improvements, and construct a building for ~~((the enology program))~~ professional-technical instruction.

(k) Enter into a financing contract on behalf of Walla Walla Community College for up to \$640,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an addition to the health sciences building at the Clarkston center.

(l) Enter into a financing contract on behalf of Seattle Central Community College for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a math and science building.

(m) Enter into a financing contract on behalf of Pierce College/Puyallup for up to \$8,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student gym and fitness center.

(n) Enter into a financing contract on behalf of Pierce College/Ft. Steilacoom for up to \$5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an addition to the college health and wellness center.

(o) Enter into a financing contract on behalf of Columbia Basin College for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the Richland health sciences center.

(p) The projects in ~~((a-))~~ (f), ~~((k-))~~ (j), (l), (m), and (n) of this subsection are reauthorizations of projects originally authorized in the 2003-2005 biennium. If the college enters into a financing contract before the effective date of this section, then the appropriate reauthorization contained in this section is null and void.

(6) Washington State University: Enter into a financing contract for up to \$11,650,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a bioproducts facility in the Tri-Cities.

Sec. 207. RCW 43.---.--- (section 8, chapter ---, Laws of 2006, (E3SHB No. 2939)) is amended to read as follows:

The energy freedom account is created in the state treasury. All receipts from appropriations made to the account, proceeds from other lawful sources, and loan payments of principal and interest derived from loans made under this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for loans and grants to political subdivisions for renewable energy and biofuel development projects and activities authorized under this chapter or otherwise authorized by the legislature.

NEW SECTION. Sec. 208. A new section is added to 2005 c 488 (uncodified) to read as follows:

OFFICE OF FINANCIAL MANAGEMENT OFFICE OF FINANCIAL MANAGEMENT. The legislature finds that the January 23, 2006, report on 63-20 capital projects financing submitted by the state treasurer raised significant issues that could benefit from additional exploration and analysis. The legislature further finds that financing costs are only one important dimension to consider when analyzing and comparing the use of conventional bonds with other capital project financing mechanisms in the development of major public facilities. Other factors that must be considered include total project and life-cycle costs, long-term costs of capital, scheduling, generally accepted accounting principles, transfer of risk, project management, project complexity, public works contracting procedures, and applicability of private sector

FIFTY-SEVENTH DAY, MARCH 6, 2006

strategies or practices in the development and ongoing maintenance of public facilities.

The office of financial management and the department of general administration, in consultation with legislative staff from the appropriate policy and fiscal committees of the legislature shall:

(1) Research models and best practices used by other governments and private industry to provide major facility and infrastructure information for budgeting purposes, including the updated joint legislative audit and review committee life-cycle cost model in section 102 of this act. The analysis must include total cost of capital and long-term forecasting information for facility preservation, major facility or system replacement, and new capacity to result in more effective investment decisions for major public facilities and infrastructure.

(2) Develop recommendations that incorporate best practices in the state's capital budgeting process and public works contracting procedures, including lessons learned from 63-20 financing projects entered into by state agencies or local governments.

(3) Develop recommendations for appropriate uses of alternative capital project financing instruments and a corresponding decision making process.

(4) Develop a strategy to manage risk and reduce the potential for claims and litigation associated with state construction projects. This strategy must include the enumeration of best practices for the management of project risk and conflicts, in order to minimize future expenses related to construction claims.

(5) Coordinate with the capital projects advisory review board created in chapter 377, Laws of 2005 to evaluate public capital project construction processes and policies related to alternative public works delivery methods.

(6) Submit report findings and recommendations to the appropriate fiscal committees of the legislature by September 1, 2007.

Sec. 209. RCW 79.17.010 and 2003 1st sp.s. c 25 s 939 and 2003 c 334 s 452 are each reenacted and amended to read as follows:

(1) The department, with the approval of the board, may exchange any state land and any timber thereon for any land of equal value in order to:

(a) Facilitate the marketing of forest products of state lands;

(b) Consolidate and block-up state lands;

(c) Acquire lands having commercial recreational leasing potential;

(d) Acquire county-owned lands;

(e) Acquire urban property which has greater income potential or which could be more efficiently managed by the department in exchange for state urban lands as defined in RCW 79.19.100; or

(f) Acquire any other lands when such exchange is determined by the board to be in the best interest of the trust for which the state land is held.

(2) Land exchanged under this section shall not be used to reduce the publicly owned forest land base.

(3) The board shall determine that each land exchange is in the best interest of the trust for which the land is held prior to authorizing the land exchange.

(4) During the biennium ending June 30, ~~((2005))~~ 2007, the department, with approval of the board, may exchange any state land and any timber thereon for any land and proceeds of equal value. Proceeds may be in the form of cash or services in order to achieve the purposes established in this section. Any cash received as part of an exchange transaction shall be deposited in the resource management cost account to pay for administrative expenses incurred in carrying out an exchange transaction. The amount of proceeds received from the exchange partner may not exceed five percent of the total value of the exchange. The receipt of proceeds shall not change the character of the transaction from an exchange to a sale.

2006 REGULAR SESSION

NEW SECTION. Sec. 210. A new section is added to 2005 c 488 (uncodified) to read as follows:

Eastern Washington University is authorized to sell its Spokane center. Proceeds from the sale must be deposited into the higher education construction account. Proceeds may be used to acquire or design a facility on or adjacent to the Riverpoint higher education campus for the university's Spokane-based program offerings. Eastern Washington University must report to the office of financial management and the appropriate fiscal committees of the legislature upon sale of the center as well as expenditure of the proceeds.

Sec. 211. RCW 43.99N.060 and 2000 c 137 s 1 are each amended to read as follows:

(1) The stadium and exhibition center account is created in the custody of the state treasurer. All receipts from the taxes imposed under RCW 82.14.0494 and distributions under RCW 67.70.240(5) shall be deposited into the account. Only the director of the office of financial management or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW. An appropriation is not required for expenditures from this account.

(2) Until bonds are issued under RCW 43.99N.020, up to five million dollars per year beginning January 1, 1999, shall be used for the purposes of subsection (3)(b) of this section, all remaining moneys in the account shall be transferred to the public stadium authority, created under RCW 36.102.020, to be used for public stadium authority operations and development of the stadium and exhibition center.

(3) After bonds are issued under RCW 43.99N.020, all moneys in the stadium and exhibition center account shall be used exclusively for the following purposes in the following priority:

(a) On or before June 30th of each year, the office of financial management shall accumulate in the stadium and exhibition center account an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued under RCW 43.99N.020;

(b) An additional reserve amount not in excess of the expected average annual principal and interest requirements of bonds issued under RCW 43.99N.020 shall be accumulated and maintained in the account, subject to withdrawal by the state treasurer at any time if necessary to meet the requirements of (a) of this subsection, and, following any withdrawal, reaccumulated from the first tax revenues and other amounts deposited in the account after meeting the requirements of (a) of this subsection; and

(c) The balance, if any, shall be transferred to the youth athletic facility account under subsection (4) of this section.

Any revenues derived from the taxes authorized by RCW 36.38.010(5) and 36.38.040 or other amounts that if used as provided under (a) and (b) of this subsection would cause the loss of any tax exemption under federal law for interest on bonds issued under RCW 43.99N.020 shall be deposited in and used exclusively for the purposes of the youth athletic facility account and shall not be used, directly or indirectly, as a source of payment of principal of or interest on bonds issued under RCW 43.99N.020, or to replace or reimburse other funds used for that purpose.

(4) Any moneys in the stadium and exhibition center account not required or permitted to be used for the purposes described in subsection (3)(a) and (b) of this section shall be deposited in the youth athletic facility account hereby created in the state treasury. Expenditures from the account may be used only for purposes of grants or loans to cities, counties, and qualified nonprofit organizations for community outdoor athletic facilities. For the 2005-2007 biennium, moneys in the account may also be used for the recreation level of service study for local and regional active recreation facilities identified in section 168 of this act. Only the director of the interagency

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

committee for outdoor recreation or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. The athletic facility grants or loans may be used for acquiring, developing, equipping, maintaining, and improving community outdoor athletic facilities. Funds shall be divided equally between the development of new community outdoor athletic facilities, the improvement of existing community outdoor athletic facilities, and the maintenance of existing community outdoor athletic facilities. Cities, counties, and qualified nonprofit organizations must submit proposals for grants or loans from the account. To the extent that funds are available, cities, counties, and qualified nonprofit organizations must meet eligibility criteria as established by the director of the interagency committee for outdoor recreation. The grants and loans shall be awarded on a competitive application process and the amount of the grant or loan shall be in proportion to the population of the city or county for where the community outdoor athletic facility is located. Grants or loans awarded in any one year need not be distributed in that year. The director of the interagency committee for outdoor recreation may expend up to one and one-half percent of the moneys deposited in the account created in this subsection for administrative purposes.

Sec. 212. 2005 c 488 s 927 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

Local Toxics Control Account: For transfer to the state toxics control account \$13,900,000
State Drought Preparedness Account: For transfer to the charitable, education, penal and reformatory institutions account \$970,000

NEW SECTION. Sec. 213. Part headings in this act are not any part of the law.

NEW SECTION. Sec. 214. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 215. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

INDEX PAGE #

CENTRAL WASHINGTON UNIVERSITY 63
CRIMINAL JUSTICE TRAINING COMMISSION 19
DEPARTMENT OF AGRICULTURE 55
DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT 3
DEPARTMENT OF CORRECTIONS 22
DEPARTMENT OF ECOLOGY 25
DEPARTMENT OF FISH AND WILDLIFE 49
DEPARTMENT OF GENERAL ADMINISTRATION 15
DEPARTMENT OF NATURAL RESOURCES 52
DEPARTMENT OF SOCIAL AND HEALTH SERVICES 20
DEPARTMENT OF VETERANS AFFAIRS 21
EASTERN WASHINGTON UNIVERSITY 63
EMPLOYMENT SECURITY DEPARTMENT 24
INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION 39
JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE 2
OFFICE OF FINANCIAL MANAGEMENT 1, 73
STATE BOARD OF EDUCATION 56, 59
STATE PARKS AND RECREATION COMMISSION 35
STATE SCHOOL FOR THE BLIND 60
THE EVERGREEN STATE COLLEGE 64

UNIVERSITY OF WASHINGTON 61
WESTERN WASHINGTON UNIVERSITY 64"

On page 1, line 2 of the title, after "improvements;" strike the remainder of the title and insert "amending RCW 43.99N.060; amending RCW 43.--- (section 8, chapter ---, Laws of 2006, (E3SHB No. 2939)); amending 2006 c --- s 2 (E2SHB No. 2393) (uncodified); amending 2005 c 488 ss 109, 112, 125, 131, 138, 142, 143, 152, 156, 201, 206, 238, 252, 255, 264, 287, 323, 324, 325, 327, 329, 340, 341, 342, 346, 360, 365, 368, 369, 370, 372, 376, 382, 385, 386, 387, 390, 391, 392, 398, 401, 402, 395, 414, 425, 427, 443, 451, 453, 460, 601, 605, 606, 607, 609, 610, 612, 613, 632, 650, 659, 696, 714, 795, 777, 905, 909, and 927 (uncodified); reenacting and amending RCW 79.17.010; adding new sections to 2005 c 488 (uncodified); creating new sections; and declaring an emergency."

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Fraser moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6384 and request of the House a conference thereon.

Senator Brandland spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Fraser that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6384.

The motion by Senator Fraser carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6384 and requested of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6384 and the House amendment(s) thereto: Senators Fraser, Prentice and Brandland.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MESSAGE FROM THE HOUSE

March 3, 2006

MR. PRESIDENT:
The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6244, with the following amendments{s} 6244-S.E AMH NREP H5338.1.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 88.46 RCW to read as follows:

(1) The department's rules authorized under RCW 88.46.160 and this section shall be scaled to the risk posed to people and to the environment, and be categorized by type of transfer, volume of oil, frequency of transfers, and such other risk factors as identified by the department.

(2) The rules may require prior notice be provided before an oil transfer, regulated under this chapter, occurs in situations defined by the department as posing a higher risk. The notice may include the time, location, and volume of the oil transfer. The rules may not require prior notice when marine fuel outlets are transferring less than three thousand gallons of oil in a single transaction to a ship that is not a covered vessel and the transfers are scheduled less than four hours in advance.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(3) The department may require semiannual reporting of volumes of oil transferred to ships by a marine fuel outlet.

(4) The rules may require additional measures to be taken in conjunction with the deployment of containment equipment or with the alternatives to deploying containment equipment. However, these measures must be scaled appropriately to the risks posed by the oil transfer.

(5) The rules shall include regulations to enhance the safety of oil transfers over water originating from vehicles transporting oil over private roads or highways of the state.

NEW SECTION. Sec. 2. A new section is added to chapter 88.46 RCW to read as follows:

In addition to other inspection authority provided for in this chapter and chapter 90.56 RCW, the department may conduct inspections of oil transfer operations regulated under RCW 88.46.160 or section 1 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 88.46 RCW to read as follows:

If the director believes a person has violated or is violating or creates a substantial potential to violate the provisions of any rules adopted under this chapter, the director may institute such actions as authorized under RCW 88.46.070 (2) and (3).

NEW SECTION. Sec. 4. A new section is added to chapter 88.46 RCW to read as follows:

The department shall by rule adopt procedures to determine the adequacy of contingency plans approved under RCW 88.46.060. The rules shall require random practice drills without prior notice that will test the adequacy of the responding entities. The rules may provide for unannounced practice drills of individual contingency plans. The department shall review and publish a report on the drills, including an assessment of response time and available equipment and personnel compared to those listed in the contingency plans relying on the responding entities, and requirements, if any, for changes in the plans or their implementation. The department may require additional drills and changes in arrangements for implementing approved plans which are necessary to ensure their effective implementation.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rockefeller moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6244.

Senators Rockefeller and Morton spoke in favor of passage of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Rockefeller that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6244.

The motion by Senator Rockefeller carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6244 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6244, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of

Engrossed Substitute Senate Bill No. 6244, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Brown - 1

Excused: Senators Doumit and Oke - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6244, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2006

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6172, with the following amendments{s} 6172-S2 AMH CJC H5383.1.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.68A.090 and 2003 c 53 s 42 and 2003 c 26 s 1 are each reenacted and amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person who communicates with a minor for immoral purposes, or a person who communicates with someone the person believes to be a minor for immoral purposes, is guilty of a gross misdemeanor.

(2) A person who communicates with a minor for immoral purposes is guilty of a class C felony punishable according to chapter 9A.20 RCW if the person has previously been convicted under this section or of a felony sexual offense under chapter 9.68A, 9A.44, or 9A.64 RCW or of any other felony sexual offense in this or any other state or if the person communicates with a minor or with someone the person believes to be a minor for immoral purposes through the sending of an electronic communication.

Sec. 2. RCW 9.94A.515 and 2005 c 458 s 2 and 2005 c 183 s 9 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)
	Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2))
	Malicious placement of an explosive 1 (RCW 70.74.270(1))

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

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| <p>XII Assault 1 (RCW 9A.36.011)
 Assault of a Child 1 (RCW 9A.36.120)
 Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
 Rape 1 (RCW 9A.44.040)
 Rape of a Child 1 (RCW 9A.44.073)
 Trafficking 2 (RCW 9A.40.100(2))</p> <p>XI Manslaughter 1 (RCW 9A.32.060)
 Rape 2 (RCW 9A.44.050)
 Rape of a Child 2 (RCW 9A.44.076)</p> <p>X Child Molestation 1 (RCW 9A.44.083)
 Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
 Kidnapping 1 (RCW 9A.40.020)
 Leading Organized Crime (RCW 9A.82.060(1)(a))
 Malicious explosion 3 (RCW 70.74.280(3))
 Sexually Violent Predator Escape (RCW 9A.76.115)</p> <p>IX Assault of a Child 2 (RCW 9A.36.130)
 Explosive devices prohibited (RCW 70.74.180)
 Hit and Run--Death (RCW 46.52.020(4)(a))
 Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
 Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
 Malicious placement of an explosive 2 (RCW 70.74.270(2))
 Robbery 1 (RCW 9A.56.200)
 Sexual Exploitation (RCW 9.68A.040)
 Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)</p> <p>VIII Arson 1 (RCW 9A.48.020)
 Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
 Manslaughter 2 (RCW 9A.32.070)
 Promoting Prostitution 1 (RCW 9A.88.070)
 Theft of Ammonia (RCW 69.55.010)</p> | <p>Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)</p> <p>VII Burglary 1 (RCW 9A.52.020)
 Child Molestation 2 (RCW 9A.44.086)
 Civil Disorder Training (RCW 9A.48.120)
 Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
 Drive-by Shooting (RCW 9A.36.045)
 Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
 Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))
 Introducing Contraband 1 (RCW 9A.76.140)
 Malicious placement of an explosive 3 (RCW 70.74.270(3))
 Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
 Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
 Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
 Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
 Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)</p> <p>VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
 Bribery (RCW 9A.68.010)
 Incest 1 (RCW 9A.64.020(1))
 Intimidating a Judge (RCW 9A.72.160)
 Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
 <u>Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct (RCW 9.68A.070)</u>
 Rape of a Child 3 (RCW 9A.44.079)
 Theft of a Firearm (RCW 9A.56.300)</p> |
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- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of dependent person 1 (RCW 9A.42.060)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 1 (RCW 9A.42.020)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hit and Run--Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Malicious Harassment (RCW 9A.36.080)
- Residential Burglary (RCW 9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(3))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

- Willful Failure to Return from Furlough (RCW 72.66.060)
- III Abandonment of dependent person 2 (RCW 9A.42.070)
- Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Criminal Gang Intimidation (RCW 9A.46.120)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Assault (RCW 9A.36.100)
- Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)
- Malicious Injury to Railroad Property (RCW 81.60.070)
- Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Computer Trespass 1 (RCW 9A.52.110)
- Counterfeiting (RCW 9.16.035(3))
- Escape from Community Custody (RCW 72.09.310)
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
- Unlawful Practice of Law (RCW 2.48.180)
- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- Voyeurism (RCW 9A.44.115)
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- False Verification for Welfare (RCW 74.08.055)
- Forgery (RCW 9A.60.020)

Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)

Malicious Mischief 2 (RCW 9A.48.080)

Mineral Trespass (RCW 78.44.330)

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))

Transaction of insurance business beyond the scope of licensure (RCW 48.17.063(4))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)

Unlawful Production of Payment Instruments (RCW 9A.56.320)

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 3. RCW 9.68A.070 and 1990 c 155 s 1 are each amended to read as follows:

A person who knowingly possesses visual or printed matter depicting a minor engaged in sexually explicit conduct is guilty of a class ((E)) B felony.

Sec. 4. RCW 9.94A.030 and 2005 c 436 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's

sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670, 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(6) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.850, for crimes committed on or after July 1, 2000.

(7) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(8) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(9) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(10) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(11) "Confinement" means total or partial confinement.

(12) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(13) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(14) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(21) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(22) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(23) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(24) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(25) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(26) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(27) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(28) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(29) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b),

FIFTY-SEVENTH DAY, MARCH 6, 2006

and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.

(30) "Nonviolent offense" means an offense which is not a violent offense.

(31) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(32) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

(33) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (33)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(34) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(35) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(36) "Public school" has the same meaning as in RCW 28A.150.010.

2006 REGULAR SESSION

(37) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(38) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

(39) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(40) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(41) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(11);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW ((9.68A.070 or) 9.68A.080); or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(42) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(43) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(44) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(45) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(46) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(47) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(48) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(49) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(50) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(51) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 5. RCW 9.94A.030 and 2003 c 53 s 55 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670, 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(6) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.850, for crimes committed on or after July 1, 2000.

(7) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(8) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(9) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(10) "Confinement" means total or partial confinement.

(11) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(12) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(13) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(14) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(15) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(16) "Department" means the department of corrections.

(17) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(18) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(19) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(20) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(21) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(22) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(23) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(24) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(25) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(26) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(27) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(28) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under

FIFTY-SEVENTH DAY, MARCH 6, 2006

the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.

(29) "Nonviolent offense" means an offense which is not a violent offense.

(30) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(31) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

(32) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (32)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(33) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(34) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(35) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results

2006 REGULAR SESSION

of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

(36) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(37) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(38) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(11);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW ((9.68A.070 or) 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(39) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(40) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(41) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(42) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(43) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(44) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(45) "Violent offense" means:

(a) Any of the following felonies:

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(46) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(47) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(48) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

NEW SECTION. Sec. 6. Section 4 of this act expires July 1, 2006.

NEW SECTION. Sec. 7. Section 5 of this act takes effect July 1, 2006.

NEW SECTION. Sec. 8. If specific funding for the purposes of section 2 of this act, referencing section 2 of this act by bill or chapter number and section number, is not provided by June 30, 2006, in the omnibus appropriations act, section 2 of this act is null and void."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6172.

Senator Hargrove spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6172.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6172 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6172, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6172, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senators Kohl-Welles and Pridemore - 2

Excused: Senator Oke - 1

SECOND SUBSTITUTE SENATE BILL NO. 6172, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senators Doumit and Brown were excused.

MESSAGE FROM THE HOUSE

March 3, 2006

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6255, with the following amendments{s} 6255-S.E AMH ED H5273.3.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that there are specific skills and a body of knowledge that each student needs to chart a course through middle school, high school, and post-high school options. Each student needs active involvement from parents and at least one supportive adult in the school who knows the student well and cares about the student's progress and future. Students, parents, and teachers also need the benefit of immediate feedback and accurate diagnosis of students' academic strengths and weaknesses to inform the students' short-term and long-term plans. To empower and motivate all students and parents to take a greater role in charting the students' own educational experiences, the legislature intends to strengthen schools' guidance and planning programs.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.600 RCW to read as follows:

(1) The legislature encourages each middle school, junior high school, and high school to implement a comprehensive guidance and planning program for all students. The purpose of the program is to support students as they navigate their education and plan their future; encourage an ongoing and personal relationship between each student and an adult in the school; and involve parents in students' educational decisions and plans.

(2) A comprehensive guidance and planning program is a program that contains at least the following components:

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(a) A curriculum intended to provide the skills and knowledge students need to select courses, explore options, plan for their future, and take steps to implement their plans. The curriculum may include such topics as analysis of students' test results; diagnostic assessments of students' academic strengths and weaknesses; use of assessment results in developing students' short-term and long-term plans; assessments of student interests and aptitude; goal-setting skills; planning for high school course selection; independent living skills; and postsecondary options and how to access them;

(b) Regular meetings between each student and a teacher who serves as an advisor throughout the student's enrollment at the school;

(c) Student-led conferences with the student's parents, guardians, or family members and the student's advisor for the purpose of demonstrating the student's accomplishments; identifying weaknesses; planning and selecting courses; and setting long-term goals; and

(d) Data collection that allows schools to monitor students' progress.

NEW SECTION. Sec. 3. (1) Subject to the availability of funds appropriated for this purpose, the superintendent of public instruction shall:

(a) Develop and disseminate the curriculum for the comprehensive guidance and planning program under section 2 of this act to all school districts no later than the beginning of the 2006-07 school year;

(b) Develop and disseminate electronic student planning tools and a software package to analyze the impact of the implementation of the program on student performance;

(c) Develop and disseminate information about options for diagnostic assessments to improve student learning and student planning as provided under RCW 28A.655.200;

(d) Develop and conduct regional training seminars for teachers on the curriculum and on guidance and mentoring skills;

(e) Monitor and evaluate implementation of the program during the fall of 2006 in order to revise and improve the curriculum by the spring of 2007; and

(f) Allocate grants to selected schools for the purpose of implementing the program. The superintendent shall develop and publish the grant selection criteria, number of awards, and award amounts. The first round of at least twenty-five grant recipients shall be selected and notified by September 2006. The second round of at least seventy-five grant recipients shall be selected and notified by January 2007. The purpose of the grants is to provide time for school staff to plan and integrate the comprehensive program into their schools. To the extent possible, the superintendent shall include representation from school districts of varying sizes and from different geographic regions of the state in the grant allocation.

(2) By January 1, 2009, the superintendent of public instruction shall report to the education committees of the legislature regarding the impact of comprehensive guidance and planning programs on student performance.

Sec. 4. RCW 28A.655.200 and 2005 c 217 s 2 are each amended to read as follows:

(1) ~~((The legislature finds that the mandatory norm-referenced student assessments eliminated under chapter 217, Laws of 2005 provide information that teachers and parents use to improve student learning.))~~ In the absence of mandatory, statewide, norm-referenced assessments, the legislature intends to permit school districts to offer norm-referenced assessments ((at the districts' own expense and)), make diagnostic tools available ((that provide information that is at least as valuable as the information eliminated under chapter 217, Laws of 2005)), and provide funding for diagnostic assessments to enhance guidance and planning for students and to provide early intervention before the high school Washington assessment of student learning.

(2) In addition to the diagnostic assessments provided under subsection (5) of this section, school districts may, at their own expense, administer norm-referenced assessments to students.

(3) By September 1, 2005, subject to available funds, the office of the superintendent of public instruction shall post on its web site for voluntary use by school districts, a guide of diagnostic assessments. The assessments in the guide, to the extent possible, shall include the characteristics listed in subsection 4)((~~a~~) through (~~e~~)) of this section.

(4) ~~((By September 1, 2006, subject to the availability of amounts appropriated for this specific purpose))~~ Beginning September 1, 2007, the office of the superintendent of public instruction shall make available to school districts diagnostic assessments that help improve student learning. To the greatest extent possible, the assessments shall be:

(a) Aligned to the state's grade level expectations;

(b) Individualized to each student's performance level;

(c) Administered efficiently to provide results either immediately or within two weeks;

(d) Capable of measuring individual student growth over time and allowing student progress to be compared to other students across the country; ~~((and))~~

(e) Readily available to parents; and

(f) Cost-effective.

(5) Beginning with the 2006-07 school year, the superintendent of public instruction shall reimburse school districts for administration of diagnostic assessments in grade nine for the purpose of identifying academic weaknesses, enhancing student planning and guidance, and developing targeted instructional strategies to assist students before the high school Washington assessment of student learning.

~~(6) The office of the superintendent of public instruction is encouraged to offer at ((their)) statewide and regional staff development activities training opportunities that would assist practitioners in:~~

(a) The interpretation of diagnostic assessments; and

(b) Application of instructional strategies that will increase student learning based on diagnostic assessment data.

NEW SECTION. Sec. 5. If specific funding for the purposes of this act and section 4 of this act, referencing this act and section 4 of this act by bill or chapter number and section number, is not provided by June 30, 2006, in the omnibus appropriations act, section 4 of this act is null and void."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6255.

Senator McAuliffe spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Doumit was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator McAuliffe that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6255.

The motion by Senator McAuliffe carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6255 by voice vote.

FIFTY-SEVENTH DAY, MARCH 6, 2006

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6255, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6255, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 45

Voting nay: Senator Zarelli - 1

Excused: Senators Doumit, Brown and Oke - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6255, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2006

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6396, with the following amendments{s} 6396-S.E AMH HEWE THOR 003, 6396-S.E AMH HEWE THOR 005.

On page 3, after line 1, insert:

"NEW SECTION. Sec. 2. This act applies only to leave accumulated on or after the effective date of this act."

On page 2, after line 22, strike all of section 2

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6396.

Senator Kohl-Welles spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Hargrove was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6396.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6396 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6396, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of

2006 REGULAR SESSION

Engrossed Substitute Senate Bill No. 6396, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senator Brown - 1

Excused: Senators Doumit, Hargrove and Oke - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 6396, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2006

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352,

SUBSTITUTE HOUSE BILL NO. 2402,

SUBSTITUTE HOUSE BILL NO. 2407,

SUBSTITUTE HOUSE BILL NO. 2917,

HOUSE BILL NO. 2991,

HOUSE BILL NO. 3122,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:

SUBSTITUTE SENATE BILL NO. 6369,

SUBSTITUTE SENATE BILL NO. 6781,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6287, with the following amendments{s} 6287-S AMH TR H5373.1, 6287-S AMH CODY REDF 035.

On page 2, line 14, after "blind" insert "and has limited mobility"

On page 1, after line 3, insert the following:

"NEW SECTION. Sec. 1 The legislature reaffirms its recognition that legal blindness does not affect the physical ability to walk, nor does it limit the ability to participate and contribute in employment and all aspects of life as an equal and productive citizen. Furthermore, for a legally blind individual with appropriate training in travel skills, any limitations on that individual's mobility are not resolved by the granting of special parking privileges. However, for some individuals, including the newly blind and those in transition, the availability of special

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

parking privileges could prove to be an appropriate benefit if those individuals choose to avail themselves of the opportunity."

Renumber the remaining section consecutively and correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Fairley moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6287.

Senators Fairley and Mulliken spoke in favor of passage of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Fairley that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6287.

The motion by Senator Fairley carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6287 by voice vote.

MOTION

On motion of Senator McCaslin, Senator Deccio was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6287, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6287, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senator Delvin - 1

Excused: Senators Deccio, Doumit, Hargrove and Oke - 4

SUBSTITUTE SENATE BILL NO. 6287, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2006

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6364, with the following amendments{s} 6364 AMH APP AMH5463.1.

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 79A.60 RCW to read as follows:

(1) No person may operate a motor driven boat or vessel or have the engine of a motor driven boat or vessel run idle while an individual is teak surfing, platform dragging, or bodysurfing behind the motor driven boat or vessel.

(2) No person may operate a motor driven boat or vessel or have the engine of a motor driven boat or vessel run idle while an individual is occupying or holding onto the swim platform, swim deck, swim step, or swim ladder of the motor driven boat or vessel.

(3) Subsection (2) of this section does not apply when an individual is occupying the swim platform, swim deck, swim step, or swim ladder for a very brief period of time while assisting with the docking or departure of the vessel, while exiting or entering the vessel, or while the vessel is engaged in law enforcement or emergency rescue activity.

(4) For the purposes of this section, "teak surfing" or "platform dragging" means holding onto the swim platform, swim deck, swim step, swim ladder, or any portion of the exterior of the transom of a motor driven boat or vessel for any amount of time while the motor driven boat or vessel is underway at any speed.

(5) For the purposes of this section, "bodysurfing" means swimming or floating on one's stomach or on one's back on or in the wake directly behind a motor driven boat or vessel that is underway.

(6) A violation of this section is a natural resource infraction punishable as provided under chapter 7.84 RCW, however the fine imposed may not exceed one hundred dollars.

NEW SECTION, Sec. 2. A new section is added to chapter 88.02 RCW to read as follows:

(1) Any new or used motor driven boat or vessel, as that term is defined in RCW 79A.60.010, other than a personal watercraft, sold within this state must display a carbon monoxide warning sticker developed by the department on the interior of the vessel.

(2) For vessels sold by a dealer, the dealer shall ensure that the warning sticker has been affixed prior to completing a transaction.

(3) For a vessel sold by an individual, the department shall include the sticker in the registration materials provided to the new owner, and the department shall notify the new owner that the sticker must be affixed as described in subsection (1) of this section.

(4) A warning sticker already developed by a vessel manufacturer may satisfy the requirements of this section if it has been approved by the department. The department shall approve a carbon monoxide warning sticker that has been approved by the United States coast guard for similar uses in other states.

NEW SECTION, Sec. 3. A new section is added to chapter 88.02 RCW to read as follows:

The department shall include an informational brochure about the dangers of carbon monoxide poisoning and vessels and the warning stickers required by section 2 of this act as part of the registration materials mailed by the department for two consecutive years for registrations that are due or become due after the effective date of this section, and thereafter upon recommendation by the director of the department. The materials shall instruct the vessel owner to affix the stickers as required by section 2 of this act.

Sec. 4. RCW 79A.60.610 and 1994 c 151 s 2 are each amended to read as follows:

The commission shall undertake a statewide recreational boating fire prevention education program concerning the safe use of marine fuels and electrical systems (~~and the hazards of carbon monoxide~~). The boating fire prevention education program shall provide for the distribution of fire safety materials and decals warning of fire hazards and for educational opportunities to educate boaters on the safety practices needed to operate heaters, stoves, and other appliances in Washington's unique aquatic environment. The commission shall evaluate the boating public's voluntary participation in the program and the program's impact on safe boating.

NEW SECTION, Sec. 5. This act may be known and cited as the Jenda Jones and Denise Colbert safe boating act.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

NEW SECTION. **Sec. 6.** Sections 2 and 3 of this act take effect January 1, 2007."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Senate Bill No. 6364.

Senators Jacobsen and Roach spoke in favor of passage of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Senate Bill No. 6364.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6364 by voice vote.

MOTION

On motion of Senator Regala, Senator Thibaudeau was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6364, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6364, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 44

Excused: Senators Deccio, Doumit, Hargrove, Oke and Thibaudeau - 5

SENATE BILL NO. 6364, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2006

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6475, with the following amendments{s} 6475-S.E AMH QUAL MCLA 144, 6475-S.E AMH QUAL MCLA 140.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.655 RCW to read as follows:

(1) The legislature has made a commitment to rigorous academic standards for receipt of a high school diploma. The primary way that students will demonstrate that they meet the standards in reading, writing, mathematics, and science is

through the Washington assessment of student learning. Only objective assessments that are comparable in rigor to the state assessment are authorized as an alternative assessment. Before seeking an alternative assessment, the legislature expects students to make a genuine effort to meet state standards, through retaking the Washington assessment of student learning; regular and consistent attendance at school; and participation in extended learning and other assistance programs.

(2) Under RCW 28A.655.061, beginning in the 2006-07 school year, the superintendent of public instruction shall implement objective alternative assessment methods as provided in this section for students to demonstrate achievement of the state standards in content areas in which the student has not yet met the standard on the high school Washington assessment of student learning. A student may access an alternative if the student meets applicable eligibility criteria in RCW 28A.655.061 and other eligibility criteria established by the superintendent of public instruction, including but not limited to attendance criteria and participation in the remediation or supplemental instruction contained in the student learning plan developed under RCW 28A.655.061. A school district may waive attendance or remediation criteria for special, unavoidable circumstances.

(3) For the purposes of this section, "applicant" means a student seeking to use one of the alternative assessment methods in this section.

(4) One alternative assessment method shall be a combination of the applicant's grades in applicable courses and the applicant's highest score on the high school Washington assessment of student learning, as provided in this subsection. The superintendent of public instruction shall determine which high school courses are applicable to the alternative assessment method and shall issue guidelines to school districts.

(a) Using guidelines prepared by the superintendent of public instruction, a school district shall identify the group of students in the same school as the applicant who took the same high school courses as the applicant in the applicable content area. From the group of students identified in this manner, the district shall select the comparison cohort that shall be those students who met or slightly exceeded the state standard on the Washington assessment of student learning.

(b) The district shall compare the applicant's grades in high school courses in the applicable content area to the grades of students in the comparison cohort for the same high school courses. If the applicant's grades are equal to or above the mean grades of the comparison cohort, the applicant shall be deemed to have met the state standard on the alternative assessment.

(c) An applicant may not use the alternative assessment under this subsection (4) if there are fewer than six students in the comparison cohort.

(5) The superintendent of public instruction shall develop an alternative assessment method that shall be an evaluation of a collection of work samples prepared and submitted by the applicant, as provided in this subsection and, for career and technical applicants, the additional requirements of subsection (6) of this section.

(a) The superintendent of public instruction shall develop guidelines for the types and number of work samples in each content area that may be submitted as a collection of evidence that the applicant has met the state standard in that content area. Work samples may be collected from academic, career and technical, or remedial courses and may include performance tasks as well as written products. The superintendent shall submit the guidelines for approval by the state board of education.

(b) The superintendent shall develop protocols for submission of the collection of work samples that include

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

affidavits from the applicant's teachers and school district that the samples are the work of the applicant and a requirement that a portion of the samples be prepared under the direct supervision of a classroom teacher. The superintendent shall submit the protocols for approval by the state board of education.

(c) The superintendent shall develop uniform scoring criteria for evaluating the collection of work samples and submit the scoring criteria for approval by the state board of education. Collections shall be scored at the state level or regionally by a panel of educators selected and trained by the superintendent to ensure objectivity, reliability, and rigor in the evaluation. An educator may not score work samples submitted by applicants from the educator's school district. If the panel awards an applicant's collection of work samples the minimum required score, the applicant shall be deemed to have met the state standard on the alternative assessment.

(d) Using an open and public process that includes consultation with district superintendents, school principals, and other educators, the state board of education shall consider the guidelines, protocols, scoring criteria, and other information regarding the collection of work samples submitted by the superintendent of public instruction. The collection of work samples may be implemented as an alternative assessment after the state board of education has approved the guidelines, protocols, and scoring criteria and determined that the collection of work samples: (i) will meet professionally accepted standards for a valid and reliable measure of the grade level expectations and the essential academic learning requirements; and (ii) is comparable to or exceeds the rigor of the skills and knowledge that a student must demonstrate on the Washington assessment of student learning in the applicable content area. The state board shall make an approval decision and determination no later than December 1, 2006, and thereafter may increase the required rigor of the collection of work samples.

(e) By September of 2006, the superintendent of public instruction shall develop informational materials for parents, teachers, and students regarding the collection of work samples and the status of its development as an alternative assessment method. The materials shall provide specific guidance regarding the type and number of work samples likely to be required, include examples of work that meets the state learning standards, and describe the scoring criteria and process for the collection. The materials shall also encourage students in the graduating class of 2008 to begin creating a collection if they believe they may seek to use the collection once it is implemented as an alternative assessment.

(6)(a) For students enrolled in a career and technical education program approved under section 2 of this act, the superintendent of public instruction shall develop additional guidelines for a collection of work samples that evidences that the collection:

(i) Is relevant to the student's particular career and technical program;

(ii) Focuses on the application of academic knowledge and skills within the program;

(iii) Includes completed activities or projects where demonstration of academic knowledge is inferred; and

(iv) Is related to the essential academic learning requirements and state standards that students must meet to earn a certificate of academic achievement or certificate of individual achievement, but also represents the knowledge and skills that successful individuals in the career and technical field of the approved program are expected to possess.

(b) To meet the state standard on the alternative assessment under this subsection (6), an applicant must also attain the state

or nationally recognized certificate or credential associated with the approved career and technical program.

(c) The superintendent shall consult with community and technical colleges, employers, the work force training and education coordinating board, apprenticeship programs, and other regional and national experts in career and technical education to create an appropriate collection of work samples and other evidence of a career and technical student's knowledge and skills on the state academic standards.

(7) The superintendent of public instruction shall study the feasibility of using existing mathematics assessments in languages other than English as an additional alternative assessment option. The study shall include an estimation of the cost of translating the tenth grade mathematics assessment into other languages and scoring the assessments should they be implemented.

(8) The superintendent of public instruction shall implement:

(a) By June 1, 2006, a process for students to appeal the score they received on the high school assessments; and

(b) By January 1, 2007, guidelines and appeal processes for waiving specific requirements in RCW 28A.655.061 pertaining to the certificate of academic achievement and to the certificate of individual achievement for students who: (i) Transfer to a Washington public school in their junior or senior year with the intent of obtaining a public high school diploma, or (ii) have special, unavoidable circumstances.

(9) The superintendent of public instruction may adopt rules to implement this section.

NEW SECTION. Sec. 2. A new section is added to chapter 28C.04 RCW to read as follows:

The superintendent of public instruction shall develop a list of approved career and technical education programs that qualify for the objective alternative assessment for career and technical students developed under section 1 of this act. Programs on the list must meet the following minimum criteria:

(1) Lead to a certificate or credential that is state or nationally recognized by trades, industries, or other professional associations as necessary for employment or advancement in that field;

(2) Require a sequenced progression of multiple courses, both exploratory and preparatory, that are vocationally intensive and rigorous; and

(3) Have a high potential for providing the program completer with gainful employment or entry into a postsecondary work force training program.

NEW SECTION. Sec. 3. (1) By September 10, 2006, the superintendent of public instruction shall report the following, in detail, to the education committees of the legislature:

(a) Results of the pilot testing of the alternative assessments authorized under section 1 of this act, particularly the pilot testing of the collection of work samples or collection of evidence;

(b) The proposed guidelines, protocols, and procedures to be used by the superintendent in implementing the alternative assessments, particularly the collection of evidence;

(c) The proposed criteria, rubrics, and methodology for scoring the collection of evidence;

(d) A description of the training to be provided for school districts, educators serving on scoring panels, and teachers assisting students with collections of evidence;

(e) Preliminary results of the feasibility study in section 1(7) of this act; and

(f) Updated estimates of the number of students likely to be eligible or apply for an alternative assessment method.

(2) By December 1, 2006, and again by February 1, 2007, the superintendent of public instruction shall provide the

FIFTY-SEVENTH DAY, MARCH 6, 2006

education committees of the legislature with an update on the number of students eligible for or participating in an alternative assessment method.

(3) The Washington state institute for public policy shall conduct an independent and objective evaluation of the reliability, validity, and rigor of the alternative assessment methods authorized under section 1 of this act, including an examination of a representative sample of the collections of work samples submitted by the graduating classes of 2008 and 2009. The institute shall submit its findings to the education committees of the legislature by September 1, 2009, to enable the legislature to develop and consider statutory changes to the alternative assessment during the 2010 legislative session.

Sec. 4. RCW 28A.655.061 and 2004 c 19 s 101 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection ~~((1+))~~ (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection ~~((1+))~~ (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has retaken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement. ~~((The student's transcript shall note whether the certificate of academic achievement was acquired by means of the Washington assessment of student learning or by an alternative assessment.))~~

(4) Beginning with the graduating class of 2010, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter

28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

~~(7) ((Beginning with the graduating class of 2006, the highest scale score and level achieved in each content area on the high school Washington assessment of student learning shall be displayed on a student's transcript. In addition, beginning with the graduating class of 2008, each student shall receive a scholar's designation on his or her transcript for each content area in which the student achieves level four the first time the student takes that content area assessment.~~

~~(8))~~ Beginning in 2006, school districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

~~((9))~~ (8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

~~((10))~~ (9) Subject to available funding, the superintendent shall pilot opportunities for retaking the high school assessment beginning in the 2004-05 school year. Beginning no later than September 2006, opportunities to retake the assessment at least twice a year shall be available to each school district.

~~((11))~~ (10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

~~((12))~~ (b) A student's score on the mathematics portion of the preliminary scholastic assessment test (PSAT), the scholastic assessment test (SAT), or the American college test (ACT) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the mathematics standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the mathematics portion of the PSAT, SAT, or ACT to meet or exceed the state standard for mathematics. The state board of education shall identify the first scores by December 1, 2006, and thereafter may increase but not decrease the scores required for students to meet or exceed the state standard for mathematics.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

~~((+3))~~ (12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for students as provided in this subsection ~~((+3))~~ (12).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year. The plan shall include the courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation. This requirement shall be phased in as follows:

(i) Beginning no later than the 2004-05 school year ninth grade students as described in this subsection ~~((+3))~~ (12)(a) shall have a plan.

(ii) Beginning no later than the 2005-06 school year and every year thereafter eighth grade students as described in this subsection ~~((+3))~~ (12)(a) shall have a plan.

(iii) The parent or guardian shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, strategies to help them improve their student's skills, and the content of the student's plan.

(iv) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

(b) Beginning with the 2005-06 school year and every year thereafter, all fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.

(i) The parent or guardian of a student described in this subsection ~~((+3))~~ (12)(b) shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.655 RCW to read as follows:

Subject to the availability of funds appropriated for this purpose, school districts shall reimburse students for the cost of taking the tests in RCW 28A.655.061(10)(b) when the students take the tests for the purpose of using the mathematics results as an objective alternative assessment.

Sec. 6. RCW 28A.305.220 and 2004 c 19 s 108 are each amended to read as follows:

(1) The state board of education shall develop for use by all public school districts a standardized high school transcript. The state board of education shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) The standardized high school transcript shall include ~~(the following information:~~

~~(a) The highest scale score and level achieved in each content area on the high school Washington assessment of student learning or other high school measures successfully~~

~~completed by the student as provided by RCW 28A.655.061 and 28A.155.045;~~

~~(b) All scholar designations as provided by RCW 28A.655.061;~~

~~(c)) a notation of whether the student has earned a certificate of individual achievement or a certificate of academic achievement ((by means of the Washington assessment of student learning or by an alternative assessment)).~~

(3) Transcripts are important documents to students who will apply for admission to postsecondary institutions of higher education. Transcripts are also important to students who will seek employment upon or prior to graduation from high school. It is recognized that student transcripts may be the only record available to employers in their decision-making processes regarding prospective employees. The superintendent of public instruction shall require school districts to inform annually all high school students that prospective employers may request to see transcripts and that the prospective employee's decision to release transcripts can be an important part of the process of applying for employment.

NEW SECTION. Sec. 7. If specific funding for the purposes of this act and section 5 of this act, referencing this act and section 5 of this act by bill or chapter number and section number, is not provided by June 30, 2006, in the omnibus appropriations act, section 5 of this act is null and void."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6475.

Senators McAuliffe, Schmidt, Pflug and Weinstein spoke in favor of passage of the motion.

Senator Finkbeiner spoke against the motion.

MOTION

Senator Eide demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

The motion by Senator Eide that the previous question be put was sustained by voice vote.

MOTION

The President declared the question before the Senate to be the motion by Senator McAuliffe that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6475.

The motion by Senator McAuliffe carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6475 by voice vote.

Senator Johnson spoke against final passage of the bill.

Senator McAuliffe spoke in favor of final passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6475, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6475, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 8; Absent, 0; Excused, 3.

Voting yeas: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 38

Voting nays: Senators Benton, Deccio, Esser, Finkbeiner, Hewitt, Honeyford, Johnson and McCaslin - 8

Excused: Senators Hargrove, Oke and Thibaudeau - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 6475, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2006

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6427, with the following amendments{s} 6427-S.E AMH LGH5400.1.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** There is a statewide interest in maintaining coordinated planning as called for in the legislative findings of the growth management act, RCW 36.70A.010. It is the intent of the legislature that smaller, slower-growing counties and cities be provided with flexibility in meeting the requirements to review local plans and development regulations in RCW 36.70A.130, while ensuring coordination and consistency with the plans of neighboring cities and counties.

Sec. 2. RCW 36.70A.130 and 2005 c 423 s 6 and 2005 c 294 s 2 are each reenacted and amended to read as follows:

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section.

(b) Except as otherwise provided, a county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefor.

(c) The review and evaluation required by this subsection may be combined with the review required by subsection (3) of this section. The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ten-year population forecast by the office of financial management.

(d) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the time periods specified in subsection (4) of this section or in accordance with the provisions of subsections (5) and (8) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea;

(ii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW;

(iii) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget; ~~(and)~~

(iv) Until June 30, 2006, the designation of recreational lands under RCW 36.70A.1701. A county amending its comprehensive plan pursuant to this subsection (2)(a)(iv) may not do so more frequently than every eighteen months; and

(v) The adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.031(2), provided that amendments are considered in accordance with the public participation program established by the county or city under this subsection (2)(a) and all persons who have requested notice of a comprehensive plan update are given notice of the amendments and an opportunity to comment.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

(3)(a) Each county that designates urban growth areas under RCW 36.70A.110 shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas.

(b) The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

(4) The department shall establish a schedule for counties and cities to take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter. Except as provided in subsections (5) and (8) of this section, the schedule established by the department shall provide for the reviews and evaluations to be completed as follows:

(a) On or before December 1, 2004, and every seven years thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce,

FIFTY-SEVENTH DAY, MARCH 6, 2006

Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(b) On or before December 1, 2005, and every seven years thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

(c) On or before December 1, 2006, and every seven years thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before December 1, 2007, and every seven years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the time limits established in subsection (4) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) A county that is subject to a schedule established by the department under subsection (4)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the thirty-six months following the date established in the applicable schedule: The county has a population of less than fifty thousand and has had its population increase by no more than seventeen percent in the ten years preceding the date established in the applicable schedule as of that date.

(c) A city that is subject to a schedule established by the department under subsection (4)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the thirty-six months following the date established in the applicable schedule: The city has a population of no more than five thousand and has had its population increase by the greater of either no more than one hundred persons or no more than seventeen percent in the ten years preceding the date established in the applicable schedule as of that date.

(d) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(6) A county or city subject to the time periods in subsection (4)(a) of this section that, pursuant to an ordinance adopted by the county or city establishing a schedule for periodic review of its comprehensive plan and development regulations, has conducted a review and evaluation of its comprehensive plan and development regulations and, on or after January 1, 2001, has taken action in response to that review and evaluation shall be deemed to have conducted the first review required by subsection (4)(a) of this section. Subsequent review and evaluation by the county or city of its comprehensive plan and development regulations shall be conducted in accordance with the time periods established under subsection (4)(a) of this section.

(7) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). Only those counties and cities ~~((in compliance))~~: (a) Complying with the schedules in this section ((and those counties and cities)); (b) demonstrating substantial progress towards compliance with the schedules in this section for development regulations that protect critical areas; or (c) complying with the extension provisions of subsection (5)(b) or (c) of this section may receive grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030. A county or city that is fewer than twelve months out of compliance with the schedules in this section for development regulations that protect critical areas is ~~((deemed to be))~~ making substantial progress towards compliance. Only those counties and cities in compliance with the schedules in this section may

2006 REGULAR SESSION

receive preference for grants or loans subject to the provisions of RCW 43.17.250.

(8) Except as provided in subsection (5)(b) and (c) of this section:

(a) Counties and cities required to satisfy the requirements of this section according to the schedule established by subsection (4)(b) through (d) of this section may comply with the requirements of this section for development regulations that protect critical areas one year after the dates established in subsection (4)(b) through (d) of this section~~((:));~~

(b) Counties and cities complying with the requirements of this section one year after the dates established in subsection (4)(b) through (d) of this section for development regulations that protect critical areas shall be deemed in compliance with the requirements of this section~~((:));~~ and

(c) This subsection (8) applies only to the counties and cities specified in subsection (4)(b) through (d) of this section, and only to the requirements of this section for development regulations that protect critical areas that must be satisfied by December 1, 2005, December 1, 2006, and December 1, 2007.

(9) Notwithstanding subsection (8) of this section and the substantial progress provisions of subsections (7) and (10) of this section, only those counties and cities complying with the schedule in subsection (4) of this section, or the extension provisions of subsection (5)(b) or (c) of this section, may receive preferences for grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030.

(10) Until December 1, 2005, and notwithstanding subsection (7) of this section, a county or city subject to the time periods in subsection (4)(a) of this section demonstrating substantial progress towards compliance with the schedules in this section for its comprehensive land use plan and development regulations may receive grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030. A county or city that is fewer than twelve months out of compliance with the schedules in this section for its comprehensive land use plan and development regulations is deemed to be making substantial progress towards compliance."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kastama moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6427.

Senator Kastama spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Kastama that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6427.

The motion by Senator Kastama carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6427 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6427, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6427, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland,

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Hargrove - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6427, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:02 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:15 p.m. by President Owen.

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6429, with the following amendments{s} 6429 AMH SGOA H5272.1.

On page 1, beginning on line 10, strike all material through "chapter," on line 14, and insert the following:

"(2) Records, maps, and other information, acquired during watershed analysis pursuant to the forests and fish report under RCW 76.09.370, that identify the location of archaeological sites, historic sites, artifacts, or the sites of traditional religious, ceremonial, or social uses and activities of affected Indian tribes, are exempt from disclosure under this chapter in order to prevent the looting or depredation of such sites." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Senate Bill No. 6429.

Senator Jacobsen spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Senate Bill No. 6429.

MOTION

On motion of Senator Mulliken, Senator Stevens was excused.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6429 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6429, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6429, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senators Finkbeiner, Haugen and Sheldon - 3

Excused: Senator Stevens - 1

SENATE BILL NO. 6429, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2006

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6366, with the following amendments{s} 6366-S.E AMH APP H5458.1.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that certain threats to public health do not respect the jurisdictional boundaries of local public health districts and departments. Such threats require an efficient, well-coordinated response by local health jurisdictions in order to protect the health of local residents as well as the health of all Washingtonians. These threats place demands on public health to be more vigilant than ever and to respond quickly and decisively. Rapid responses of substantial magnitude are no longer a goal for the future, but a necessity for preserving the health of society.

For over a decade, the public health improvement plan process has brought state and local health jurisdictions together to achieve a partnership that has produced standards of quality and best practices that are a national model. The standards developed by the public health improvement partnership have focused largely on formal documentation of administrative processes by state and local health jurisdictions. This is the necessary first step to measuring the performance of public health, but is not yet sufficient for measuring the outcomes of these improvements in public health operations. Performance measures are needed immediately to ascertain the extent to which the residents of the state of Washington have a consistent and adequate level of protection from communicable diseases including a pandemic disease outbreak.

The legislature recognizes the magnitude of the demands placed on public health in today's society and the strides that it has made toward holding itself accountable for the way in which it performs. The legislature finds that enhanced funding and enhanced performance measures are immediately necessary in order for public health to perform at levels that will protect all of the residents of Washington.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of health.

(2) "Local health jurisdiction" means a local health department as established under chapter 70.05 RCW, a combined city-county health department as established under chapter 70.08 RCW, or a health district established under chapter 70.05 or 70.46 RCW.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(3) "Performance measure" means a standard that establishes a benchmark against which a local health jurisdiction's performance can be measured that is as closely associated with a desired outcome as possible.

(4) "Secretary" means the secretary of health.

NEW SECTION. Sec. 3. The secretary shall:

(1) By June 15, 2006, establish a template, consistent with requirements and performance standards established by the United States department of health and human services, to define preparedness activities that should be undertaken prior to a pandemic disease outbreak or other communicable disease outbreak; describe the response, coordination, and decision-making structure among all local public health, health care, and response organizations; and define the roles and responsibilities of all local public health, health care, and response organizations during all phases of a pandemic disease outbreak or other communicable disease outbreak. The template shall be used by each local health jurisdiction to assess their capacity to respond to a pandemic disease outbreak or other communicable disease outbreak that poses a significant risk of a statewide health hazard. The template must include explicit criteria and performance or outcome measures related to the activities identified in section 5 of this act, and reflect the relative priorities among the activities for purposes of local health jurisdiction planning and implementation efforts. The performance measures included in the template must provide a means to assess operations of the department and each local health jurisdiction with respect to providing an adequate and consistent level of statewide protection for the residents of the state in the event of a pandemic disease outbreak or other communicable disease outbreak. In developing these measures, the secretary shall consider performance measures developed by government agencies and private organizations. The secretary shall attempt to develop these performance measures in categories consistent with the process standards applicable to protection from communicable disease as identified in the public health improvement plan under RCW 43.70.520 and 43.70.580, to the extent that these measures are consistent with federal standards defined by the United States department of health and human services;

(2) Develop a process for assessing the compliance of the department and each local health jurisdiction with the performance measures developed under subsection (1) of this section at least biannually;

(3) Develop a process for distributing federal funds appropriated in the omnibus appropriations act on or before July 1, 2006, to local health jurisdictions for development of their pandemic flu and communicable disease outbreak preparedness and response plans, based upon a formula developed by the secretary. The formula developed by the secretary shall ensure that each local health jurisdiction receives a minimum amount of funds for plan development and that any additional funds for plan development be distributed equitably, including consideration of population and factors that increase susceptibility to an outbreak, upon soliciting the advice of the local health jurisdictions;

(4) Develop a process for approving or rejecting pandemic flu and communicable disease outbreak preparedness and response plans developed by local health jurisdictions under section 5 of this act by November 30, 2006.

NEW SECTION. Sec. 4. (1) Each local health jurisdiction must substantially comply with the performance measures established under section 3 of this act by July 1, 2007, and maintain such substantial compliance.

(2) The department shall report to the legislature by November 15, 2008, on the level of compliance with the performance measures established in section 3 of this act. The report shall consider the extent to which local health jurisdictions comply with each performance measure and any impediments to meeting the expected level of performance.

NEW SECTION. Sec. 5. By December 1, 2006, each jurisdiction shall submit a pandemic flu and communicable disease outbreak preparedness and response plan in consultation with appropriate public and private sector partners, including departments of emergency management, law enforcement, school districts, hospitals and medical professionals, tribal governments, and business organizations. The plan shall include the specific activities, including their relative priority within the plan, that it will undertake to meet the standards included in the template developed by the secretary under section 3 of this act by June 30, 2007, and a detailed explanation of the expenditures needed to implement the plan. At a minimum, each plan shall address:

(1) Public education and citizen preparedness, including improvements in the ability of the public to employ universal infectious disease prevention practices, maintain emergency supplies, and respond to a community public health emergency;

(2)(a) Disease surveillance, investigation, and rapid response, including health care provider compliance with reportable conditions requirements;

(b) Investigation and analysis of reported illness or outbreaks; and

(c) Disease control response;

(3) Communications systems, including improving effectiveness of communication, the availability of specialized communications equipment, and access by health officials and community leaders to mass media outlets;

(4) Medical system mobilization, including improving the linkages and coordination of emergency responses across health care organizations, contracts with community facilities to serve as emergency alternative sites during an emergency, availability of trained personnel, conducting practice drills and access to medical supplies and equipment, plans and protocols to rapidly administer vaccine to large populations and monitor vaccine effectiveness and safety, and guidelines for the appropriate use of medications to treat and prevent influenza or other communicable diseases;

(5) Community-level disease containment capability including increasing adherence to public health advisories, voluntary social isolation during disease outbreaks, and health officer orders related to quarantines;

(6) Maintenance of social order and essential public services, including improving linkages with the local emergency incident command structure and maintenance of essential service and the development of the legal documents necessary to facilitate and support the necessary government response.

Upon approval of a local health jurisdiction's pandemic flu and communicable disease outbreak preparedness and response plan by the secretary, the secretary shall distribute state funds and any additional federal funds appropriated under the omnibus appropriations act for implementation of the plan, based upon a formula developed by the secretary.

NEW SECTION. Sec. 6. The department shall provide implementation support and assistance to a local health jurisdiction when the secretary or the local health jurisdiction has significant concerns regarding a jurisdiction's progress toward implementing its plan. Nothing in this section is intended to limit the authority of the secretary to act under RCW 43.70.130(4).

NEW SECTION. Sec. 7. Sections 1 through 6 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

POINT OF ORDER

Senator Keiser: "Thank you. I believe that the House amendments added to Engrossed Substitute Senate Bill No. 6366 are beyond the scope and object of the underlying bill. The underlying bill deals with the very urgent and real possibility of a pandemic flu outbreak and directs our local public health districts to begin the necessary steps to prepare for such an outbreak. The House amendments are much more broadly focused on a long-term improvement planning process of our public health system, which maybe all well and good, but is not what the original bill set out to achieve. I believe it may also be putting forward an unfunded mandate for our public health districts in section four. We have no way to make sure that would be complied with under these new performance measures that are being set for forth in the amendments that were added by the House. All together, I think it puts the underlying bill at risk and I would urge this be ruled beyond the scope and object."

Senator Deccio spoke in favor of the point of order.

MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute Senate Bill No. 6366 was deferred and the bill held its place on the calendar.

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5535, with the following amendments {s} 5535-S.E AMH HC H5275.1.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.53.010 and 2003 c 142 s 1 are each amended to read as follows:

(1) The practice of optometry is defined as the examination of the human eye, the examination and ascertaining any defects of the human vision system and the analysis of the process of vision. The practice of optometry may include, but not necessarily be limited to, the following:

(a) The employment of any objective or subjective means or method, including the use of drugs, for diagnostic and therapeutic purposes by those licensed under this chapter and who meet the requirements of subsections (2) and (3) of this section, and the use of any diagnostic instruments or devices for the examination or analysis of the human vision system, the measurement of the powers or range of human vision, or the determination of the refractive powers of the human eye or its functions in general; and

(b) The prescription and fitting of lenses, prisms, therapeutic or refractive contact lenses and the adaption or adjustment of frames and lenses used in connection therewith; and

(c) The prescription and provision of visual therapy, therapeutic aids, and other optical devices; and

(d) The ascertainment of the perceptive, neural, muscular, or pathological condition of the visual system; and

(e) The adaptation of prosthetic eyes.

(2)(a) Those persons using topical drugs for diagnostic purposes in the practice of optometry shall have a minimum of sixty hours of didactic and clinical instruction in general and ocular pharmacology as applied to optometry, as established by the board, and certification from an institution of higher learning, accredited by those agencies recognized by the United States office of education or the council on postsecondary accreditation to qualify for certification by the optometry board of Washington to use drugs for diagnostic purposes.

(b) Those persons using or prescribing topical drugs for therapeutic purposes in the practice of optometry must be certified under (a) of this subsection, and must have an additional minimum of seventy-five hours of didactic and clinical instruction as established by the board, and certification from an institution of higher learning, accredited by those agencies recognized by the United States office of education or the council on postsecondary accreditation to qualify for certification by the optometry board of Washington to use drugs for therapeutic purposes.

(c) Those persons using or prescribing drugs administered orally for diagnostic or therapeutic purposes in the practice of optometry shall be certified under (b) of this subsection, and shall have an additional minimum of sixteen hours of didactic and eight hours of supervised clinical instruction as established by the board, and certification from an institution of higher learning, accredited by those agencies recognized by the United States office of education or the council on postsecondary accreditation to qualify for certification by the optometry board of Washington to administer, dispense, or prescribe oral drugs for diagnostic or therapeutic purposes.

(d) Those persons administering epinephrine by injection for treatment of anaphylactic shock in the practice of optometry must be certified under (b) of this subsection and must have an additional minimum of four hours of didactic and supervised clinical instruction, as established by the board, and certification from an institution of higher learning, accredited by those agencies recognized by the United States office of education or the council on postsecondary accreditation to qualify for certification by the optometry board to administer epinephrine by injection.

(e) Such course or courses shall be the fiscal responsibility of the participating and attending optometrist.

(f)(i) All persons receiving their initial license under this chapter on or after January 1, 2007, must be certified under (a), (b), (c), and (d) of this subsection.

(ii) All persons licensed under this chapter on or after January 1, 2009, must be certified under (a) and (b) of this subsection.

(iii) All persons licensed under this chapter on or after January 1, 2011, must be certified under (a), (b), (c), and (d) of this subsection.

(3) The board shall establish a list of topical drugs for diagnostic and treatment purposes limited to the practice of optometry, and no person licensed pursuant to this chapter shall prescribe, dispense, purchase, possess, or administer drugs except as authorized and to the extent permitted by the board.

(4) The board must establish a list of oral Schedule III through V controlled substances and any oral legend drugs, with the approval of and after consultation with the board of pharmacy. No person licensed under this chapter may use, prescribe, dispense, purchase, possess, or administer these drugs except as authorized and to the extent permitted by the board. No optometrist may use, prescribe, dispense, or administer oral corticosteroids.

(a) The board, with the approval of and in consultation with the board of pharmacy, must establish, by rule, specific guidelines for the prescription and administration of drugs by optometrists, so that licensed optometrists and persons filling their prescriptions have a clear understanding of which drugs and which dosages or forms are included in the authority granted by this section.

(b) An optometrist may not:

(i) Prescribe, dispense, or administer a controlled substance for more than seven days in treating a particular patient for a single trauma, episode, or condition or for pain associated with or related to the trauma, episode, or condition; or

(ii) Prescribe an oral drug within ninety days following ophthalmic surgery unless the optometrist consults with the treating ophthalmologist.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(c) If treatment exceeding the limitation in (b)(i) of this subsection is indicated, the patient must be referred to a physician licensed under chapter 18.71 RCW.

(d) The prescription or administration of drugs as authorized in this section is specifically limited to those drugs appropriate to treatment of diseases or conditions of the human eye and the adnexa that are within the scope of practice of optometry. The prescription or administration of drugs for any other purpose is not authorized by this section.

(5) The board shall develop a means of identification and verification of optometrists certified to use therapeutic drugs for the purpose of issuing prescriptions as authorized by this section.

(6) Nothing in this chapter may be construed to authorize the use, prescription, dispensing, purchase, possession, or administration of any Schedule I or II controlled substance. The provisions of this subsection must be strictly construed.

(7) With the exception of the administration of epinephrine by injection for the treatment of anaphylactic shock, no injections or infusions may be administered by an optometrist.

(8) Nothing in this chapter may be construed to authorize optometrists to perform ophthalmic surgery. Ophthalmic surgery is defined as any invasive procedure in which human tissue is cut, ablated, or otherwise penetrated by incision, injection, laser, ultrasound, or other means, in order to: Treat human eye diseases; alter or correct refractive error; or alter or enhance cosmetic appearance. Nothing in this chapter limits an optometrist's ability to use diagnostic instruments utilizing laser or ultrasound technology. Ophthalmic surgery, as defined in this subsection, does not include removal of superficial ocular foreign bodies, epilation of misaligned eyelashes, placement of punctal or lacrimal plugs, diagnostic dilation and irrigation of the lacrimal system, orthokeratology, prescription and fitting of contact lenses with the purpose of altering refractive error, or other similar procedures within the scope of practice of optometry.

NEW SECTION. Sec. 2. A new section is added to chapter 18.53 RCW to read as follows:

The optometry board may adopt rules under this section authorizing an inactive license status.

(1) An individual licensed under this chapter may place his or her license on inactive status. The holder of an inactive license must not practice optometry in this state without first activating the license.

(2) The inactive renewal fee must be established by the secretary under RCW 43.70.250. Failure to renew an inactive license shall result in cancellation of the inactive license in the same manner as an active license.

(3) An inactive license may be placed in an active status upon compliance with rules established by the optometry board.

(4) Provisions relating to disciplinary action against a person with a license are applicable to a person with an inactive license, except that when disciplinary proceedings against a person with an inactive license have been initiated, the license will remain inactive until the proceedings have been completed."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Franklin moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5535.

Senators Franklin and Deccio spoke in favor of passage of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Franklin that the Senate concur in the

House amendment(s) to Engrossed Substitute Senate Bill No. 5535.

The motion by Senator Franklin carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5535 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5535, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5535, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senators Finkbeiner, Haugen and Kline - 3

Excused: Senator Stevens - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5535, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brandland, Senators Johnson and Finkbeiner were excused.

MESSAGE FROM THE HOUSE

February 28, 2006

MR. PRESIDENT:

The House has passed SECOND ENGROSSED SENATE BILL NO. 5714, with the following amendments{s} 5714-E2 AMH HC H5274.1.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 A new section is added to chapter 43.70 RCW to read as follows:

(1) The legislature finds that Washington state has the highest incidence of breast cancer in the nation. Despite this, mortality rates from breast cancer have declined due largely to early screening and detection. Invasive cervical cancer is the most preventable type of cancer. The Pap test, used to detect early signs of this disease, has been called "medicine's most successful screening test." Applied consistently, invasive cervical cancer could nearly be eliminated. The legislature further finds that increasing access to breast and cervical cancer screening is critical to reducing incidence and mortality rates, and eliminating the disparities of this disease in women in Washington state. Furthermore, the legislature finds there is a need for a permanent program providing early detection and screening to the women and families of Washington state.

It is the intent of the legislature to establish an early detection breast and cervical cancer screening program as a voluntary screening program directed at reducing mortalities through early detection to be offered to eligible women only as funds are available.

(2) As used in this section:

(a) "Eligible woman" means a woman who is age forty to sixty-four, and whose income is at or below two hundred fifty

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

percent of the federal poverty level, as published annually by the federal department of health and human services. Priority enrollment shall be given to women as defined by the federal national breast and cervical cancer early detection program, under P.L. 101-354.

(b) "Approved providers" means those state-supported health providers, radiology facilities, and cytological laboratories that are recognized by the department as meeting the minimum program policies and procedures adopted by the department to qualify under the federal national breast and cervical cancer early detection program, and are designated as eligible for funding by the department.

(c) "Comprehensive" means a screening program that focuses on breast and cervical cancer screening as a preventive health measure, and includes diagnostic and case management services.

(3) The department of health is authorized to administer a state-supported early detection breast and cervical cancer screening program to assist eligible women with preventive health services. To the extent of available funding, eligible women may be enrolled in the early detection breast and cervical cancer screening program and additional eligible women may be enrolled to the extent that grants and contributions from community sources provide sufficient funds for expanding the program.

(4) Funds appropriated for the state program shall be used only to operate early detection breast and cervical cancer screening programs that have been approved by the department, or to increase access to existing state-approved programs, and shall not supplant federally supported breast and cervical cancer early detection programs.

(5) Enrollment in the early detection breast and cervical cancer screening program shall not result in expenditures that exceed the amount that has been appropriated for the program in the operating budget. If it appears that continued enrollment will result in expenditures exceeding the appropriated level for a particular fiscal year, the department may freeze new enrollment in the program. Nothing in this section prevents the department from continuing enrollment in the program if there are adequate private or public funds in addition to those appropriated in the biennial budget to support the cost of such enrollment.

(6) The department shall establish a medical advisory committee composed of interested medical professionals and consumer liaisons with expertise in a variety of areas relevant to breast and cervical health to provide expert medical advice and guidance. The medical advisory committee shall address national, state, and local concerns regarding best practices in the field of early prevention and detection for breast and cervical cancer and assist the early detection breast and cervical cancer screening program in implementing program policy that follows the best practices of high quality health care for clinical, diagnostic, pathologic, radiological, and oncology services."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "and adding a new section to chapter 43.70 RCW." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Second Engrossed Senate Bill No. 5714.

Senator Keiser spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Second Engrossed Senate Bill No. 5714.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Second Engrossed Senate Bill No. 5714 by voice vote.

The President declared the question before the Senate to be the final passage of Second Engrossed Senate Bill No. 5714, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 5714, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senator Haugen - 1

Excused: Senators Finkbeiner, Johnson and Stevens - 3

SECOND ENGROSSED SENATE BILL NO. 5714, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6223, with the following amendments{s} 6223-S AMH NREP H5336.1.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 79.100 RCW to read as follows:

A person who causes a vessel to become abandoned or derelict upon aquatic lands is guilty of a misdemeanor.

Sec. 2. RCW 79.100.010 and 2002 c 286 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandoned vessel" means the vessel's owner is not known or cannot be located, or if the vessel's owner is known and located but is unwilling to take control of the vessel, and the vessel has been left, moored, or anchored in the same area without the express consent, or contrary to the rules, of the owner, manager, or lessee of the aquatic lands below or on which the vessel is located for either a period of more than thirty consecutive days or for more than a total of ninety days in any three hundred sixty-five day period. For the purposes of this subsection (1) only, "in the same area" means within a radius of five miles of any location where the vessel was previously moored or anchored on aquatic lands.

(2) "Aquatic lands" means all tidelands, shorelands, harbor areas, and the beds of navigable waters, including lands owned by the state and lands owned by other public or private entities.

(3) "Authorized public entity" includes any of the following: The department of natural resources; the department of fish and wildlife; the parks and recreation commission; a metropolitan park district; a port district; and any city, town, or county with ownership, management, or jurisdiction over the aquatic lands where an abandoned or derelict vessel is located.

(4) "Department" means the department of natural resources.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(5) "Derelict vessel" means the vessel's owner is known and can be located, and exerts control of a vessel that:

(a) Has been moored, anchored, or otherwise left in the waters of the state or on public property contrary to RCW ~~((79.01.760))~~ 79.02.300 or rules adopted by an authorized public entity;

(b) Has been left on private property without authorization of the owner; or

(c) Has been left for a period of seven consecutive days, and:

(i) Is sunk or in danger of sinking;

(ii) Is obstructing a waterway; or

(iii) Is endangering life or property.

(6) "Owner" means any natural person, firm, partnership, corporation, association, government entity, or organization that has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

(7) "Vessel" has the same meaning as defined in RCW 53.08.310.

Sec. 3. RCW 79.100.040 and 2002 c 286 s 5 are each amended to read as follows:

(1) Prior to exercising the authority granted in RCW 79.100.030, the authorized public entity must first obtain custody of the vessel. To do so, the authorized public entity must:

(a) Mail notice of its intent to obtain custody, at least twenty days prior to taking custody, to the last known address of the previous owner to register the vessel in any state or with the federal government and to any lien holders or secured interests on record. A notice need not be sent to the purported owner or any other person whose interest in the vessel is not recorded with a state or federal agency;

(b) Post notice of its intent clearly on the vessel for thirty days and publish its intent at least once, more than ten days but less than twenty days prior to taking custody, in a newspaper of general circulation for the county in which the vessel is located; and

(c) Post notice of its intent on the department's internet web site on a page specifically designated for such notices. If the authorized public entity is not the department, the department must facilitate the internet posting.

(2) All notices sent, posted, or published in accordance with this section must, at a minimum, explain the intent of the authorized public entity to take custody of the vessel, the rights of the authorized public entity after taking custody of the vessel as provided in RCW 79.100.030, the procedures the owner must follow in order to avoid custody being taken by the authorized public entity, the procedures the owner must follow in order to reclaim possession after custody is taken by the authorized public entity, and the financial liabilities that the owner may incur as provided for in RCW 79.100.060.

(3) If a vessel is in immediate danger of sinking, breaking up, or blocking navigational channels, and the owner of the vessel cannot be located or is unwilling or unable to assume immediate responsibility for the vessel, ~~((am))~~ any authorized public entity may tow, beach, or otherwise take temporary possession of the vessel. Before taking temporary possession of the vessel, the authorized public entity must make reasonable attempts to consult with the department ~~((and))~~ or the United States coast guard to ensure that other remedies are not available. The basis for taking temporary possession of the vessel must be set out in writing by the authorized public entity within seven days of taking action and be submitted to the owner, if known, as soon thereafter as is reasonable. If the authorized public entity has not already provided the required notice, immediately after taking possession of the vessel, the authorized public entity must initiate the notice provisions in subsection (1) of this section. The authorized public entity must complete the notice requirements of subsection (1) of this

section before using or disposing of the vessel as authorized in RCW 79.100.050.

Sec. 4. RCW 79.100.060 and 2002 c 286 s 7 are each amended to read as follows:

(1) The owner of an abandoned or derelict vessel is responsible for reimbursing an authorized public entity for all reasonable and auditable costs associated with the removal or disposal of the owner's vessel under this chapter. These costs include, but are not limited to, costs incurred exercising the authority granted in RCW 79.100.030, all administrative costs incurred by the authorized public entity during the procedure set forth in RCW 79.100.040, removal and disposal costs, and costs associated with environmental damages directly or indirectly caused by the vessel. An authorized public entity that has taken temporary possession of a vessel may require that all reasonable and auditable costs associated with the removal of the vessel be paid before the vessel is released to the owner.

(2) Reimbursement for costs may be sought from an owner who is identified subsequent to the vessel's removal and disposal.

(3) If the full amount of all costs due to the authorized public entity under this chapter is not paid to the authorized public entity within thirty days after first notifying the responsible parties of the amounts owed, the authorized public entity or the department may bring an action in any court of competent jurisdiction to recover the costs, plus reasonable attorneys' fees and costs incurred by the authorized public entity.

NEW SECTION. Sec. 5. A new section is added to chapter 79.100 RCW to read as follows:

(1) A person seeking to contest an authorized public entity's decision to take temporary possession or custody of a vessel under this chapter, or to contest the amount of reimbursement owed to an authorized public entity under this chapter, may request a hearing in accordance with this section.

(2)(a) If the contested decision or action was undertaken by a state agency, a written request for a hearing related to the decision or action must be filed with the aquatic resources division of the department within twenty days of the date the authorized public entity acquires custody of the vessel under RCW 79.100.040, or if the vessel is redeemed before the authorized public entity acquires custody, the date of redemption, or the right to a hearing is deemed waived and the vessel's owner is liable for any costs owed the authorized public entity. In the event of litigation, the prevailing party is entitled to reasonable attorneys' fees and costs.

(b) Upon receipt of a timely hearing request, the department shall proceed to hear and determine the validity of the decision to take the vessel into temporary possession or custody and the reasonableness of any towing, storage, or other charges permitted under this chapter. Within five business days after the request for a hearing is filed, the department shall notify the vessel owner requesting the hearing and the authorized public entity of the date, time, and location for the hearing. Unless the vessel is redeemed before the request for hearing is filed, the department shall set the hearing on a date that is within ten business days of the filing of the request for hearing. If the vessel is redeemed before the request for a hearing is filed, the department shall set the hearing on a date that is within sixty days of the filing of the request for hearing.

(3)(a) If the contested decision or action was undertaken by a metropolitan park district, port district, city, town, or county, which has adopted rules or procedures for contesting decisions or actions pertaining to derelict or abandoned vessels, those rules or procedures must be followed in order to contest a decision to take temporary possession or custody of a vessel, or to contest the amount of reimbursement owed.

(b) If the metropolitan park district, port district, city, town, or county has not adopted rules or procedures for contesting decisions or actions pertaining to derelict or abandoned vessels, then a person requesting a hearing under this section must

FIFTY-SEVENTH DAY, MARCH 6, 2006

follow the procedure established in RCW 53.08.320(5) for contesting the decisions or actions of moorage facility operators.

Sec. 6. RCW 79.100.100 and 2002 c 286 s 11 are each amended to read as follows:

(1) The derelict vessel removal account is created in the state treasury. All receipts from RCW 79.100.050 and 79.100.060 and those moneys specified in RCW 88.02.030 and 88.02.050 must be deposited into the account. The account is authorized to receive gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of this chapter and expend the same or any income according to the terms of the gifts, grants, or endowments provided those terms do not conflict with any provisions of this section or any guidelines developed to prioritize reimbursement of removal projects associated with this chapter. Moneys in the account may only be spent after appropriation. Expenditures from the account shall be used by the department to reimburse authorized public entities for ~~((seventy-five))~~ up to ninety percent of the total reasonable and auditable administrative, removal, disposal, and environmental damage costs of abandoned or derelict vessels when the previous owner is either unknown after a reasonable search effort or insolvent. ~~((During the 2001-2003 biennium, up to forty percent of the expenditures from the account may be used for administrative expenses of the department of licensing and department of natural resources in implementing this chapter.))~~ Costs associated with removal and disposal of an abandoned or derelict vessel under the authority granted in RCW 53.08.320 also qualify for reimbursement from the derelict vessel removal account. In each ~~((subsequent))~~ biennium, up to twenty percent of the expenditures from the account may be used for administrative expenses of the department of licensing and department of natural resources in implementing this chapter.

(2) If the balance of the account reaches one million dollars as of March 1st of any year, the department must notify the department of licensing and the collection of any fees associated with this account must be suspended for the following fiscal year.

(3) Priority for use of this account is for the removal of derelict and abandoned vessels that are in danger of sinking, breaking up, or blocking navigation channels, or that present environmental risks such as leaking fuel or other hazardous substances. The department must develop criteria, in the form of informal guidelines, to prioritize removal projects associated with this chapter, but may not consider whether the applicant is a state or local entity when prioritizing. The guidelines must also include guidance to the authorized public entities as to what removal activities and associated costs are reasonable and eligible for reimbursement.

(4) The department must keep all authorized public entities apprized of the balance of the derelict vessel removal account and the funds available for reimbursement. The guidelines developed by the department must also be made available to the other authorized public entities. This subsection (4) must be satisfied by utilizing the least costly method, including maintaining the information on the department's internet web site, or any other cost-effective method.

(5) An authorized public entity may contribute its ~~((twenty-five))~~ ten percent of costs that are not eligible for reimbursement by using in-kind services, including the use of existing staff, equipment, and volunteers.

(6) This chapter does not guarantee reimbursement for an authorized public entity. Authorized public entities seeking certainty in reimbursement prior to taking action under this chapter may first notify the department of their proposed action and the estimated total costs. Upon notification by an authorized public entity, the department must make the authorized public entity aware of the status of the fund and the likelihood of reimbursement being available. The department may offer technical assistance and assure reimbursement for up

2006 REGULAR SESSION

to two years following the removal action if an assurance is appropriate given the balance of the fund and the details of the proposed action.

NEW SECTION. **Sec. 7.** RCW 79.100.090 (Contest custody/reimbursement--Lawsuit) and 2002 c 286 s 10 are each repealed." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rockefeller moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6223.

Senator Rockefeller spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Rockefeller that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6223.

The motion by Senator Rockefeller carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6223 by voice vote.

MOTION

On motion of Senator Regala, Senator Haugen was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6223, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6223, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Finkbeiner, Haugen, Johnson and Stevens - 4

SUBSTITUTE SENATE BILL NO. 6223, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6225, with the following amendments{s} 6225-S AMH CONW DYLA 154.

On page 23, beginning on line 4, after "holders of" strike "pump and irrigation or domestic pump specialty certificates" and insert "the specialty plumber certificate under 18.106.010(10)(c)" and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

MOTION

Senator Rasmussen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6225.

Senators Rasmussen and Honeyford spoke in favor of passage of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6225.

The motion by Senator Rasmussen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6225 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6225, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6225, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Finkbeiner, Haugen, Johnson and Stevens - 4

SUBSTITUTE SENATE BILL NO. 6225, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6319, with the following amendments{s} 6319-S2 AMH APP H5462.1.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.44.130 and 2003 c 215 s 1 and 2003 c 53 s 68 are each reenacted and amended to read as follows:

(1) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from

custody with an official designated by the agency that has jurisdiction over the person. In addition, any such adult or juvenile: (a) Who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution; (b) who gains employment at a public or private institution of higher education shall, within ten days of accepting employment or by the first business day after commencing work at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's employment by the institution; or (c) whose enrollment or employment at a public or private institution of higher education is terminated shall, within ten days of such termination, notify the sheriff for the county of the person's residence of the person's termination of enrollment or employment at the institution. Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, must notify the county sheriff immediately. The sheriff shall notify the institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(2) This section may not be construed to confer any powers pursuant to RCW (~~4.24.500~~) 4.24.550 upon the public safety department of any public or private institution of higher education.

(3)(a) The person shall provide the following information when registering: (i) Name; (ii) address; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) aliases used; (viii) social security number; (ix) photograph; and (x) fingerprints.

(b) Any person who lacks a fixed residence shall provide the following information when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x) where he or she plans to stay.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of

FIFTY-SEVENTH DAY, MARCH 6, 2006

developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) **OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION.** Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) **OFFENDERS UNDER FEDERAL JURISDICTION.** Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) **OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED.** Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) **OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS.** Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the

2006 REGULAR SESSION

jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within thirty days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) **OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY.** Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

(vii) **OFFENDERS WHO LACK A FIXED RESIDENCE.** Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than twenty-four hours after entering the county and provide the information required in subsection (3)(b) of this section.

(viii) **OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION.** Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(ix) **OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE.** Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints, and photograph with the new state within ten days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within ten days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff

FIFTY-SEVENTH DAY, MARCH 6, 2006

shall promptly forward this information to the Washington state patrol.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (10) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require the person to list the locations where the person has stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall

2006 REGULAR SESSION

make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

(8) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

(9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means:

(i) Any offense defined as a sex offense by RCW 9.94A.030;

(ii) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);

(iii) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

(iv) Any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a sex offense under this subsection; and

(v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection.

(b) "Kidnapping offense" means: (i) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent; (ii) any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection (9)(b); and (iii) any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a kidnapping offense under this subsection (9)(b).

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(10)(a) A person who knowingly fails to ~~((register with the county sheriff or notify the county sheriff, or who changes his or her name without notifying the county sheriff and the state patrol, as required by))~~ comply with any of the requirements of this section is guilty of a class C felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (9)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (9)(a) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(11)(a) A person who knowingly fails to register or who moves within the state without notifying the county sheriff as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (9)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (9)(b) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

Sec. 2. RCW 9A.44.130 and 2005 c 380 s 1 are each amended to read as follows:

(1)(a) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person.

(b) Any adult or juvenile who is required to register under (a) of this subsection:

(i) Who is attending, or planning to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW shall, within ten days of enrolling or prior to arriving at the school to attend classes, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the school, and the sheriff shall promptly notify the principal of the school;

(ii) Who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution;

(iii) Who gains employment at a public or private institution of higher education shall, within ten days of accepting employment or by the first business day after commencing work at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's employment by the institution; or

(iv) Whose enrollment or employment at a public or private institution of higher education is terminated shall, within ten days of such termination, notify the sheriff for the county of the person's residence of the person's termination of enrollment or employment at the institution.

(c) Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, or a public or private school regulated under Title 28A RCW or chapter 72.40 RCW on September 1, 2006, must notify the county sheriff immediately.

(d) The sheriff shall notify the school's principal or institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(e)(i) A principal receiving notice under this subsection must disclose the information received from the sheriff under (b) of this subsection as follows:

(A) If the student who is required to register as a sex offender is classified as a risk level II or III, the principal shall provide the information received to every teacher of any student required to register under (a) of this subsection and to any other personnel who, in the judgment of the principal, supervises the student or for security purposes should be aware of the student's record;

(B) If the student who is required to register as a sex offender is classified as a risk level I, the principal shall provide the information received only to personnel who, in the judgment of the principal, for security purposes should be aware of the student's record.

(ii) Any information received by a principal or school personnel under this subsection is confidential and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.

(2) This section may not be construed to confer any powers pursuant to RCW ~~((4.24.500))~~ 4.24.550 upon the public safety department of any public or private school or institution of higher education.

(3)(a) The person shall provide the following information when registering: (i) Name; (ii) address; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) aliases used; (viii) social security number; (ix) photograph; and (x) fingerprints.

(b) Any person who lacks a fixed residence shall provide the following information when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x) where he or she plans to stay.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a

FIFTY-SEVENTH DAY, MARCH 6, 2006

violation of this section and is punishable as provided in subsection (10) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not

2006 REGULAR SESSION

sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS. Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within thirty days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

(vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than twenty-four hours after entering the county and provide the information required in subsection (3)(b) of this section.

(viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION. Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE. Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address,

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

fingerprints, and photograph with the new state within ten days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within ten days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (10) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The weekly report shall be on a day specified by the

county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require the person to list the locations where the person has stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

(8) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

(9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means:

(i) Any offense defined as a sex offense by RCW 9.94A.030;

(ii) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);

(iii) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

(iv) Any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a sex offense under this subsection; and

(v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection.

(b) "Kidnapping offense" means: (i) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent; (ii) any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection (9)(b); and (iii) any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a kidnapping offense under this subsection (9)(b).

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

(10)(a) A person who knowingly fails to ~~((register with the county sheriff or notify the county sheriff, or who changes his or her name without notifying the county sheriff and the state patrol, as required by))~~ comply with any of the requirements of this section is guilty of a class C felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (9)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (9)(a) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(11)(a) A person who knowingly fails to register or who moves within the state without notifying the county sheriff as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (9)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (9)(b) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(12) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a peace officer, including a county sheriff, or law enforcement agency, for failing to release information authorized under this section.

Sec. 3. RCW 9.94A.515 and 2005 c 458 s 2 and 2005 c 183 s 9 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XVI Aggravated Murder 1 (RCW 10.95.020)
- XV Homicide by abuse (RCW 9A.32.055)
- Malicious explosion 1 (RCW 70.74.280(1))
- Murder 1 (RCW 9A.32.030)
- XIV Murder 2 (RCW 9A.32.050)
- Trafficking 1 (RCW 9A.40.100(1))
- XIII Malicious explosion 2 (RCW 70.74.280(2))
- Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
- Assault of a Child 1 (RCW 9A.36.120)
- Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
- Rape 1 (RCW 9A.44.040)
- Rape of a Child 1 (RCW 9A.44.073)

- Trafficking 2 (RCW 9A.40.100(2))
- XI Manslaughter 1 (RCW 9A.32.060)
- Rape 2 (RCW 9A.44.050)
- Rape of a Child 2 (RCW 9A.44.076)
- X Child Molestation 1 (RCW 9A.44.083)
- Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
- Kidnapping 1 (RCW 9A.40.020)
- Leading Organized Crime (RCW 9A.82.060(1)(a))
- Malicious explosion 3 (RCW 70.74.280(3))
- Sexually Violent Predator Escape (RCW 9A.76.115)
- IX Assault of a Child 2 (RCW 9A.36.130)
- Explosive devices prohibited (RCW 70.74.180)
- Hit and Run--Death (RCW 46.52.020(4)(a))
- Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
- Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
- Malicious placement of an explosive 2 (RCW 70.74.270(2))
- Robbery 1 (RCW 9A.56.200)
- Sexual Exploitation (RCW 9.68A.040)
- Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- VIII Arson 1 (RCW 9A.48.020)
- Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
- Manslaughter 2 (RCW 9A.32.070)
- Promoting Prostitution 1 (RCW 9A.88.070)
- Theft of Ammonia (RCW 69.55.010)
- Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)
- Child Molestation 2 (RCW 9A.44.086)
- Civil Disorder Training (RCW 9A.48.120)

- Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
- Drive-by Shooting (RCW 9A.36.045)
- Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))
- Introducing Contraband 1 (RCW 9A.76.140)
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
- Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
- Bribery (RCW 9A.68.010)
- Incest 1 (RCW 9A.64.020(1))
- Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of dependent person 1 (RCW 9A.42.060)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 1 (RCW 9A.42.020)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

- Hit and Run--Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Malicious Harassment (RCW 9A.36.080)
- Residential Burglary (RCW 9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(3))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Willful Failure to Return from Furlough (RCW 72.66.060)
- III Abandonment of dependent person 2 (RCW 9A.42.070)
- Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Criminal Gang Intimidation (RCW 9A.46.120)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Assault (RCW 9A.36.100)
- Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)
- Malicious Injury to Railroad Property (RCW 81.60.070)
- Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))

- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Computer Trespass 1 (RCW 9A.52.110)
- Counterfeiting (RCW 9.16.035(3))
- Escape from Community Custody (RCW 72.09.310)
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130(10)(a))
- Theft 1 (RCW 9A.56.030)
- Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
- Unlawful Practice of Law (RCW 2.48.180)
- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- False Verification for Welfare (RCW 74.08.055)
- Forgery (RCW 9A.60.020)
- Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
- Malicious Mischief 2 (RCW 9A.48.080)
- Mineral Trespass (RCW 78.44.330)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Reckless Burning 1 (RCW 9A.48.040)
- Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
- Theft 2 (RCW 9A.56.040)
- Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))
- Transaction of insurance business beyond the scope of licensure (RCW 48.17.063(4))
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
- Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
- Unlawful Possession of Payment Instruments (RCW 9A.56.320)
- Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)
- Unlawful Production of Payment Instruments (RCW 9A.56.320)
- Unlawful Trafficking in Food Stamps (RCW 9.91.142)
- Unlawful Use of Food Stamps (RCW 9.91.144)
- Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 4. RCW 9.94A.545 and 2003 c 379 s 8 are each amended to read as follows:

(1) Except as provided in RCW 9.94A.650 and in subsection (2) of this section, on all sentences of confinement for one year or less, in which the offender is convicted of a sex offense, a violent offense, a crime against a person under RCW 9.94A.411, or felony violation of chapter 69.50 or 69.52 RCW or an attempt, conspiracy, or solicitation to commit such a crime, the court may impose up to one year of community custody, subject to conditions and sanctions as authorized in RCW 9.94A.715 and 9.94A.720. An offender shall be on community custody as of the date of sentencing. However, during the time for which the offender is in total or partial confinement pursuant to the sentence or a violation of the sentence, the period of community custody shall toll.

(2) If the offender is guilty of failure to register under RCW 9A.44.130(10)(a), the court shall impose a term of community custody under RCW 9.94A.715.

Sec. 5. RCW 9.94A.715 and 2003 c 379 s 6 are each amended to read as follows:

(1) When a court sentences a person to the custody of the department for a sex offense not sentenced under RCW 9.94A.712, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, or when a court sentences a person to a term of confinement of one year or less for a violation of RCW 9A.44.130(10)(a) committed on or after the effective date of this act, the court shall in addition to the other terms of the sentence, sentence the offender to community

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

custody for the community custody range established under RCW 9.94A.850 or up to the period of earned release awarded pursuant to RCW 9.94A.728 (1) and (2), whichever is longer. The community custody shall begin: (a) Upon completion of the term of confinement; (b) at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.728 (1) and (2); or (c) with regard to offenders sentenced under RCW 9.94A.660, upon failure to complete or administrative termination from the special drug offender sentencing alternative program. Except as provided in RCW 9.94A.501, the department shall supervise any sentence of community custody imposed under this section.

(2)(a) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in RCW 9.94A.700(4). The conditions may also include those provided for in RCW 9.94A.700(5). The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department shall enforce such conditions pursuant to subsection (6) of this section.

(b) As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department under RCW 9.94A.720. The department shall assess the offender's risk of reoffense and may establish and modify additional conditions of the offender's community custody based upon the risk to community safety. In addition, the department may require the offender to participate in rehabilitative programs, or otherwise perform affirmative conduct, and to obey all laws.

(c) The department may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court imposed conditions. The department shall notify the offender in writing of any such conditions or modifications. In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

(3) If an offender violates conditions imposed by the court or the department pursuant to this section during community custody, the department may transfer the offender to a more restrictive confinement status and impose other available sanctions as provided in RCW 9.94A.737 and 9.94A.740.

(4) Except for terms of community custody under RCW 9.94A.670, the department shall discharge the offender from community custody on a date determined by the department, which the department may modify, based on risk and performance of the offender, within the range or at the end of the period of earned release, whichever is later.

(5) At any time prior to the completion or termination of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.631 and may be punishable as contempt of court as provided for in RCW 7.21.040. If the court extends a condition beyond the expiration of the term of community custody, the department is not responsible for supervision of the offender's compliance with the condition.

(6) Within the funds available for community custody, the department shall determine conditions and duration of community custody on the basis of risk to community safety, and shall supervise offenders during community custody on the basis of risk to community safety and conditions imposed by the

court. The secretary shall adopt rules to implement the provisions of this subsection.

(7) By the close of the next business day after receiving notice of a condition imposed or modified by the department, an offender may request an administrative review under rules adopted by the department. The condition shall remain in effect unless the reviewing officer finds that it is not reasonably related to any of the following: (a) The crime of conviction; (b) the offender's risk of reoffending; or (c) the safety of the community.

Sec. 6. RCW 9.94A.525 and 2002 c 290 s 3 and 2002 c 107 s 3 are each reenacted and amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.589.

(2) Class A and sex prior felony convictions shall always be included in the offender score. Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction. Class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction. This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11) or (12) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and ½ point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), or (12) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and ½ point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult and juvenile convictions for crimes in this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and ½ point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult and ½ point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and ½ point for each juvenile prior conviction.

(12) If the present conviction is for manufacture of methamphetamine count three points for each adult prior manufacture of methamphetamine conviction and two points for each juvenile manufacture of methamphetamine offense. If the present conviction is for a drug offense and the offender has a criminal history that includes a sex offense or serious violent offense, count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(13) If the present conviction is for Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as ½ point.

(14) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior

convictions as one point and juvenile prior convictions as ½ point.

(15) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(16) If the present conviction is for a sex offense, count priors as in subsections (7) through (15) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(17) If the present conviction is for failure to register as a sex offender under RCW 9A.44.130(10), count priors as in subsections (7) through (15) of this section; however count three points for each adult and juvenile prior sex offense conviction, excluding prior convictions for failure to register as a sex offender under RCW 9A.44.130(10), which shall count as one point.

(18) If the present conviction is for an offense committed while the offender was under community placement, add one point.

~~((+8))~~ (19) The fact that a prior conviction was not included in an offender's offender score or criminal history at a previous sentencing shall have no bearing on whether it is included in the criminal history or offender score for the current offense. Accordingly, prior convictions that were not counted in the offender score or included in criminal history under repealed or previous versions of the sentencing reform act shall be included in criminal history and shall count in the offender score if the current version of the sentencing reform act requires including or counting those convictions.

NEW SECTION. Sec. 7. Section 1 of this act expires September 1, 2006.

NEW SECTION. Sec. 8. Section 2 of this act takes effect September 1, 2006.

NEW SECTION. Sec. 9. If specific funding for the purposes of section 3 of this act, referencing this act and section 3 of this act by bill or chapter number and section number, is not provided by June 30, 2006, in the omnibus appropriations act, section 3 of this act is null and void.

NEW SECTION. Sec. 10. If specific funding for the purposes of section 4 of this act, referencing this act and section 4 of this act by bill or chapter number and section number, is not provided by June 30, 2006, in the omnibus appropriations act, section 4 of this act is null and void."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Regala moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6319.
Senator Regala spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Regala that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6319.

The motion by Senator Regala carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6319 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6319, as amended by the House.

ROLL CALL

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6319, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 1; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Voting nay: Senator Pridemore - 1

Absent: Senator Deccio - 1

Excused: Senators Finkbeiner, Haugen, Johnson and Stevens - 4

SECOND SUBSTITUTE SENATE BILL NO. 6319, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brandland, Senator Deccio was excused.

MESSAGE FROM THE HOUSE

March 1, 2006

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6415, with the following amendments{s} 6415 AMH TR H5352.1.

On page 2, beginning on line 2, strike "and at the applicant's expense" and insert "from a list provided by the department of licensing" and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Pridemore moved that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 6415 and ask the House to recede therefrom.

Senator Pridemore spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Pridemore that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 6415 and ask the House to recede therefrom.

The motion by Senator Pridemore carried and the Senate refused to concur in the House amendment(s) to Senate Bill No. 6415 and asked the House to recede therefrom.

MOTION

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

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2582, by House Committee on Appropriations (originally sponsored by Representatives Uptegrove, Hunter, Appleton, Hasegawa, Quall, Clibborn, Simpson, Green, Ormsby, Kenney, Hudgins and Kagi)

Expanding high school completion programs.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Ways & Means be not adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the goal of Washington's education reform is for all students to meet rigorous academic standards so that they are prepared for success in college, work, and life. Educators know that not all students learn at the same rate or in the same way. Some students will take longer to meet the state's standards for high school graduation. Older students who cannot graduate with their peers need an appropriate learning environment and flexible programming that enables them simultaneously to earn a diploma, work, and pursue other training options. Providing learning options in locations in addition to high schools will encourage older students to complete their diplomas. The legislature further finds that the state's commitment to providing a basic education for all public school students under the age of twenty-one should continue until a student earns a diploma. Therefore the legislature intends to expand high school completion programs at community and technical colleges for older students who have not yet received a diploma but are eligible for state basic education support.

Sec. 2. RCW 28B.50.535 and 1991 c 238 s 58 are each amended to read as follows:

A community or technical college may issue a high school diploma or certificate, subject to rules (~~and regulations promulgated~~) adopted by the superintendent of public instruction and the state board of education.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.50 RCW to read as follows:

(1) In accordance with this section, each community or technical college shall make available courses or a program of study, on the college campus, designed to enable students under the age of twenty-one who have completed all state and local high school graduation requirements except the certificate of academic achievement or certificate of individual achievement to complete their high school education and obtain a high school diploma.

(a) Colleges may make courses or programs under this section available by entering into contracts with local school districts to deliver the courses or programs. Colleges that offer courses or programs under contract shall be reimbursed for each enrolled eligible student as provided in the contract, and the high school diploma shall be issued by the local school district;

(b) Colleges may deliver courses or programs under this section directly. Colleges that deliver courses or programs directly shall be reimbursed for each enrolled eligible student as provided in section 4 of this act, and the high school diploma shall be issued by the college; or

(c) Colleges may make courses or programs under this section available through a combination of contracts with local school districts, collaboration with educational service districts, and direct service delivery. Colleges may also make courses or programs under this section available for students at locations in addition to the college campus but not on a high school campus.

(2) Regardless of the service delivery method chosen, colleges shall ensure that all eligible students have an opportunity to enroll in a course or program under this section.

(3) Colleges shall not require students enrolled under this section to pay tuition or services and activities fees, however

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

this waiver of tuition and services and activities fees shall be in effect only for those courses that lead to a high school diploma.

(4) Nothing in this section or section 4 of this act precludes a community or technical college from offering courses or a program of study for students other than eligible students as defined by section 4 of this act to obtain a high school diploma, nor is intended to restrict diploma completion programs offered by school districts or educational service districts. Community and technical colleges and school districts are encouraged to consult with educational service districts in the development and delivery of programs and courses required under this section.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.600 RCW to read as follows:

(1) For purposes of this section and section 3 of this act, "eligible student" means a student who has completed all state and local high school graduation requirements except the certificate of academic achievement under RCW 28A.655.061 or the certificate of individual achievement under RCW 28A.155.045, and who is less than age twenty-one as of September 1st of the academic year the student enrolls at a community and technical college under this section.

(2) An eligible student may enroll in courses or a program of study made available by a community or technical college under section 3 of this act for the purpose of obtaining a high school diploma.

(3) For eligible students in courses or programs delivered directly by the community or technical college under section 3 of this act and only for enrollment in courses that lead to a high school diploma, the superintendent of public instruction shall transmit to the college an amount per each full-time equivalent college student at statewide uniform rates. The amount shall be the sum of (a), (b), (c), and (d) of this subsection, as applicable.

(a) The superintendent shall separately calculate and allocate moneys appropriated for basic education under RCW 28A.150.260 for purposes of making payments under this section. The calculations and allocations shall be based upon the estimated statewide annual average per full-time equivalent high school student allocations under RCW 28A.150.260, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW.

(b) The superintendent shall allocate an amount equal to the per funded student state allocation for the learning assistance program under chapter 28A.165 RCW for each full-time equivalent college student or a pro rata amount for less than full-time enrollment.

(c) The superintendent shall allocate an amount equal to the per full-time equivalent student allocation for the student achievement program under RCW 28A.505.210 for each full-time equivalent college student or a pro rata amount for less than full-time enrollment.

(d) For eligible students who meet eligibility criteria for the state transitional bilingual instruction program under chapter 28A.180 RCW, the superintendent shall allocate an amount equal to the per student state allocation for the transitional bilingual instruction program or a pro rata amount for less than full-time enrollment.

(4) School districts and the state board for community and technical colleges shall report no student for more than 1.0 full-time equivalent combining both their high school enrollment and instruction in the college program offered for students meeting all graduation requirements except the certificate of academic achievement or certificate of individual achievement.

(5) The superintendent may adopt rules establishing enrollment reporting, recordkeeping, and accounting requirements necessary to ensure accountability for the use of basic education, learning assistance, and transitional bilingual program funds under this section.

(6) All school districts shall provide information about the high school completion option under section 3 of this act to students in grades ten, eleven, and twelve and the parents or guardians of those students.

Sec. 5. RCW 28A.230.120 and 2003 c 234 s 1 are each amended to read as follows:

(1) School districts shall issue diplomas to students signifying graduation from high school upon the students' satisfactory completion of all local and state graduation requirements. Districts shall grant students the option of receiving a final transcript in addition to the regular diploma. Students who satisfactorily complete all local and state graduation requirements except the certificate of academic achievement under RCW 28A.655.061 or the certificate of individual achievement under RCW 28A.155.045 may participate in high school graduation ceremonies.

(2) School districts or schools of attendance shall establish policies and procedures to notify senior students of the transcript option and shall direct students to indicate their decisions in a timely manner. School districts shall make appropriate provisions to assure that students who choose to receive a copy of their final transcript shall receive such transcript after graduation.

(3)(a) A school district may issue a high school diploma to a person who:

(i) Is an honorably discharged member of the armed forces of the United States;

(ii) Was scheduled to graduate from high school in the years 1940 through 1955; and

(iii) Left high school before graduation to serve in World War II or the Korean conflict.

(b) A school district may issue a diploma to or on behalf of a person otherwise eligible under (a) of this subsection notwithstanding the fact that the person holds a high school equivalency certification or is deceased.

(c) The superintendent of public instruction shall adopt a form for a diploma application to be used by a veteran or a person acting on behalf of a deceased veteran under this subsection (3). The superintendent of public instruction shall specify what constitutes acceptable evidence of eligibility for a diploma.

Sec. 6. RCW 28A.655.061 and 2004 c 19 s 101 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (11) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (11) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has retaken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement. The student's transcript shall note whether the certificate of academic achievement was acquired by means of the Washington assessment of student learning or by an alternative assessment.

(4) Beginning with the graduating class of 2010, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) Beginning with the graduating class of 2006, the highest scale score and level achieved in each content area on the high school Washington assessment of student learning shall be displayed on a student's transcript. In addition, beginning with the graduating class of 2008, each student shall receive a scholar's designation on his or her transcript for each content area in which the student achieves level four the first time the student takes that content area assessment.

(8) Beginning in 2006, school districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(9) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(10) Subject to available funding, the superintendent shall pilot opportunities for retaking the high school assessment beginning in the 2004-05 school year. Beginning no later than September 2006, opportunities to retake the assessment at least twice a year shall be available to each school district.

(11) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process, for students to demonstrate achievement of the state academic standards.

The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(12) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

(13) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for students as provided in this subsection (13).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year. The plan shall include the courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation. If applicable, the plan shall also include the high school completion option created under section 3 of this act. This requirement shall be phased in as follows:

(i) Beginning no later than the 2004-05 school year ninth grade students as described in this subsection (13)(a) shall have a plan.

(ii) Beginning no later than the 2005-06 school year and every year thereafter eighth grade students as described in this subsection (13)(a) shall have a plan.

(iii) The parent or guardian shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, strategies to help them improve their student's skills, and the content of the student's plan.

(iv) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

(b) Beginning with the 2005-06 school year and every year thereafter, all fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.

(i) The parent or guardian of a student described in this subsection (13)(b) shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

Sec. 7. RCW 28B.15.520 and 1993 sp.s. c 18 s 16 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the community colleges may:

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(1) Waive all or a portion of tuition fees and services and activities fees for:

(a) Students nineteen years of age or older who are eligible for resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015 (~~and~~), who enroll in a course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate, but who are not eligible students as defined by section 4 of this act; and

(b) Children of any law enforcement officer or fire fighter who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state: PROVIDED, That such persons may receive the waiver only if they begin their course of study at a community college within ten years of their graduation from high school;

(2) Waive all or a portion of the nonresident tuition fees differential for:

(a) Nonresident students enrolled in a community college course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate but who are not eligible students as defined by section 4 of this act. The waiver shall be in effect only for those courses which lead to a high school diploma or certificate; and

(b) Up to forty percent of the students enrolled in the regional education program for deaf students, subject to federal funding of such program.

Sec. 8. RCW 28B.15.067 and 2003 c 232 s 4 are each amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

(2) Beginning with the 2003-04 academic year and ending with the 2008-09 academic year, reductions or increases in full-time tuition fees for resident undergraduates shall be as provided in the omnibus appropriations act.

(3) Beginning with the 2003-04 academic year and ending with the 2008-09 academic year, the governing boards of the state universities, the regional universities, The Evergreen State College, and the state board for community and technical colleges may reduce or increase full-time tuition fees for all students other than resident undergraduates, including summer school students and students in other self-supporting degree programs. Percentage increases in full-time tuition fees may exceed the fiscal growth factor. Reductions or increases may be made for all or portions of an institution's programs, campuses, courses, or students.

(4) Academic year tuition for full-time students at the state's institutions of higher education beginning with 2009-10, other than summer term, shall be as charged during the 2008-09 academic year unless different rates are adopted by the legislature.

(5) The tuition fees established under this chapter shall not apply to high school students enrolling in participating institutions of higher education under RCW 28A.600.300 through 28A.600.400.

(6) The tuition fees established under this chapter shall not apply to eligible students enrolling in a community or technical college under section 3 of this act for the purpose of obtaining a high school diploma.

(7) For the academic years 2003-04 through 2008-09, the University of Washington shall use an amount equivalent to ten percent of all revenues received as a result of law school tuition increases beginning in academic year 2000-01 through academic year 2008-09 to assist needy low and middle income resident law students.

~~((7))~~ (8) For the academic years 2003-04 through 2008-09, institutions of higher education shall use an amount equivalent

to ten percent of all revenues received as a result of graduate academic school tuition increases beginning in academic year 2003-04 through academic year 2008-09 to assist needy low and middle-income resident graduate academic students."

On page 1, beginning on line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 28B.50.535, 28A.230.120, 28A.655.061, 28B.15.520, and 28B.15.067; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28A.600 RCW; and creating a new section."

The President declared the question before the Senate to be the motion by Senator McAuliffe to not adopt the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 2582.

The motion by Senator McAuliffe carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator McAuliffe moved that the following striking amendment by Senators McAuliffe and Schmidt be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the goal of Washington's education reform is for all students to meet rigorous academic standards so that they are prepared for success in college, work, and life. Educators know that not all students learn at the same rate or in the same way. Some students will take longer to meet the state's standards for high school graduation. Older students who cannot graduate with their peers need an appropriate learning environment and flexible programming that enables them simultaneously to earn a diploma, work, and pursue other training options. Providing learning options in locations in addition to high schools will encourage older students to complete their diplomas. The legislature further finds that the state's commitment to providing a basic education for all public school students under the age of twenty-one should continue until a student earns a diploma. Therefore the legislature intends to expand high school completion programs at community and technical colleges for older students who have not yet received a diploma but are eligible for state basic education support.

Sec. 2. RCW 28B.50.535 and 1991 c 238 s 58 are each amended to read as follows:

A community or technical college may issue a high school diploma or certificate, subject to rules (~~and regulations promulgated~~) adopted by the superintendent of public instruction and the state board of education.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.50 RCW to read as follows:

(1) In accordance with this section, each community or technical college shall make available courses or a program of study, on the college campus, designed to enable students under the age of twenty-one who have completed all state and local high school graduation requirements except the certificate of academic achievement or certificate of individual achievement to complete their high school education and obtain a high school diploma.

(a) Colleges may make courses or programs under this section available by entering into contracts with local school districts to deliver the courses or programs. Colleges that offer courses or programs under contract shall be reimbursed for each enrolled eligible student as provided in the contract, and the high school diploma shall be issued by the local school district;

(b) Colleges may deliver courses or programs under this section directly. Colleges that deliver courses or programs directly shall be reimbursed for each enrolled eligible student as provided in section 4 of this act, and the high school diploma shall be issued by the college; or

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(c) Colleges may make courses or programs under this section available through a combination of contracts with local school districts, collaboration with educational service districts, and direct service delivery. Colleges may also make courses or programs under this section available for students at locations in addition to the college campus but not on a high school campus.

(2) Regardless of the service delivery method chosen, colleges shall ensure that all eligible students have an opportunity to enroll in a course or program under this section.

(3) Colleges shall not require students enrolled under this section to pay tuition or services and activities fees, however this waiver of tuition and services and activities fees shall be in effect only for those courses that lead to a high school diploma.

(4) Nothing in this section or section 4 of this act precludes a community or technical college from offering courses or a program of study for students other than eligible students as defined by section 4 of this act to obtain a high school diploma, nor is intended to restrict diploma completion programs offered by school districts or educational service districts. Community and technical colleges and school districts are encouraged to consult with educational service districts in the development and delivery of programs and courses required under this section.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.600 RCW to read as follows:

(1) For purposes of this section and section 3 of this act, "eligible student" means a student who has completed all state and local high school graduation requirements except the certificate of academic achievement under RCW 28A.655.061 or the certificate of individual achievement under RCW 28A.155.045, and who is less than age twenty-one as of September 1st of the academic year the student enrolls at a community and technical college under this section.

(2) An eligible student may enroll in courses or a program of study made available by a community or technical college under section 3 of this act for the purpose of obtaining a high school diploma.

(3) For eligible students in courses or programs delivered directly by the community or technical college under section 3 of this act and only for enrollment in courses that lead to a high school diploma, the superintendent of public instruction shall transmit to the college an amount per each full-time equivalent college student at statewide uniform rates. The amount shall be the sum of (a), (b), (c), and (d) of this subsection, as applicable.

(a) The superintendent shall separately calculate and allocate moneys appropriated for basic education under RCW 28A.150.260 for purposes of making payments under this section. The calculations and allocations shall be based upon the estimated statewide annual average per full-time equivalent high school student allocations under RCW 28A.150.260, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW.

(b) The superintendent shall allocate an amount equal to the per funded student state allocation for the learning assistance program under chapter 28A.165 RCW for each full-time equivalent college student or a pro rata amount for less than full-time enrollment.

(c) The superintendent shall allocate an amount equal to the per full-time equivalent student allocation for the student achievement program under RCW 28A.505.210 for each full-time equivalent college student or a pro rata amount for less than full-time enrollment.

(d) For eligible students who meet eligibility criteria for the state transitional bilingual instruction program under chapter 28A.180 RCW, the superintendent shall allocate an amount equal to the per student state allocation for the transitional bilingual instruction program or a pro rata amount for less than full-time enrollment.

(4) School districts and the state board for community and technical colleges shall report no student for more than 1.0 full-time equivalent combining both their high school enrollment and instruction in the college program offered for students

meeting all graduation requirements except the certificate of academic achievement or certificate of individual achievement.

(5) The superintendent may adopt rules establishing enrollment reporting, recordkeeping, and accounting requirements necessary to ensure accountability for the use of basic education, learning assistance, and transitional bilingual program funds under this section.

(6) All school districts shall provide information about the high school completion option under section 3 of this act to students in grades ten, eleven, and twelve and the parents or guardians of those students.

Sec. 5. RCW 28A.230.120 and 2003 c 234 s 1 are each amended to read as follows:

(1) School districts shall issue diplomas to students signifying graduation from high school upon the students' satisfactory completion of all local and state graduation requirements. Districts shall grant students the option of receiving a final transcript in addition to the regular diploma. Each district must adopt a policy regarding whether students who satisfactorily complete all local and state graduation requirements except the certificate of academic achievement under RCW 28A.655.061 or the certificate of individual achievement under RCW 28A.155.045 may participate in high school graduation ceremonies.

(2) School districts or schools of attendance shall establish policies and procedures to notify senior students of the transcript option and shall direct students to indicate their decisions in a timely manner. School districts shall make appropriate provisions to assure that students who choose to receive a copy of their final transcript shall receive such transcript after graduation.

(3)(a) A school district may issue a high school diploma to a person who:

(i) Is an honorably discharged member of the armed forces of the United States;

(ii) Was scheduled to graduate from high school in the years 1940 through 1955; and

(iii) Left high school before graduation to serve in World War II or the Korean conflict.

(b) A school district may issue a diploma to or on behalf of a person otherwise eligible under (a) of this subsection notwithstanding the fact that the person holds a high school equivalency certification or is deceased.

(c) The superintendent of public instruction shall adopt a form for a diploma application to be used by a veteran or a person acting on behalf of a deceased veteran under this subsection (3). The superintendent of public instruction shall specify what constitutes acceptable evidence of eligibility for a diploma.

Sec. 6. RCW 28A.655.061 and 2004 c 19 s 101 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (11) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (11) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has retaken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement. The student's transcript shall note whether the certificate of academic achievement was acquired by means of the Washington assessment of student learning or by an alternative assessment.

(4) Beginning with the graduating class of 2010, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) Beginning with the graduating class of 2006, the highest scale score and level achieved in each content area on the high school Washington assessment of student learning shall be displayed on a student's transcript. In addition, beginning with the graduating class of 2008, each student shall receive a scholar's designation on his or her transcript for each content area in which the student achieves level four the first time the student takes that content area assessment.

(8) Beginning in 2006, school districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(9) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(10) Subject to available funding, the superintendent shall pilot opportunities for retaking the high school assessment beginning in the 2004-05 school year. Beginning no later than September 2006, opportunities to retake the assessment at least twice a year shall be available to each school district.

(11) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process, for students

to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(12) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

(13) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for students as provided in this subsection (13).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year. The plan shall include the courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation. If applicable, the plan shall also include the high school completion option created under section 3 of this act. This requirement shall be phased in as follows:

(i) Beginning no later than the 2004-05 school year ninth grade students as described in this subsection (13)(a) shall have a plan.

(ii) Beginning no later than the 2005-06 school year and every year thereafter eighth grade students as described in this subsection (13)(a) shall have a plan.

(iii) The parent or guardian shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, strategies to help them improve their student's skills, and the content of the student's plan.

(iv) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

(b) Beginning with the 2005-06 school year and every year thereafter, all fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.

(i) The parent or guardian of a student described in this subsection (13)(b) shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

Sec. 7. RCW 28B.15.520 and 1993 sp.s. c 18 s 16 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the community colleges may:

(1) Waive all or a portion of tuition fees and services and activities fees for:

(a) Students nineteen years of age or older who are eligible for resident tuition and fee rates as defined in RCW 28B.15.012

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

through 28B.15.015 (~~and~~), who enroll in a course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate, but who are not eligible students as defined by section 4 of this act; and

(b) Children of any law enforcement officer or fire fighter who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state: PROVIDED, That such persons may receive the waiver only if they begin their course of study at a community college within ten years of their graduation from high school;

(2) Waive all or a portion of the nonresident tuition fees differential for:

(a) Nonresident students enrolled in a community college course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate but who are not eligible students as defined by section 4 of this act. The waiver shall be in effect only for those courses which lead to a high school diploma or certificate; and

(b) Up to forty percent of the students enrolled in the regional education program for deaf students, subject to federal funding of such program.

Sec. 8. RCW 28B.15.067 and 2003 c 232 s 4 are each amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

(2) Beginning with the 2003-04 academic year and ending with the 2008-09 academic year, reductions or increases in full-time tuition fees for resident undergraduates shall be as provided in the omnibus appropriations act.

(3) Beginning with the 2003-04 academic year and ending with the 2008-09 academic year, the governing boards of the state universities, the regional universities, The Evergreen State College, and the state board for community and technical colleges may reduce or increase full-time tuition fees for all students other than resident undergraduates, including summer school students and students in other self-supporting degree programs. Percentage increases in full-time tuition fees may exceed the fiscal growth factor. Reductions or increases may be made for all or portions of an institution's programs, campuses, courses, or students.

(4) Academic year tuition for full-time students at the state's institutions of higher education beginning with 2009-10, other than summer term, shall be as charged during the 2008-09 academic year unless different rates are adopted by the legislature.

(5) The tuition fees established under this chapter shall not apply to high school students enrolling in participating institutions of higher education under RCW 28A.600.300 through 28A.600.400.

(6) The tuition fees established under this chapter shall not apply to eligible students enrolling in a community or technical college under section 3 of this act for the purpose of obtaining a high school diploma.

(7) For the academic years 2003-04 through 2008-09, the University of Washington shall use an amount equivalent to ten percent of all revenues received as a result of law school tuition increases beginning in academic year 2000-01 through academic year 2008-09 to assist needy low and middle income resident law students.

~~((7))~~ (8) For the academic years 2003-04 through 2008-09, institutions of higher education shall use an amount equivalent to ten percent of all revenues received as a result of graduate academic school tuition increases beginning in academic year 2003-04 through academic year 2008-09 to assist needy low and middle-income resident graduate academic students."

Senator McAuliffe spoke in favor of adoption of the striking amendment.

MOTION

Senator McAuliffe moved that the following amendment by Senator McAuliffe to the striking amendment be adopted.

On page 11, after line 6 of the amendment, insert the following:

"NEW SECTION. Sec. 9 The superintendent of public instruction shall provide data about the dropout rates for tenth grade students in the 2004-05 school year and for tenth grade students in the 2005-06 school year and report the findings to the legislature by December 1, 2006."

Senator McAuliffe spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe on page 11, line 6 to the striking amendment to Engrossed Second Substitute House Bill No. 2582.

The motion by Senator McAuliffe carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe and Schmidt as amended to Engrossed Second Substitute House Bill No. 2582.

The motion by Senator McAuliffe carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted.

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 28B.50.535, 28A.230.120, 28A.655.061, 28B.15.520, and 28B.15.067; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28A.600 RCW; and creating a new section."

On page 11, line 11 of the title amendment, after "creating" strike "a new section" and insert "new sections"

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Second Substitute House Bill No. 2582 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Roach: "Would the Senator from the First District yield to a question? I just want to make sure that I fully understand this, maybe preference my question by this statement. Most people understand that students that go on to the community colleges, fifty to sixty percent of them, if not more, have to be enrolled in at least one remedial class, whether that's something to do with writing and reading or math and so we are right now graduating students that don't meet some of those requirements. These students are required to pay tuition for these classes so....."

REMARKS BY THE PRESIDENT

President Owen: "Senator Roach, you're making a speech, do you have a question, Senator Roach?"

FIFTY-SEVENTH DAY, MARCH 6, 2006

Senator Roach: "Yes, I do Mr. President, but I needed to put the question into context. So, on page two of the bill, section three, colleges shall not require students enrolled under this section to pay tuition or services and activity fees.' So, the question I have is then, would this, individuals who then go to the college right now, the sixty percent that have to be enrolled in remedial class, would those be the same remedial classes and would in fact we allow what they had to pay for before is now going to be essentially a transfer out of the K-12 system?"

Senator McAuliffe: "Senator, this a high school completion program designed to help the student demonstrate they have the skills and knowledge necessary to receive a diploma that today demands a certificate of academic achievement be obtained. That is what the high school completion program will be, this is not about taking community college courses. If they were to take a community college course at the same time they were under high school completion, they would have to pay for that themselves."

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2582.

POINT OF ORDER

Senator Honeyford: "Is this amendment properly before us? It's past cut off and this is a striking amendment."

REPLY BY THE PRESIDENT

President Owen: "Senator, the striking amendment has already been adopted. We are on final passage of Engrossed Second Substitute House Bill No. 2582. We are on final passage of the bill."

POINT OF ORDER

Senator Honeyford: "Well, then is the bill properly before us as it was amended?"

MOTION

On motion of Senator Eide, further consideration of Engrossed Second Substitute House Bill No. 2582 was deferred and the bill held its place on the third reading calendar.

MOTION

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

MESSAGE FROM THE HOUSE

March 6, 2006

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

HOUSE BILL NO. 1439,
 SUBSTITUTE HOUSE BILL NO. 2345,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 2418,
 HOUSE BILL NO. 2465,
 SUBSTITUTE HOUSE BILL NO. 2553,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 2575,
 SUBSTITUTE HOUSE BILL NO. 2678,

2006 REGULAR SESSION

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2680,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6428, with the following amendments{s} 6428-S.E AMH SULB H5493.1.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that a convenient, safe, and environmentally sound system for the collection, transportation, and recycling of covered electronic products must be established. The legislature further finds that the system must encourage the design of electronic products that are less toxic and more recyclable. The legislature further finds that the responsibility for this system must be shared among all stakeholders, with manufacturers financing the collection, transportation, and recycling system.

"NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the Washington materials management and financing authority created under section 29 of this act.

(2) "Authorized party" means a manufacturer who submits an individual independent plan or the entity authorized to submit an independent plan for more than one manufacturer.

(3) "Board" means the board of directors of the Washington materials management and financing authority created under section 30 of this act.

(4) "Collector" means an entity licensed to do business in the state that gathers unwanted covered electronic products from households, small businesses, school districts, small governments, and charities for the purpose of recycling and meets minimum standards that may be developed by the department.

(5) "Contract for services" means an instrument executed by the authority and one or more persons or entities that delineates collection, transportation, and recycling services, in whole or in part, that will be provided to the citizens of the state within service areas as described in the approved standard plan.

(6) "Covered electronic product" includes a cathode ray tube or flat panel computer monitor having a viewable area greater than four inches when measured diagonally, a desktop computer, a laptop or a portable computer, or a cathode ray tube or flat panel television having a viewable area greater than four inches when measured diagonally that has been used in the state by any covered entity regardless of original point of purchase. "Covered electronic product" does not include: (a) A motor vehicle or replacement parts for use in motor vehicles or aircraft, or any computer, computer monitor, or television that is contained within, and is not separate from, the motor vehicle or aircraft; (b) monitoring and control instruments or systems; (c) medical devices; (d) products including materials intended for use as ingredients in those products as defined in the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.) or the virus-serum-toxin act of 1913 (21 U.S.C. Sec. 151 et seq.), and regulations issued under those acts; (e) equipment used in the delivery of patient care in a health care setting; (f) a computer, computer monitor, or television that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; or (g) hand-held portable voice or data devices used for

FIFTY-SEVENTH DAY, MARCH 6, 2006

commercial mobile services as defined in 47 U.S.C. Sec. 332 (d)(1).

(7) "Covered entity" means any household, charity, school district, small business, or small government located in Washington state.

(8) "Curbside service" means a collection service providing regularly scheduled pickup of covered electronic products from households or other covered entities in quantities generated from households.

(9) "Department" means the department of ecology.

(10) "Electronic product" includes a cathode ray tube or flat panel computer monitor having a viewable area greater than four inches when measured diagonally; a desktop computer; a laptop or a portable computer; or a cathode ray tube or flat screen television having a viewable area greater than four inches when measured diagonally.

(11) "Equivalent share" means the weight in pounds of covered electronic products identified for an individual manufacturer under this chapter as determined by the department under section 20 of this act.

(12) "Household" means a single detached dwelling unit or a single unit of a multiple dwelling unit and appurtenant structures.

(13) "Independent plan" means a plan for the collection, transportation, and recycling of unwanted covered electronic products that is developed, implemented, and financed by an individual manufacturer or by an authorized party.

(14) "Manufacturer" means any person, in business or no longer in business but having a successor in interest, who, irrespective of the selling technique used, including by means of distance or remote sale:

(a) Manufactures or has manufactured a covered electronic product under its own brand names for sale in or into this state;

(b) Assembles or has assembled a covered electronic product that uses parts manufactured by others for sale in or into this state under the assembler's brand names;

(c) Resells or has resold in or into this state under its own brand names a covered electronic product produced by other suppliers, including retail establishments that sell covered electronic products under their own brand names;

(d) Manufactures or manufactured a cobranded product for sale in or into this state that carries the name of both the manufacturer and a retailer;

(e) Imports or has imported a covered electronic product into the United States that is sold in or into this state. However, if the imported covered electronic product is manufactured by any person with a presence in the United States meeting the criteria of manufacturer under (a) through (d) of this subsection, that person is the manufacturer. For purposes of this subsection, "presence" means any person that performs activities conducted under the standards established for interstate commerce under the commerce clause of the United States Constitution; or

(f) Sells at retail a covered electronic product acquired from an importer that is the manufacturer as described in (e) of this subsection, and elects to register in lieu of the importer as the manufacturer for those products.

(15) "New entrant" means: (a) A manufacturer of televisions that have been sold in the state for less than ten years; or (b) a manufacturer of desktop computers, laptop and portable computers, or computer monitors that have been sold in the state for less than five years. However, a manufacturer of both televisions and computers or a manufacturer of both televisions and computer monitors that is deemed a new entrant under either only (a) or (b) of this subsection is not considered a new entrant for purposes of this chapter.

(16) "Orphan product" means a covered electronic product that lacks a manufacturer's brand or for which the manufacturer is no longer in business and has no successor in interest.

(17) "Plan's equivalent share" means the weight in pounds of covered electronic products for which a plan is responsible.

2006 REGULAR SESSION

A plan's equivalent share is equal to the sum of the equivalent shares of each manufacturer participating in that plan.

(18) "Plan's return share" means the sum of the return shares of each manufacturer participating in that plan.

(19) "Premium service" means services such as at-location system upgrade services provided to covered entities and at-home pickup services offered to households. "Premium service" does not include curbside service.

(20) "Processor" means an entity engaged in disassembling, dismantling, or shredding electronic products to recover materials contained in the electronic products and prepare those materials for reclaiming or reuse in new products in accordance with processing standards established by this chapter and by the department. A processor may also salvage parts to be used in new products.

(21) "Product type" means one of the following categories: Computer monitors; desktop computers; laptop and portable computers; and televisions.

(22) "Program" means the collection, transportation, and recycling activities conducted to implement an independent plan or the standard plan.

(23) "Program year" means each full calendar year after the program has been initiated.

(24) "Recycling" means transforming or remanufacturing unwanted electronic products, components, and byproducts into usable or marketable materials for use other than landfill disposal or incineration. "Recycling" does not include energy recovery or energy generation by means of combusting unwanted electronic products, components, and byproducts with or without other waste. Smelting of electronic materials to recover metals for reuse in conformance with all applicable laws and regulations is not considered disposal or energy recovery.

(25) "Retailer" means a person who offers covered electronic products for sale at retail through any means including, but not limited to, remote offerings such as sales outlets, catalogs, or the internet, but does not include a sale that is a wholesale transaction with a distributor or a retailer.

(26) "Return share" means the percentage of covered electronic products by weight identified for an individual manufacturer, as determined by the department under section 19 of this act.

(27) "Reuse" means any operation by which an electronic product or a component of a covered electronic product changes ownership and is used for the same purpose for which it was originally purchased.

(28) "Small business" means a business employing less than fifty people.

(29) "Small government" means a city in the state with a population less than fifty thousand, a county in the state with a population less than one hundred twenty-five thousand, and special purpose districts in the state.

(30) "Standard plan" means the plan for the collection, transportation, and recycling of unwanted covered electronic products developed, implemented, and financed by the authority on behalf of manufacturers participating in the authority.

(31) "Transporter" means an entity that transports covered electronic products from collection sites or services to processors or other locations for the purpose of recycling, but does not include any entity or person that hauls their own unwanted electronic products.

(32) "Unwanted electronic product" means a covered electronic product that has been discarded or is intended to be discarded by its owner.

(33) "White box manufacturer" means a person who manufactured unbranded covered electronic products offered for sale in the state within ten years prior to a program year for televisions or within five years prior to a program year for desktop computers, laptop or portable computers, or computer monitors.

NEW SECTION. **Sec. 3.** (1) A manufacturer must participate in an independent plan or the standard plan to

FIFTY-SEVENTH DAY, MARCH 6, 2006

implement and finance the collection, transportation, and recycling of covered electronic products.

(2) An independent plan or the standard plan must be implemented and fully operational no later than January 1, 2009.

(3) The manufacturers participating in an approved plan are responsible for covering all administrative and operational costs associated with the collection, transportation, and recycling of their plan's equivalent share of covered electronic products. If costs are passed on to consumers, it must be done without any fees at the time the unwanted electronic product is delivered or collected for recycling. However, this does not prohibit collectors providing premium or curbside services from charging customers a fee for the additional collection cost of providing this service, when funding for collection provided by an independent plan or the standard plan does not fully cover the cost of that service.

(4) Nothing in this chapter changes or limits the authority of the Washington utilities and transportation commission to regulate collection of solid waste in the state of Washington, including curbside collection of residential recyclable materials, nor does this chapter change or limit the authority of a city or town to provide such service itself or by contract pursuant to RCW 81.77.020.

(5) Manufacturers are encouraged to collaborate with electronic product retailers, certificated waste haulers, processors, recyclers, charities, and local governments within the state in the development and implementation of their plans.

NEW SECTION. Sec. 4. (1) By January 1, 2007, and annually thereafter, each manufacturer must register with the department.

(2) A manufacturer must submit to the department with each registration or annual renewal a fee to cover the administrative costs of this chapter as determined by the department under section 23 of this act.

(3) The department shall review the registration or renewal application and notify the manufacturer if their registration does not meet the requirements of this section. Within thirty days of receipt of such a notification from the department, the manufacturer must file with the department a revised registration addressing the requirements noted by the department.

(4) The registration must include the following information:

(a) The name and contact information of the manufacturer submitting the registration;

(b) The manufacturer's brand names of covered electronic products, including all brand names sold in the state in the past, all brand names currently being sold in the state, and all brand names for which the manufacturer has legal responsibility under section 10 of this act;

(c) The method or methods of sale used in the state; and

(d) Whether the registrant will be participating in the standard plan or submitting an independent plan to the department for approval.

(5) The registrant shall submit any changes to the information provided in the registration to the department within fourteen days of such change.

(6) The department shall identify, using all reasonable means, manufacturers that are in business or that are no longer in business but that have a successor in interest by examining best available return share data and other pertinent data. The department shall notify manufacturers that have been identified and for whom an address has been found of the requirements of this chapter, including registration and plan requirements under this section and section 5 of this act.

NEW SECTION. Sec. 5. (1) A manufacturer must participate in the standard plan administered by the authority, unless the manufacturer obtains department approval for an independent plan for the collection, transportation, and recycling of unwanted electronic products.

2006 REGULAR SESSION

(2) An independent plan may be submitted by an individual manufacturer or by a group of manufacturers, provided that:

(a) Each independent plan represents at least a five percent return share of covered electronic products; and

(b) No manufacturer may participate in an independent plan if it is a new entrant or a white box manufacturer.

(3) An individual manufacturer submitting an independent plan to the department is responsible for collecting, transporting, and recycling its equivalent share of covered electronic products.

(4)(a) Manufacturers collectively submitting an independent plan are responsible for collecting, transporting, and recycling the sum of the equivalent shares of each participating manufacturer.

(b) Each group of manufacturers submitting an independent plan must designate a party authorized to file the plan with the department on their behalf. A letter of certification from each of the manufacturers designating the authorized party must be submitted to the department together with the plan.

(5) Each manufacturer in the standard plan or in an independent plan retains responsibility and liability under this chapter in the event that the plan fails to meet the manufacturer's obligations under this chapter.

NEW SECTION. Sec. 6. (1) All initial independent plans and the initial standard plan required under section 5 of this act must be submitted to the department by February 1, 2008. The department shall review each independent plan and the standard plan.

(2) The authority submitting the standard plan and each authorized party submitting an independent plan to the department must pay a fee to the department to cover the costs of administering and implementing this chapter. The department shall set the fees as described under section 23 of this act.

(3) The fees in subsection (2) of this section apply to the initial plan submission and plan updates and revisions required in section 7 of this act.

(4) Within ninety days after receipt of a plan, the department shall determine whether the plan complies with this chapter. If the plan is approved, the department shall send a letter of approval. If a plan is rejected, the department shall provide the reasons for rejecting the plan to the authority or authorized party. The authority or authorized party must submit a new plan within sixty days after receipt of the letter of disapproval.

(5) An independent plan and the standard plan must contain the following elements:

(a) Contact information for the authority or authorized party and a comprehensive list of all manufacturers participating in the plan and their contact information;

(b) A description of the collection, transportation, and recycling systems and service providers used, including a description of how the authority or authorized party will:

(i) Seek to use businesses within the state, including retailers, charities, processors, and collection and transportation services;

(ii) Fairly compensate collectors for providing collection services; and

(iii) Fairly compensate processors for providing processing services;

(c) The method or methods for the reasonably convenient collection of all product types of covered electronic products in rural and urban areas throughout the state, including how the plan will provide for collection services in each county of the state and for a minimum of one collection site or alternate collection service for each city or town with a population greater than ten thousand. A collection site for a county may be the same as a collection site for a city or town in the county;

(d) A description of how the plan will provide service to small businesses, small governments, charities, and school districts in Washington;

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(e) The processes and methods used to recycle covered electronic products including a description of the processing that will be used and the facility location;

(f) Documentation of audits of each processor used in the plan and compliance with processing standards established under sections 25 and 26 of this act;

(g) A description of the accounting and reporting systems that will be employed to track progress toward the plan's equivalent share;

(h) A timeline describing startup, implementation, and progress towards milestones with anticipated results;

(i) A public information campaign to inform consumers about how to recycle their covered electronic products at the end of the product's life; and

(j) A description of how manufacturers participating in the plan will communicate and work with processors utilized by that plan to promote and encourage design of electronic products and their components for recycling.

(6) The standard plan shall address how it will incorporate and fairly compensate registered collectors providing curbside or premium services such that they are not compensated at a lower rate for collection costs than the compensation offered other collectors providing drop-off collection sites in that geographic area.

(7) All transporters, collectors, and processors used to fulfill the requirements of this section must be registered as described in section 24 of this act.

NEW SECTION. Sec. 7. (1) An independent plan and the standard plan must be updated at least every five years and as required in (a) and (b) of this subsection.

(a) If the program fails to provide service in each county in the state or meet other plan requirements, the authority or authorized party shall submit to the department within sixty days of failing to provide service an updated plan addressing how the program will be adjusted to meet the program geographic coverage and collection service requirements established in section 9 of this act.

(b) The authority or authorized party shall notify the department of any modification to the plan. If the department determines that the authority or authorized party has significantly modified the program described in the plan, the authority or authorized party shall submit a revised plan describing the changes to the department within sixty days of notification by the department.

(2) Within sixty days after receipt of a revised plan, the department shall determine whether the revised plan complies with this chapter. If the revised plan is approved, the department shall send a letter of approval. If the revised plan is rejected, the department shall provide the reasons for rejecting the plan to the authority or authorized party. The authority or authorized party must submit a new plan revision within sixty days after receipt of the letter of disapproval.

(3) The authority or authorized parties may buy and sell collected covered electronic products with other programs without submitting a plan revision for review.

NEW SECTION. Sec. 8. (1) A manufacturer participating in an independent plan may join the standard plan by notifying the authority and the department of its intention at least five months prior to the start of the next program year.

(2) Manufacturers may not change from one plan to another plan during a program year.

(3) A manufacturer participating in the standard plan wishing to implement or participate in an independent plan may do so by complying with rules adopted by the department under section 23 of this act.

NEW SECTION. Sec. 9. (1) A program must provide collection services for covered electronic products of all product types that are reasonably convenient and available to all citizens of the state residing within its geographic boundaries, including both rural and urban areas. Each program must provide

collection service in every county of the state. A program may provide collection services jointly with another plan or plans.

(a) For any city or town with a population of greater than ten thousand, each program shall provide a minimum of one collection site or alternate collection service described in subsection (3) of this section or a combination of sites and alternate service that together provide at least one collection opportunity for all product types. A collection site for a county may be the same as a collection site for a city or town in the county.

(b) Collection sites may include electronics recyclers and repair shops, recyclers of other commodities, reuse organizations, charities, retailers, government recycling sites, or other suitable locations.

(c) Collection sites must be staffed, open to the public at a frequency adequate to meet the needs of the area being served, and on an on-going basis.

(2) A program may limit the number of covered electronic products or covered electronic products by product type accepted per customer per day or per delivery at a collection site or service. All covered entities may use a collection site as long as the covered entities adhere to any restrictions established in the plans.

(3) A program may provide collection services in forms different than collection sites, such as curbside services, if those alternate services provide equal or better convenience to citizens and equal or increased recovery of unwanted covered electronic products.

(4) For rural areas without commercial centers or areas with widely dispersed population, a program may provide collection at the nearest commercial centers or solid waste sites, collection events, mail-back systems, or a combination of these options.

(5) For small businesses, small governments, charities, and school districts that may have large quantities of covered electronic products that cannot be handled at collection sites or curbside services, a program may provide alternate services. At a minimum, a program must provide for processing of these large quantities of covered electronic products at no charge to the small businesses, small governments, charities, and school districts.

NEW SECTION. Sec. 10. Any person acquiring a manufacturer, or who has acquired a manufacturer, shall have all responsibility for the acquired company's covered electronic products, including covered electronic products manufactured prior to the effective date of this section, unless that responsibility remains with another entity per the purchase agreement and the acquiring manufacturer provides the department with a letter from the other entity accepting responsibility for the covered electronic products. Cobranding manufacturers may negotiate with retailers for responsibility for those products and must notify the department of the results of their negotiations.

NEW SECTION. Sec. 11. (1) An independent plan and the standard plan must implement and finance an auditable, statistically significant sampling of covered electronic products entering its program every program year. The information collected must include a list of the brand names of covered electronic products by product type, the number of covered electronic products by product type, the weight of covered electronic products that are identified for each brand name or that lack a manufacturer's brand, the total weight of the sample by product type, and any additional information needed to assign return share.

(2) The sampling must be conducted in the presence of the department or a third-party organization approved by the department. The department may, at its discretion, audit the methodology and the results.

(3) After the fifth program year, the department may reassess the sampling required in this section. The department may adjust the frequency at which manufacturers must implement the sampling or may adjust the frequency at which

FIFTY-SEVENTH DAY, MARCH 6, 2006

manufacturers must provide certain information from the sampling. Prior to making any changes, the department shall notify the public, including all registered manufacturers, and provide a comment period. The department shall notify all registered manufacturers of any such changes.

NEW SECTION. Sec. 12. (1) An independent plan and the standard plan must inform covered entities about where and how to reuse and recycle their covered electronic products at the end of the product's life, including providing a web site or a toll-free telephone number that gives information about the recycling program in sufficient detail to educate covered entities regarding how to return their covered electronic products for recycling.

(2) The department shall promote covered electronic product recycling by:

(a) Posting information describing where to recycle unwanted covered electronic products on its web site;

(b) Providing information about recycling covered electronic products through a toll-free telephone service; and

(c) Developing and providing artwork for use in flyers and signage to retailers upon request.

(3) Local governments shall promote covered electronic product recycling, including listings of local collection sites and services, through existing educational methods typically used by each local government.

(4) A retailer who sells new covered electronic products shall provide information to consumers describing where and how to recycle covered electronic products and opportunities and locations for the convenient collection or return of the products. This requirement can be fulfilled by providing the department's toll-free telephone number and web site. Remote sellers may include the information in a visible location on their web site as fulfillment of this requirement.

(5) Manufacturers, state government, local governments, retailers, and collection sites and services shall collaborate in the development and implementation of the public information campaign.

NEW SECTION. Sec. 13. (1) The electronic products recycling account is created in the custody of the state treasurer. All payments resulting from plans not reaching their equivalent share, as described in section 22 of this act, shall be deposited into the account. Any moneys collected for manufacturer registration fees, fees associated with reviewing and approving plans and plan revisions, and penalties levied under this chapter shall be deposited into the account.

(2) Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(3) Moneys in the account may be used solely by the department for the purposes of fulfilling department responsibilities specified in this chapter and for expenditures to the authority and authorized parties resulting from plans exceeding their equivalent share, as described in section 22 of this act. Funds in the account may not be diverted for any purpose or activity other than those specified in this section.

NEW SECTION. Sec. 14. (1) By March 1st of the second program year and each program year thereafter, the authority and each authorized party shall file with the department an annual report for the preceding program year.

(2) The annual report must include the following information:

(a) The total weight in pounds of covered electronic products collected and recycled, by county, during the preceding program year including documentation verifying collection and processing of that material. The total weight in pounds includes orphan products. The report must also indicate and document the weight in pounds received from each nonprofit charitable organization primarily engaged in the business of reuse and resale used by the plan. The report must document the weight in pounds that were received in large quantities from small

2006 REGULAR SESSION

businesses, small governments, charities and school districts as described in section 9(5) of this act;

(b) The collection services provided in each county and for each city with a population over ten thousand including a list of all collection sites and services operating in the state in the prior program year and the parties who operated them;

(c) A list of processors used, the weight of covered electronic products processed by each direct processor, and a description of the processes and methods used to recycle the covered electronic products including a description of the processing and facility locations. The report must also include a list of subcontractors who further processed or recycled unwanted covered electronic products, electronic components, or electronic scrap described in section 26(1) of this act, including facility locations;

(d) Other documentation as established under section 26(3) of this act;

(e) Educational and promotional efforts that were undertaken;

(f) The results of sampling and sorting as required in section 11 of this act, including a list of the brand names of covered electronic products by product type, the number of covered electronic products by product type, the weight of covered electronic products that are identified for each brand name or that lack a manufacturer's brand, and the total weight of the sample by product type;

(g) The list of manufacturers that are participating in the standard plan; and

(h) Any other information deemed necessary by the department.

(3) The department shall review each report within ninety days of its submission and shall notify the authority or authorized party of any need for additional information or documentation, or any deficiency in its program.

(4) All reports submitted to the department must be available to the general public through the internet. Proprietary information submitted to the department under this chapter is exempt from public disclosure under RCW 42.56.270.

NEW SECTION. Sec. 15. Nonprofit charitable organizations that qualify for a taxation exemption under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)) that are primarily engaged in the business of reuse and resale and that are used by a plan to collect covered electronic products shall file a report with the department by March 1st of the second program year and each program year thereafter. The report must indicate and document the weight of covered electronic products sent for recycling during the previous program year attributed to each plan that the charitable organization is participating in.

NEW SECTION. Sec. 16. (1) Beginning January 1, 2007, no person may sell or offer for sale an electronic product to any person in the state unless the electronic product is labeled with the manufacturer's brand. The label must be permanently affixed and readily visible.

(2) In-state retailers in possession of unlabeled products on January 1, 2007, may exhaust their stock through sales to the public.

NEW SECTION. Sec. 17. No person may sell or offer for sale a covered electronic product to any person in this state unless the manufacturer of the covered electronic product has filed a registration with the department under section 4 of this act and is participating in an approved plan under section 5 of this act. A person that sells or offers for sale a covered electronic product in the state shall consult the department's web site for lists of manufacturers with registrations and approved plans prior to selling a covered electronic product in the state. A person is considered to have complied with this section if on the date the product was ordered from the manufacturer or its agent, the manufacturer was listed as having registered and having an approved plan on the department's web site.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

NEW SECTION. Sec. 18. (1) The department shall maintain on its web site the following information:

(a) The names of the manufacturers and the manufacturer's brands that are registered with the department under section 4 of this act;

(b) The names of the manufacturers and the manufacturer's brands that are participating in an approved plan under section 5 of this act;

(c) The names and addresses of the collectors and transporters that are listed in registrations filed with the department under section 24 of this act;

(d) The names and addresses of the processors used to fulfill the requirements of the plans;

(e) Return and equivalent shares for all manufacturers.

(2) The department shall update this web site information promptly upon receipt of a registration or a report.

NEW SECTION. Sec. 19. (1) The department shall determine the return share for each manufacturer in the standard plan or an independent plan by dividing the weight of covered electronic products identified for each manufacturer by the total weight of covered electronic products identified for all manufacturers in the standard plan or an independent plan, then multiplying the quotient by one hundred.

(2) For the first program year, the department shall determine the return share for such manufacturers using all reasonable means and based on best available information regarding return share data from other states and other pertinent data.

(3) For the second and each subsequent program year, the department shall determine the return share for such manufacturers using all reasonable means and based on the most recent sampling of covered electronic products conducted in the state under section 11 of this act.

NEW SECTION. Sec. 20. (1) The department shall determine the total equivalent share for each manufacturer in the standard plan or an independent plan by dividing the return share percentage for each manufacturer by one hundred, then multiplying the quotient by the total weight in pounds of covered electronic products collected for that program year, allowing as needed for the additional credit authorized in subsection (3) of this section.

(2)(a) By June 1st of each program year, the department shall notify each manufacturer of the manufacturer's equivalent share of covered electronic products to be applied to the previous program year. The department shall also notify each manufacturer of how its equivalent share was determined.

(b) By June 1st of each program year, the department shall bill any authorized party or authority that has not attained its plan's equivalent share as determined under section 22 of this act. The authorized party or authority shall remit payment to the department within sixty days from the billing date.

(c) By September 1st of each program year, the department shall pay any authorized party or authority that exceeded its plan's equivalent share.

(3) Plans that utilize the collection services of nonprofit charitable organizations that qualify for a taxation exemption under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)) that are primarily engaged in the business of reuse and resale must be given an additional five percent credit to be applied toward a plan's equivalent share for pounds that are received for recycling from those organizations. The department may adjust the percentage of credit annually.

NEW SECTION. Sec. 21. (1) By June 1, 2007, the department shall notify each manufacturer of its preliminary return share of covered electronic products for the first program year.

(2) Preliminary return share of covered electronic products must be announced annually by June 1st of each program year for the next program year.

(3) Manufacturers may challenge the preliminary return share by written petition to the department. The petition must

be received by the department within thirty days of the date of publication of the preliminary return shares.

(4) The petition must contain a detailed explanation of the grounds for the challenge, an alternative calculation, and the basis for such a calculation, documentary evidence supporting the challenge, and complete contact information for requests for additional information or clarification.

(5) Sixty days after the publication of the preliminary return share, the department shall make a final decision on return share, having fully taken into consideration any and all challenges to its preliminary calculations.

(6) A written record of challenges received and a summary of the bases for the challenges, as well as the department's response, must be published at the same time as the publication of the final return share.

(7) By August 1, 2007, the department shall publish the final return shares for the first program year. By August 1st of each program year, the department shall publish the final return shares for use in the coming program year.

NEW SECTION. Sec. 22. (1) For an independent plan and the standard plan, if the total weight in pounds of covered electronic products collected during a program year is less than the plan's equivalent share of covered electronic products for that year, then the authority or authorized party shall submit to the department a payment equal to the weight in pounds of the deficit multiplied by the reasonable collection, transportation, and recycling cost for covered electronic products and an administrative fee. Moneys collected by the department must be deposited in the electronic products recycling account.

(2) For an independent plan and the standard plan, if the total weight in pounds of covered electronic products collected during a program year is more than the plan's equivalent share of covered electronic products for that year, then the department shall submit to the authority or authorized party, a payment equal to the weight in pounds of the surplus multiplied by the reasonable collection, transportation, and recycling cost for covered electronic products.

(3) For purposes of this section, the initial reasonable collection, transportation, and recycling cost for covered electronic products is forty-five cents per pound and the administrative fee is five cents per pound.

(4) The department may annually adjust the reasonable collection, transportation, and recycling cost for covered electronic products and the administrative fee described in this section. Prior to making any changes in the fees described in this section, the department shall notify the public, including all registered manufacturers, and provide a comment period. The department shall notify all registered manufacturers of any changes to the reasonable collection, transportation, and recycling cost or the administrative fee by January 1st of the program year in which the change is to take place.

NEW SECTION. Sec. 23. (1) The department shall adopt rules to determine the process for manufacturers to change plans under section 8 of this act.

(2) The department shall establish annual registration and plan review fees for administering this chapter. An initial fee schedule must be established by rule and be adjusted no more often than once every two years. All fees charged must be based on factors relating to administering this chapter and be based on a sliding scale that is representative of annual sales of covered electronic products in the state. Fees must be established in amounts to fully recover and not to exceed expenses incurred by the department to implement this chapter.

(3) The department shall establish an annual process for local governments and local communities to report their satisfaction with the services provided by plans under this chapter. This information must be used by the department in reviewing plan updates and revisions.

(4) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

NEW SECTION. Sec. 24. (1) Each collector and transporter of covered electronic products in the state must register annually with the department. The registration must include all identification requirements for licensure in the state and the geographic area of the state that they serve. The department shall develop a single form for registration of both collectors and transporters.

(2) Each processor of covered electronic products utilized by an independent or standard plan must register annually with the department. The registration must include identification information and documentation of any necessary operating permits issued by state or local authorities.

NEW SECTION. Sec. 25. (1) The authority and each authorized party shall ensure that each processor used directly by the authority or the authorized party to fulfill the requirements of their respective standard plan or independent plan has provided the authority or the authorized party a written statement that the processor will comply with the requirements of this section and section 26 of this act.

(2) The department shall establish by rule performance standards for environmentally sound management for processors directly used to fulfill the requirements of an independent plan or the standard plan. Performance standards may include financial assurance to ensure proper closure of facilities consistent with environmental standards.

(3) The department shall establish by rule guidelines regarding nonrecycled residual that may be properly disposed after covered electronic products have been processed.

(4) The department may audit processors that are utilized to fulfill the requirements of an independent plan or the standard plan.

(5) No plan or program required under this chapter may include the use of federal or state prison labor for processing.

NEW SECTION. Sec. 26. (1) The international export of any unwanted covered electronic products or electronic components or electronic scrap derived from such products destined for disposal or recycling that are capable of leaching lead, cadmium, mercury, hexavalent chromium, or selenium or selenium compounds in concentrations above the limits listed in 40 C.F.R. Sec. 261.24 as of the effective date of this section are prohibited except for exports to:

(a) Countries that are members of the organization for economic cooperation and development;

(b) Countries that are members of the European Union; or

(c) Countries that have entered into an agreement with the United States that allows for such exports.

(2) Any unwanted electronic products or electronic components derived from such products that are capable of leaching lead, cadmium, mercury, hexavalent chromium, or selenium or selenium compounds in concentrations exceeding the levels established in 40 C.F.R. Sec. 261.24 as of the effective date of this section and exported to countries that are not members of the organization for economic cooperation and development or the European Union or with whom the United States has not entered into an agreement for such export for reuse, must be tested and labeled as fully functional or needing only repairs that do not result in the replacement of components capable of leaching these substances in concentrations exceeding the levels established in 40 C.F.R. Sec. 261.24 as of the effective date of this section.

(3) The department shall establish rules to implement this section, including any requirements necessary to ensure that full compliance is adequately documented.

NEW SECTION. Sec. 27. (1) No manufacturer may sell or offer for sale a covered electronic product in or into the state unless the manufacturer of the covered electronic product is participating in an approved plan. The department shall send a written warning to a manufacturer that does not have an approved plan or is not participating in an approved plan as required under section 5 of this act. The written warning must inform the manufacturer that it must participate in an approved

plan within thirty days of the notice. Any violation after the initial written warning shall be assessed a penalty of up to ten thousand dollars for each violation.

(2) If the authority or any authorized party fails to implement their approved plan, the department must assess a penalty of up to five thousand dollars for the first violation along with notification that the authority or authorized party must implement its plan within thirty days of the violation. After thirty days, the authority or any authorized party failing to implement their approved plan must be assessed a penalty of up to ten thousand dollars for the second and each subsequent violation.

(3) Any person that does not comply with manufacturer registration requirements under section 4 of this act, education and outreach requirements under section 12 of this act, reporting requirements under section 14 of this act, labeling requirements under section 16 of this act, retailer responsibility requirements under section 17 of this act, collector or transporter registration requirements under section 24 of this act, or requirements under sections 25 and 26 of this act, must first receive a written warning including a copy of the requirements under this chapter and thirty days to correct the violation. After thirty days, a person must be assessed a penalty of up to one thousand dollars for the first violation and up to two thousand dollars for the second and each subsequent violation.

(4) All penalties levied under this section must be deposited into the electronic products recycling account created under section 13 of this act.

(5) The department shall enforce this section.

NEW SECTION. Sec. 28. (1) By December 31, 2012, the department shall provide a report to the appropriate committees of the legislature that includes the following information:

(a) For each of the preceding program years, the weight of covered electronic products recycled in the state by plan, by county, and in total;

(b) The performance of each plan in meeting its equivalent share, and payments received from and disbursed to each plan from the electronic products recycling account;

(c) A description of the various collection programs used to collect covered electronic products in the state;

(d) An evaluation of how the pounds per capita recycled of covered electronic products in the state compares to programs in other states;

(e) Comments received from local governments and local communities regarding satisfaction with the program, including accessibility and convenience of services provided by the plans;

(f) Recommendations on how to improve the statewide collection, transportation, and recycling system for convenient, safe, and environmentally sound recycling of electronic products; and

(g) An analysis of whether and in what amounts unwanted electronic products and electronic components and electronic scrap exported from Washington have been exported to countries that are not members of the organization for economic cooperation and development or the European union, and recommendations for addressing such exports.

(2) By April 1, 2010, the department shall provide a report to the appropriate committees of the legislature regarding the amount of orphan products collected as a percent of the total amount of covered electronic products collected. If the orphan products collected exceed ten percent of the total amount of covered electronic products collected, the department shall report to the appropriate committees of the legislature within ninety days describing the orphan products collected and include recommendations for decreasing the amount of orphan products or alternative methods for financing the collection, transportation, and recycling of orphan products.

NEW SECTION. Sec. 29. (1) The Washington materials management and financing authority is established as a public body corporate and politic, constituting an instrumentality of the

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

state of Washington exercising essential governmental functions.

(2) The authority shall plan and implement a collection, transportation, and recycling program for manufacturers that have registered with the department their intent to participate in the standard program as required under section 4 of this act.

(3) Membership in the authority is comprised of registered participating manufacturers. Any registered manufacturer who does not qualify or is not approved to submit an independent plan, or whose independent plan has not been approved by the department, is a member of the authority. All new entrants and white box manufacturers are also members of the authority.

(4) The authority shall act as a business management organization on behalf of the citizens of the state to manage financial resources and contract for services for collection, transportation, and recycling of covered electronic products.

(5) The authority's standard plan is responsible for collecting, transporting, and recycling the sum of the equivalent shares of each participating manufacturer.

(6) The authority shall accept into the standard program covered electronic products from any registered collector who meets the requirements of this chapter. The authority shall compensate registered collectors for the reasonable costs associated with collection, but is not required to compensate nor restricted from compensating the additional collection costs resulting from the additional convenience offered to customers through premium and curbside services.

(7) The authority shall accept and utilize in the standard program any registered processor meeting the requirements of this chapter and any requirements described in the authority's operating plan or through contractual arrangements. Processors utilized by the standard plan shall provide documentation to the authority at least annually regarding how they are meeting the requirements in sections 25 and 26 of this act, including enough detail to allow the standard plan to meet its reporting requirements in section 14(2) (c) and (d), and must submit to audits conducted by or for the authority. The authority shall compensate such processors for the reasonable costs, as determined by the authority, associated with processing unwanted electronic products. Such processors must demonstrate that the unwanted electronic products have been received from registered collectors or transporters, and provide other documentation as may be required by the authority.

(8) Except as specifically allowed in this chapter, the authority shall operate without using state funds or lending the credit of the state or local governments.

(9) The authority shall develop innovative approaches to improve materials management efficiency in order to ensure and increase the use of secondary material resources within the economy.

NEW SECTION. Sec. 30. (1)(a) The authority is governed by a board of directors. The board of directors is comprised of eleven participating manufacturers, appointed by the director of the department. Five board positions are reserved for representatives of the top ten brand owners by return share of covered electronic products, and six board positions are reserved for representatives of other brands, including at least one board position reserved for a manufacturer who is also a retailer selling their own private label. The return share of covered electronic products used to determine the top ten brand owners for purposes of electing the board must be determined by the department by January 1, 2007.

(b) The board must have representation from both television and computer manufacturers.

(2) The board shall select from its membership the chair of the board and such other officers as it deems appropriate.

(3) A majority of the board constitutes a quorum.

(4) The directors of the department of community, trade, and economic development and the department of ecology, and the state treasurer serve as ex officio members. The state agency directors and the state treasurer serving in ex officio

capacity may each designate an employee of their respective departments to act on their behalf in all respects with regard to any matter to come before the authority. Ex officio designations must be made in writing and communicated to the authority director.

(5) The board shall create its own bylaws in accordance with the laws of the state of Washington.

(6) Any member of the board may be removed for misfeasance, malfeasance, or willful neglect of duty after notice and a public hearing, unless the notice and hearing are expressly waived in writing by the affected member.

(7) The members of the board serve without compensation but are entitled to reimbursement, solely from the funds of the authority, for expenses incurred in the discharge of their duties under this chapter.

NEW SECTION. Sec. 31. (1) Manufacturers participating in the standard plan shall pay the authority to cover all administrative and operational costs associated with the collection, transportation, and recycling of covered electronic products within the state of Washington incurred by the standard program operated by the authority to meet the standard plan's equivalent share obligation as described in section 29(5) of this act.

(2) The authority shall assess charges on each manufacturer participating in the standard plan and collect funds from each participating manufacturer for the manufacturer's portion of the costs in subsection (1) of this section. Such apportionment shall be based on return share, market share, or any other equitable method. The authority's apportionment of costs to manufacturers participating in the standard plan may not include nor be based on electronic products imported through the state and subsequently exported outside the state. Charges assessed under this section must not be formulated in such a way as to create incentives to divert imported electronic products to ports or distribution centers in other states. The authority shall adjust the charges to manufacturers participating in the standard plan as necessary in order to ensure that all costs associated with the identified activities are covered.

(3) The authority may require financial assurances or performance bonds for manufacturers participating in the standard plan, including but not limited to new entrants and white box manufacturers, when determining equitable methods for apportioning costs to ensure that the long-term costs for collecting, transporting, and recycling of a covered electronic product are borne by the appropriate manufacturer in the event that the manufacturer ceases to participate in the program.

(4) Nothing in this section authorizes the authority to assess fees or levy taxes directly on the sale or possession of electronic products.

(5) If a manufacturer has not met its financial obligations as determined by the authority under this section, the authority shall notify the department that the manufacturer is no longer participating in the standard plan.

(6) The authority shall submit its plan for assessing charges and apportioning cost on manufacturers participating in the standard plan to the department for review and approval along with the standard plan as provided in section 6 of this act.

(7)(a) Any manufacturer participating in the standard plan may appeal an assessment of charges or apportionment of costs levied by the authority under this section by written petition to the director of the department. The director of the department or the director's designee shall review all appeals within timelines established by the department and shall reverse any assessments of charges or apportionment of costs if the director finds that the authority's assessments or apportionment of costs was an arbitrary administrative decision, an abuse of administrative discretion, or is not an equitable assessment or apportionment of costs. The director shall make a fair and impartial decision based on sound data. If the director of the

FIFTY-SEVENTH DAY, MARCH 6, 2006

department reverses an assessment of charges, the authority must redetermine the assessment or apportionment of costs.

(b) Disputes regarding a final decision made by the director or director's designee may be challenged through arbitration. The director shall appoint one member to serve on the arbitration panel and the challenging party shall appoint one other. These two persons shall choose a third person to serve. If the two persons cannot agree on a third person, the presiding judge of the Thurston county superior court shall choose a third person. The decision of the arbitration panel shall be final and binding, subject to review by the superior court solely upon the question of whether the decision of the panel was arbitrary or capricious.

NEW SECTION. Sec. 32. (1) The authority shall use any funds legally available to it for any purpose specifically authorized by this chapter to:

(a) Contract and pay for collecting, transporting, and recycling of covered electronic products and education and other services as identified in the standard plan;

(b) Pay for the expenses of the authority including, but not limited to, salaries, benefits, operating costs and consumable supplies, equipment, office space, and other expenses related to the costs associated with operating the authority;

(c) Pay into the electronic products recycling account amounts billed by the department to the authority for any deficit in reaching the standard plan's equivalent share as required under section 22 of this act; and

(d) Pay the department for the fees for submitting the standard plan and any plan revisions.

(2) If practicable, the authority shall avoid creating new infrastructure already available through private industry in the state.

(3) The authority may not receive an appropriation of state funds, other than:

(a) Funds that may be provided as a one-time loan to cover administrative costs associated with start up of the authority, such as electing the board of directors and conducting the public hearing for the operating plan, provided that no appropriated funds may be used to pay for collection, transportation, or recycling services; and

(b) Funds received from the department from the electronic products recycling account for exceeding the standard plan's equivalent share.

(4) The authority may receive additional sources of funding that do not obligate the state to secure debt.

(5) All funds collected by the authority under this chapter, including interest, dividends, and other profits, are and must remain under the complete control of the authority and its board of directors, be fully available to achieve the intent of this chapter, and be used for the sole purpose of achieving the intent of this chapter.

NEW SECTION. Sec. 33. (1) The board shall adopt a general operating plan of procedures for the authority. The board shall also adopt operating procedures for collecting funds from participating covered electronic manufacturers and for providing funding for contracted services. These operating procedures must be adopted by resolution prior to the authority operating the applicable programs.

(2) The general operating plan must include, but is not limited to: (a) Appropriate minimum reserve requirements to secure the authority's financial stability; (b) appropriate standards for contracting for services; and (c) standards for service.

(3) The board shall conduct at least one public hearing on the general operating plan prior to its adoption. The authority shall provide and make public a written response to all comments received by the public.

(4) The general operating plan must be adopted by resolution of the board. The board may periodically update the general operating plan as necessary, but must update the plan no less than once every four years. The general operating plan or

2006 REGULAR SESSION

updated plan must include a report on authority activities conducted since the commencement of authority operation or since the last reported general operating plan, whichever is more recent, including a statement of results achieved under the purposes of this chapter and the general operating plan. Upon adoption, the authority shall conduct its programs in observance of the objectives established in the general operating plan.

NEW SECTION. Sec. 34. (1) The authority shall employ a chief executive officer, appointed by the board, and a chief financial officer, as well as professional, technical, and support staff, appointed by the chief executive officer, necessary to carry out its duties.

(2) Employees of the authority are not classified employees of the state. Employees of the authority are exempt from state service rules and may receive compensation only from the authority at rates competitive with state service.

(3) The authority may retain its own legal counsel.

(4) The departments of ecology and community, trade, and economic development shall provide staff to assist in the creation of the authority. If requested by the authority, the departments of ecology and community, trade, and economic development shall also provide start-up support staff to the authority for its first twelve months of operation, or part thereof, to assist in the quick establishment of the authority. Staff expenses must be paid through funds collected by the authority and must be reimbursed to the departments from the authority's financial resources within the first twenty-four months of operation.

(5) In addition to accomplishing the activities specifically authorized in this chapter, the authority may:

(a) Maintain an office or offices;

(b) Make and execute all manner of contracts, agreements, and instruments and financing documents with public and private parties as the authority deems necessary, useful, or convenient to accomplish its purposes;

(c) Make expenditures as appropriate for paying the administrative costs and expenses of the authority in carrying out the provisions of this chapter;

(d) Give assistance to private and public bodies contracted to provide collection, transportation, and recycling services by providing information, guidelines, forms, and procedures for implementing their programs;

(e) Delegate, through contract, any of its powers and duties if consistent with the purposes of this chapter; and

(f) Exercise any other power the authority deems necessary, useful, or convenient to accomplish its purposes and exercise the powers expressly granted in this chapter.

NEW SECTION. Sec. 35. This chapter is void if a federal law, or a combination of federal laws, takes effect that establishes a national program for the collection and recycling of covered electronic products that substantially meets the intent of this chapter, including the creation of a financing mechanism for collection, transportation, and recycling of all covered electronic products from households, small businesses, school districts, small governments, and charities in the United States.

NEW SECTION. Sec. 36. A new section is added to chapter 43.19 RCW to read as follows:

(1) The department of general administration shall establish purchasing and procurement policies that establish a preference for electronic products that meet environmental performance standards relating to the reduction or elimination of hazardous materials.

(2) The department of general administration shall ensure that their surplus electronic products, other than those sold individually to private citizens, are managed only by registered transporters and by processors meeting the requirements of sections 25 and 26 of this act.

(3) The department of general administration shall ensure that their surplus electronic products are directed to legal secondary materials markets by requiring a chain of custody

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

record that documents to whom the products were initially delivered through to the end use manufacturer.

Sec. 37. RCW 42.56.270 and 2005 c 274 s 407 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011; ~~(and)~~

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying

information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter; and

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70-- RCW (sections 1 through 35 of this act) to implement chapter 70-- RCW (sections 1 through 35 of this act).

NEW SECTION. Sec. 38. This act must be liberally construed to carry out its purposes and objectives.

NEW SECTION. Sec. 39. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 40. This act takes effect July 1, 2006.

NEW SECTION. Sec. 41. Sections 1 through 35 of this act constitute a new chapter in Title 70 RCW."

On page 1, line 2 of the title, after "opportunities;" strike the remainder of the title and insert "amending RCW 42.56.270; adding a new section to chapter 43.19 RCW; adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; and providing an effective date." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Pridemore moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6428.

Senator Pridemore spoke in favor of the motion.

Senators Zarelli, Parlette and Morton spoke against the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Pridemore that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6428.

Senator Zarelli demanded a division.

The motion by Senator Pridemore carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6428 by a rising vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6428, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6428, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley,

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 38

Voting nay: Senators Deccio, Hewitt, Honeyford, McCaslin, Morton, Mulliken, Oke, Pflug, Schoesler, Stevens and Zarelli - 11

SENATE BILL NO. 6428, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2006

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6508, with the following amendments {s} 6508-S.E AMH AMH5473.3.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 The legislature finds that it is in the public interest to establish a market for alternative fuels in Washington. By requiring a growing percentage of our fuel supply to be renewable biofuel that meets appropriate fuel quality standards, we will reduce our dependence on imports of foreign oil, improve the health and quality of life for Washingtonians, and stimulate the creation of a new industry in Washington that benefits our farmers and rural communities. The legislature finds that it is in the public interest for the state to play a central role in spurring the market by purchasing an increasing amount of alternative fuels produced in Washington. The legislature finds that we must act now and that the time available before the requirements of this act take effect is sufficient for feedstock and fuel providers to prepare for successful implementation.

The legislature intends for consumers to have a choice of fuels and to encourage and promote the development, availability, and use of a diversity of renewable fuels and fuel blends ranging from fuels composed of no renewable content to completely renewable fuels.

NEW SECTION. Sec. 2 A new section is added to chapter 19.112 RCW to read as follows:

(1) Special fuel licensees under chapter 82.38 RCW, other than international fuel tax agreement licensees, dyed special fuel users, and special fuel distributors, shall provide evidence to the department of licensing that at least two percent of the total annual diesel fuel sold in Washington is biodiesel fuel, following the earlier of: (a) November 30, 2008; or (b) when a determination is made by the director, published in the Washington State Register, that feedstock grown in Washington state can satisfy a two-percent requirement.

(2) Special fuel licensees under chapter 82.38 RCW, other than international fuel tax agreement licensees, dyed special fuel users, and special fuel distributors, shall provide evidence to the department of licensing that at least five percent of total annual diesel fuel sold in Washington is biodiesel fuel, when the director determines, and publishes this determination in the Washington State Register, that both in-state oil seed crushing capacity and feedstock grown in Washington state can satisfy a three-percent requirement.

(3) The requirements of subsections (1) and (2) of this section shall take effect no sooner than one hundred eighty days after the determination has been published in the Washington State Register.

(4) The director and the director of licensing shall each adopt rules, in coordination with each other, for enforcing and carrying out the purposes of this section.

NEW SECTION. Sec. 3 A new section is added to chapter 19.112 RCW to read as follows:

(1) By December 1, 2008, motor vehicle fuel licensees under chapter 82.36 RCW, other than motor vehicle fuel distributors, shall provide evidence to the department of licensing that at least two percent of total gasoline sold in Washington, measured on a quarterly basis, is denatured ethanol.

(2) If the director of ecology determines that ethanol content greater than two percent of the total gasoline sold in Washington will not jeopardize continued attainment of the federal clean air act's national ambient air quality standard for ozone pollution in Washington and the director of agriculture determines and publishes this determination in the Washington State Register that sufficient raw materials are available within Washington to support economical production of ethanol at higher levels, the director of agriculture may require by rule that licensees provide evidence to the department of licensing that denatured ethanol comprises between two percent and at least ten percent of total gasoline sold in Washington, measured on a quarterly basis.

(3) The requirements of subsections (1) and (2) of this section shall take effect no sooner than one hundred eighty days after the determination has been published in the Washington State Register.

(4) The director and the director of licensing shall each adopt rules, in coordination with each other, for enforcing and carrying out the purposes of this section.

(5) Nothing in this section is intended to prohibit the production, sale, or use of motor fuel for use in federally designated flexibly fueled vehicles capable of using up to eighty-five percent ethanol fuel blends. Nothing in this section is intended to limit the use of high octane gasoline not blended with ethanol for use in aircraft.

NEW SECTION. Sec. 4 A new section is added to chapter 19.112 RCW to read as follows:

The department of licensing shall not publicly release, unless pursuant to an order of a court of competent jurisdiction, information submitted as evidence as required by section 2 or 3 of this act, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees.

Sec. 5 RCW 42.56.270 and 2005 c 274 s 407 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information

FIFTY-SEVENTH DAY, MARCH 6, 2006

relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011; ~~(and)~~

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter; and

(13) Financial and commercial information provided as evidence to the department of licensing as required by section 2 or 3 of this act, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees.

Sec. 6 RCW 19.112.060 and 1990 c 102 s 7 are each amended to read as follows:

(1)(a) Any person who knowingly violates any provision of this chapter or rules adopted under it is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than one year, or both.

(b) The director shall assess a civil penalty ranging from one hundred dollars to ten thousand dollars per occurrence, giving due consideration to the appropriateness of the penalty with respect to the gravity of the violation, and the history of previous violations. Civil penalties collected under this chapter shall be deposited into the motor vehicle fund.

2006 REGULAR SESSION

(2) The penalties in subsection (1)(a) of this section do not apply to violations of sections 2 and 3 of this act.

NEW SECTION. Sec. 7 A new section is added to chapter 19.112 RCW to read as follows:

(1) The director shall adopt rules for maintaining standards for biodiesel fuel or fuel blended with biodiesel fuel by adopting all or part of the standards set forth in the Annual Book of ASTM Standards and supplements, amendments, or revisions thereof, all or part of the standards set forth in the National Institute of Standards and Technology (NIST) Handbook 130, Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality rules, and any supplements, amendments, or revisions thereof, together with applicable federal environmental protection agency standards. The rules shall provide that the biodiesel refiner is responsible for meeting the ASTM standards required by this act when providing biodiesel fuel into the distribution system. If a conflict exists between federal environmental protection agency standards, ASTM standards, or NIST standards, for purposes of uniformity, federal environmental protection agency standards shall take precedence over ASTM and NIST standards. The department of agriculture shall not exceed ASTM standards for diesel.

(2) The rules adopted under subsection (1) of this section shall be updated to provide for fuel stability standards when national or international fuel stability standards have been adopted.

Sec. 8 RCW 19.112.020 and 1990 c 102 s 3 are each amended to read as follows:

(1) This chapter shall be administered by the director or his or her authorized agent. For the purpose of administering this chapter, for motor fuel except biodiesel fuel, the standards set forth in the Annual Book of ASTM Standards and supplements thereto, and revisions thereof, are adopted, together with applicable federal environmental protection agency standards. If a conflict exists between federal environmental protection agency standards, ASTM standards, or state standards, for purposes of uniformity, federal environmental protection agency standards shall take precedence over ASTM standards. Any state standards adopted must be consistent with federal environmental protection agency standards and ASTM standards not in conflict with federal environmental protection agency standards.

(2) The director may establish a fuel testing laboratory or may contract with a laboratory for testing. The director may also adopt rules on false and misleading advertising, labeling and posting of prices, and the standards for, and identity of, motor fuels. The director shall require fuel pumps offering biodiesel and ethanol blends to be identified by a label stating the percentage of biodiesel or ethanol.

(3) The rules adopted under section 7 of this act shall also provide that the diesel refiner is responsible for meeting the ASTM standards required by this act when providing diesel fuel into the distribution system.

NEW SECTION. Sec. 9 A new section is added to chapter 19.112 RCW to read as follows:

The director shall establish a biofuels advisory committee to advise the director on implementing or suspending the minimum renewable fuel content requirements. The committee shall advise the director on applicability to all users; logistical, technical, and economic issues of implementation, including the potential for credit trading, compliance and enforcement provisions, and tracking and reporting requirements; and how the use of renewable fuel blends greater than two percent and renewable fuels other than biodiesel or ethanol could achieve the goals of chapter ..., Laws of 2006 (this act). In addition, the committee shall make recommendations to the legislature and governor on the potential to use alternatives to biodiesel, which are produced from nonpetroleum renewable sources (inclusive of vegetable oils and animal fats), to meet the minimum renewable fuel content requirement. The director shall make

FIFTY-SEVENTH DAY, MARCH 6, 2006

recommendations to the legislature and the governor on the implementation or suspension of chapter . . . , Laws of 2006 (this act) by September 1, 2007.

Sec. 10 RCW 43.19.642 and 2003 c 17 s 2 are each amended to read as follows:

(1) All state agencies are encouraged to use a fuel blend of twenty percent biodiesel and eighty percent petroleum diesel for use in diesel-powered vehicles and equipment.

(2) Effective June 1, 2006, for agencies complying with the ultra-low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.

(3) Effective June 1, 2009, state agencies are required to use a minimum of twenty percent biodiesel as compared to total volume of all diesel purchases made by the agencies for the operation of the agencies' diesel-powered vessels, vehicles, and construction equipment.

(4) All state agencies using biodiesel fuel shall, beginning on July 1, 2006, file quarterly reports with the department of general administration documenting the use of the fuel and a description of how any problems encountered were resolved.

NEW SECTION. Sec. 11 A new section is added to chapter 19.112 RCW to read as follows:

The governor, by executive order, may suspend all or portions of the minimum renewable fuel content requirements in section 2 or 3 of this act, or RCW 43.19.642, based on a determination that such requirements are temporarily technically or economically infeasible, or pose a significant risk to public safety.

NEW SECTION. Sec. 12 A new section is added to chapter 43.19 RCW to read as follows:

(1) The department of general administration must assist state agencies seeking to meet the biodiesel fuel requirements in RCW 43.19.642 by coordinating the purchase and delivery of biodiesel if requested by any state agency. The department may use long-term contracts of up to ten years, when purchasing from in-state suppliers who use predominantly in-state feedstock, to secure a sufficient and stable supply of biodiesel for use by state agencies.

(2) The department shall compile and analyze the reports submitted under RCW 43.19.642(4) and report in an electronic format its findings and recommendations to the governor and committees of the legislature with responsibility for energy issues, within sixty days from the end of each reporting period. The governor shall consider these reports in determining whether to temporarily suspend minimum renewable fuel content requirements as authorized under section 11 of this act.

NEW SECTION. Sec. 13 A new section is added to chapter 19.112 RCW to read as follows:

(1) By November 30, 2008, the director shall determine whether the state's diesel fuel supply is comprised of at least ten percent biodiesel made predominantly from Washington feedstock.

(2) By November 30, 2008, the director shall determine whether the state's gasoline fuel supply is comprised of at least twenty percent ethanol made predominantly from Washington feedstock, without jeopardizing continued attainment of the federal clean air act's national ambient air quality standard for ozone pollution.

(3) By December 1, 2008, the director shall notify the governor and the legislature of the findings in subsections (1) and (2) of this section.

(4) If the findings from the director indicate that the goals of subsection (1) or (2) of this section, or both, have been achieved, then the governor shall issue an executive order

2006 REGULAR SESSION

declaring that section 2 or 3 of this act, or both, are no longer applicable.

NEW SECTION. Sec. 14 A new section is added to chapter 19.112 RCW to read as follows:

(1) If either or both of the goals in section 13 of this act are not achieved by November 30, 2008, the director shall monitor the state's diesel and gasoline fuel supply until such time as those goals, or either of them, is met.

(2) The director shall report to the governor and the legislature regarding the goals in section 13 of this act by November 30th of the year in which a goal is met.

(3) Following notification under this section that a goal has been met, the governor shall prepare executive request legislation repealing section 2 or 3 of this act, or both, as applicable.

Sec. 15 RCW 19.112.010 and 1991 c 145 s 1 are each amended to read as follows:

~~((As used in this chapter))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Biodiesel fuel" means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet the registration requirements for fuels and fuel additives established by the federal environmental protection agency and standards established by the American society of testing and materials.

(2) "Diesel" means special fuel as defined in RCW 82.38.020, and diesel fuel dyed in accordance with the regulations in 26 C.F.R. Sec. 48.4082-1T as of October 24, 2005.

(3) "Director" means the director of agriculture.

(4) "Motor fuel" means any liquid product used for the generation of power in an internal combustion engine used for the propulsion of a motor vehicle upon the highways of this state, and any biodiesel fuel. Motor fuels containing ethanol may be marketed if either (a) the base motor fuel meets the applicable standards before the addition of the ethanol or (b) the resultant blend meets the applicable standards after the addition of the ethanol.

~~((2) "Director" means the director of agriculture.))~~

NEW SECTION. Sec. 16 This act takes effect July 1, 2006.

NEW SECTION. Sec. 17 If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rasmussen moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6508.

Senator Rasmussen spoke in favor of the motion.

Senator Schoesler spoke against the motion.

A division was demanded.

MOTION

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6508.

The motion by Senator Rasmussen carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6508 by a rising vote.

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6508, as amended by the House.

HOUSE BILL NO. 2466, by Representatives Lovick, McCoy, Conway, Haler, Sells, Morris, Dunshee, Ericks, Morrell, O'Brien and Green

ROLL CALL

Providing excise tax relief for aerospace businesses.

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6508, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 1; Excused, 0.

The measure was read the second time.

Voting yea: Senators Benton, Berkey, Brown, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Shin, Spanel, Thibaudeau and Weinstein - 29

MOTION

Senator Shin moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Voting nay: Senators Benson, Brandland, Carrell, Delvin, Haugen, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 19

Strike everything after the enacting clause and insert the following:

Absent: Senator Deccio - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6508, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

"NEW SECTION. Sec. 1. A new section is added to chapter 82.08 RCW to read as follows:

MOTION

At 4:33 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

(1) The tax levied by RCW 82.08.020 does not apply to sales of computer hardware, computer peripherals, or software, not otherwise eligible for exemption under RCW 82.08.02565 or 82.08.975, used primarily in the development, design, and engineering of commercial airplanes or components of such airplanes, or to sales of or charges made for labor and services rendered in respect to installing the computer hardware, computer peripherals, or software. The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller shall retain a copy of the certificate for the seller's files.

EVENING SESSION

The Senate was called to order at 6:39 p.m. by President Owen.

(2) As used in this section:

(a) "Commercial airplane" and "component" have the meanings in RCW 82.32.550.

(b) "Peripherals" includes keyboards, monitors, mouse devices, and other accessories that operate outside of the computer, excluding cables, conduit, wiring, and other similar property.

MESSAGE FROM THE HOUSE

March 6, 2006

(3) This section expires July 1, 2024.

NEW SECTION. Sec. 2. A new section is added to chapter 82.12 RCW to read as follows:

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SENATE BILL NO. 5048,
ENGROSSED SENATE BILL NO. 5232,
SUBSTITUTE SENATE BILL NO. 6161,
SENATE BILL NO. 6674,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6802,
SENATE BILL NO. 6816,
SENATE BILL NO. 6861,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6870,
ENGROSSED SENATE JOINT MEMORIAL NO. 8019,

(1) The provisions of this chapter do not apply in respect to the use of computer hardware, computer peripherals, or software, not otherwise eligible for exemption under RCW 82.12.02565 or 82.12.975, used primarily in the development, design, and engineering of commercial airplanes or components of such airplanes, or to the use of labor and services rendered in respect to installing the computer hardware, computer peripherals, or software.

(2) As used in this section:

(a) "Commercial airplane" and "component" have the meanings in RCW 82.32.550.

(b) "Peripherals" includes keyboards, monitors, mouse devices, and other accessories that operate outside of the computer, excluding cables, conduit, wiring, and other similar property.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

(3) This section expires July 1, 2024.

NEW SECTION. Sec. 3. A new section is added to chapter 82.04 RCW to read as follows:

MOTION

On motion of Senator Brandland, Senators Parlette, Stevens Pflug, Oke, Delvin, Johnson and Mulliken were excused.

(1) In computing the tax imposed under this chapter, a credit is allowed for each person for qualified preproduction development expenditures occurring after the effective date of this section.

MOTION

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

(2) The credit is equal to the amount of qualified preproduction development expenditures of a person, multiplied by the rate of 1.5 percent.

SECOND READING

(3) The credit shall be taken against taxes due for the same calendar year in which the qualified preproduction development expenditures are incurred. Credits may not be carried over. The credit for each calendar year may not exceed the amount of tax

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

otherwise due under this chapter for the calendar year. Refunds may not be granted in the place of a credit.

(4) Any person entitled to the credit in this section as a result of qualified preproduction development conducted under contract may assign all or any portion of the credit to the person contracting for the performance of the qualified preproduction development.

(5) The definitions in this subsection apply throughout this section.

(a) "Aeronautics" means the study of flight and the science of building and operating commercial aircraft.

(b) "Preproduction development" means research, design, and engineering activities performed in relation to the development of a product, product line, model, or model derivative, including prototype development, testing, and certification. The term includes the discovery of technological information, the translating of technological information into new or improved products, processes, techniques, formulas, or inventions, and the adaptation of existing products and models into new products or new models, or derivatives of products or models. The term does not include manufacturing activities or other production-oriented activities. The term does not include surveys and studies, social science and humanities research, market research or testing, quality control, sale promotion and service, computer software developed for internal use, and research in areas such as improved style, taste, and seasonal design.

(c) "Qualified preproduction development" means preproduction development performed within this state in the field of aeronautics.

(d) "Qualified preproduction development expenditures" means operating expenses, including wages, compensation of a proprietor or a partner in a partnership as determined by the department, benefits, supplies, and computer expenses, directly incurred in qualified preproduction development by a person claiming the credit provided in this section. The term does not include amounts paid to a person other than a public educational or research institution to conduct qualified preproduction development. The term does not include capital costs and overhead, such as expenses for land, structures, or depreciable property.

(6) Credit may not be claimed for expenditures for which a credit is claimed under RCW 82.04.4452 or 82.04.4461.

(7) This section expires July 1, 2024.

NEW SECTION. Sec. 4. A new section is added to chapter 82.32 RCW to read as follows:

(1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(2)(a) A person claiming the credit under section 3 of this act shall file a complete annual survey with the department. The survey is due by March 31st following any year in which a credit is claimed. The department may extend the due date for timely filing of annual surveys under this section as provided in RCW 82.32.590. The survey shall include the amount of the tax credit claimed, the qualified preproduction development expenditures during the calendar year for which the credit is claimed, whether the credit has been assigned under section 3(4) of this act and who assigned the credit, the number of new products or research projects by general classification, and the number of trademarks, patents, and copyrights associated with the qualified preproduction development activities for which a credit was claimed. The survey shall also include the following information for employment positions in Washington:

(i) The number of total employment positions;

(ii) Full-time, part-time, and temporary employment positions as a percent of total employment;

(iii) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and

(iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

(b) As part of the annual survey, the department may request additional information necessary to measure the results of, or determine eligibility for, the tax credit program.

(c) All information collected under this section, except the amount of the tax credit claimed, is deemed taxpayer information under RCW 82.32.330. Information on the amount of tax credit claimed is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request, except as provided in (d) of this subsection. If the amount of the tax credit as reported on the survey is different than the amount actually claimed on the taxpayer's tax returns or otherwise allowed by the department, the amount actually claimed or allowed may be disclosed.

(d) Persons for whom the actual amount of the tax credit claimed on the taxpayer's returns or otherwise allowed by the department is less than ten thousand dollars during the period covered by the survey may request the department to treat the tax credit amount as confidential under RCW 82.32.330.

(3) If a person fails to submit a complete annual survey under subsection (2) of this section by the due date or any extension under RCW 82.32.590, the department shall declare the amount of taxes against which a credit was claimed for that year to be immediately due and payable. The department shall assess interest, but not penalties, on the taxes against which the credit was claimed. Interest shall be assessed at the rate provided for delinquent excise taxes under this chapter, retroactively to the date the credit was claimed, and shall accrue until the taxes against which the credit was claimed are repaid.

(4) The department shall use the information from the annual survey required under subsection (2) of this section to prepare summary descriptive statistics by category. No fewer than three taxpayers shall be included in any category. The department shall report these statistics to the legislature each year by September 1st.

(5) In conjunction with the reports due under RCW 82.32.545, by November 1, 2010, and November 1, 2023, the fiscal committees of the house of representatives and the senate, in consultation with the department, shall report to the legislature on the effectiveness of the credit authorized in section 3 of this act in regard to keeping Washington competitive. The report shall measure the effect of the credit authorized in section 3 of this act on job retention, net jobs created for Washington residents, company growth, diversification of the state's economy, cluster dynamics, and other factors as the committees select. The reports shall include a discussion of principles to apply in evaluating whether the legislature should reenact the credit authorized in section 3 of this act.

(6) A person who is subject to the requirements in RCW 82.32.545 is not required to file a complete annual survey under this section if the person timely files the annual report required by RCW 82.32.545.

Sec. 5. RCW 82.04.250 and 2003 2nd sp.s. c 1 s 2 are each amended to read as follows:

(1) Upon every person (~~except persons taxable under RCW 82.04.260 (5) or (13), 82.04.272, or subsection (2) of this~~

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

section)) engaging within this state in the business of making sales at retail, except persons taxable as retailers under other provisions of this chapter, as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of 0.471 percent.

(2) Upon every person engaging within this state in the business of making sales at retail that are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or 82.08.0263, except persons taxable under RCW 82.04.260(~~((+3))~~) (11) or subsection (3) of this section, as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of 0.484 percent.

(3) Upon every person engaging within this state in the business of making sales at retail that are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or 82.08.0263, that is classified by the federal aviation administration as a FAR part 145 certificated repair station with airframe and instrument ratings and limited ratings for nondestructive testing, radio, Class 3 Accessory, and specialized services, as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of .2904 percent.

NEW SECTION. Sec. 6. A new section is added to chapter 82.32 RCW to read as follows:

(1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources, the legislature needs information on how a tax incentive is used.

(2)(a) A person who reports taxes under RCW 82.04.250(3) shall file a complete annual survey with the department. The survey is due by March 31st following any year in which a person reports taxes under RCW 82.04.250(3). The department may extend the due date for timely filing of annual surveys under this section as provided in RCW 82.32.590. The survey shall include the amount of tax reduced under the preferential rate in RCW 82.04.250(3). The survey shall also include the following information for employment positions in Washington:

(i) The number of total employment positions;

(ii) Full-time, part-time, and temporary employment positions as a percent of total employment;

(iii) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and

(iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

(b) As part of the annual survey, the department may request additional information necessary to measure the results of, or determine eligibility for, the preferential tax rate in RCW 82.04.250(3).

(c) All information collected under this section, except the amount of the tax reduced under the preferential rate in RCW 82.04.250(3), is deemed taxpayer information under RCW 82.32.330. Information on the amount of tax reduced is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request, except as provided in (d) of this subsection. If the amount of the tax reduced as reported on the survey is different than the amount actually reduced based on the taxpayer's excise tax returns or otherwise allowed by the department, the amount actually reduced may be disclosed.

(d) Persons for whom the actual amount of the tax reduction is less than ten thousand dollars during the period covered by the survey may request the department to treat the amount of the tax reduction as confidential under RCW 82.32.330.

(3) If a person fails to submit a complete annual survey under subsection (2) of this section by the due date or any extension under RCW 82.32.590, the department shall declare the amount of taxes reduced under the preferential rate in RCW 82.04.250(3) for that year to be immediately due and payable. The department shall assess interest, but not penalties, on the taxes. Interest shall be assessed at the rate provided for delinquent excise taxes under this chapter, retroactively to the date the reduced taxes were due, and shall accrue until the amount of the reduced taxes is repaid.

(4) The department shall use the information from the annual survey required under subsection (2) of this section to prepare summary descriptive statistics by category. The department shall report these statistics to the legislature each year by September 1st.

(5) By November 1, 2010, the fiscal committees of the house of representatives and the senate, in consultation with the department, shall report to the legislature on the effectiveness of the preferential tax rate provided in RCW 82.04.250(3) in regard to keeping Washington competitive. The report shall measure the effect of the preferential tax rate provided in RCW 82.04.250(3) on job retention, net jobs created for Washington residents, company growth, diversification of the state's economy, cluster dynamics, and other factors as the committees select. The report shall include a discussion of principles to apply in evaluating whether the legislature should extend the preferential tax rate provided in RCW 82.04.250(3).

(6) This section expires December 31, 2012.

Sec. 7. RCW 82.32.330 and 2005 c 326 s 1 and 2005 c 274 s 361 are each reenacted and amended to read as follows:

(1) For purposes of this section:

(a) "Disclose" means to make known to any person in any manner whatever a return or tax information;

(b) "Return" means a tax or information return or claim for refund required by, or provided for or permitted under, the laws of this state which is filed with the department of revenue by, on behalf of, or with respect to a person, and any amendment or supplement thereto, including supporting schedules, attachments, or lists that are supplemental to, or part of, the return so filed;

(c) "Tax information" means (i) a taxpayer's identity, (ii) the nature, source, or amount of the taxpayer's income, payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability deficiencies, overassessments, or tax payments, whether taken from the taxpayer's books and records or any other source, (iii) whether the taxpayer's return was, is being, or will be examined or subject to other investigation or processing, (iv) a part of a written determination that is not designated as a precedent and disclosed pursuant to RCW 82.32.410, or a background file document relating to a written determination, and (v) other data received by, recorded by, prepared by, furnished to, or collected by the department of revenue with respect to the determination of the existence, or possible existence, of liability, or the amount thereof, of a person under the laws of this state for a tax, penalty, interest, fine, forfeiture, or other imposition, or offense: PROVIDED, That data, material, or documents that do not disclose information related to a specific or identifiable taxpayer do not constitute tax information under this section. Except as provided by RCW 82.32.410, nothing in this chapter shall require any person possessing data, material, or documents made confidential and privileged by this section to delete

FIFTY-SEVENTH DAY, MARCH 6, 2006

information from such data, material, or documents so as to permit its disclosure;

(d) "State agency" means every Washington state office, department, division, bureau, board, commission, or other state agency;

(e) "Taxpayer identity" means the taxpayer's name, address, telephone number, registration number, or any combination thereof, or any other information disclosing the identity of the taxpayer; and

(f) "Department" means the department of revenue or its officer, agent, employee, or representative.

(2) Returns and tax information shall be confidential and privileged, and except as authorized by this section, neither the department of revenue nor any other person may disclose any return or tax information.

(3) This section does not prohibit the department of revenue from:

(a) Disclosing such return or tax information in a civil or criminal judicial proceeding or an administrative proceeding;

(i) In respect of any tax imposed under the laws of this state if the taxpayer or its officer or other person liable under Title 82 RCW is a party in the proceeding; or

(ii) In which the taxpayer about whom such return or tax information is sought and another state agency are adverse parties in the proceeding;

(b) Disclosing, subject to such requirements and conditions as the director shall prescribe by rules adopted pursuant to chapter 34.05 RCW, such return or tax information regarding a taxpayer to such taxpayer or to such person or persons as that taxpayer may designate in a request for, or consent to, such disclosure, or to any other person, at the taxpayer's request, to the extent necessary to comply with a request for information or assistance made by the taxpayer to such other person: PROVIDED, That tax information not received from the taxpayer shall not be so disclosed if the director determines that such disclosure would compromise any investigation or litigation by any federal, state, or local government agency in connection with the civil or criminal liability of the taxpayer or another person, or that such disclosure would identify a confidential informant, or that such disclosure is contrary to any agreement entered into by the department that provides for the reciprocal exchange of information with other government agencies which agreement requires confidentiality with respect to such information unless such information is required to be disclosed to the taxpayer by the order of any court;

(c) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210 has been either issued or filed and remains outstanding for a period of at least ten working days. The department shall not be required to disclose any information under this subsection if a taxpayer: (i) Has been issued a tax assessment; (ii) has been issued a warrant that has not been filed; and (iii) has entered a deferred payment arrangement with the department of revenue and is making payments upon such deficiency that will fully satisfy the indebtedness within twelve months;

(d) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210 has been filed with a court of record and remains outstanding;

(e) Publishing statistics so classified as to prevent the identification of particular returns or reports or items thereof;

(f) Disclosing such return or tax information, for official purposes only, to the governor or attorney general, or to any state agency, or to any committee or subcommittee of the legislature dealing with matters of taxation, revenue, trade, commerce, the control of industry or the professions;

(g) Permitting the department of revenue's records to be audited and examined by the proper state officer, his or her agents and employees;

(h) Disclosing any such return or tax information to a peace officer as defined in RCW 9A.04.110 or county prosecuting attorney, for official purposes. The disclosure may be made only in response to a search warrant, subpoena, or other court order, unless the disclosure is for the purpose of criminal tax enforcement. A peace officer or county prosecuting attorney who receives the return or tax information may disclose that return or tax information only for use in the investigation and a related court proceeding, or in the court proceeding for which the return or tax information originally was sought;

(i) Disclosing any such return or tax information to the proper officer of the internal revenue service of the United States, the Canadian government or provincial governments of Canada, or to the proper officer of the tax department of any state or city or town or county, for official purposes, but only if the statutes of the United States, Canada or its provincial governments, or of such other state or city or town or county, as the case may be, grants substantially similar privileges to the proper officers of this state;

(j) Disclosing any such return or tax information to the Department of Justice, including the Bureau of Alcohol, Tobacco ((and)), Firearms ((of the Department of the Treasury)) and Explosives within the Department of Justice, the Department of Defense, the Immigration and Customs Enforcement and the Customs and Border Protection agencies of the United States ((Customs Service)) Department of Homeland Security, the Coast Guard of the United States, and the United States Department of Transportation, or any authorized representative thereof, for official purposes;

(k) Publishing or otherwise disclosing the text of a written determination designated by the director as a precedent pursuant to RCW 82.32.410;

(l) Disclosing, in a manner that is not associated with other tax information, the taxpayer name, entity type, business address, mailing address, revenue tax registration numbers, North American industry classification system or standard industrial classification code of a taxpayer, and the dates of opening and closing of business. This subsection shall not be construed as giving authority to the department to give, sell, or provide access to any list of taxpayers for any commercial purpose;

(m) Disclosing such return or tax information that is also maintained by another Washington state or local governmental agency as a public record available for inspection and copying under the provisions of chapter 42.56 RCW or is a document maintained by a court of record not otherwise prohibited from disclosure;

(n) Disclosing such return or tax information to the United States department of agriculture for the limited purpose of investigating food stamp fraud by retailers;

(o) Disclosing to a financial institution, escrow company, or title company, in connection with specific real property that is the subject of a real estate transaction, current amounts due the department for a filed tax warrant, judgment, or lien against the real property;

(p) Disclosing to a person against whom the department has asserted liability as a successor under RCW 82.32.140 return or tax information pertaining to the specific business of the taxpayer to which the person has succeeded; ~~((or))~~

(q) Disclosing such return or tax information in the possession of the department relating to the administration or enforcement of the real estate excise tax imposed under chapter 82.45 RCW, including information regarding transactions exempt or otherwise not subject to tax; or

(r) Disclosing the least amount of return or tax information necessary for the reports required in section 6 (4) and (5) of this act when the number of taxpayers included in the reports or any part of the reports cannot be classified to prevent the identification of taxpayers or particular returns, reports, tax information, or items in the possession of the department.

(4)(a) The department may disclose return or taxpayer information to a person under investigation or during any court or administrative proceeding against a person under investigation as provided in this subsection (4). The disclosure must be in connection with the department's official duties relating to an audit, collection activity, or a civil or criminal investigation. The disclosure may occur only when the person under investigation and the person in possession of data, materials, or documents are parties to the return or tax information to be disclosed. The department may disclose return or tax information such as invoices, contracts, bills, statements, resale or exemption certificates, or checks. However, the department may not disclose general ledgers, sales or cash receipt journals, check registers, accounts receivable/payable ledgers, general journals, financial statements, expert's workpapers, income tax returns, state tax returns, tax return workpapers, or other similar data, materials, or documents.

(b) Before disclosure of any tax return or tax information under this subsection (4), the department shall, through written correspondence, inform the person in possession of the data, materials, or documents to be disclosed. The correspondence shall clearly identify the data, materials, or documents to be disclosed. The department may not disclose any tax return or tax information under this subsection (4) until the time period allowed in (c) of this subsection has expired or until the court has ruled on any challenge brought under (c) of this subsection.

(c) The person in possession of the data, materials, or documents to be disclosed by the department has twenty days from the receipt of the written request required under (b) of this subsection to petition the superior court of the county in which the petitioner resides for injunctive relief. The court shall limit or deny the request of the department if the court determines that:

(i) The data, materials, or documents sought for disclosure are cumulative or duplicative, or are obtainable from some other source that is more convenient, less burdensome, or less expensive;

(ii) The production of the data, materials, or documents sought would be unduly burdensome or expensive, taking into account the needs of the department, the amount in controversy, limitations on the petitioner's resources, and the importance of the issues at stake; or

(iii) The data, materials, or documents sought for disclosure contain trade secret information that, if disclosed, could harm the petitioner.

(d) The department shall reimburse reasonable expenses for the production of data, materials, or documents incurred by the person in possession of the data, materials, or documents to be disclosed.

(e) Requesting information under (b) of this subsection that may indicate that a taxpayer is under investigation does not constitute a disclosure of tax return or tax information under this section.

(5) Any person acquiring knowledge of any return or tax information in the course of his or her employment with the department of revenue and any person acquiring knowledge of any return or tax information as provided under subsection (3)(f), (g), (h), (i), (j), or (n) of this section, who discloses any such return or tax information to another person not entitled to knowledge of such return or tax information under the

provisions of this section, is guilty of a misdemeanor. If the person guilty of such violation is an officer or employee of the state, such person shall forfeit such office or employment and shall be incapable of holding any public office or employment in this state for a period of two years thereafter.

Sec. 8. RCW 82.32.590 and 2005 c 514 s 1001 are each amended to read as follows:

(1) If the department finds that the failure of a taxpayer to file an annual survey under RCW 82.04.4452, section 4 of this act, or section 6 of this act by the due date was the result of circumstances beyond the control of the taxpayer, the department shall extend the time for filing the survey. Such extension shall be for a period of thirty days from the date the department issues its written notification to the taxpayer that it qualifies for an extension under this section. The department may grant additional extensions as it deems proper.

(2) In making a determination whether the failure of a taxpayer to file an annual survey by the due date was the result of circumstances beyond the control of the taxpayer, the department shall be guided by rules adopted by the department for the waiver or cancellation of penalties when the underpayment or untimely payment of any tax was due to circumstances beyond the control of the taxpayer.

Sec. 9. RCW 82.32.600 and 2005 c 514 s 1002 are each amended to read as follows:

(1) Persons required to file surveys under RCW 82.04.4452, section 4 of this act, or section 6 of this act must electronically file with the department all surveys, returns, and any other forms or information the department requires in an electronic format as provided or approved by the department (~~unless the department grants relief under subsection (2) of this section~~). As used in this section, "returns" has the same meaning as "return" in RCW 82.32.050.

~~(2) (Upon request, the department may relieve a person of the obligations in subsection (1) of this section if the person's taxes have been reduced a cumulative total of less than one thousand dollars from all of the credits, exemptions, or preferential business and occupation tax rates, for which a person is required to file an annual survey under RCW 82.04.4452, 82.32.535, 82.32.545, 82.32.570, 82.32.560, 82.60.070, or 82.63.020.~~

~~(3) Persons who no longer qualify for relief under subsection (2) of this section will be notified in writing by the department and must comply with subsection (1) of this section by the date provided in the notice.~~

~~(4)) Any survey, return, or any other form or information required to be filed in an electronic format under subsection (1) of this section is not filed until received by the department in an electronic format.~~

(3) The department may waive the electronic filing requirement in subsection (1) of this section for good cause shown.

Sec. 10. RCW 82.04.4463 and 2005 c 514 s 501 are each amended to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for property taxes and leasehold excise taxes paid during the calendar year.

(2) The credit is equal to:

(a)(i)(A) Property taxes paid on new buildings, and land upon which this property is located, built after December 1, 2003, and used exclusively in manufacturing commercial airplanes or components of such airplanes; and

(B) Leasehold excise taxes paid with respect to a building built after January 1, 2006, the land upon which the building is located, or both, if the building is used exclusively in manufacturing commercial airplanes or components of such airplanes; or

(ii) Property taxes attributable to an increase in assessed value due to the renovation or expansion, after December 1, 2003, of a building used exclusively in manufacturing commercial airplanes or components of such airplanes; and

(b) An amount equal to property taxes paid on machinery and equipment exempt under RCW 82.08.02565 or 82.12.02565 and acquired after December 1, 2003, multiplied by a fraction. The numerator of the fraction is the total taxable amount subject to the tax imposed under RCW 82.04.260(~~((+3))~~) (11) and the denominator of the fraction is the total taxable amount subject to the tax imposed under all manufacturing classifications in chapter 82.04 RCW, required to be reported on the person's returns for the calendar year before the calendar year in which the credit under this section is earned. No credit is available under this subsection (2)(b) if either the numerator or the denominator of the fraction is zero. If the fraction is greater than or equal to nine-tenths, then the fraction is rounded to one. For purposes of this subsection, "returns" means the combined excise tax returns for the calendar year.

(3) For the purposes of this section, "commercial passenger airplane" and "component" have the meanings given in RCW 82.32.550.

(4) A person taking the credit under this section is subject to all the requirements of chapter 82.32 RCW. In addition, the person must report as required under RCW 82.32.545. A credit earned during one calendar year may be carried over to be credited against taxes incurred in a subsequent calendar year, but may not be carried over a second year. No refunds may be granted for credits under this section.

(5) In addition to all other requirements under this title, a person taking the credit under this section must report as required under RCW 82.32.545.

(6) This section expires July 1, 2024.

NEW SECTION. Sec. 11. Section 10 of this act applies with respect to leasehold excise taxes paid on or after January 1, 2007.

NEW SECTION. Sec. 12. Sections 1 through 9 of this act take effect July 1, 2006.

NEW SECTION. Sec. 13. Sections 10 and 11 of this act take effect January 1, 2007.

NEW SECTION. Sec. 14. Section 5 of this act expires July 1, 2011."

Senator Shin spoke in favor of adoption of the committee striking amendment.

MOTION

On motion of Senator Schoesler, Senator McCaslin was excused.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to House Bill No. 2466.

The motion by Senator Shin carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "businesses;" strike the remainder of the title and insert "amending RCW 82.04.250, 82.32.590, 82.32.600, and 82.04.4463; reenacting and amending RCW 82.32.330; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; adding new sections to chapter 82.32 RCW; creating a new section; providing effective dates; and providing expiration dates."

MOTION

On motion of Senator Shin, the rules were suspended, House Bill No. 2466 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2466 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2466 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 36; Nays, 7; Absent, 4; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, McAuliffe, Morton, Mulliken, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker and Zarelli - 36

Voting nay: Senators Fairley, Fraser, Kohl-Welles, Pridemore, Rockefeller, Thibaudeau and Weinstein - 7

Absent: Senators Doumit, Jacobsen, Kline and Poulsen - 4

Excused: Senators McCaslin and Oke - 2

HOUSE BILL NO. 2466 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3164, by House Committee on Finance (originally sponsored by Representatives Kilmer, Kristiansen, Linville, Bailey, Pettigrew, P. Sullivan, Dunn, Ericks, Appleton, Green, Morrell, Sells and Simpson)

Increasing the personal property exemption for the head of a family. Revised for 1st Substitute: Increasing the head of a family personal property tax exemption amount.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 3164 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Doumit, Jacobsen and Poulsen were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3164.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3164 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland,

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 43

Voting nay: Senator Thibaudeau - 1

Excused: Senators Doumit, Jacobsen, McCaslin, Oke and Poulsen - 5

SUBSTITUTE HOUSE BILL NO. 3164, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE JOINT RESOLUTION NO. 4223, by Representatives Kilmer, Kristiansen, Linville, Bailey, Pettigrew, P. Sullivan, Dunn, Ericks, Morrell, Appleton, Green, Sells and Simpson

Amending the state Constitution to increase the personal property tax exemption for the head of a family.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Joint Resolution No. 4223 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senator Prentice spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of House Joint Resolution No. 4223.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Resolution No. 4223 and the resolution passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Jacobsen, McCaslin and Oke - 3

HOUSE JOINT RESOLUTION NO. 4223, having received the constitutional majority, was declared passed.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2155, by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Lantz and Shabro)

Regarding preservation of state publications by the state library services.

The measure was read the second time.

MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The state of Washington recognizes that an informed citizenry is indispensable to the proper functioning of a democratic society. It is the basic right of citizens to know about the activities of their government, to benefit from the information developed at public expense, and to have permanent access to the information published by state agencies.

The secretary of state through the state library must ensure permanent public access to public state government publications, regardless of the format, and prescribe the conditions for use of state publications in depository libraries.

Sec. 2. RCW 27.04.045 and 2002 c 342 s 3 are each amended to read as follows:

The state librarian shall be responsible and accountable for the following functions:

(1) Establishing content-related standards for common formats and agency indexes for state agency-produced information. In developing these standards, the state librarian is encouraged to seek involvement of, and comments from, public and private entities with an interest in such standards;

(2) Managing and administering the state library;

(3) Exerting leadership in information access and the development of library services;

(4) Acquiring library materials, equipment, and supplies by purchase, exchange, gift, or otherwise; and, as appropriate, assisting the legislature, other state agencies, and other libraries in the cost-effective purchase of information resources;

(5) Employing and terminating personnel in accordance with chapter 41.06 RCW as may be necessary to implement the purposes of this chapter;

(6) Entering into agreements with other public or private entities as a means of implementing the mission, goals, and objectives of the state library and the entity with which it enters such agreements. In agreements for services between the library and other state agencies, the library may negotiate an exchange of services in lieu of monetary reimbursement for the library's indirect or overhead costs, when such an arrangement facilitates the delivery of library services;

(7) Maintaining a library at the state capitol grounds to effectively provide library and information services to members of the legislature, state officials, and state employees in connection with their official duties;

(8) Serving as the depository for newspapers published in the state of Washington thus providing a central location for a valuable historical record for scholarly, personal, and commercial reference and circulation;

(9) Promoting and facilitating electronic access to public information and services, including providing, or providing for, a service that identifies, describes, and provides location information for government information through electronic means, and that assists government agencies in making their information more readily available to the public;

(10) Collecting and distributing copies of state publications, as defined in RCW 40.06.010, prepared by any state agency for distribution. The state library shall maintain the state publications distribution center, as provided in chapter 40.06 RCW(~~(- The office of the secretary of state, on recommendation of the state librarian, may provide by rule for deposit with the state library of up to three copies of each publication))~~ to provide copies of materials that are not available in electronic format to state depository libraries;

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

(11) Providing for the sale of library material in accordance with RCW 27.12.305;

(12) Providing advisory services to state agencies regarding their information needs;

(13) Providing for library and information service to residents and staff of state-supported residential institutions;

(14) Providing for library and information services to persons throughout the state who are blind and/or physically handicapped;

(15) Assisting individuals and groups such as libraries, library boards, governing bodies, and citizens throughout the state toward the establishment and development of library services;

(16) Making studies and surveys of library needs in order to provide, expand, enlarge, and otherwise improve access to library facilities and services throughout the state;

(17) Serving as an interlibrary loan, information, reference, and referral resource for all libraries in the state. The state library may charge lending fees to other libraries that charge the state library for similar services. Money paid as fees shall be retained by the state library as a recovery of costs; and

(18) Accepting and expending in accordance with the terms thereof grants of federal, state, local, or private funds. For the purpose of qualifying to receive such grants, the state librarian is authorized to make applications and reports required by the grantor.

Sec. 3. RCW 40.06.010 and 1977 ex.s. c 232 s 8 are each amended to read as follows:

As used in this chapter:

(1) ~~("Print" includes all forms of reproducing multiple copies, with the exception of typewritten correspondence and interoffice memoranda.~~

~~—(2)) "Electronic repository" means a collection of publicly accessible electronic publications stored in a secure digital environment with redundant backup to preserve the collection.~~

~~(2) "Format" includes any media used in the publication of state information including electronic, print, audio, visual, and microfilm.~~

~~(3) "State agency" includes every state office, officer, department, division, bureau, board, commission and agency of the state, and, where applicable, all subdivisions of each.~~

~~((3)) (4) "State publication" means information published by state agencies, regardless of format, intended for distribution to state government or the public. Examples may include (s) annual, biennial, and special reports required by law, state agency newsletters, periodicals, and magazines, (books, pamphlets, leaflets, and all other materials, other than news releases sent exclusively to the news media, typewritten correspondence and interoffice memoranda, issued in print by the state, the legislature, constitutional officers, or any state department, committee, or other state agency supported wholly or in part by state funds) and other informational material intended for general dissemination to state agencies, the public, or the legislature.~~

Sec. 4. RCW 40.06.020 and 2002 c 342 s 5 are each amended to read as follows:

There is hereby created as a division of the state library, and under the direction of the state librarian, a state publications distribution center. The center shall utilize the depository library system to permit citizens economical and convenient access to state publications, regardless of format. To this end the secretary of state shall make such rules as may be deemed necessary to carry out the provisions of this chapter.

Sec. 5. RCW 40.06.030 and 1977 ex.s. c 232 s 10 are each amended to read as follows:

(1) Every state agency shall promptly ~~((deposit copies of each of its state publications with the state library in quantities~~

~~as certified by the state librarian as required to meet the needs of the depository library system. Upon consent of the issuing state agency such state publications as are printed by the public printer shall be delivered directly to the center.~~

~~—(2)) submit to the state library copies of published information that are state publications.~~

~~(a) For state publications available only in print format, each state agency shall deposit, at a minimum, two copies of each of its publications with the state library. For the purposes of broad public access, state agencies may deposit additional copies with the state library for distribution to additional depository libraries.~~

~~(b) For state publications available only in electronic format, each state agency shall deposit one copy of each of its publications with the state library.~~

~~(c) For state publications available in both print and electronic format, each state agency shall deposit two print copies and one electronic copy of the publication with the state library.~~

~~(2) Annually, each state agency shall provide the state library with a listing of all its publications made available to state government and the public during the preceding year, including those published in electronic form. The secretary of state shall, by rule, establish the annual date by which state agencies must provide the list of its publications to the state library.~~

~~(3) In the interest of economy and efficiency, the state librarian may specifically or by general rule exempt a given state publication or class of publications from the requirements of this section in full or in part.~~

~~(4) Upon consent of the issuing state agency, such state publications as are printed by the public printer shall be delivered directly to the center.~~

Sec. 6. RCW 40.06.040 and 2002 c 342 s 6 are each amended to read as follows:

(1) To provide economical public access to state publications, the center may enter into depository contracts with any free public library, The Evergreen State College, regional university, or state university library, or, if needed, the library of any privately incorporated college or university in this state. The requirements for eligibility to contract as a depository library shall be established by the secretary of state upon recommendations of the state librarian. The standards shall include and take into consideration the type of library, available housing and space for the publications, the number and qualifications of personnel, and availability for public use. The center may also contract with public, out-of-state libraries for the exchange of state and other publications on a reciprocal basis. Any state publication to be distributed to the public and the legislature shall be mailed at the lowest available postal rate.

~~(2) The office of the secretary of state through the state librarian shall preserve and make accessible state agency electronic publications deposited with the state library through an electronic repository.~~

Sec. 7. RCW 40.06.050 and 1963 c 233 s 5 are each amended to read as follows:

The center shall publish and distribute regularly a list of available state publications, and may publish and distribute such other descriptive ~~((printed))~~ matter as will facilitate the distribution of and access to state publications."

Senator Kastama spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to Substitute House Bill No. 2155.

FIFTY-SEVENTH DAY, MARCH 6, 2006

The motion by Senator Kastama carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "state;" strike the remainder of the title and insert "amending RCW 27.04.045, 40.06.010, 40.06.020, 40.06.030, 40.06.040, and 40.06.050; and creating a new section."

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 2155 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2155 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2155 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Hargrove - 1

Excused: Senators McCaslin and Oke - 2

SUBSTITUTE HOUSE BILL NO. 2155 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPLY BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Honeyford that Engrossed Second Substitute House Bill 2582 is not properly before the body because it is beyond the cutoff dates established by Senate Concurrent Resolution 8414, the President finds and rules as follows:

The plain language of the cutoff resolution clearly exempts budget-related measures from all of the cutoff dates set forth in the resolution. To determine if the measure before us is necessary to implement the budget, the President generally looks first to determine if the mechanics of the bill relate to the budget, and second, whether any budget references the measure itself.

The measure before us relates to high school completion programs. Although an argument can be made that this bill is related to the budget, its substance is in no way crucial to raising or spending money in such a way that it can truly be considered an integral and necessary part of the budget process. And, while it is possible that funding for the bill or its programs will be provided in the budget ultimately enacted, neither the House nor the Senate versions of the budget to date even reference this measure, let alone provide funding for its programs.

2006 REGULAR SESSION

As a result, the President concludes that this measure is not presently necessary for the budget and is beyond the cutoff dates set forth in Senate Concurrent Resolution 8414. For this reason, Senator Honeyford's point is well-taken, and the measure is not properly before the body for its consideration at this time."

MOTION

On motion of Senator Eide, further consideration of Engrossed Second Substitute House Bill No. 2582 was deferred and the bill held its place on the third reading calendar.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Keiser on the scope and object of the House amendment to Senate Bill No. 6366, the President finds and rules as follows. The President finds that the Senate bill sets forth a comprehensive plan for preparing and responding to pandemic influenza. While some of those procedures may be applied to other disease outbreaks and pandemics, the scope of the bill is limited to influenza pandemics.

The House amendment would establish a comprehensive template for preparedness for all pandemic and communicable disease outbreaks. The amendment would also require local health jurisdictions to comply with the same performance measures. This exceeds the scope of the underlying bill which is limited to only addressing an influenza pandemic.

The President, therefore, finds that the amendment does change the scope and object of the bill and the point of order is well taken."

MOTION

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

The Senate resumed consideration of Engrossed Substitute Senate Bill No. 6366 which had been deferred earlier in the day.

MOTION

Senator Keiser moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6366 and ask the House to recede therefrom.

Senators Deccio spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Keiser that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6366 and ask the House to recede therefrom.

The motion by Senator Keiser carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6366 and asked the House to recede therefrom.

MOTION

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

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2754, by House Committee on Appropriations (originally sponsored by Representatives Morrell, Campbell, Green, Haigh, Appleton, Kilmer, Darneille, Cox, Ormsby, Haler, Chase, P. Sullivan, McCoy, Wallace, Sells, Serben, Curtis, Moeller, Blake, Cody,

FIFTY-SEVENTH DAY, MARCH 6, 2006

Kenney, Conway, Ericks, Clibborn, Kessler, Simpson and Linville)

2006 REGULAR SESSION

Creating the veterans innovations program.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following amendment by Senator Jacobsen be adopted.

On page 4, after line 7, insert the following:

"Sec. 9. RCW 70.47.060 and 2004 c 192 s 3 are each amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care. In addition, the administrator may, to the extent that funds are available, offer as basic health plan services chemical dependency services, mental health services and organ transplant services; however, no one service or any combination of these three services shall increase the actuarial value of the basic health plan benefits by more than five percent excluding inflation, as determined by the office of financial management. All subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive covered basic health care services in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.47.030, and such other factors as the administrator deems appropriate.

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (11) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection (12) of this section.

(b) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201.

(c) To determine the periodic premiums due the administrator from health coverage tax credit eligible enrollees. Premiums due from health coverage tax credit eligible enrollees must be in an amount equal to the cost charged by the managed health care system provider to the state for the plan, plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201. The administrator will consider the impact of eligibility determination by the appropriate federal agency designated by the Trade Act of 2002 (P.L. 107-210) as well as the premium collection and remittance activities by the United States internal revenue service when determining the administrative cost charged for health coverage tax credit eligible enrollees.

(d) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator. The administrator shall establish a mechanism for receiving premium payments from the United States internal revenue service for health coverage tax credit eligible enrollees.

(e) To develop, as an offering by every health carrier providing coverage identical to the basic health plan, as configured on January 1, 2001, a basic health plan model plan with uniformity in enrollee cost-sharing requirements.

(3) To evaluate, with the cooperation of participating managed health care system providers, the impact on the basic health plan of enrolling health coverage tax credit eligible enrollees. The administrator shall issue to the appropriate committees of the legislature preliminary evaluations on June 1, 2005, and January 1, 2006, and a final evaluation by June 1, 2006. The evaluation shall address the number of persons enrolled, the duration of their enrollment, their utilization of covered services relative to other basic health plan enrollees, and the extent to which their enrollment contributed to any change in the cost of the basic health plan.

(4) To end the participation of health coverage tax credit eligible enrollees in the basic health plan if the federal government reduces or terminates premium payments on their behalf through the United States internal revenue service.

(5) To design and implement a structure of enrollee cost-sharing due a managed health care system from subsidized, nonsubsidized, and health coverage tax credit eligible enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, and may utilize copayments, deductibles, and other cost-sharing mechanisms, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(6) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists. Such a closure does not apply to health coverage tax credit eligible enrollees who receive a premium subsidy from the United States internal revenue service as long as the enrollees qualify for the health coverage tax credit program.

(7) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020. The level of subsidy provided to persons who qualify may be based on the lowest cost plans, as defined by the administrator.

(8) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.

(9) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

basic health care providers under the plan for subsidized enrollees, nonsubsidized enrollees, or health coverage tax credit eligible enrollees. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.

(10) To receive periodic premiums from or on behalf of subsidized, nonsubsidized, and health coverage tax credit eligible enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(11) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized, nonsubsidized, or health coverage tax credit eligible enrollees, to give priority to members of the Washington national guard and reserves who served in operation enduring freedom, operation Iraqi freedom, or operation noble eagle, and their spouses and dependents, for enrollment in the Washington basic health plan, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and on a reasonable schedule defined by the authority, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. Funds received by a family as part of participation in the adoption support program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145 shall not be counted toward a family's current gross family income for the purposes of this chapter. When an enrollee fails to report income or income changes accurately, the administrator shall have the authority either to bill the enrollee for the amounts overpaid by the state or to impose civil penalties of up to two hundred percent of the amount of subsidy overpaid due to the enrollee incorrectly reporting income. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to reenroll in the plan.

(12) To accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator

may require that a business owner pay at least an amount equal to what the employee pays after the state pays its portion of the subsidized premium cost of the plan on behalf of each employee enrolled in the plan. Enrollment is limited to those not eligible for medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes.

(13) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same or actuarially equivalent for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

(14) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

(15) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(16) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(17) To provide, consistent with available funding, assistance for rural residents, underserved populations, and persons of color.

(18) In consultation with appropriate state and local government agencies, to establish criteria defining eligibility for persons confined or residing in government-operated institutions.

(19) To administer the premium discounts provided under RCW 48.41.200(3)(a) (i) and (ii) pursuant to a contract with the Washington state health insurance pool."

Remember the remaining sections consecutively and correct internal references accordingly.

Senators Jacobsen and Keiser spoke in favor of adoption of the amendment.

POINT OF INQUIRY

Senator Deccio: "Would Senator Jacobsen yield to a question? Senator Jacobsen, does this, will this apply to all returning veterans regardless whether they're in the reserves or not?"

Senator Jacobsen: "As I understand it would but I understand the particular problem is the ones that are in the National Guards and in the reserves. There not as quite well plugged into the Veterans Administration program."

Senator Deccio: "Well, I have a grandson, 23, came out of Iraq. Would he be eligible? He's not in the reserves."

Senator Jacobsen: "That's my legislative intent."

Senator Deccio spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Jacobsen on page 4, line 7 to Second Substitute House Bill No. 2754.

The motion by Senator Jacobsen carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "43.60A.010" insert "and 70.47.060"

MOTION

On motion of Senator Kastama, the rules were suspended, Second Substitute House Bill No. 2754 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2754 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2754 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Pflug - 1

Excused: Senators McCaslin and Oke - 2

SECOND SUBSTITUTE HOUSE BILL NO. 2754 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3033, by House Committee on Economic Development, Agriculture & Trade (originally sponsored by Representatives Pettigrew, Kristiansen, Grant, Kretz, Holmquist, Cox, B. Sullivan, Clements, Campbell, Haigh, Newhouse and Linville)

Creating an advisory committee to evaluate animal identification programs.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 3033 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Morton spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Roach: "Would Senator Rasmussen yield to a question? Senator Rasmussen, does this bill include goats?"

Senator Rasmussen: "No."

Senator Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3033.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3033 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators McCaslin and Oke - 2

SUBSTITUTE HOUSE BILL NO. 3033, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Substitute Senate Bill No. 6896 which had been deferred on February 17, 2006.

PARLIAMENTARY INQUIRY

Senator Zarelli: "I had, prior to this striker being presented to us, there were several, I think four amendments, pending. None of which would apply to the striking amendment. So it'd be my desire to withdraw those. There are five new amendments that are drafted to the striking amendment so wherever that puts us in the process, Mr. President. I'm not quite sure."

REPLY BY THE PRESIDENT

President Owen: "Senator Zarelli, we had moved your amendment. The first thing you need to do to move forward to your other amendment is to withdraw the amendment that is before us at this time."

WITHDRAWAL OF AMENDMENT

On motion of Senator Zarelli, the amendments by Senator Zarelli on pages 3, 5, and 14, lines 27, 18 and 1 to Substitute Senate Bill No. 6896 were withdrawn.

FIFTY-SEVENTH DAY, MARCH 6, 2006
MOTION

2006 REGULAR SESSION

Senator Doumit moved that the following striking amendment by Senators Doumit and Prentice be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 41.45 RCW to read as follows:

The pension funding stabilization account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for payment of state government employer contributions for members of the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, and the public safety employees' retirement system. The account may not be used to pay for any new benefit or for any benefit increase that takes effect after July 1, 2005. An increase that is provided in accordance with a formula that is in existence on July 1, 2005, is not considered a benefit increase for this purpose. Moneys in the account shall be for the exclusive use of the specified retirement systems and invested by the state investment board pursuant to RCW 43.33A.030 and 43.33A.170. For purposes of RCW 43.135.035, expenditures from the pension funding stabilization account shall not be considered a state program cost shift from the state general fund to another account.

NEW SECTION. Sec. 2. A new section is added to chapter 41.45 RCW to read as follows:

(1) The state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment moneys in the pension funding stabilization account. The pension funding stabilization account shall be considered to be a public pension or retirement fund within the meaning of Article XXIX, section 1 of the state Constitution, for the purpose of determining eligible investments and deposits of the moneys therein. All investment and operating costs associated with the investment of money shall be paid pursuant to RCW 43.33A.160 and 43.84.160. With the exception of these expenses, the earnings from the investment of the money shall be retained by the account.

(2) All investments made by the state investment board shall be made with the exercise of that degree of judgment and care pursuant to RCW 43.33A.140 and the investment policies established by the state investment board.

(3) As deemed appropriate by the state investment board, moneys in the account may be commingled for investment with other funds subject to investment by the board.

NEW SECTION. Sec. 3. A new section is added to chapter 41.45 RCW to read as follows:

(1) It is the intent of the legislature to provide for the systematic funding of the plan 1 unfunded accrued actuarial liabilities in a manner that promotes contribution rate adequacy and stability for the affected systems. The rates established in this section shall be collected in addition to the rates established pursuant to RCW 41.45.062.

(2) Beginning September 1, 2006, a 1.29 percent contribution is established as part of the basic state and employer contribution rate for the teachers' retirement system, to be used for the sole purpose of amortizing the unfunded accrued actuarial liability in the teachers' retirement system plan 1.

(3) Beginning September 1, 2006, a 0.87 percent contribution is established as part of the basic state and employer contribution rate for the school employees' retirement system, to be used for the sole purpose of amortizing the unfunded accrued actuarial liability in the public employees' retirement system plan 1.

(4) Beginning January 1, 2007, a 1.77 percent contribution is established as part of the basic state and employer contribution rate for the public employees' retirement system and the public safety employees' retirement system, to be used

for the sole purpose of amortizing the unfunded accrued actuarial liability in the public employees' retirement system plan 1.

(5) The contribution rates in this section shall be collected through June 30, 2007, for the public employees' retirement system and the public safety employees' retirement system and August 31, 2007, for the teachers' retirement system and the school employees' retirement system.

(6) Upon completion of the 2005 actuarial valuation, the pension funding council and the state actuary shall review the contribution rates for the plan 1 unfunded actuarial accrued liability for fiscal year 2008 and fiscal year 2009 and by September 30, 2006, the pension funding council shall adopt contribution rates to complete the three-year phase-in schedule, adjusted for any material changes in benefits or actuarial assumptions, methods, and experience. The expected present value of projected contributions during the three-year phase-in period shall be the same as the expected present value of projected contributions that would have been collected without the phase-in, as determined by the state actuary and adjusted for any material changes in benefits or actuarial assumptions, methods, or experience.

NEW SECTION. Sec. 4. The sum of three hundred fifty million dollars is appropriated for the fiscal year ending June 30, 2006, from the general fund to the pension funding stabilization account for the purposes of section 1 of this act.

NEW SECTION. Sec. 5. The sum of two hundred million dollars is appropriated for the fiscal year ending June 30, 2006, from the general fund to the health services account for the purposes of providing fiscal stability for the account.

NEW SECTION. Sec. 6. The sum of two hundred seventy-five million dollars is appropriated for the fiscal year ending June 30, 2006, from the general fund to the student achievement fund for the purposes of providing fiscal stability for the fund.

Sec. 7. RCW 43.135.025 and 2000 2nd sp.s. c 2 s 1 are each amended to read as follows:

(1) The state shall not expend from the general fund during any fiscal year state moneys in excess of the state expenditure limit established under this chapter.

(2) Except pursuant to a declaration of emergency under RCW 43.135.035 or pursuant to an appropriation under RCW 43.135.045(4)(b), the state treasurer shall not issue or redeem any check, warrant, or voucher that will result in a state general fund expenditure for any fiscal year in excess of the state expenditure limit established under this chapter. A violation of this subsection constitutes a violation of RCW 43.88.290 and shall subject the state treasurer to the penalties provided in RCW 43.88.300.

(3) The state expenditure limit for any fiscal year shall be the previous fiscal year's state expenditure limit increased by a percentage rate that equals the fiscal growth factor.

(4) For purposes of computing the state expenditure limit for the fiscal year beginning July 1, 1995, the phrase "the previous fiscal year's state expenditure limit" means the total state expenditures from the state general fund, not including federal funds, for the fiscal year beginning July 1, 1989, plus the fiscal growth factor. This calculation is then computed for the state expenditure limit for fiscal years 1992, 1993, 1994, and 1995, and as required under RCW 43.135.035(4).

(5) A state expenditure limit committee is established for the purpose of determining and adjusting the state expenditure limit as provided in this chapter. The members of the state expenditure limit committee are the director of financial management, the attorney general or the attorney general's designee, and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations. All actions of the state expenditure limit committee taken pursuant to this chapter require an affirmative vote of at least three members.

(6) Each November, the state expenditure limit committee shall adjust the expenditure limit for the preceding fiscal year

FIFTY-SEVENTH DAY, MARCH 6, 2006

based on actual expenditures and known changes in the fiscal growth factor and then project an expenditure limit for the next two fiscal years. In calculating the expenditure limit for fiscal year 2006, the calculation shall be the expenditure limit established by the state expenditure limit committee in November 2005 adjusted as provided by this chapter and adjusted to include the fiscal year 2006 state general fund appropriations to the pension funding stabilization account, the health services account, and the student achievement fund in chapter . . . , Laws of 2006 (this act). If, by November 30th, the state expenditure limit committee has not adopted the expenditure limit adjustment and projected expenditure limit as provided in subsection (5) of this section, the attorney general or his or her designee shall adjust or project the expenditure limit, as necessary.

(7) "Fiscal growth factor" means the average of the sum of inflation and population change for each of the prior three fiscal years.

(8) "Inflation" means the percentage change in the implicit price deflator for the United States for each fiscal year as published by the federal bureau of labor statistics.

(9) "Population change" means the percentage change in state population for each fiscal year as reported by the office of financial management.

Sec. 8. RCW 43.135.035 and 2005 c 72 s 2 are each amended to read as follows:

(1) After July 1, 1995, any action or combination of actions by the legislature that raises state revenue or requires revenue-neutral tax shifts may be taken only if approved by a two-thirds vote of each house, and then only if state expenditures in any fiscal year, including the new revenue, will not exceed the state expenditure limits established under this chapter. However, for legislation enacted between the effective date of this 2005 act and June 30, 2007, any action or combination of actions by the legislature that raises state revenue or requires revenue-neutral tax shifts may be taken with the approval of a majority of members elected to each house, so long as state expenditures in any fiscal year, including the new revenue, will not exceed the state expenditure limits established under this chapter.

(2)(a) If the legislative action under subsection (1) of this section will result in expenditures in excess of the state expenditure limit, then the action of the legislature shall not take effect until approved by a vote of the people at a November general election. The state expenditure limit committee shall adjust the state expenditure limit by the amount of additional revenue approved by the voters under this section. This adjustment shall not exceed the amount of revenue generated by the legislative action during the first full fiscal year in which it is in effect. The state expenditure limit shall be adjusted downward upon expiration or repeal of the legislative action.

(b) The ballot title for any vote of the people required under this section shall be substantially as follows:

"Shall taxes be imposed on in order to allow a spending increase above last year's authorized spending adjusted for inflation and population increases?"

(3)(a) The state expenditure limit may be exceeded upon declaration of an emergency for a period not to exceed twenty-four months by a law approved by a two-thirds vote of each house of the legislature and signed by the governor. The law shall set forth the nature of the emergency, which is limited to natural disasters that require immediate government action to alleviate human suffering and provide humanitarian assistance. The state expenditure limit may be exceeded for no more than twenty-four months following the declaration of the emergency and only for the purposes contained in the emergency declaration.

(b) Additional taxes required for an emergency under this section may be imposed only until thirty days following the next general election, unless an extension is approved at that general election. The additional taxes shall expire upon expiration of the declaration of emergency. The legislature shall not impose

additional taxes for emergency purposes under this subsection unless funds in the education construction fund have been exhausted.

(c) The state or any political subdivision of the state shall not impose any tax on intangible property listed in RCW 84.36.070 as that statute exists on January 1, 1993.

(4) If the cost of any state program or function is shifted from the state general fund on or after January 1, 1993, to another source of funding, or if moneys are transferred from the state general fund to another fund or account, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), shall lower the state expenditure limit to reflect the shift. For purposes of this section, expenditures from the pension funding stabilization account shall not be considered a state program cost shift from the state general fund to another account. For the purposes of this section, a transfer of money from the state general fund to another fund or account includes any state legislative action taken that has the effect of reducing revenues from a particular source, where such revenues would otherwise be deposited into the state general fund, while increasing the revenues from that particular source to another state or local government account. This subsection does not apply to the dedication or use of lottery revenues under RCW 67.70.240(3) or property taxes under RCW 84.52.068, in support of education or education expenditures.

(5) If the cost of any state program or function is shifted to the state general fund on or after January 1, 2000, from another source of funding, or if moneys are transferred to the state general fund from another fund or account, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), shall increase the state expenditure limit to reflect the shift.

Sec. 9. RCW 43.84.092 and 2005 c 514 s 1105, 2005 c 353 s 3, 2005 c 339 s 22, 2005 c 314 s 109, 2005 c 312 s 7, and 2005 c 94 s 1 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional transportation investment district account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary

accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 10. RCW 43.84.092 and 2005 c 514 s 1106, 2005 c 353 s 4, 2005 c 339 s 23, 2005 c 314 s 110, 2005 c 312 s 8, and 2005 c 94 s 2 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school

FIFTY-SEVENTH DAY, MARCH 6, 2006

construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional transportation investment district account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection

2006 REGULAR SESSION

(4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 11.** Section 9 of this act expires July 1, 2006.

NEW SECTION. **Sec. 12.** Sections 7 and 8 of this act expire July 1, 2007.

NEW SECTION. **Sec. 13.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except section 10 of this act, which takes effect July 1, 2006."

Senator Doumit spoke in favor of adoption of the striking amendment.

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli to the striking amendment be adopted.

On page 3, beginning on line 3, strike all material through line 14.

Senators Zarelli and Pflug spoke in favor of adoption of the amendment to the striking amendment.

Senators Brown and Doumit spoke against adoption of the amendment to the striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 3, line 3 to the striking amendment to Substitute Senate Bill No. 6896.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Zarelli to the striking amendment and the amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen,

FIFTY-SEVENTH DAY, MARCH 6, 2006

Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senators McCaslin and Oke - 2

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli to the striking amendment be adopted.

On page 3, beginning on line 27, strike all material down to and including line 3 on page 7. Renumber the sections consecutively and correct internal references accordingly.

On page 14, line 5 of the title amendment, strike "amending RCW 43.135.025 and 43.135.035;"

Senator Zarelli spoke in favor of adoption of the amendment to the striking amendment.

Senator Doumit spoke against adoption of the amendment to the striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 3, line 27 to the striking amendment to Substitute Senate Bill No. 6896.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Zarelli to the striking amendment and the amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senators McCaslin and Oke - 2

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli to the striking amendment be adopted.

On page 5, line 18, strike "2007", and insert "~~(2007)~~ 2006"

Renumber the sections consecutively and correct any internal references accordingly.

Senators Zarelli and Doumit spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 5, line 18 to the striking amendment to Substitute Senate Bill No. 6896.

The motion by Senator Zarelli carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli to the striking amendment be adopted.

On page 13, at the beginning of line 27, strike all material through line 31.

Renumber the sections consecutively and correct any internal references accordingly.

2006 REGULAR SESSION

On page 14, line 8 of the title amendment, after "date;", strike the remainder of the title and insert "and providing expiration dates."

Senator Zarelli spoke in favor of adoption of the amendment to the striking amendment.

Senator Doumit spoke against adoption of the amendment to the striking amendment.

Senators Brown and Jacobsen spoke on the adoption of the amendment to the striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Brown spoke against adoption of the amendment to the striking amendment.

Senators Johnson and Pflug spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 13, line 27 to the striking amendment to Substitute Senate Bill No. 6896.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Zarelli to the striking amendment and the amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senators McCaslin and Oke - 2

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli to the striking amendment be adopted.

On page 13, beginning on line 27, strike all material down to and including line 31 and insert the following:

"NEW SECTION. **Sec. 13.** This act takes effect January 1, 2007, if the proposed amendment to Article VII, of the state Constitution (SJR 8222) is validly submitted to and is approved and ratified by the voters at a general election held in November, 2006. If the proposed amendment is not approved and ratified, this act is void in its entirety."

Senator Zarelli spoke in favor of adoption of the amendment to the striking amendment.

Senator Doumit spoke against adoption of the amendment to the striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 13, line 27 to the striking amendment to Substitute Senate Bill No. 6896.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Zarelli to the striking amendment and the amendment was not adopted by the following vote: Yeas,

FIFTY-SEVENTH DAY, MARCH 6, 2006

22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senators McCaslin and Oke - 2

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Doumit and Prentice as amended to Substitute Senate Bill No. 6896.

The motion by Senator Doumit carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "funding state budgetary reserves including an adjustment to the state expenditure limit; amending RCW 43.135.025 and 43.135.035; reenacting and amending RCW 43.84.092 and 43.84.092; adding new sections to chapter 41.45 RCW; making appropriations; providing an effective date; providing expiration dates; and declaring an emergency."

MOTION

On motion of Senator Doumit, the rules were suspended, Engrossed Substitute Senate Bill No. 6896 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Doumit and Brown spoke in favor of passage of the bill.

Senator Zarelli spoke against passage of the bill.

MOTION

On motion of Senator Schoesler, Senator Finkbeiner was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6896.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6896 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Excused: Senators McCaslin and Oke - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6896, having received the constitutional majority, was declared

2006 REGULAR SESSION

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed Substitute Senate Bill No. 6896 was immediately transmitted to the House of Representatives.

PERSONAL PRIVILEGE

Senator McCaslin: "I'd like to have Senator Brown get that resolution ready Gonzaga just won their tournament by one point."

MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

March 6, 2006

HB 3317 Prime Sponsor, Ahern: Changing provisions relating to driving under the influence of intoxicating liquor or any drug. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin and Rasmussen

Referred to the Committee on Ways & Means.

MOTION

On motion of Senator Eide, the measure listed on the Standing Committee Report was held at the desk.

MOTION

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

MESSAGE FROM THE HOUSE

March 6, 2006

MR. PRESIDENT:

The House grants the request of Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 6386. The Speaker has appointed the following members as Conferees

Representatives Sommers, Fromhold, Alexander. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2006

MR. PRESIDENT:

The House grants the request of Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 6384. The Speaker has appointed the following members as Conferees:

Representatives Dunshee, Ormsby, Jarrett. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

FIFTY-SEVENTH DAY, MARCH 6, 2006

2006 REGULAR SESSION

MESSAGE FROM THE HOUSE

March 6, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:
SUBSTITUTE HOUSE BILL NO. 2880,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:
SUBSTITUTE SENATE BILL NO. 6512,
SUBSTITUTE SENATE BILL NO. 6686,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2006

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:
SUBSTITUTE HOUSE BILL NO. 2812,
SUBSTITUTE HOUSE BILL NO. 2836,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2006

MR. PRESIDENT:

The Speaker has signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1020,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1080,
SUBSTITUTE HOUSE BILL NO. 1107,
THIRD SUBSTITUTE HOUSE BILL NO. 1226,
SUBSTITUTE HOUSE BILL NO. 1257,
SUBSTITUTE HOUSE BILL NO. 1510,
SUBSTITUTE HOUSE BILL NO. 1650,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1850,
SECOND SUBSTITUTE HOUSE BILL NO. 2002,
ENGROSSED HOUSE BILL NO. 2322,
HOUSE BILL NO. 2348,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2353,
HOUSE BILL NO. 2381,
SUBSTITUTE HOUSE BILL NO. 2382,
SUBSTITUTE HOUSE BILL NO. 2384,
SUBSTITUTE HOUSE BILL NO. 2415,
SUBSTITUTE HOUSE BILL NO. 2457,
SUBSTITUTE HOUSE BILL NO. 2471,
SUBSTITUTE HOUSE BILL NO. 2543,
SUBSTITUTE HOUSE BILL NO. 2573,
SUBSTITUTE HOUSE BILL NO. 2596,
HOUSE BILL NO. 2617,
ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 2939,
HOUSE BILL NO. 2972,
SUBSTITUTE HOUSE BILL NO. 2974,

HOUSE BILL NO. 2975,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2984,
SUBSTITUTE HOUSE BILL NO. 2985,
HOUSE BILL NO. 3139,
HOUSE BILL NO. 3156,
SUBSTITUTE HOUSE BILL NO. 3178,
SUBSTITUTE HOUSE BILL NO. 3182,
HOUSE BILL NO. 3277,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2006

MR. PRESIDENT:

The Speaker has signed:
ENGROSSED HOUSE BILL NO. 1069,
SECOND SUBSTITUTE HOUSE BILL NO. 1384,
FOURTH SUBSTITUTE HOUSE BILL NO. 1483,
HOUSE BILL NO. 1966,
SUBSTITUTE HOUSE BILL NO. 2033,
SUBSTITUTE HOUSE BILL NO. 2233,
SECOND SUBSTITUTE HOUSE BILL NO. 2342,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352,
HOUSE BILL NO. 2386,
SUBSTITUTE HOUSE BILL NO. 2402,
SUBSTITUTE HOUSE BILL NO. 2407,
SUBSTITUTE HOUSE BILL NO. 2426,
SUBSTITUTE HOUSE BILL NO. 2446,
HOUSE BILL NO. 2477,
SECOND SUBSTITUTE HOUSE BILL NO. 2498,
SUBSTITUTE HOUSE BILL NO. 2500,
HOUSE BILL NO. 2501,
SUBSTITUTE HOUSE BILL NO. 2537,
HOUSE BILL NO. 2544,
HOUSE BILL NO. 2567,
ENGROSSED HOUSE BILL NO. 2579,
HOUSE BILL NO. 2606,
SUBSTITUTE HOUSE BILL NO. 2654,
HOUSE BILL NO. 2681,
HOUSE BILL NO. 2704,
SECOND SUBSTITUTE HOUSE BILL NO. 2789,
SUBSTITUTE HOUSE BILL NO. 2817,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2848,
SUBSTITUTE HOUSE BILL NO. 2867,
SUBSTITUTE HOUSE BILL NO. 2917,
SUBSTITUTE HOUSE BILL NO. 2958,
SECOND SUBSTITUTE HOUSE BILL NO. 2964,
SUBSTITUTE HOUSE BILL NO. 2973,
HOUSE BILL NO. 2991,
HOUSE BILL NO. 3041,
HOUSE BILL NO. 3048,
SUBSTITUTE HOUSE BILL NO. 3113,
HOUSE BILL NO. 3122,
HOUSE BILL NO. 3205,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

At 8:29 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Tuesday, March 7, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 7, 2006

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exceptions of Senators Finkbeiner, Haugen, Jacobsen, Mulliken and Parlette.

The Sergeant at Arms Color Guard consisting of Pages Gary Oakland and Lindsay Purkeypyle, presented the Colors. Reverend Bob Shepard, Executive Director, Serve of Wenatchee Valley Church offered the prayer.

MOTION

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

MOTION

On motion of Senator Eide, Senate Rule 20(2) was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

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

MOTION

Senator Parlette moved adoption of the following resolution:

SENATE RESOLUTION
8734

By Senators Parlette, Sheldon, Weinstein, Jacobsen, Kohl-Welles, Haugen, Fraser, Morton, Schoesler, Delvin, Finkbeiner, Carrell, Stevens, Deccio, Johnson, Schmidt, Swecker, Mulliken, Honeyford and Brandland

WHEREAS, Washington's apple industry is a major contributor to the economic health of the state and its people; and

WHEREAS, The Apple Blossom Festival celebrates the importance of the apple industry in the Wenatchee Valley and its environs; and

WHEREAS, The Apple Blossom Festival, which began in 1919 as a one-day gathering of poetry and song in Wenatchee's Memorial Park, is one of the oldest major festivals in the state; and

WHEREAS, The City of Wenatchee is preparing to celebrate the 87th annual Washington State Apple Blossom Festival to take place from April 27 through May 7, 2006; and

WHEREAS, The Apple Blossom Festival recognizes three young women who, by their superior and distinctive efforts, have exemplified the spirit and meaning of the Apple Blossom Festival; and

WHEREAS, These three young women are selected by their peers and community to reign over the Apple Blossom Festival and serve as ambassadors of this great region of Eastern Washington, the Wenatchee Valley, and the surrounding communities as Princesses and Queen; and

WHEREAS, Liz Speidel has been selected to represent her community as a 2006 Apple Blossom Princess in part due to her accomplishments and contributions to the community through a dedication to academic excellence and scholastic achievement, as well as her involvement in extracurricular activities at

Wenatchee High School where she serves as secretary of Key Club and as a member of the National Honor Society, French Club, Interact Club, Political Awareness Club, and Chamber Singers; and

WHEREAS, Julie Rice has been selected to represent her community as a 2006 Apple Blossom Princess in part due to her service as Drum Major of Wenatchee High School's Golden Apple marching band and as a Freshman orientation counselor, youth group leader, and volunteer counselor at Royal Family Kids Camp, as well as for her academic and scholastic achievements, which include the Challenge Program and the National Honor Society; and

WHEREAS, Jenny Hampton has been selected to represent her community as the 2006 Apple Blossom Queen in part due to her accomplishments and contributions to the community through her demonstrated leadership and service as an Associated Student Body Activities Coordinator at Wenatchee High School, where she strives to exemplify the characteristics of servant leadership: Patience, kindness, humility, respect, selflessness, honesty, commitment, and forgiveness, as well as for her positive attitude on and off the volleyball and tennis court and for her devotion to academic excellence and scholastic achievement as a math tutor and as a member of the National Honor Society;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington honor the accomplishments of the members of the Apple Blossom Festival Court and join the City of Wenatchee and the people of the State of Washington in celebrating the Washington State Apple Blossom Festival; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Queen Jenny Hampton, Princess Liz Speidel, Princess Julie Rice, and the board of directors and chairs of the Washington State Apple Blossom Festival.

Senator Parlette spoke in favor of adoption of the resolution. The President declared the question before the Senate to be the adoption of Senate Resolution No. 8734.

The motion by Senator Parlette carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Jenny Hampton, the 2006 Apple Blossom Queen, who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Apple Blossom Queen Jenny Hampton to address the Senate.

REMARKS BY QUEEN HAMPTON

Queen Hampton: "Hello, I am the Apple Blossom Queen, Jenny Hampton, and on behalf of Princesses Julie Rice and Liz Speidel, I'd like to thank you for allowing us to be here today. All three of us have looked forward to this trip ever since we were handed our year-long calendar of Apple Blossom events. And no, it's not because we know we'd get to go shopping. That was just an added bonus. It has been such a pleasure meeting so many of you and being able to get an inside look at the political process here in Olympia. Both of my parents have served in the armed forces and when my dad returned from Iraq last year, he would tell me stories about the voting and the purple thumbs and how the people over there were so excited for change and how they began to have hope. Some of the stories that go on in the streets over there are just unbelievable. Stories like that make me so thankful that I live in a country where I don't have to be afraid of road side bombs. Thankful of a government that allows me to freely express my opinions and thankful of it's people who, often times, may be polarized are all fighting for the same thing, that of our natural rights. We may not always agree on how we should go about keeping these freedoms but it's the process of compromise that makes America so great. So, thank you for all that you do. On behalf of the Washington State Apple Blossom Festival, I'd like to officially invite you to take a

FIFTY-EIGHTH DAY, MARCH 7, 2006

walk on Orondo street on Saturday, May 6, to watch the eighty-seventh Apple Blossom Grand Parade. Also join us for any of our other festivities running from April 27 through May 7 and I'm sure we will see all of you there for there are no excuses, it's a bipartisan event. Thank you again for having us here today. Hope you have a wonderful day."

MOTION

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

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6566, with the following amendments{s} 6566-S.E AMH TR H5407.1.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.94.524 and 1991 c 202 s 11 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "A major employer" means a private or public employer, including state agencies, that employs one hundred or more full-time employees at a single worksite who begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays for at least twelve continuous months during the year.

(2) "Major worksite" means a building or group of buildings that are on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights of way, and at which there are one hundred or more full-time employees ((of one or more employers)), who begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays, for at least twelve continuous months.

(3) ("~~Commute trip reduction zones~~" mean areas, such as census tracts or combinations of census tracts, within a jurisdiction that are characterized by similar employment density, population density, level of transit service, parking availability, access to high occupancy vehicle facilities, and other factors that are determined to affect the level of single occupancy vehicle commuting.

~~((4))~~ "Major employment installation" means a military base or federal reservation, excluding tribal reservations, at which there are one hundred or more full-time employees, who begin their regular workday between 6:00 a.m. and 9:00 a.m. on weekdays, for at least twelve continuous months during the year.

(4) "Person hours of delay" means the daily person hours of delay per mile in the peak period of 6:00 a.m. to 9:00 a.m., as calculated using the best available methodology by the department of transportation.

(5) "Commute trip" means trips made from a worker's home to a worksite during the peak period of 6:00 a.m. to 9:00 a.m. on weekdays.

~~((5))~~ (6) "Proportion of single-occupant vehicle commute trips" means the number of commute trips made by single-occupant automobiles divided by the number of full-time employees.

~~((6))~~ (7) "Commute trip vehicle miles traveled per employee" means the sum of the individual vehicle commute trip lengths in miles over a set period divided by the number of full-time employees during that period.

~~((7))~~ (8) "Base year" means the (year January 1, 1992, through December 31, 1992, on which goals for vehicle miles traveled and single-occupant vehicle trips shall be based. Base year goals may be determined using the 1990 journey-to-work

2006 REGULAR SESSION

~~census data projected to the year 1992 and shall be consistent with the growth management act. The task force shall establish a method to be used by jurisdictions to determine reductions of vehicle miles traveled) twelve-month period commencing when a major employer is determined to be participating by the local jurisdiction, on which commute trip reduction goals shall be based.~~

(9) "Growth and transportation efficiency center" means a defined, compact, mixed-use urban area that contains jobs or housing and supports multiple modes of transportation. For the purpose of funding, a growth and transportation efficiency center must meet minimum criteria established by the commute trip reduction board under RCW 70.94.537, and must be certified by a regional transportation planning organization as established in RCW 47.80.020.

(10)(a) "Affected urban growth area" means:

(i) An urban growth area, designated pursuant to RCW 36.70A.110, whose boundaries contain a state highway segment exceeding the one hundred person hours of delay threshold calculated by the department of transportation, and any contiguous urban growth areas; and

(ii) An urban growth area, designated pursuant to RCW 36.70A.110, containing a jurisdiction with a population over seventy thousand that adopted a commute trip reduction ordinance before the year 2000, and any contiguous urban growth areas.

(b) Affected urban growth areas will be listed by the department of transportation in the rules for this act using the criteria identified in (a) of this subsection.

(11) "Certification" means a determination by a regional transportation planning organization that a locally designated growth and transportation efficiency center program meets the minimum criteria developed in a collaborative regional process and the rules established by the department of transportation.

Sec. 2. RCW 70.94.527 and 1997 c 250 s 2 are each amended to read as follows:

(1) Each county ((with a population over one hundred fifty thousand, and each city or town within those counties containing a major employer shall, by October 1, 1992, adopt by ordinance and implement a commute trip reduction plan for all major employers. The plan shall be developed in cooperation with local transit agencies, regional transportation planning organizations as established in RCW 47.80.020, major employers, and the owners of and employers at major worksites)) containing an urban growth area, as defined by RCW 36.70A.110, and each city within an urban growth area with a state highway segment exceeding the one hundred person hours of delay threshold calculated by the department of transportation, as well as those counties and cities located in any contiguous urban growth areas, shall adopt a commute trip reduction plan and ordinance for major employers in the affected urban growth area by a date specified by the commute trip reduction board. Jurisdictions located within an urban growth area with a population greater than seventy thousand that adopted a commute trip reduction ordinance before the year 2000, as well as any jurisdiction within contiguous urban growth areas, shall also adopt a commute trip reduction plan and ordinance for major employers in the affected urban growth area by a date specified by the commute trip reduction board. Jurisdictions containing a major employment installation in a county with an affected growth area, as defined by RCW 36.70A.110, shall adopt a commute trip reduction plan and ordinance for major employers in the major employment installation by a date specified by the commute trip reduction board. The ordinance shall establish the requirements for major employers and provide an appeals process by which major employers, who as a result of special characteristics of their business or its locations would be unable to meet the requirements of the ordinance, may obtain waiver or modification of those requirements. The plan shall be designed to achieve reductions in the proportion of single-occupant

FIFTY-EIGHTH DAY, MARCH 7, 2006

vehicle commute trips and ~~((the commute trip vehicle miles traveled per employee by employees of major public and private sector employers in the jurisdiction))~~ be consistent with the rules established by the department of transportation. The county, city, or town shall submit its adopted plan to the regional transportation planning organization. The county, city, or town plan shall be included in the regional commute trip reduction plan for regional transportation planning purposes, consistent with the rules established by the department of transportation in RCW 70.94.537.

(2) All other counties, ~~((and))~~ cities, and towns ~~((in those counties;))~~ may adopt and implement a commute trip reduction plan consistent with department of transportation rules established under RCW 70.94.537. Tribal governments are encouraged to adopt a commute trip reduction plan for their lands. State investment in voluntary commute trip reduction plans shall be limited to those areas that meet criteria developed by the commute trip reduction board.

(3) The department of ecology may, after consultation with the department of transportation, as part of the state implementation plan for areas that do not attain the national ambient air quality standards for carbon monoxide or ozone, require municipalities other than those identified in subsection (1) of this section to adopt and implement commute trip reduction plans if the department determines that such plans are necessary for attainment of said standards.

(4) A commute trip reduction plan shall be consistent with the ~~((guidelines))~~ rules established under RCW 70.94.537 and shall include but is not limited to (a) goals for reductions in the proportion of single-occupant vehicle commute trips ~~((and the commute trip vehicle miles traveled per employee))~~ consistent with the state goals established by the commute trip reduction board under RCW 70.94.537 and the regional commute trip reduction plan; (b) ~~((designation of commute trip reduction zones; (e)))~~ a description of the requirements for major public and private sector employers to implement commute trip reduction programs; ~~((and))~~ (c) a commute trip reduction program for employees of the county, city, or town; ~~((e))~~ a review of local parking policies and ordinances as they relate to employers and major worksites and any revisions necessary to comply with commute trip reduction goals and guidelines; (f) an appeals process by which major employers, who as a result of special characteristics of their business or its locations would be unable to meet the requirements of a commute trip reduction plan, may obtain waiver or modification of those requirements; and ~~((g))~~ and (d) means, consistent with rules established by the department of transportation, for determining base year values ~~((of the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per employee))~~ and progress toward meeting commute trip reduction plan goals ~~((on an annual basis. Goals which are established shall take into account existing transportation demand management efforts which are made by major employers. Each jurisdiction shall ensure that employers shall receive full credit for the results of transportation demand management efforts and commute trip reduction programs which have been implemented by major employers prior to the base year. The goals for miles traveled per employee for all major employers shall not be less than a fifteen percent reduction from the worksite base year value or the base year value for the commute trip reduction zone in which their worksite is located by January 1, 1995, twenty percent reduction from the base year values by January 1, 1997, twenty-five percent reduction from the base year values by January 1, 1999, and a thirty-five percent reduction from the base year values by January 1, 2005.~~

(5) A county, city, or town may, as part of its commute trip reduction plan, require commute trip reduction programs for employers with ten or more full time employees at major worksites in federally designated nonattainment areas for carbon monoxide and ozone. The county, city or town shall develop

2006 REGULAR SESSION

~~the programs in cooperation with affected employers and provide technical assistance to the employers in implementing such programs)). The plan shall be developed in consultation with local transit agencies, the applicable regional transportation planning organization, major employers, and other interested parties.~~

~~((6))~~ (5) The commute trip reduction plans adopted by counties, cities, and towns under this chapter shall be consistent with and may be incorporated in applicable state or regional transportation plans and local comprehensive plans and shall be coordinated, and consistent with, the commute trip reduction plans of counties, cities, or towns with which the county, city, or town has, in part, common borders or related regional issues. Such regional issues shall include assuring consistency in the treatment of employers who have worksites subject to the requirements of this chapter in more than one jurisdiction. Counties, cities, ~~((or))~~ and towns adopting commute trip reduction plans may enter into agreements through the interlocal cooperation act or by resolution or ordinance as appropriate with other jurisdictions, local transit agencies, transportation management associations or other private or nonprofit providers of transportation services, or regional transportation planning organizations to coordinate the development and implementation of such plans. Transit agencies shall work with counties, cities, and towns as a part of their six-year transit development plan established in RCW 35.58.2795 to take into account the location of major employer worksites when planning and prioritizing transit service changes or the expansion of public transportation services, including rideshare services. Counties, cities, or towns adopting a commute trip reduction plan shall review it annually and revise it as necessary to be consistent with applicable plans developed under RCW 36.70A.070. Regional transportation planning organizations shall review the local commute trip reduction plans during the development and update of the regional commute trip reduction plan.

(6) Each affected regional transportation planning organization shall adopt a commute trip reduction plan for its region consistent with the rules and deadline established by the department of transportation under RCW 70.94.537. The plan shall include, but is not limited to: (a) Regional program goals for commute trip reduction in urban growth areas and all designated growth and transportation efficiency centers; (b) a description of strategies for achieving the goals; (c) a sustainable financial plan describing projected revenues and expenditures to meet the goals; (d) a description of the way in which progress toward meeting the goals will be measured; and (e) minimum criteria for growth and transportation efficiency centers. (i) Regional transportation planning organizations shall review proposals from local jurisdictions to designate growth and transportation efficiency centers and shall determine whether the proposed growth and transportation efficiency center is consistent with the criteria defined in the regional commute trip reduction plan. (ii) Growth and transportation efficiency centers certified as consistent with the minimum requirements by the regional transportation planning organization shall be identified in subsequent updates of the regional commute trip reduction plan. These plans shall be developed in collaboration with all affected local jurisdictions, transit agencies, and other interested parties within the region. The plan will be reviewed and approved by commute trip reduction board as established under RCW 70.94.537. Regions without an approved regional commute trip reduction plan shall not be eligible for state commute trip reduction program funds.

The regional commute trip reduction plan shall be consistent with and incorporated into transportation demand management components in the regional transportation plan as required by RCW 47.80.030.

(7) Each (county, city, or town) regional transportation planning organization implementing a regional commute trip reduction program shall, ~~((within thirty days submit a summary~~

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

~~of its plan along with certification of adoption)) consistent with the rules and deadline established by the department of transportation, submit its plan as well as any related local commute trip reduction plans and certified growth and transportation efficiency center programs, to the commute trip reduction ((task force)) board established under RCW 70.94.537. The commute trip reduction board shall review the regional commute trip reduction plan and the local commute trip reduction plans. The regional transportation planning organization shall collaborate with the commute trip reduction board to evaluate the consistency of local commute trip reduction plans with the regional commute trip reduction plan. Local and regional plans must be approved by the commute trip reduction board in order to be eligible for state funding provided for the purposes of this chapter.~~

(8) Each ((county, city, or town)) regional transportation planning organization implementing a regional commute trip reduction program shall submit an annual progress report to the commute trip reduction ((task force)) board established under RCW 70.94.537. The report shall be due ((July 1, 1994, and each July 1st thereafter through July 1, 2006)) at the end of each state fiscal year for which the program has been implemented. The report shall describe progress in attaining the applicable commute trip reduction goals ((for each commute trip reduction zone)) and shall highlight any problems being encountered in achieving the goals. The information shall be reported in a form established by the commute trip reduction ((task force)) board.

(9) Any waivers or modifications of the requirements of a commute trip reduction plan granted by a jurisdiction shall be submitted for review to the commute trip reduction ((task force)) board established under RCW 70.94.537. The commute trip reduction ((task force)) board may not deny the granting of a waiver or modification of the requirements of a commute trip reduction plan by a jurisdiction but they may notify the jurisdiction of any comments or objections.

(10) ((Each county, city, or town implementing a commute trip reduction program shall count commute trips eliminated through work-at-home options or alternate work schedules as one and two-tenths vehicle trips eliminated for the purpose of meeting trip reduction goals:

~~— (11) Each county, city, or town implementing a commute trip reduction program shall ensure that employers that have modified their employees' work schedules so that some or all employees are not scheduled to arrive at work between 6:00 a.m. and 9:00 a.m. are provided credit when calculating single-occupancy vehicle use and vehicle miles traveled at that worksite. This credit shall be awarded if implementation of the schedule change was an identified element in that worksite's approved commute trip reduction program or if the schedule change occurred because of impacts associated with chapter 36.70A RCW, the growth management act.~~

~~— (12)) Plans implemented under this section shall not apply to commute trips for seasonal agricultural employees.~~

~~((13)) (11) Plans implemented under this section shall not apply to construction worksites when the expected duration of the construction project is less than two years.~~

~~(12) If an affected urban growth area has not previously implemented a commute trip reduction program, and the state has funded solutions to state highway deficiencies to address the area's exceeding the person hours of delay threshold, the affected urban growth area shall be exempt from the duties of this section for a period not exceeding two years.~~

NEW SECTION. Sec. 3. A new section is added to chapter 70.94 RCW to read as follows:

Nothing in this act preempts the ability of state employees to collectively bargain over commute trip reduction issues, including parking fees under chapter 41.80 RCW, or the ability of private sector employees to collectively bargain over commute trip reduction issues if previously such issues were mandatory subjects of collective bargaining.

NEW SECTION. Sec. 4. A new section is added to chapter 70.94 RCW to read as follows:

(1) A county, city, or town may, as part of its commute trip reduction plan, designate existing activity centers listed in its comprehensive plan or new activity centers as growth and transportation efficiency centers and establish a transportation demand management program in the designated area.

(a) The transportation demand management program for the growth and transportation efficiency center shall be developed in consultation with local transit agencies, the applicable regional transportation planning organization, major employers, and other interested parties.

(b) In order to be eligible for state funding provided for the purposes of this section, designated growth and transportation efficiency centers shall be certified by the applicable regional transportation organization to: (i) Meet the minimum land use and transportation criteria established in collaboration among local jurisdictions, transit agencies, the regional transportation planning organization, and other interested parties as part of the regional commute trip reduction plan; and (ii) have established a transportation demand management program that includes the elements identified in (c) of this subsection and is consistent with the rules established by the department of transportation in RCW 70.94.537(2). If a designated growth and transportation efficiency center is denied certification, the local jurisdiction may appeal the decision to the commute trip reduction board.

(c) Transportation demand management programs for growth and transportation efficiency centers shall include, but are not limited to: (i) Goals for reductions in the proportion of single-occupant vehicle trips that are more aggressive than the state program goal established by the commute trip reduction board; (ii) a sustainable financial plan demonstrating how the program can be implemented to meet state and regional trip reduction goals, indicating resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommending any innovative financing techniques consistent with chapter 47.29 RCW, including public/private partnerships, to finance needed facilities, services, and programs; (iii) a proposed organizational structure for implementing the program; (iv) a proposal to measure performance toward the goal and implementation progress; and (v) an evaluation to which local land use and transportation policies apply, including parking policies and ordinances, to determine the extent that they complement and support the trip reduction investments of major employers. Each of these program elements shall be consistent with the rules established under RCW 70.94.537.

(d) A designated growth and transportation efficiency center shall be consistent with the land use and transportation elements of the local comprehensive plan.

(e) Transit agencies, local governments, and regional transportation planning organizations shall identify certified growth and transportation efficiency centers as priority areas for new service and facility investments in their respective investment plans.

(2) A county, city, or town that has established a growth and transportation efficiency center program shall support vehicle trip reduction activities in the designated area. The implementing jurisdiction shall adopt policies, ordinances, and funding strategies that will lead to attainment of program goals in those areas.

Sec. 5. RCW 70.94.531 and 1997 c 250 s 3 are each amended to read as follows:

(1) State agency worksites are subject to the same requirements under this section and RCW 70.94.534 as private employers.

~~(2) Not more than ((six months)) ninety days~~ after the adoption of ~~((the)) a jurisdiction's~~ commute trip reduction plan ~~((by a jurisdiction)),~~ each major employer in that jurisdiction shall perform a baseline measurement consistent with the rules established by the department of transportation under RCW

FIFTY-EIGHTH DAY, MARCH 7, 2006

70.94.537. Not more than ninety days after receiving the results of the baseline measurement, each major employer shall develop a commute trip reduction program and shall submit a description of that program to the jurisdiction for review. The program shall be implemented not more than ~~(six months)~~ ninety days after ~~(submission to)~~ approval by the jurisdiction.

~~((2))~~ (3) A commute trip reduction program of a major employer shall consist of, at a minimum (a) designation of a transportation coordinator and the display of the name, location, and telephone number of the coordinator in a prominent manner at each affected worksite; (b) regular distribution of information to employees regarding alternatives to single-occupant vehicle commuting; (c) ~~(an annual)~~ a regular review of employee commuting and reporting of progress toward meeting the single-occupant vehicle reduction goals to the county, city, or town consistent with the method established in the commute trip reduction plan and the rules established by the department of transportation under RCW 70.94.537; and (d) implementation of a set of measures designed to achieve the applicable commute trip reduction goals adopted by the jurisdiction. Such measures may include but are not limited to:

- (i) Provision of preferential parking or reduced parking charges, or both, for high occupancy vehicles;
- (ii) Instituting or increasing parking charges for single-occupant vehicles;
- (iii) Provision of commuter ride matching services to facilitate employee ridesharing for commute trips;
- (iv) Provision of subsidies for transit fares;
- (v) Provision of vans for van pools;
- (vi) Provision of subsidies for car pooling or van pooling;
- (vii) Permitting the use of the employer's vehicles for car pooling or van pooling;
- (viii) Permitting flexible work schedules to facilitate employees' use of transit, car pools, or van pools;
- (ix) Cooperation with transportation providers to provide additional regular or express service to the worksite;
- (x) Construction of special loading and unloading facilities for transit, car pool, and van pool users;
- (xi) Provision of bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;
- (xii) Provision of a program of parking incentives such as a rebate for employees who do not use the parking facility;
- (xiii) Establishment of a program to permit employees to work part or full time at home or at an alternative worksite closer to their homes;
- (xiv) Establishment of a program of alternative work schedules such as compressed work week schedules which reduce commuting; and
- (xv) Implementation of other measures designed to facilitate the use of high-occupancy vehicles such as on-site day care facilities and emergency taxi services.

~~((3))~~ (4) Employers or owners of worksites may form or utilize existing transportation management associations or other transportation-related associations authorized by RCW 35.87A.010 to assist members in developing and implementing commute trip reduction programs.

~~((4))~~ (5) Employers shall make a good faith effort towards achievement of the goals identified in RCW 70.94.527(4)~~((5))~~ (d).

Sec. 6. RCW 70.94.534 and 1997 c 250 s 4 are each amended to read as follows:

(1) Each jurisdiction implementing a commute trip reduction plan under this chapter or as part of a plan or ordinance developed under RCW 36.70A.070 shall review each employer's initial commute trip reduction program to determine if the program is likely to meet the applicable commute trip reduction goals. The employer shall be notified by the jurisdiction of its findings. If the jurisdiction finds that the program is not likely to meet the applicable commute trip reduction goals, the jurisdiction will work with the employer to modify the program as necessary. The jurisdiction shall

2006 REGULAR SESSION

complete review of each employer's initial commute trip reduction program within ~~(three months)~~ ninety days of receipt.

(2) Employers implementing commute trip reduction programs are expected to undertake good faith efforts to achieve the goals outlined in RCW 70.94.527(4). Employers are considered to be making a good faith effort if the following conditions have been met:

(a) The employer has met the minimum requirements identified in RCW 70.94.531; ~~((and))~~

(b) The employer has notified the jurisdiction of its intent to substantially change or modify its program and has either received the approval of the jurisdiction to do so or has acknowledged that its program may not be approved without additional modifications;

(c) The employer has provided adequate information and documentation of implementation when requested by the jurisdiction; and

(d) The employer is working collaboratively with its jurisdiction to continue its existing program or is developing and implementing program modifications likely to result in improvements to the program over an agreed upon length of time.

(3) Each jurisdiction shall ~~(annually)~~ review at least once every two years each employer's progress and good faith efforts toward meeting the applicable commute trip reduction goals. If an employer makes a good faith effort, as defined in this section, but is not likely to meet the applicable commute trip reduction goals, the jurisdiction shall work collaboratively with the employer to make modifications to the commute trip reduction program. Failure of an employer to reach the applicable commute trip reduction goals is not a violation of this chapter.

(4) If an employer fails to make a good faith effort and fails to meet the applicable commute trip reduction goals, the jurisdiction shall work collaboratively with the employer to propose modifications to the program and shall direct the employer to revise its program within thirty days to incorporate those modifications or modifications which the jurisdiction determines to be equivalent.

(5) Each jurisdiction implementing a commute trip reduction plan pursuant to this chapter may impose civil penalties, in the manner provided in chapter 7.80 RCW, for failure by an employer to implement a commute trip reduction program or to modify its commute trip reduction program as required in subsection (4) of this section. No major employer may be held liable for civil penalties for failure to reach the applicable commute trip reduction goals. No major employer shall be liable for civil penalties under this chapter if failure to achieve a commute trip reduction program goal was the result of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was raised by the employer and pursued in good faith.

(6) Jurisdictions shall notify major employers of the procedures for applying for goal modification or exemption from the commute trip reduction requirements based on the guidelines established by the commute trip reduction ~~((task force))~~ board authorized under RCW 70.94.537.

Sec. 7. RCW 70.94.537 and 1997 c 250 s 5 are each amended to read as follows:

(1) A ~~((twenty-eight))~~ sixteen member state commute trip reduction ~~((task force))~~ board is established as follows:

(a) The secretary of the department of transportation or the secretary's designee who shall serve as chair;

~~((The director of the department of ecology or the director's designee;~~

~~(c) The director of the department of community, trade, and economic development or the director's designee;~~

~~(d) The director of the department of general administration or the director's designee;~~

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

~~(c) Three representatives from)) One representative from the office of the governor or the governor's designee;~~

~~(c) The director or the director's designee of one of the following agencies, to be determined by the governor:~~

- ~~(i) Department of general administration;~~
- ~~(ii) Department of ecology;~~
- ~~(iii) Department of community, trade, and economic development;~~

~~(d) Three representatives from cities and towns or counties appointed by the governor for staggered four-year terms from a list ((of at least six)) recommended by the association of Washington cities or the Washington state association of counties;~~

~~((f) Three representatives from cities and towns appointed by the governor from a list of at least six recommended by the association of Washington cities;~~

~~(g) Three)) (e) Two representatives from transit agencies appointed by the governor for staggered four-year terms from a list ((of at least six)) recommended by the Washington state transit association;~~

~~((h) Twelve)) (f) Two representatives from participating regional transportation planning organizations appointed by the governor for staggered four-year terms;~~

~~(g) Four representatives of employers at or owners of major worksites in Washington, or transportation management associations, business improvement areas, or other transportation organizations representing employers, appointed by the governor ((from a list recommended by the association of Washington business or other statewide business associations representing major employers, provided that every affected county shall have at least one representative; and~~

~~(i) Three)) for staggered four-year terms; and~~

~~(h) Two citizens appointed by the governor for staggered four-year terms.~~

Members of the commute trip reduction ((task force)) board shall serve without compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Members appointed by the governor shall be compensated in accordance with RCW 43.03.220. The ((task force)) board has all powers necessary to carry out its duties as prescribed by this chapter. ~~((The task force shall be dissolved on July 1, 2006.))~~

(2) By March 1, ~~((1992))~~ 2007, the ~~((commute trip reduction task force))~~ department of transportation shall establish ~~((guidelines))~~ rules for commute trip reduction plans and implementation procedures. The commute trip reduction board shall advise the department on the content of the rules. The ~~((guidelines))~~ rules are intended to ensure consistency in commute trip reduction plans and goals among jurisdictions while fairly taking into account differences in employment and housing density, employer size, existing and anticipated levels of transit service, special employer circumstances, and other factors the ~~((task force))~~ board determines to be relevant. The ~~((guidelines))~~ rules shall include:

(a) ~~Guidance criteria for ((establishing commute trip reduction zones))~~ growth and transportation efficiency centers;

(b) ~~((Methods and information requirements for determining base year values of the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per employee))~~ Data measurement methods and procedures for determining the efficacy of commute trip reduction activities and progress toward meeting commute trip reduction plan goals;

(c) Model commute trip reduction ordinances;

(d) Methods for assuring consistency in the treatment of employers who have worksites subject to the requirements of this chapter in more than one jurisdiction;

(e) An appeals process by which major employers, who as a result of special characteristics of their business or its locations would be unable to meet the requirements of a commute trip reduction plan, may obtain a waiver or modification of those requirements and criteria for determining eligibility for waiver or modification;

~~(f) ((Methods to ensure that employers shall receive full credit for the results of transportation demand management efforts and commute trip reduction programs which have been implemented by major employers prior to the base year;~~

~~(g) Alternative commute trip reduction goals for major employers which cannot meet the goals of this chapter because of the unique nature of their business;~~

~~(h) Alternative commute trip reduction goals for major employers whose worksites change and who contribute substantially to traffic congestion in a trip reduction zone; and~~

~~(i) Methods to insure that employers receive credit for scheduling changes enacted pursuant to the criteria identified in RCW 70.94.527(11).~~

~~(3)) Establishment of a process for determining the state's affected areas, including criteria and procedures for regional transportation planning organizations in consultation with local jurisdictions to propose to add or exempt urban growth areas;~~

~~(g) Listing of the affected areas of the program to be done every four years as identified in subsection (5) of this section;~~

~~(h) Establishment of a criteria and application process to determine whether jurisdictions that voluntarily implement commute trip reduction are eligible for state funding;~~

~~(i) Guidelines and deadlines for creating and updating local commute trip reduction plans, including guidance to ensure consistency between the local commute trip reduction plan and the transportation demand management strategies identified in the transportation element in the local comprehensive plan, as required by RCW 36.70A.070.~~

~~(i) Guidelines for creating and updating regional commute trip reduction plans, including guidance to ensure the regional commute trip reduction plan is consistent with and incorporated into transportation demand management components in the regional transportation plan;~~

~~(k) Methods for regional transportation planning organizations to evaluate and certify that designated growth and transportation efficiency center programs meet the minimum requirements and are eligible for funding;~~

~~(l) Guidelines for creating and updating growth and transportation efficiency center programs; and~~

~~(m) Establishment of statewide program goals. The goals shall be designed to achieve substantial reductions in the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per employee, at a level that is projected to improve the mobility of people and goods by increasing the efficiency of the state highway system.~~

(3) The board shall create a state commute trip reduction plan that shall be updated every four years as discussed in subsection (5) of this section. The state commute trip reduction plan shall include, but is not limited to: (a) Statewide commute trip reduction program goals that are designed to substantially improve the mobility of people and goods; (b) identification of strategies at the state and regional levels to achieve the goals and recommendations for how transportation demand management strategies can be targeted most effectively to support commute trip reduction program goals; (c) performance measures for assessing the cost-effectiveness of commute trip reduction strategies and the benefits for the state transportation system; and (d) a sustainable financial plan. The board shall review and approve regional commute trip reduction plans, and work collaboratively with regional transportation planning organizations in the establishment of the state commute trip reduction plan.

(4) The ~~((task force))~~ board shall work with affected jurisdictions, major employers, and other parties to develop and implement a public awareness campaign designed to increase the effectiveness of local commute trip reduction programs and support achievement of the objectives identified in this chapter.

~~((4) The task force shall assess the commute trip reduction options available to employers other than major employers and make recommendations to the legislature by October 1, 1992. The recommendations shall include the minimum size of~~

FIFTY-EIGHTH DAY, MARCH 7, 2006

~~employer who shall be required to implement trip reduction programs and the appropriate methods those employers can use to accomplish trip reduction goals.)~~

(5) ~~The board shall evaluate and update the commute trip reduction program plan and recommend changes to the rules every four years, with the first assessment report due July 1, 2011, to ensure that the latest data methodology used by the department of transportation is incorporated into the program and to determine which areas of the state should be affected by the program. The board shall review the definition of a major employer no later than December 1, 2009. The board shall regularly identify urban growth areas that are projected to be affected by this act in the next four-year period and may provide advance planning support to the potentially affected jurisdictions.~~

~~(6) The ((task force)) board shall review progress toward implementing commute trip reduction plans and programs and the costs and benefits of commute trip reduction plans and programs and shall make recommendations to the legislature and the governor by December 1, ((1995, December 1, 1999, December 1, 2001, December 1, 2003, and December 1, 2005)) 2009, and every two years thereafter. In assessing the costs and benefits, the ((task force)) board shall consider the costs of not having implemented commute trip reduction plans and programs with the assistance of the transportation performance audit board authorized under chapter 44.75 RCW. The ((task force)) board shall examine other transportation demand management programs nationally and incorporate its findings into its recommendations to the legislature. The recommendations shall address the need for continuation, modification, or termination or any or all requirements of this chapter. ((The recommendations made December 1, 1995, shall include recommendations regarding extension of the requirements of this chapter to employers with fifty or more full-time employees at a single worksite who begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays for more than twelve continuous months.))~~

~~(7) The board shall invite personnel with appropriate expertise from state, regional, and local government, private, public, and nonprofit providers of transportation services, and employers or owners of major worksites in Washington to act as a technical advisory group. The technical advisory group shall advise the board on the implementation of local and regional commute trip reduction plans and programs, program evaluation, program funding allocations, and state rules and guidelines.~~

~~Sec. 8. RCW 70.94.541 and 1996 c 186 s 515 are each amended to read as follows:~~

~~(1) ((A technical assistance team shall be established under the direction of the department of transportation and include representatives of the department of ecology.)) The ((team)) department of transportation shall provide staff support to the commute trip reduction ((task force)) board in carrying out the requirements of RCW 70.94.537 ((and to the department of general administration in carrying out the requirements of RCW 70.94.551)).~~

~~(2) The ((team)) department of transportation shall provide technical assistance to regional transportation planning organizations, counties, cities, and towns, the department of general administration, other state agencies, and other employers in developing and implementing commute trip reduction plans and programs. The technical assistance shall include: (a) Guidance in ((determining base and subsequent year values of single-occupant vehicle commuting proportion and commute trip reduction vehicle miles traveled to be used in determining progress in attaining plan goals)) single measurement methodology and practice to be used in determining progress in attaining plan goals; (b) developing model plans and programs appropriate to different situations; and (c) providing consistent training and informational materials for the implementation of commute trip reduction programs. Model plans and programs, training, and informational materials~~

2006 REGULAR SESSION

shall be developed in cooperation with representatives of regional transportation planning organizations, local governments, transit agencies, and employers.

(3) In carrying out this section the department of transportation may contract with statewide associations representing cities, towns, and counties to assist cities, towns, and counties in implementing commute trip reduction plans and programs.

~~Sec. 9. RCW 70.94.544 and 2001 c 74 s 1 are each amended to read as follows:~~

~~A portion of the funds made available for the purposes of this chapter shall be used to fund the commute trip reduction ((task force)) board in carrying out the responsibilities of RCW ((70.94.541)) 70.94.537, and the ((interagency technical assistance team)) department of transportation, including the activities authorized under RCW 70.94.541(2), and to assist regional transportation planning organizations, counties, cities, and towns implementing commute trip reduction plans. The commute trip reduction board shall determine the allocation of program funds made available for the purposes of this chapter to regional transportation planning organizations, counties, cities, and towns implementing commute trip reduction plans. If state funds for the purposes of this chapter are provided to those jurisdictions implementing voluntary commute trip reduction plans, the funds shall be disbursed based on criteria established by the commute trip reduction board under RCW 70.94.537.~~

~~Sec. 10. RCW 70.94.547 and 1991 c 202 s 18 are each amended to read as follows:~~

~~The legislature hereby recognizes the state's crucial leadership role in establishing and implementing effective commute trip reduction programs. Therefore, it is the policy of the state that the department of general administration and other state agencies, including institutions of higher education, shall aggressively develop substantive programs to reduce commute trips by state employees. Implementation of these programs will reduce energy consumption, congestion in urban areas, and air and water pollution associated with automobile travel.~~

~~Sec. 11. RCW 70.94.551 and 1997 c 250 s 6 are each amended to read as follows:~~

~~(1) The director of ((general administration, with the concurrence of an interagency task force established for the purposes of this section, shall coordinate a commute trip reduction plan for state agencies which are phase 1 major employers by January 1, 1993)) the department of general administration may coordinate an interagency board for the purpose of developing policies or guidelines that promote consistency among state agency commute trip reduction programs required by RCW 70.94.527 and 70.94.531. The ((task force)) board shall include representatives of the departments of transportation ((and)), ecology, and community, trade, and economic development and such other departments and interested groups as the director of the department of general administration determines to be necessary ((to be generally representative of state agencies. The state agency plan shall be consistent with the requirements of RCW 70.94.527 and 70.94.531 and shall be developed in consultation with state employees, local and regional governments, local transit agencies, the business community, and other interested groups. The plan shall consider and recommend)). Policies and guidelines shall be applicable to all state agencies including but not limited to policies and guidelines regarding parking and parking charges, employee incentives for commuting by other than single-occupant automobiles, flexible and alternative work schedules, alternative worksites, and the use of state-owned vehicles for car and van pools and guaranteed rides home. The ((plan)) policies and guidelines shall also consider the costs and benefits to state agencies of achieving commute trip reductions and consider mechanisms for funding state agency commute trip reduction programs. ((The department shall, within thirty days, submit a summary of its plan along with certification of~~

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

~~adoption to the commute trip reduction task force established under RCW 70.94.537.)~~

results, progress toward state goals established under RCW 70.94.537, and recommendations for improving the performance of state agency commute trip reduction programs. The information shall be reported in a form established by the commute trip reduction ~~((task force))~~ board."

~~(2) (Not more than three months after the adoption of the commute trip reduction plan, each state agency shall, for each facility which is a major employer, develop a commute trip reduction program. The program shall be designed to meet the goals of the commute trip reduction plan of the county, city, or town or, if there is no local commute trip reduction plan, the state. The program shall be consistent with the policies of the state commute trip reduction plan and RCW 70.94.531. The agency shall submit a description of that program to the local jurisdiction implementing a commute trip reduction plan or, if there is no local commute trip reduction plan, to the department of general administration. The program shall be implemented not more than three months after submission to the department. Annual reports required in RCW 70.94.531(2)(c) shall be submitted to the local jurisdiction implementing a commute trip reduction plan and to the department of general administration. An agency which is not meeting the applicable commute trip reduction goals shall, to the extent possible, modify its program to comply with the recommendations of the local jurisdiction or the department of general administration.~~

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Eide moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6566 and ask the House to recede therefrom.

Senators Eide spoke in favor of the motion.

MOTION

On motion of Senator Schoesler, Senators Mulliken, Finkbeiner, Pflug, Brandland, Benton, McCaslin, Deccio and Delvin were excused.

MOTION

On motion of Senator Regala, Senators Haugen and Poulsen were excused.

~~—(3)) State agencies sharing a common location ((may)) in affected urban growth areas where the total number of state employees is one hundred or more shall, with assistance from the department of general administration, develop and implement a joint commute trip reduction program ((or may delegate the development and implementation of the commute trip reduction program to the department of general administration)). The worksite shall be treated as specified in RCW 70.94.531 and 70.94.534.~~

The President declared the question before the Senate to be motion by Senator Eide that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6566 and ask the House to recede therefrom.

The motion by Senator Eide carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6566 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 3, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6325, with the following amendments{s} 6325-S AMH CLEM MORI 060.

On page 1, line 5, after "Sec. 1." insert "(1)"

On page 1, line 8, after "subject matter." insert "The state preemption created in this section applies to all rules, regulations, codes, statutes, and ordinances pertaining to residency restrictions for persons convicted of any sex offense at any time."

On page 1, after line 8, insert:

"(2) This section does not apply to rules, regulations, codes, statutes, or ordinances adopted by cities, counties, municipalities, or local agencies prior to March 1, 2006, except as required by an order issued by a court of competent jurisdiction pursuant to litigation regarding the rules, regulations, codes, statutes, or ordinances.

(3) This section expires one year after the effective date of this act."

On page 1, after line 12, insert:

"NEW SECTION. Sec. 3. (1) The association of Washington cities, working with the cities and towns of Washington state, shall develop statewide standards for cities and towns to consider when determining whether to impose residency restrictions on sex offenders within their jurisdiction.

(2) The association of Washington cities shall be encouraged to work in consultation with a representative from each of the following agencies and organizations:

- (a) The attorney general of Washington;
- (b) The Washington state association of counties;

~~((4)) (3) The department of general administration ((in consultation with the state technical assistance team)) shall review the initial commute trip reduction program of each state agency subject to the commute trip reduction plan for state agencies to determine if the program is likely to meet the applicable commute trip reduction goals and notify the agency of any deficiencies. If it is found that the program is not likely to meet the applicable commute trip reduction goals, the ((team)) department of general administration will work with the agency to modify the program as necessary.~~

~~((5) For each agency subject to the state agency commute trip reduction plan, the department of general administration in consultation with the technical assistance team shall annually review progress toward meeting the applicable commute trip reduction goals. If it appears an agency is not meeting or is not likely to meet the applicable commute trip reduction goals, the team shall work with the agency to make modifications to the commute trip reduction program.~~

~~—(6)) (4) Each state agency implementing a commute trip reduction plan shall report at least once per year to its agency director on the performance of the agency's commute trip reduction program as part of the agency's quality management, accountability, and performance system as defined by RCW 43.17.385. The reports shall assess the performance of the program, progress toward state goals established under RCW 70.94.537, and recommendations for improving the program.~~

~~(5) The department of general administration shall review the agency performance reports defined in subsection (4) of this section and submit ((an annual progress)) a biennial report for state agencies subject to ((the state agency commute trip reduction plan to the commute trip reduction task force established under RCW 70.94.537. The report shall be due April 1, 1993, and each April 1st through 2006. The report shall report progress in attaining the applicable commute trip reduction goals for each commute trip reduction zone and shall highlight any problems being encountered in achieving the goals)) this chapter to the governor and incorporate the report in the commute trip reduction board report to the legislature as directed in RCW 70.94.537(6). The report shall include, but is not limited to, an evaluation of the most recent measurement~~

FIFTY-EIGHTH DAY, MARCH 7, 2006

(c) The department of community, trade, and economic development;

(d) The department of corrections;

(e) The Washington association of sheriffs and police chiefs; and

(f) Any other agencies and organizations as deemed appropriate by the association of Washington cities, such as the Washington association of prosecuting attorneys, the juvenile rehabilitation administration of the department of social and health services, the indeterminate sentence review board, the Washington association for the treatment of sexual abusers, and the Washington coalition of sexual assault programs.

(3) The statewide standards for whether to impose residency restrictions on sex offenders should consider the following elements:

(a) An identification of areas in which sex offenders should not reside due to concerns regarding public safety and welfare;

(b) An identification of areas in which sex offenders may reside, taking into consideration factors such as:

(i) How many housing units must reasonably be available in order to accommodate registered sex offenders in a city or town;

(ii) The average response time of emergency services to the areas;

(iii) The proximity of risk potential activities to the areas; and

(iv) The proximity of medical care, mental health care providers, and sex offender treatment providers to the areas;

(c) A prohibition against completely precluding sex offender residences within a city or town, implicating a sex offender's right to travel, or enacting a criminal regulatory measure;

(d) Appropriate civil remedies for violations of a local ordinance; and

(e) Unique local conditions that should be given due deference, such as proximity to state facilities that house or treat sex offenders.

(4) The association of Washington cities, on behalf of the cities and towns in Washington, shall present the statewide standards, along with any recommendations and proposed legislation, to the governor and the legislature no later than December 31, 2006."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Regala moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6325 and ask the House to recede therefrom.

The President declared the question before the Senate to be motion by Senator Regala that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6325 and ask the House to recede therefrom.

The motion by Senator Regala carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 6325 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6362, with the following amendments{s} 6362-S AMH SGOA LEAT 054, 6362-S AMH NIXO LEAT 086, 6362-S AMH NIXO LEAT 072, 6362-S AMH NIXO LEAT 073, 6362-S AMH NIXO LEAT 075, 6362-S AMH NIXO LEAT 076, 6362-S AMH NIXO LEAT 077.

On page 4, line 27, after "attorney" strike all material through "day" on line 28 and insert "at any time"

2006 REGULAR SESSION

On page 4, line 29, after "day" insert "regarding a voter who presents himself or herself to vote at the poll site"

On page 2, line 10, after "(3)" strike "Mailing address, if different from the residential address;"

Reumber the remaining subsections consecutively and correct any internal references accordingly.

On page 2, after line 20 insert:

"The residential address provided must identify the actual physical residence of the voter in Washington, as defined in RCW 29A.04.151, with detail sufficient to allow the voter to be assigned to the proper precinct and to locate the voter to confirm his or her residence for purposes of verifying qualification to vote under Article VI, section 1 of the state Constitution. A residential address may be either a "traditional address" or a "non-traditional address." A traditional address consists of a street number and name, optional apartment number or unit number, and city or town, as assigned by a local government, which serves to identify the parcel or building of residence and the unit if a multi-unit residence. A non-traditional address consists of a narrative description of the location of the voter's residence, and may be used when a traditional address has not been assigned to the voter's residence. If the postal service does not deliver mail to the voter's residential address, or the voter prefers to receive mail at a different address, the voter may separately provide the mailing address at which they receive mail. Any mailing address provided shall be used only for mail delivery purposes and not for precinct assignment or confirmation of residence for voter qualification purposes."

On page 3, line 1, after "the" strike all material through "residence. (" on line 3 and insert "county courthouse, city hall, or other public building near the area that the voter considers his or her residence."

On page 4, beginning on line 8, strike all of subsection (c) through "located" on line 22 and insert the following:

"(c) The challenged voter does not live at the residential address provided, in which case the challenger must either:

(i) Provide the challenged voter's actual residence; or

(ii) Submit evidence that he or she exercised due diligence to verify that the challenged voter does not reside at the address provided and to attempt to contact the challenged voter to learn the challenged voter's actual residence, including that the challenger personally:

(A) Sent a letter with return receipt requested to the challenged voter's residential address provided, and to the challenged voter's mailing address, if provided;

(B) Visited the residential address provided to contact persons at the address to determine whether the voter resides at the address and, if not, to attempt to obtain the voter's current address;

(C) Searched local telephone directories, including online directories, to determine whether the voter maintains a telephone listing at any address in the county;

(D) Searched county auditor property records to determine whether the challenged voter owns any property in the county; and

(E) Searched the statewide voter registration database to determine if the voter is registered at any other address in the state"

On page 4, line 32, after "belief," insert "having exercised due diligence to personally verify the evidence presented."

On page 6, line 12, after "special," insert "or within ten days of the voter being added to the voter registration database, whichever is later."

On page 6, line 20, after "made" insert "immediately"

On page 9, line 10, after "available" insert ". A challenge is not required to be submitted on the provided voter challenge form, but may be prepared using an official electronic voter challenge form template provided by the auditor or secretary of state that has been printed and signed by the challenger for submission"

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

On page 1, beginning on line 6, strike all of section 1 and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 29A.08 RCW to read as follows:

The county auditor shall, within seventy-two hours of receipt, publish on the auditor's internet web site the entire content of any voter challenge filed under chapter 29A.08 RCW. Immediately after publishing any voter challenge, the county auditor shall notify any person who requests to receive such notifications on an ongoing basis."

On page 7, line 36, after "provide to" strike "each party representative" and insert "any person, upon request," and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s), but do not concur in the House amendment(s) on page 4, line 8 to Substitute Senate Bill No. 6362.

Senator Kohl-Welles spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) on page 4, line 27; page 2, line 10; page 6, line 12; and page 9, line 10 but do not concur in the House amendment(s) to page 4, line 8 to Substitute Senate Bill No. 6362.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6362 but do not concur in the House amendment to page 4, line 8 and ask the House to receded therefrom by voice vote.

MOTION

On motion of Senator Honeyford, Senator Parlette was excused.

MESSAGE FROM THE HOUSE

March 6, 2006

MR. PRESIDENT:

The House suspended the rules and returned SENATE BILL NO. 6415 to second reading for purpose of amendment. The House passed the bill with the following amendments{s} 6415 AMH HUDG H5532.1.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.20.130 and 1999 c 6 s 20 are each amended to read as follows:

(1) The director shall prescribe the content of the driver licensing examination and the manner of conducting the examination, which shall include but is not limited to:

(a) A test of the applicant's eyesight and ability to see, understand, and follow highway signs regulating, warning, and directing traffic;

(b) A test of the applicant's knowledge of traffic laws and ability to understand and follow the directives of lawful authority, orally or graphically, that regulate, warn, and direct traffic in accordance with the traffic laws of this state;

(c) An actual demonstration of the applicant's ability to operate a motor vehicle without jeopardizing the safety of persons or property. If the applicant is deaf or hearing impaired, the applicant may be accompanied by an interpreter to assist the applicant during the demonstration. The interpreter will be of

the applicant's choosing from a list provided by the department of licensing; and

(d) Such further examination as the director deems necessary:

(i) To determine whether any facts exist that would bar the issuance of a vehicle operator's license under chapters 46.20, 46.21, and 46.29 RCW; and

(ii) To determine the applicant's fitness to operate a motor vehicle safely on the highways.

(2) If the applicant desires to drive a motorcycle or a motor-driven cycle he or she must qualify for a motorcycle endorsement under RCW 46.20.500 through 46.20.515.

NEW SECTION. Sec. 2. This act does not affect the right of state employees to collectively bargain wages, hours, and other terms and conditions of employment under chapter 41.80 RCW."

Correct the title. and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Pridemore moved that the Senate concur in the House amendment(s) to Senate Bill No. 6415.

Senator Pridemore spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Pridemore that the Senate concur in the House amendment(s) to Senate Bill No. 6415.

The motion by Senator Pridemore carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6415 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6415, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6415, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senator Jacobsen - 1

Excused: Senators Finkbeiner, Haugen, Mulliken and Parlette - 4

SENATE BILL NO. 6415, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6519, with the following amendments{s} 6519-S AMH STRO MORI 059.

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

sponsored by Representatives Kessler, Hasegawa, Hunt, Haigh, McIntire, Dunshee, B. Sullivan and Takko)

On page 9, line 9, after "level" insert "II or"
On page 9, line 10, after "registered" strike ", for a period of five years"

On page 9, beginning on line 12, after "hours." strike all material through "days." on line 15

On page 20, line 3, after "level" insert "II or"

On page 20, line 4, after "registered" strike ", for a period of five years"

On page 20, beginning on line 6, after "hours." strike all material through "days." on line 9 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6519 and ask the House to recede therefrom.

Senators Hargrove spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Hargrove that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6519 and ask the House to recede therefrom.

The motion by Senator Hargrove carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 6519 and asked the House to recede therefrom.

MOTION

On motion of Senator Regala, Senator Jacobsen was excused.

MESSAGE FROM THE HOUSE

March 4, 2006

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2416 and asks Senate to recede therefrom.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate recede from its position on the Senate amendment(s) to Substitute House Bill No. 2416.

Senator Jacobsen spoke in favor of the motion.

Senator Zarelli spoke against the motion.

The President declared the question before the Senate to be motion by Senator Jacobsen that the Senate recede from its position on the Senate amendment(s) to Substitute House Bill No. 2416.

The motion by Senator Jacobsen carried and the Senate receded from its position on the Senate amendment(s) to Substitute House Bill No. 2416.

MOTION

On motion of Senator Jacobsen, the rules were suspended and Substitute House Bill No. 2416 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2416, by House Committee on Natural Resources, Ecology & Parks (originally

Establishing an optional state parks vehicle registration fee. Revised for 1st Substitute: Concerning state park fees.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following striking amendment by Senator Jacobsen be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 79A.05.070 and 2003 c 186 s 1 are each amended to read as follows:

The commission may:

(1) Make rules and regulations for the proper administration of its duties;

(2) Accept any grants of funds made with or without a matching requirement by the United States, or any agency thereof, for purposes in keeping with the purposes of this chapter; accept gifts, bequests, devises and endowments for purposes in keeping with such purposes; enter into cooperative agreements with and provide for private nonprofit groups to use state park property and facilities to raise money to contribute gifts, grants, and support to the commission for the purposes of this chapter. The commission may assist the nonprofit group in a cooperative effort by providing necessary agency personnel and services, if available. However, none of the moneys raised may inure to the benefit of the nonprofit group, except in furtherance of its purposes to benefit the commission as provided in this chapter. The agency and the private nonprofit group shall agree on the nature of any project to be supported by such gift or grant prior to the use of any agency property or facilities for raising money. Any such gifts may be in the form of recreational facilities developed or built in part or in whole for public use on agency property, provided that the facility is consistent with the purposes of the agency;

(3) Require certification by the commission of all parks and recreation workers employed in state aided or state controlled programs;

(4) Act jointly, when advisable, with the United States, any other state agencies, institutions, departments, boards, or commissions in order to carry out the objectives and responsibilities of this chapter;

(5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and considerations as the commission shall specify;

(6) Charge such fees for services, utilities, and use of facilities as the commission shall deem proper. The commission may not charge fees for general park access or parking;

(7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed forty years;

(8) Determine the qualifications of and employ a director of parks and recreation who shall receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040 and determine the qualifications and salary of and employ such other persons as may be needed to carry out the provisions hereof; and

(9) Without being limited to the powers hereinbefore enumerated, the commission shall have such other powers as in the judgment of a majority of its members are deemed necessary to effectuate the purposes of this chapter: PROVIDED, That the commission shall not have power to supervise directly any local park or recreation district, and no funds shall be made available for such purpose.

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect April 9, 2006."

Senators Jacobsen, Oke and Roach spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Jacobsen and Oke to Substitute House Bill No. 2416.

The motion by Senator Jacobsen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 79A.05.070; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 2416 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oke spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senator Benson was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2416 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2416 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker and Zarelli - 43

Voting nay: Senators Jacobsen, Regala, Thibaudeau and Weinstein - 4

Excused: Senators Haugen and Mulliken - 2

SUBSTITUTE HOUSE BILL NO. 2416 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Boys & Girls Club of America who were seated in the gallery.

SIGNED BY THE PRESIDENT

The President signed:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1020,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1080,

SUBSTITUTE HOUSE BILL NO. 1107,
 THIRD SUBSTITUTE HOUSE BILL NO. 1226,
 SUBSTITUTE HOUSE BILL NO. 1257,
 SUBSTITUTE HOUSE BILL NO. 1510,
 SUBSTITUTE HOUSE BILL NO. 1650,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1850,
 SECOND SUBSTITUTE HOUSE BILL NO. 2002,
 ENGROSSED HOUSE BILL NO. 2322,
 HOUSE BILL NO. 2348,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2353,
 HOUSE BILL NO. 2381,
 SUBSTITUTE HOUSE BILL NO. 2382,
 SUBSTITUTE HOUSE BILL NO. 2384,
 SUBSTITUTE HOUSE BILL NO. 2415,
 SUBSTITUTE HOUSE BILL NO. 2457,
 SUBSTITUTE HOUSE BILL NO. 2471,
 SUBSTITUTE HOUSE BILL NO. 2543,
 SUBSTITUTE HOUSE BILL NO. 2573,
 SUBSTITUTE HOUSE BILL NO. 2596,
 HOUSE BILL NO. 2617,
 ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 2939,
 HOUSE BILL NO. 2972,
 SUBSTITUTE HOUSE BILL NO. 2974,
 HOUSE BILL NO. 2975,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2984,
 SUBSTITUTE HOUSE BILL NO. 2985,
 HOUSE BILL NO. 3139,
 HOUSE BILL NO. 3156,
 SUBSTITUTE HOUSE BILL NO. 3178,
 SUBSTITUTE HOUSE BILL NO. 3182,
 HOUSE BILL NO. 3277,

MESSAGE FROM THE HOUSE

March 4, 2006

MR. PRESIDENT:
 The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2475 and asks Senate to recede therefrom.
 and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate recede from its position on the Senate amendment(s) to Engrossed Substitute House Bill No. 2475.

Senator Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Kohl-Welles that the Senate recede from its position on the Senate amendment(s) to Engrossed Substitute House Bill No. 2475.

The motion by Senator Kohl-Welles carried and the Senate receded from its amendments to Engrossed Substitute House Bill No. 2475.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended and Engrossed Substitute House Bill No. 2475 was returned to second reading for the purposes of amendment.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the rules be suspended and Engrossed Substitute House Bill No. 2475 be returned to second reading for the purposes of amendment.

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

The motion by Senator Kohl-Welles carried by voice vote.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2475, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Williams, Fromhold, Wood, B. Sullivan, Simpson, Sells, Ormsby and Green)

Requiring collective bargaining regarding hours of work for individual providers.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senator Kohl-Welles be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.39A.270 and 2004 c 3 s 1 are each amended to read as follows:

(1) Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the governor is the public employer, as defined in chapter 41.56 RCW, of individual providers, who, solely for the purposes of collective bargaining, are public employees as defined in chapter 41.56 RCW. To accommodate the role of the state as payor for the community-based services provided under this chapter and to ensure coordination with state employee collective bargaining under chapter 41.80 RCW and the coordination necessary to implement RCW 74.39A.300, the public employer shall be represented for bargaining purposes by the governor or the governor's designee appointed under chapter 41.80 RCW. The governor or governor's designee shall periodically consult with the authority during the collective bargaining process to allow the authority to communicate issues relating to the long-term in-home care services received by consumers. The governor or the governor's designee shall consult the authority on all issues for which the exclusive bargaining representative requests to engage in collective bargaining under subsection (6) of this section. The authority shall work with the developmental disabilities council, the governor's committee on disability issues and employment, the state council on aging, and other consumer advocacy organizations to obtain informed input from consumers on their interests, including impacts on consumer choice, for all issues proposed for collective bargaining under subsection (6) of this section.

(2) Chapter 41.56 RCW governs the collective bargaining relationship between the governor and individual providers, except as otherwise expressly provided in this chapter and except as follows:

(a) The only unit appropriate for the purpose of collective bargaining under RCW 41.56.060 is a statewide unit of all individual providers;

(b) The showing of interest required to request an election under RCW 41.56.060 is ten percent of the unit, and any intervener seeking to appear on the ballot must make the same showing of interest;

(c) The mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

(i) With respect to commencement of negotiations between the governor and the bargaining representative of individual providers, negotiations shall be commenced by May 1st of any year prior to the year in which an existing collective bargaining agreement expires;

(ii) With respect to factors to be taken into consideration by an interest arbitration panel, the panel shall consider the financial ability of the state to pay for the compensation and

fringe benefit provisions of a collective bargaining agreement; and

(iii) The decision of the arbitration panel is not binding on the legislature and, if the legislature does not approve the request for funds necessary to implement the compensation and fringe benefit provisions of the arbitrated collective bargaining agreement, is not binding on the authority or the state;

(d) Individual providers do not have the right to strike; and

(e) Individual providers who are related to, or family members of, consumers or prospective consumers are not, for that reason, exempt from this chapter or chapter 41.56 RCW.

(3) Individual providers who are public employees solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state, its political subdivisions, or an area agency on aging for any purpose. Chapter 41.56 RCW applies only to the governance of the collective bargaining relationship between the employer and individual providers as provided in subsections (1) and (2) of this section.

(4) Consumers and prospective consumers retain the right to select, hire, supervise the work of, and terminate any individual provider providing services to them. Consumers may elect to receive long-term in-home care services from individual providers who are not referred to them by the authority.

(5) In implementing and administering this chapter, neither the authority nor any of its contractors may reduce or increase the hours of service for any consumer below or above the amount determined to be necessary under any assessment prepared by the department or an area agency on aging.

(6) Except as expressly limited in this section and RCW 74.39A.300, the wages, hours, and working conditions of individual providers are determined solely through collective bargaining as provided in this chapter. No agency or department of the state (~~or other than the authority~~) may establish policies or rules governing the wages or hours of individual providers. However, this subsection does not modify:

(a) The department's authority to establish a plan of care for each consumer ((and to determine the hours)) or its core responsibility to manage long-term in-home care services under this chapter, including determination of the level of care that each consumer is eligible to receive. However, at the request of the exclusive bargaining representative, the governor or the governor's designee appointed under chapter 41.80 RCW shall engage in collective bargaining, as defined in RCW 41.56.030(4), with the exclusive bargaining representative over how the department's core responsibility affects hours of work for individual providers. This subsection shall not be interpreted to require collective bargaining over an individual consumer's plan of care;

(b) The department's authority to terminate its contracts with individual providers who are not adequately meeting the needs of a particular consumer, or to deny a contract under RCW 74.39A.095(8);

(c) The consumer's right to assign hours to one or more individual providers selected by the consumer within the maximum hours determined by his or her plan of care;

(d) The consumer's right to select, hire, terminate, supervise the work of, and determine the conditions of employment for each individual provider providing services to the consumer under this chapter;

(e) The department's obligation to comply with the federal medicaid statute and regulations and the terms of any community-based waiver granted by the federal department of health and human services and to ensure federal financial participation in the provision of the services; and

(f) The legislature's right to make programmatic modifications to the delivery of state services under this title, including standards of eligibility of consumers and individual providers participating in the programs under this title, and the nature of services provided. The governor shall not enter into,

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

extend, or renew any agreement under this chapter that does not expressly reserve the legislative rights described in this subsection (6)(f).

(7)(a) The state, the department, the authority, the area agencies on aging, or their contractors under this chapter may not be held vicariously or jointly liable for the action or inaction of any individual provider or prospective individual provider, whether or not that individual provider or prospective individual provider was included on the authority's referral registry or referred to a consumer or prospective consumer. The existence of a collective bargaining agreement, the placement of an individual provider on the referral registry, or the development or approval of a plan of care for a consumer who chooses to use the services of an individual provider and the provision of case management services to that consumer, by the department or an area agency on aging, does not constitute a special relationship with the consumer.

(b) The members of the board are immune from any liability resulting from implementation of this chapter.

(8) Nothing in this section affects the state's responsibility with respect to unemployment insurance for individual providers. However, individual providers are not to be considered, as a result of the state assuming this responsibility, employees of the state.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senators Kohl-Welles and Parlette spoke in favor of adoption of the striking amendment.

MOTION

On motion of Senator Regala, Senators Doumit and Jacobsen were excused.

MOTION

On motion of Senator Schoesler, Senator Zarelli was excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kohl-Welles to Engrossed Substitute House Bill No. 2475.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "providers;" strike the remainder of the title and insert "amending RCW 74.39A.270; and declaring an emergency."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute House Bill No. 2475 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2475 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2475 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Oke, Parlette, Pflug, Poulsen, Prentice, Pridmore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 42

Voting nay: Senators Deccio, Honeyford and Morton - 3

Excused: Senators Doumit, Haugen, Mulliken and Zarelli - 4

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2475 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2006

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3098 and asks Senate to recede therefrom.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate recede from its position on the Senate amendment(s) to Engrossed Second Substitute House Bill No. 3098.

Senator McAuliffe spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator McAuliffe that the Senate recede from its position on the Senate amendment(s) to Engrossed Second Substitute House Bill No. 3098.

The motion by Senator McAuliffe carried and the Senate receded from its position on the Senate amendment(s) to Engrossed Second Substitute House Bill No. 3098.

MOTION

On motion of Senator McAuliffe, the rules were suspended and Engrossed Second Substitute House Bill No. 3098 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3098, by House Committee on Capital Budget (originally sponsored by Representatives McDermott, Talcott and Quall)

Transferring duties of the reconstituted state board of education.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following amendment by Senator McAuliffe to the committee striking amendment be adopted.

On page 99, beginning on line 30 of the amendment, after

FIFTY-EIGHTH DAY, MARCH 7, 2006

;" strike all material through "(5))" on line 31, and insert "and ((5))"

Beginning on page 99, line 37 of the amendment, after "28A.645.030" strike all material through "subsection" on page 100, line 8

On page 100, beginning on line 9 of the amendment, strike all of section 905 and insert the following:

"NEW SECTION. Sec. 905. A new section is added to chapter 28A.600 RCW to read as follows:

By July 1, 2006, the Washington interscholastic activities association shall establish a nine-person appeals committee to address appeals of noneligibility issues. The committee shall be comprised of the secretary from each of the activity districts of the Washington interscholastic activities association. The committee shall begin hearing appeals by July 1, 2006. No committee member may participate in the appeal process if the member was involved in the activity that was the basis of the appeal. A decision of the appeals committee may be appealed to the executive board of the association."

Senator McAuliffe spoke in favor of adoption of the amendment to the committee striking amendment.

MOTION

On motion of Senator Schoesler, Senators Benton and Parlette were excused.

REMARKS BY THE PRESIDENT

President Owen: "The President needs to explain the situation that we're in right now. You receded from the amendment, the striking amendment and the amendment. That Senator McAuliffe has offered is to that striking amendment, to do what you want to accomplish. So, in fact, since you did recede from the striking amendment we need to reintroduce it and then amend it with this. You do not have it on your desk. If any member wishes to have that passed out we will do that. Otherwise, we will move forward at this time with the adoption of striking amendment. Senator McAuliffe, did you wish to move adoption of that striking amendment?"

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning, K-12 & Higher Education be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 In 2005, the legislature reconstituted the state board of education to refocus its purpose; abolished the academic achievement and accountability commission; and assigned policy and rule-making authority for educator preparation and certification to the professional educator standards board. The purpose of this act is to address the remaining statutory responsibilities of the state board of education held before 2005. The legislature finds that some duties should be retained with the reconstituted board; many duties should be transferred to other agencies or organizations, primarily but not exclusively to the superintendent of public instruction; and some duties should be repealed. This act also corrects statutes to implement fully the transfer of responsibilities authorized in 2005.

PART 1 NEW STATE BOARD OF EDUCATION

NEW SECTION. Sec. 101 The legislature encourages the

members of the new state board of education to review the transfer of duties from the state board to other entities made in this act and if any of the duties that were transferred away from the state board are necessary for the board to accomplish the purpose set out in this act then the state board shall come back to the legislature to request those necessary duties to be returned to the state board of education. The state board of education is encouraged to make such a request by January 15, 2007.

Sec. 102 RCW 28A.305.130 and 2005 c 497 s 104 are each amended to read as follows: The purpose of the state board of education is to ~~((adopt statewide policies that promote achievement of the goals of RCW 28A.150.210; implement a standards-based accountability system; and provide leadership in the creation of an education system that respects the diverse cultures, abilities, and learning styles of all students))~~ provide advocacy and strategic oversight of public education; implement a standards-based accountability system to improve student academic achievement; provide leadership in the creation of a system that personalizes education for each student and respects diverse cultures, abilities, and learning styles; and promote achievement of the goals of RCW 28A.150.210. In addition to any other powers and duties as provided by law, the state board of education shall:

(1) ~~((Until January 1, 2006, approve or disapprove the program of courses leading to teacher, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive such certification.~~

~~— (2) Until January 1, 2006, conduct every five years a review of the program approval standards, including the minimum standards for teachers, administrators, and educational staff associates, to reflect research findings and assure continued improvement of preparation programs for teachers, administrators, and educational staff associates.~~

~~— (3) Until January 1, 2006, investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to such certification as provided for in subsection (1) of this section, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates.~~

~~— (4) Until January 1, 2006:~~

~~— (a) Adopt rules to allow a teacher certification candidate to fulfill, in part, teacher preparation program requirements through work experience as a classified teacher's aide in a public school or private school meeting the requirements of RCW 28A.195.010. The rules shall include, but are not limited to, limitations based upon the recency of the teacher preparation candidate's teacher aide work experience, and limitations based on the amount of work experience that may apply toward teacher preparation program requirements under this chapter; and~~

~~— (b) Require that at the time of the individual's enrollment in a teacher preparation program, the supervising teacher and the building principal shall jointly provide to the teacher preparation program of the higher education institution at which the teacher candidate is enrolled, a written assessment of the performance of the teacher candidate. The assessment shall contain such information as determined by the state board of education and shall include: Evidence that at least fifty percent of the candidate's work as a classified teacher's aide was involved in instructional activities with children under the supervision of a certificated teacher and that the candidate worked a minimum of six hundred thirty hours for one school year; the type of work performed by the candidate; and a recommendation of whether the candidate's work experience as a classified teacher's aide~~

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

~~should be substituted for teacher preparation program requirements. In compliance with such rules as may be established by the state board of education under this section, the teacher preparation programs of the higher education institution where the candidate is enrolled shall make the final determination as to what teacher preparation program requirements may be fulfilled by teacher aide work experience.~~

~~(5) Until January 1, 2006, supervise the issuance of such certificates as provided for in subsection (1) of this section and specify the types and kinds of certificates necessary for the several departments of the common schools by rule or regulation in accordance with RCW 28A.410.010.~~

~~(6)) Hold regularly scheduled meetings at such time and place within the state as the board shall determine and may hold such special meetings as may be deemed necessary for the transaction of public business(-);~~

~~((7)) (2) Form committees as necessary to effectively and efficiently conduct the work of the board(-);~~

~~((8)) (3) Seek advice from the public and interested parties regarding the work of the board(-);~~

~~((9)) (4) For purposes of statewide accountability(-, the board shall):~~

(a) Adopt and revise performance improvement goals in reading, writing, science, and mathematics, by subject and grade level, once assessments in these subjects are required statewide; academic and technical skills, as appropriate, in secondary career and technical education programs; and student attendance, as the board deems appropriate to improve student learning. The goals shall be consistent with student privacy protection provisions of RCW 28A.655.090(7) and shall not conflict with requirements contained in Title I of the federal elementary and secondary education act of 1965, or the requirements of the Carl D. Perkins vocational education act of 1998, each as amended. The goals may be established for all students, economically disadvantaged students, limited English proficient students, students with disabilities, and students from disproportionately academically underachieving racial and ethnic backgrounds. The board may establish school and school district goals addressing high school graduation rates and dropout reduction goals for students in grades seven through twelve. The board shall adopt the goals by rule. However, before each goal is implemented, the board shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;

(b) Identify the scores students must achieve in order to meet the standard on the Washington assessment of student learning and, for high school students, to obtain a certificate of academic achievement. The board shall also determine student scores that identify levels of student performance below and beyond the standard. The board shall consider the incorporation of the standard error of measurement into the decision regarding the award of the certificates. The board shall set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose. The initial performance standards and any changes recommended by the board in the performance standards for the tenth grade assessment shall be presented to the education committees of the house of representatives and the senate by November 30th of the school year in which the changes will take place to permit the legislature to take statutory action before the changes are implemented if such action is deemed warranted by the legislature. The legislature shall be advised of the initial

performance standards and any changes made to the elementary level performance standards and the middle school level performance standards;

(c) Adopt objective, systematic criteria to identify successful schools and school districts and recommend to the superintendent of public instruction schools and districts to be recognized for two types of accomplishments, student achievement and improvements in student achievement. Recognition for improvements in student achievement shall include consideration of one or more of the following accomplishments:

(i) An increase in the percent of students meeting standards. The level of achievement required for recognition may be based on the achievement goals established by the legislature and by the board under (a) of this subsection;

(ii) Positive progress on an improvement index that measures improvement in all levels of the assessment; and

(iii) Improvements despite challenges such as high levels of mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting the standard, or the improvement index. When determining the baseline year or years for recognizing individual schools, the board may use the assessment results from the initial years the assessments were administered, if doing so with individual schools would be appropriate;

(d) Adopt objective, systematic criteria to identify schools and school districts in need of assistance and those in which significant numbers of students persistently fail to meet state standards. In its deliberations, the board shall consider the use of all statewide mandated criterion-referenced and norm-referenced standardized tests;

(e) Identify schools and school districts in which state intervention measures will be needed and a range of appropriate intervention strategies after the legislature has authorized a set of intervention strategies. After the legislature has authorized a set of intervention strategies, at the request of the board, the superintendent shall intervene in the school or school district and take corrective actions. This chapter does not provide additional authority for the board or the superintendent of public instruction to intervene in a school or school district;

(f) Identify performance incentive systems that have improved or have the potential to improve student achievement;

(g) Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the superintendent of public instruction of any improvements needed to the system; and

(h) Include in the biennial report required under RCW 28A.305.035, information on the progress that has been made in achieving goals adopted by the board(-);

~~((10)) (5) Accredite, subject to such accreditation standards and procedures as may be established by the state board of education, all private schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.195.010, private schools carrying out a program for any or all of the grades kindergarten through twelve: PROVIDED, That no private school may be approved that operates a kindergarten program only: PROVIDED FURTHER, That no ((public or)) private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials(-PROVIDED FURTHER, That the state board may elect to require all or certain classifications of the public schools to conduct and participate in such preaccreditation examination and evaluation processes as may now or hereafter be established by the board.~~

FIFTY-EIGHTH DAY, MARCH 7, 2006

~~(11) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.~~

~~(12) Prepare such outline of study for the common schools as the board shall deem necessary, and in conformance with legislative requirements, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.~~

~~(13) Continuously reevaluate courses and other requirements and adopt and enforce regulations within the common schools so as to meet the educational needs of students.~~

~~(14) Evaluate course of study requirements and);~~

~~(6) Articulate with the institutions of higher education, work force representatives, and early learning policymakers and providers to coordinate and unify the work of the public school system(-);~~

~~((15) Carry out board powers and duties relating to the organization and reorganization of school districts;~~

~~(16) Hear and decide appeals as otherwise provided by law.~~

~~(17) Promulgate information and rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools.~~

~~((18)) (7) Hire an executive director and an administrative assistant to reside in the office of the superintendent of public instruction for administrative purposes. Any other personnel of the board shall be appointed as provided by RCW 28A.300.020. The executive director, administrative assistant, and all but one of the other personnel of the board are exempt from civil service, together with other staff as now or hereafter designated as exempt in accordance with chapter 41.06 RCW(-); and~~

~~((19)) (8) Adopt a seal that shall be kept in the office of the superintendent of public instruction.~~

Sec. 103 RCW 28A.305.035 and 2005 c 497 s 103 are each amended to read as follows: (1) By October 15th of each even-numbered year, the state board of education and the professional educator standards board shall submit a joint report to the legislative education committees, the governor, and the superintendent of public instruction. The report shall address the progress the boards have made and the obstacles they have encountered, individually and collectively, in the work of achieving the goals in RCW 28A.150.210.

(2) The state board of education shall include the chairs and ranking minority members of the legislative education committees in board communications so that the legislature can be kept apprised of the discussions and proposed actions of the board.

Sec. 104 RCW 28A.300.040 and 2005 c 360 s 6 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state;

(2) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools;

(3) To prepare and have printed such forms, registers, courses of study, rules for the government of the common schools, and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents;

(4) To travel, without neglecting his or her other official

duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, and of consulting educational service district superintendents or other school officials;

(5) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be provided in such numbers as determined by the superintendent of public instruction at no cost to those public agencies within the common school system and which shall be sold at approximate actual cost of publication and distribution per volume to all other public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules related to the common schools, and such other matter as the state superintendent or the state board of education shall determine. Proceeds of the sale of such code shall be transmitted to the public printer who shall credit the state superintendent's account within the state printing plant revolving fund by a like amount;

~~(6) ((To act as ex officio member and the chief executive officer of the state board of education;~~

~~(7)) To file all papers, reports and public documents transmitted to the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in the superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to;~~

~~((8)) (7) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager, or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct;~~

~~((9)) (8) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state;~~

~~((10)) (9) To issue certificates as provided by law;~~

~~((11)) (10) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education;~~

~~((12)) (11) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district superintendent; and the superintendent shall publish his or her rulings and decisions from time to time for the information of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction;~~

~~((13)) (12) To administer oaths and affirmations in the discharge of the superintendent's official duties;~~

~~((14)) (13) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office;~~

~~((15)) (14) To administer family services and programs to promote the state's policy as provided in RCW 74.14A.025;~~

~~((16)) (15) To promote the adoption of school-based curricula and policies that provide quality, daily physical education for all students, and to encourage policies that provide all students with opportunities for physical activity outside of~~

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

formal physical education classes;

~~((+7))~~ (16) To perform such other duties as may be required by law.

Sec. 105 RCW 28A.305.011 and 2005 c 497 s 101 are each amended to read as follows:

(1) The membership of the state board of education shall be composed of sixteen members who are residents of the state of Washington:

(a) Seven shall be members representing the educational system, as follows:

(i) Five members elected by school district directors. Three of the members elected by school district directors shall be residents of western Washington and two members shall be residents of eastern Washington;

(ii) One member elected at-large by the members of the boards of directors of all private schools in the state meeting the requirements of RCW 28A.195.010; and

(iii) The superintendent of public instruction;

(b) Seven members appointed by the governor; and

(c) Two students selected in a manner determined by the state board of education.

(2) Initial appointments shall be for terms from one to four years in length, with the terms expiring on the second Monday of January of the applicable year. As the terms of the first appointees expire or vacancies on the board occur, the governor shall appoint or reappoint members of the board to complete the initial terms or to four-year terms, as appropriate.

(a) Appointees of the governor must be individuals who have demonstrated interest in public schools and are supportive of educational improvement, have a positive record of service, and who will devote sufficient time to the responsibilities of the board.

(b) In appointing board members, the governor shall consider the diversity of the population of the state.

(c) All appointments to the board made by the governor are subject to confirmation by the senate.

(d) No person may serve as a member of the board, except the superintendent of public instruction, for more than two consecutive full four-year terms.

(3) The governor may remove an appointed member of the board for neglect of duty, misconduct, malfeasance, or misfeasance in office, or for incompetent or unprofessional conduct as defined in chapter 18.130 RCW. In such a case, the governor shall file with the secretary of state a statement of the causes for and the order of removal from office, and the secretary of state shall send a certified copy of the statement of causes and order of removal to the last known post office address of the member.

(4)(a) The chair of the board shall be elected by a majority vote of the members of the board. The chair of the board shall serve a term of two years, and may be reelected to an additional term. A member of the board may not serve as chair for more than two consecutive terms.

(b) Eight voting members of the board constitute a quorum for the transaction of business.

(c) All members except the student members are voting members.

(5) Members of the board appointed by the governor who are not public employees shall be compensated in accordance with RCW ~~((43.03.240))~~ 43.03.250 and shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.

PART 2

BASIC EDUCATION ACT RESPONSIBILITIES

Sec. 201 RCW 28A.150.230 and 1994 c 245 s 9 are each

amended to read as follows:

(1) It is the intent and purpose of this section to guarantee that each common school district board of directors, whether or not acting through its respective administrative staff, be held accountable for the proper operation of their district to the local community and its electorate. In accordance with the provisions of Title 28A RCW, as now or hereafter amended, each common school district board of directors shall be vested with the final responsibility for the setting of policies ensuring quality in the content and extent of its educational program and that such program provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning.

(2) In conformance with the provisions of Title 28A RCW, as now or hereafter amended, it shall be the responsibility of each common school district board of directors to adopt policies to:

(a) Establish performance criteria and an evaluation process for its certificated personnel, including administrative staff, and for all programs constituting a part of such district's curriculum;

(b) Determine the final assignment of staff, certificated or classified, according to board enumerated classroom and program needs;

(c) Determine the amount of instructional hours necessary for any student to acquire a quality education in such district, in not less than an amount otherwise required in RCW 28A.150.220, or rules ~~((and regulations))~~ of the state board of education;

(d) Determine the allocation of staff time, whether certificated or classified;

(e) Establish final curriculum standards consistent with law and rules ~~((and regulations of the state board of education))~~ of the superintendent of public instruction, relevant to the particular needs of district students or the unusual characteristics of the district, and ensuring a quality education for each student in the district; and

(f) Evaluate teaching materials, including text books, teaching aids, handouts, or other printed material, in public hearing upon complaint by parents, guardians or custodians of students who consider dissemination of such material to students objectionable.

Sec. 202 RCW 28A.505.140 and 1990 c 33 s 422 are each amended to read as follows:

(1) Notwithstanding any other provision of law, the superintendent of public instruction ~~((is hereby directed to promulgate))~~ shall adopt such rules ~~((and regulations))~~ as will ~~((insure))~~ ensure proper budgetary procedures and practices, including monthly financial statements consistent with the provisions of RCW 43.09.200, and this chapter.

(2) If the superintendent of public instruction determines upon a review of the budget of any district that said budget does not comply with the budget procedures established by this chapter or by rules ~~((and regulations promulgated))~~ adopted by the superintendent of public instruction, or the provisions of RCW 43.09.200, the superintendent shall give written notice of this determination to the board of directors of the local school district.

(3) The local school district, notwithstanding any other provision of law, shall, within thirty days from the date the superintendent of public instruction issues a notice pursuant to subsection (2) of this section, submit a revised budget which meets the requirements of RCW 43.09.200, this chapter, and the rules ~~((and regulations))~~ of the superintendent of public instruction ~~((PROVIDED, That if the district fails or refuses to submit a revised budget which in the determination of the superintendent of public instruction meets the requirements of RCW 43.09.200, this chapter, and the rules and regulations of the superintendent of public instruction, the matter shall be~~

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

submitted to the state board of education, which board shall meet and adopt a financial plan which shall be in effect until a budget can be adopted and submitted by the district in compliance with this section).

NEW SECTION. Sec. 203 (1) As the governor's steering committee for the comprehensive education study created under chapter 496, Laws of 2005 continues the study of the state funding of public education in Washington and makes final recommendations, the legislature strongly encourages the steering committee to carefully examine whether the use of inputs, such as the number of instructional hours, the number of instructional days, and student/teacher ratios, is the most efficient and effective funding system that is oriented toward student achievement and whether any changes to the current method of allocating funds can be created to implement the intent of education reform that all children can learn.

(2) This section expires July 1, 2007.

PART 3

SCHOOL FACILITIES AND ORGANIZATION

Sec. 301 RCW 28A.525.020 and 1969 ex.s. c 223 s 28A.47.060 are each amended to read as follows:

The ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, shall have the power and ~~((it shall be its))~~ duty (1) to prescribe rules ~~((and regulations))~~ governing the administration, control, terms, conditions, and disbursements of allotments to school districts to assist them in providing school plant facilities; (2) to approve allotments to districts that apply for state assistance whenever ~~((the board deems))~~ such action is advisable ~~((and in so doing to give due consideration to the findings, reports, and recommendations of the superintendent of public instruction pertaining thereto));~~ (3) to authorize the payment of approved allotments by warrant of the state treasurer; and (4) in the event that the amount of state assistance applied for exceeds the funds available for such assistance during any biennium, to make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance and/or to prorate allotments among such districts in conformity with applicable procedures and ~~((regulations applicable thereto which shall be established by the state board))~~ rules.

Sec. 302 RCW 28A.525.030 and 1995 c 77 s 23 are each amended to read as follows:

Whenever funds are appropriated for modernization of existing school facilities, the ~~((state board of education))~~ superintendent of public instruction is authorized to approve the use of such funds for modernization of existing facilities, modernization being limited to major structural changes in such facilities and, as necessary to bring such facilities into compliance with the barrier free access requirements of section 504 of the federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and rules implementing the act, both major and minor structural changes, and may include as incidental thereto the replacement of fixtures, fittings, furnishings and service systems of a building in order to bring it up to a contemporary state consistent with the needs of changing educational programs. The allocation of such funds shall be made upon the same basis as funds used for the financing of a new school plant project utilized for a similar purpose.

Sec. 303 RCW 28A.525.050 and 1969 ex.s. c 223 s 28A.47.080 are each amended to read as follows:

All applications by school districts for state assistance in providing school plant facilities shall be made to the superintendent of public instruction ~~((in conformity with rules and regulations which shall be prescribed by the state board of~~

~~education)).~~ Studies and surveys shall be conducted by the ~~((aforesaid officer))~~ superintendent for the purpose of securing information relating to (1) the kind and extent of the school plant facilities required and the urgency of need for such facilities in districts that seek state assistance, (2) the ability of such districts to provide capital outlay funds by local effort, (3) the need for improvement of school administrative units and school attendance areas among or within such districts, and (4) any other pertinent matters. Recommendations respecting action on the ~~((aforesaid))~~ applications shall be submitted to the ~~((state board of education by the))~~ superintendent of public instruction ~~((together with such reports of the findings, studies, and surveys made by said officer as may be required by the state board)).~~

Sec. 304 RCW 28A.525.055 and 1994 c 219 s 11 are each amended to read as follows:

The ~~((state board of education;))~~ rules adopted by the superintendent of public instruction for ~~((purposes of))~~ determining eligibility for state assistance for new construction~~(;)~~ shall ~~((adopt rules excluding))~~ exclude from the inventory of available educational space those spaces that have been constructed for educational and community activities from grants received from other public or private entities.

Sec. 305 RCW 28A.525.070 and 1985 c 136 s 1 are each amended to read as follows:

The superintendent of public instruction shall furnish ~~((+))~~ to school districts seeking state assistance consultatory and advisory service in connection with the development of school building programs and the planning of school plant facilities for such district~~(; and (2) to the state board of education such service as may be required by the board in the exercise of the powers and the performance of the duties vested in and required to be performed by the board)).~~

Sec. 306 RCW 28A.525.080 and 1969 ex.s. c 223 s 28A.47.120 are each amended to read as follows:

Insofar as is permissible under acts of congress, funds made available by the federal government for the purpose of assisting school districts in providing school plant facilities shall be made available to such districts in conformity with rules ~~((and regulations which))~~ that the ~~((state board of education))~~ superintendent, considering policy recommendations from the school facilities citizen advisory panel, shall establish.

Sec. 307 RCW 28A.525.090 and 1999 c 313 s 2 are each amended to read as follows:

(1) The ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, shall adopt rules for appropriate use of the following construction management techniques: Value engineering, constructibility review, building commissioning, and construction management. Rules adopted under this section shall:

- (a) Define each technique as it applies to school buildings;
- (b) Describe the scope of work for each technique;
- (c) Define the timing for implementing each technique in the construction process;
- (d) Determine the appropriate size of projects for the use of each technique; and
- (e) Determine standards for qualification and performance for each technique.

(2) Except as provided in rules adopted under subsection (1)(d) of this section, in allocating state moneys provided under this chapter, the ~~((state board of education))~~ superintendent of public instructions shall include in funding for each project, at the state matching percentage, the cost of each of the construction management techniques listed in subsection (1) of this section.

(3) When assigning priority and allocating state funds for construction of common school facilities, the ~~((state board of education))~~ superintendent shall consider the adequacy of the

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

construction management techniques used by a district and the compliance with the rules adopted under subsection (1) of this section.

(4) Except as provided in rules adopted under subsection (1)(d) of this section, the construction management techniques in subsection (1) of this section shall be used on each project submitted for approval by the ~~((state board of education))~~ superintendent.

(5)(a) School districts applying for state assistance for school facilities shall:

(i) Cause value engineering, constructibility review, and building commissioning to be performed by contract with a professional firm specializing in those construction management techniques; and

(ii) Contract or employ personnel to perform professional construction management.

(b) All recommendations from the value engineering and constructibility review construction techniques for a school project shall be presented to the school district's board of directors for acceptance or rejection. If the board of directors rejects a recommendation it shall provide a statement explaining the reasons for rejecting the recommendation and include the statement in the application for state assistance to the ~~((state board of education))~~ superintendent of public instruction.

(6) The office of the superintendent of public instruction shall provide:

(a) An information and training program for school districts on the use of the construction management techniques; and

(b) Consulting services to districts on the benefits and best uses of these construction management techniques.

NEW SECTION. Sec. 308 A new section is added to chapter 28A.525 RCW to read as follows:

(1) To maintain citizen oversight on issues pertaining to school facilities and funding for school construction, a school facilities citizen advisory panel shall be created by the state board of education. The panel shall advise and make recommendations to the superintendent of public instruction regarding school facilities, funding for school construction, joint planning and financing of educational facilities, facility plans and programs for nonhigh school districts, and determinations of remote and necessary schools.

(2) The membership of the school facilities citizen advisory panel shall be as follows:

(a) One member of the state board of education;

(b) Two school district directors representing school districts of various sizes and geographic locations, who are appointed by the state board of education and selected from a list of five names submitted to the board by the Washington state school directors' association; and

(c) Four additional citizen members appointed by the state board of education.

(3) Members of the panel shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(4) In addition to the school facilities citizen advisory panel, the superintendent of public instruction may convene a technical advisory group including representatives from school business officers, building and construction contracting and trade organizations, architecture and engineering organizations, and other organizations with expertise in school facilities.

Sec. 309 RCW 28A.525.162 and 1995 c 77 s 24 are each amended to read as follows:

(1) Funds appropriated to the ~~((state board of education))~~ superintendent of public instruction from the common school construction fund shall be allotted by the ~~((state board of education))~~ superintendent of public instruction in accordance with student enrollment and the provisions of RCW 28A.525.200.

(2) No allotment shall be made to a school district until such district has provided matching funds equal to or greater than the difference between the total approved project cost and the amount of state assistance to the district for financing the project computed pursuant to RCW 28A.525.166, with the following exceptions:

(a) The ~~((state board))~~ superintendent of public instruction may waive the matching requirement for districts which have provided funds for school building construction purposes through the authorization of bonds or through the authorization of excess tax levies or both in an amount equivalent to two and one-half percent of the value of its taxable property, as defined in RCW 39.36.015.

(b) No such matching funds shall be required as a condition to the allotment of funds for the purpose of making major or minor structural changes to existing school facilities in order to bring such facilities into compliance with the barrier free access requirements of section 504 of the federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and rules implementing the act.

(3) For the purpose of computing the state matching percentage under RCW 28A.525.166 when a school district is granted authority to enter into contracts, adjusted valuation per pupil shall be calculated using headcount student enrollments from the most recent October enrollment reports submitted by districts to the superintendent of public instruction, adjusted as follows:

(a) In the case of projects for which local bonds were approved after May 11, 1989:

(i) For districts which have been designated as serving high school districts under RCW 28A.540.110, students residing in the nonhigh district so designating shall be excluded from the enrollment count if the student is enrolled in any grade level not offered by the nonhigh district;

(ii) The enrollment of nonhigh school districts shall be increased by the number of students residing within the district who are enrolled in a serving high school district so designated by the nonhigh school district under RCW 28A.540.110, including only students who are enrolled in grade levels not offered by the nonhigh school district; and

(iii) The number of preschool students with disabilities included in the enrollment count shall be multiplied by one-half;

(b) In the case of construction or modernization of high school facilities in districts serving students from nonhigh school districts, the adjusted valuation per pupil shall be computed using the combined adjusted valuations and enrollments of each district, each weighted by the percentage of the district's resident high school students served by the high school district; and

(c) The number of kindergarten students included in the enrollment count shall be multiplied by one-half.

(4) The ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, shall prescribe ~~((and make effective))~~ such rules as are necessary to equate insofar as possible the efforts made by school districts to provide capital funds by the means aforesaid.

(5) For the purposes of this section, "preschool students with disabilities" means developmentally disabled children of preschool age who are entitled to services under RCW 28A.155.010 through 28A.155.100 and are not included in the kindergarten enrollment count of the district.

Sec. 310 RCW 28A.525.164 and 1990 c 33 s 456 are each amended to read as follows:

In allotting the state funds provided by RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180, the ~~((state board of education))~~ superintendent of public instruction shall:

FIFTY-EIGHTH DAY, MARCH 7, 2006

(1) Prescribe rules (~~and regulations~~) not inconsistent with RCW (~~28A.525.160 through 28A.525.182~~) 28A.525.162 through 28A.525.180 governing the administration, control, terms, conditions, and disbursement of allotments to school districts to assist them in providing school plant facilities;

(2) Approve (~~(, whenever the board deems such action advisable,)~~) allotments to districts that apply for state assistance;

(3) Authorize the payment of approved allotments by warrant of the state treasurer; and

(4) In the event that the amount of state assistance applied for pursuant to the provisions hereof exceeds the funds available for such assistance during any biennium, make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance or prorate allotments among such districts in conformity with (~~procedures and regulations~~) applicable (~~thereto which shall be established by the board~~) rules.

Sec. 311 RCW 28A.525.166 and 1997 c 369 s 9 are each amended to read as follows:

Allocations to school districts of state funds provided by RCW (~~28A.525.160 through 28A.525.182~~) 28A.525.162 through 28A.525.180 shall be made by the (~~state board of education~~) superintendent of public instruction and the amount of state assistance to a school district in financing a school plant project shall be determined in the following manner:

(1) The boards of directors of the districts shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the project, necessary architects' fees, and a reasonable amount for contingencies and for other necessary incidental expenses: PROVIDED, That the total cost of the project shall be subject to review and approval by the (~~state board of education~~) superintendent.

(2) The state matching percentage for a school district shall be computed by the following formula:

The ratio of the school district's adjusted valuation per pupil divided by the ratio of the total state adjusted valuation per pupil shall be subtracted from three, and then the result of the foregoing shall be divided by three plus (the ratio of the school district's adjusted valuation per pupil divided by the ratio of the total state adjusted valuation per pupil).

	District adjusted		Total state	
	3-valuation	÷	adjusted valuation	
Computed	per pupil		per pupil	State
State	—————		-	%
Ratio	District adjusted		Total state	
	3+valuatio	÷	adjusted valuation	
	n		per pupil	
	per pupil		per pupil	

PROVIDED, That in the event the percentage of state assistance to any school district based on the above formula is

less than twenty percent and such school district is otherwise eligible for state assistance under RCW (~~28A.525.160 through 28A.525.182~~) 28A.525.162 through 28A.525.180, the (~~state board of education~~) superintendent may establish for such district a percentage of state assistance not in excess of twenty percent of the approved cost of the project, if the (~~state board~~) superintendent finds that such additional assistance is necessary to provide minimum facilities for housing the pupils of the district.

(3) In addition to the computed percent of state assistance developed in subsection (2) (~~above~~) of this section, a school district shall be entitled to additional percentage points determined by the average percentage of growth for the past three years. One percent shall be added to the computed percent of state assistance for each percent of growth, with a maximum of twenty percent.

(4) The approved cost of the project determined in the manner (~~herein~~) prescribed (~~times~~) in this section multiplied by the percentage of state assistance derived as provided for (~~herein~~) in this section shall be the amount of state assistance to the district for the financing of the project: PROVIDED, That need therefor has been established to the satisfaction of the (~~state board of education~~) superintendent: PROVIDED, FURTHER, That additional state assistance may be allowed if it is found by the (~~state board of education~~) superintendent, considering policy recommendations from the school facilities citizen advisory panel that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building by properly constituted authorities, a sudden excessive and clearly foreseeable future increase in school population, or other conditions similarly emergent in nature; or (b) a special school housing burden resulting from industrial projects of statewide significance or imposed by virtue of the admission of nonresident students into educational programs established, maintained and operated in conformity with the requirements of law; or (c) a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1969, and without benefit of the state assistance provided by prior state assistance programs, the construction of a needed school building project or projects approved in conformity with the requirements of such programs, after having first applied for and been denied state assistance because of the inadequacy of state funds available for the purpose, or (d) a condition created by the fact that an excessive number of students live in state owned housing, or (e) a need for the construction of a school building to provide for improved school district organization or racial balance, or (f) conditions similar to those defined under (a), (b), (c), (d), and (e) (~~hereinabove~~) of this subsection, creating a like emergency.

Sec. 312 RCW 28A.525.168 and 1990 c 33 s 458 are each amended to read as follows:

Whenever the voters of a school district authorize the issuance of bonds and/or the levying of excess taxes in an amount sufficient to meet the requirements of RCW 28A.525.162 respecting eligibility for state assistance in providing school facilities, the taxable valuation of the district and the percentage of state assistance in providing school facilities prevailing at the time of such authorization shall be the valuation and the percentage used for the purpose of determining the eligibility of the district for an allotment of state funds and the amount or amounts of such allotments, respectively, for all projects for which the voters authorize capital funds as aforesaid, unless a higher percentage of state assistance prevails on the date that state funds for assistance in financing a project are allotted by the (~~state board of education~~) superintendent of public instruction in which case

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

the percentage prevailing on the date of allotment by the ~~((state board))~~ superintendent of funds for each project shall govern: PROVIDED, That if the ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, determines at any time that there has been undue or unwarranted delay on the part of school district authorities in advancing a project to the point of readiness for an allotment of state funds, the taxable valuation of the school district and the percentage of state assistance prevailing on the date that the allotment is made shall be used for the purposes aforesaid: PROVIDED, FURTHER, That the date ~~((herein))~~ specified in this section as applicable in determining the eligibility of an individual school district for state assistance and in determining the amount of such assistance shall be applicable also to cases where it is necessary in administering chapter 28A.540 RCW to determine eligibility for and the amount of state assistance for a group of school districts considered as a single school administrative unit.

Sec. 313 RCW 28A.525.170 and 1990 c 33 s 459 are each amended to read as follows:

If a school district which has qualified for an allotment of state funds under the provisions of RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180 for school building construction is found by the ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, to have a school housing emergency requiring an allotment of state funds in excess of the amount allocable under RCW 28A.525.166, an additional allotment may be made to such district: PROVIDED, That the total amount allotted shall not exceed ninety percent of the total cost of the approved project which may include the cost of the site and equipment. At any time thereafter when the ~~((state board of education))~~ superintendent finds that the financial position of such school district has improved through an increase in its taxable valuation or through retirement of bonded indebtedness or through a reduction in school housing requirements, or for any combination of these reasons, the amount of such additional allotment, or any part of such amount as the ~~((state board of education))~~ superintendent determines, shall be deducted, under terms and conditions prescribed by the ~~((board))~~ superintendent, from any state school building construction funds which might otherwise be provided to such district.

Sec. 314 RCW 28A.525.172 and 1969 ex.s. c 244 s 7 are each amended to read as follows:

All applications by school districts for state assistance in providing school plant facilities shall be made to the superintendent of public instruction in conformity with rules ~~((and regulations which shall be prescribed))~~ adopted by the ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel. Studies and surveys shall be conducted by the ~~((state board))~~ superintendent for the purpose of securing information relating to (a) the kind and extent of the school plant facilities required and the urgency of need for such facilities in districts that seek state assistance, (b) the ability of such districts to provide capital funds by local effort, (c) the need for improvement of school administrative units and school attendance areas among or within such districts, and (d) any other pertinent matters.

Sec. 315 RCW 28A.525.174 and 1990 c 33 s 460 are each amended to read as follows:

It shall be the duty of the ~~((state board of education))~~ superintendent of public instruction, in consultation with the Washington state department of ~~((social and))~~ health ((services)), to prepare a manual and/or to specify other

materials for the information and guidance of local school district authorities and others responsible for and concerned with the designing, planning, maintenance and operation of school plant facilities for the public schools. In so doing due consideration shall be given to the presentation of information regarding ~~((a))~~ (1) the need for cooperative state-local district action in planning school plant facilities arising out of the cooperative plan for financing said facilities provided for in RCW ~~((28A.525.160 through 28A.525.182; (b)))~~ 28A.525.162 through 28A.525.180; (2) procedures in inaugurating and conducting a school plant planning program for a school district; ~~((c))~~ (3) standards for use in determining the selection and development of school sites and in designing, planning, and constructing school buildings to the end that the health, safety, and educational well-being and development of school children will be served; ~~((d))~~ (4) the planning of readily expansible and flexible school buildings to meet the requirements of an increasing school population and a constantly changing educational program; ~~((e))~~ (5) an acceptable school building maintenance program and the necessity thereof; ~~((f))~~ (6) the relationship of an efficient school building operations service to the health and educational progress of pupils; and ~~((g))~~ (7) any other matters regarded by the ~~((state board))~~ superintendent as pertinent or related to the purposes and requirements of RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180.

Sec. 316 RCW 28A.525.176 and 1990 c 33 s 461 are each amended to read as follows:

The ~~((state board of education))~~ superintendent of public instruction shall furnish to school districts seeking state assistance under the provisions of RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180 consultatory and advisory service in connection with the development of school building programs and the planning of school plant facilities.

Sec. 317 RCW 28A.525.178 and 1990 c 33 s 462 are each amended to read as follows:

~~((Whenever in the judgment of the state board of education))~~ When economies may be ((effected)) affected without impairing the usefulness and adequacy of school buildings, ~~((said board))~~ the superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, may prescribe rules ((and regulations)) and establish procedures governing the preparation and use of modifiable basic or standard plans for school building construction projects for which state assistance funds provided by RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180 are allotted.

Sec. 318 RCW 28A.525.180 and 1990 c 33 s 463 are each amended to read as follows:

The total amount of funds appropriated under the provisions of RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180 shall be reduced by the amount of federal funds made available during each biennium for school construction purposes under any applicable federal law. The funds appropriated by RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180 and available for allotment by the ~~((state board of education))~~ superintendent of public instruction shall be reduced by the amount of such federal funds made available. Notwithstanding the foregoing provisions of this section, the total amount of funds appropriated by RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180 shall not be reduced by reason of any grants to any school district of federal moneys paid under Public Law No. 815 or any other federal act authorizing school building construction assistance to federally affected areas.

Sec. 319 RCW 28A.525.190 and 1975 1st ex.s. c 98 s 2 are

FIFTY-EIGHTH DAY, MARCH 7, 2006

each amended to read as follows:

The ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel shall prioritize the construction of common school facilities only from funds appropriated and available in the common school construction fund.

Sec. 320 RCW 28A.525.200 and 1990 c 33 s 465 are each amended to read as follows:

Notwithstanding any other provision of RCW 28A.525.010 through 28A.525.222, the allocation and distribution of funds by the ~~((state board of education which are now or may hereafter be appropriated))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, for the purposes of providing assistance in the construction of school plant facilities shall be governed by ~~((RCW 28A.525.010 through 28A.525.080 and 28A.525.162 through 28A.525.178))~~ this chapter.

Sec. 321 RCW 28A.525.216 and 1990 c 33 s 467 are each amended to read as follows:

The proceeds from the sale of the bonds deposited under RCW 28A.525.214 in the common school construction fund shall be administered by the ~~((state board of education))~~ superintendent of public instruction.

Sec. 322 RCW 28A.150.260 and 1997 c 13 s 2 are each amended to read as follows:

The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

- (a) Certificated instructional staff and their related costs;
- (b) Certificated administrative staff and their related costs;
- (c) Classified staff and their related costs;
- (d) Nonsalary costs;

(e) Extraordinary costs, including school facilities, of remote and necessary schools as judged by the superintendent of public instruction, with recommendations from the school facilities citizen advisory panel under section 308 of this act, and small high schools, including costs of additional certificated and classified staff; and

(f) The attendance of students pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district.

(2)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. The formula shall be for allocation purposes only. While the legislature intends that the allocations for additional instructional staff be used to increase the ratio of such staff to students, nothing in this section shall require districts to reduce the number of administrative staff below existing levels.

(b) The formula adopted by the legislature shall reflect the following ratios at a minimum: (i) Forty-nine certificated instructional staff to one thousand annual average full time equivalent students enrolled in grades kindergarten through three; (ii) forty-six certificated instructional staff to one thousand annual average full time equivalent students in grades four through twelve; (iii) four certificated administrative staff to

one thousand annual average full time equivalent students in grades kindergarten through twelve; and (iv) sixteen and sixty-seven one-hundredths classified personnel to one thousand annual average full time equivalent students enrolled in grades kindergarten through twelve.

(c) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.150.220 and 28A.150.100. The enrollment of any district shall be the annual average number of full time equivalent students and part time students as provided in RCW 28A.150.350, enrolled on the first school day of each month and shall exclude full time equivalent students with disabilities recognized for the purposes of allocation of state funds for programs under RCW 28A.155.010 through 28A.155.100. The definition of full time equivalent student shall be determined by rules of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent's biennial budget request: PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the office of financial management shall make a monthly review of the superintendent's reported full time equivalent students in the common schools in conjunction with RCW 43.62.050.

(3)(a) Certificated instructional staff shall include those persons employed by a school district who are nonsupervisory employees within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such classified people shall not occur during a labor dispute and such classified people shall not be hired to replace certificated employees during a labor dispute.

(b) Certificated administrative staff shall include all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

Sec. 323 RCW 28A.335.160 and 1995 c 335 s 604 are each amended to read as follows:

Any school district may cooperate with one or more school districts in the joint financing, planning, construction, equipping and operating of any educational facility otherwise authorized by law: PROVIDED, That any cooperative financing plan involving the construction of school plant facilities must be approved by the ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel under section 308 of this act, pursuant to such rules ((as may now or hereafter be promulgated)) adopted relating to state approval of school construction.

Sec. 324 RCW 28A.540.050 and 1990 c 33 s 485 are each amended to read as follows:

Subsequent to the holding of a hearing or hearings as provided in RCW 28A.540.040, the regional committee on school district organization shall determine the nonhigh school districts to be included in the plan and the amount of capital funds to be provided by every school district included therein, and shall submit the proposed plan to the ~~((state board of education))~~ superintendent of public instruction together with

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

such maps and other materials pertaining thereto as the ~~((state board))~~ superintendent may require. The ~~((state board))~~ superintendent, considering policy recommendations from the school facilities citizen advisory panel under section 308 of this act, shall review such plan, shall approve any plan which in ~~((its))~~ his or her judgment makes adequate and satisfactory provision for participation by the nonhigh school districts in providing capital funds to be used for the purpose above stated, and shall notify the regional committee of such action. Upon receipt by the regional committee of such notification, the educational service district superintendent, or his or her designee, shall notify the board of directors of each school district included in the plan, supplying each board with complete details of the plan and shall state the total amount of funds to be provided and the amount to be provided by each district.

If any such plan submitted by a regional committee is not approved by the ~~((state board))~~ superintendent of public instruction, the regional committee shall be so notified, which notification shall contain a statement of reasons therefor and suggestions for revision. Within sixty days thereafter the regional committee shall submit to the ~~((state board))~~ superintendent a revised plan which revision shall be subject to approval or disapproval by the ~~((state board))~~ superintendent, considering policy recommendations from the school facilities citizen advisory panel, and the procedural requirements and provisions of law applicable to an original plan submitted to ~~((said board))~~ the superintendent.

NEW SECTION. Sec. 325 A new section is added to chapter 28A.545 RCW to read as follows:

The superintendent of public instruction, with recommendations from the school facilities citizen advisory panel under section 308 of this act, shall adopt rules governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established, the district must obtain prior approval of the superintendent of public instruction.

Sec. 326 RCW 28A.150.530 and 2005 c 12 s 7 are each amended to read as follows:

(1) In adopting implementation rules, ~~((the state board of education, in consultation with))~~ the superintendent of public instruction ~~((and))~~, in consultation with the department of general administration, shall review and modify the current requirement for an energy conservation report review by the department of general administration as provided in WAC 180-27-075.

(2) In adopting implementation rules, ~~((the state board of education, in consultation with))~~ the superintendent of public instruction shall:

(a) Review and modify the current requirements for value engineering, ~~((constructability))~~ constructibility review, and building commissioning as provided in WAC 180-27-080;

(b) Review private and public utility providers' capacity and financial/technical assistance programs for affected public school districts to monitor and report utility consumption for purposes of reporting to the superintendent of public instruction as provided in RCW 39.35D.040;

(c) Coordinate with the department of general administration, the state board of health, the department of ecology, federal agencies, and other affected agencies as appropriate in their consideration of rules to implement this section.

Sec. 327 RCW 28A.335.210 and 2005 c 36 s 1 are each amended to read as follows:

The ~~((state board of education and))~~ superintendent of public instruction shall allocate, as a nondeductible item, out of

any moneys appropriated for state assistance to school districts for the original construction of any school plant facility the amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission for the acquisition of works of art. The works of art may be placed in accordance with Article IX, sections 2 and 3 of the state Constitution on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities. The Washington state arts commission shall, in consultation with the superintendent of public instruction, determine the amount to be made available for the purchase of works of art under this section, and payments therefor shall be made in accordance with law. The designation of projects and sites, selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts commission in consultation with the superintendent of public instruction and representatives of school district boards of directors. The superintendent of public instruction and the school district board of directors of the districts where the sites are selected shall have the right to:

(1) Waive its use of the one-half of one percent of the appropriation for the acquisition of works of art before the selection process by the Washington state arts commission;

(2) Appoint a representative to the body established by the Washington state arts commission to be part of the selection process with full voting rights;

(3) Reject the results of the selection process;

(4) Reject the placement of a completed work or works of art on school district premises if such works are portable.

Rejection at any point before or after the selection process shall not cause the loss of or otherwise endanger state construction funds available to the local school district. Any works of art rejected under this section shall be applied to the provision of works of art under this chapter, at the discretion of the Washington state arts commission, notwithstanding any contract or agreement between the affected school district and the artist involved. In addition to the cost of the works of art the one-half of one percent of the appropriation as provided ~~((herein))~~ in this section shall be used to provide for the administration, including conservation of the state art collection, by the Washington state arts commission and all costs for installation of the work of art. For the purpose of this section building shall not include sheds, warehouses, or other buildings of a temporary nature.

The executive director of the arts commission, the superintendent of public instruction, and the Washington state school directors association shall appoint a study group to review the operations of the one-half of one percent for works of art under this section.

Sec. 328 RCW 28A.335.230 and 1987 c 112 s 1 are each amended to read as follows:

School districts shall be required to lease for a reasonable fee vacant school plant facilities from a contiguous school district wherever possible.

No school district with unhoused students may be eligible for the state matching funds for the construction of school plant facilities if:

(1) The school district contiguous to the school district applying for the state matching percentage has vacant school plant facilities;

(2) The superintendent of public instruction ~~((and the state board of education have))~~ has determined the vacant school plant facilities available in the contiguous district will fulfill the

FIFTY-EIGHTH DAY, MARCH 7, 2006

needs of the applicant district in housing unhoused students. In determining whether the contiguous district school plant facilities meet the needs of the applicant district, consideration shall be given, but not limited to the geographic location of the vacant facilities as they relate to the applicant district; and

(3) A lease of the vacant school plant facilities can be negotiated.

Sec. 329 RCW 28A.540.070 and 1990 c 33 s 486 are each amended to read as follows:

In the event that a proposal or proposals for providing capital funds as provided in RCW 28A.540.060 is not approved by the voters of a nonhigh school district a second election thereon shall be held within sixty days thereafter. If the vote of the electors of the nonhigh school district is again in the negative, the high school students residing therein shall not be entitled to admission to the high school under the provisions of RCW 28A.225.210, following the close of the school year during which the second election is held: PROVIDED, That in any such case the regional committee on school district organization shall determine within thirty days after the date of the aforesaid election the advisability of initiating a proposal for annexation of such nonhigh school district to the school district in which the proposed facilities are to be located or to some other district where its students can attend high school without undue inconvenience: PROVIDED FURTHER, That pending such determination by the regional committee and action thereon as required by law the board of directors of the high school district shall continue to admit high school students residing in the nonhigh school district. Any proposal for annexation of a nonhigh school district initiated by a regional committee shall be subject to the procedural requirements of this chapter respecting a public hearing and submission to and approval by the ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel under section 308 of this act. Upon approval by the ~~((state board))~~ superintendent of public instruction of any such proposal, the educational service district superintendent shall make an order, establishing the annexation.

Sec. 330 RCW 39.35D.020 and 2005 c 12 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of general administration.

(2) "High-performance public buildings" means high-performance public buildings designed, constructed, and certified to a standard as identified in this chapter.

(3) "Institutions of higher education" means the state universities, the regional universities, The Evergreen State College, the community colleges, and the technical colleges.

(4) "LEED silver standard" means the United States green building council leadership in energy and environmental design green building rating standard, referred to as silver standard.

(5)(a) "Major facility project" means: (i) A construction project larger than five thousand gross square feet of occupied or conditioned space as defined in the Washington state energy code; or (ii) a building renovation project when the cost is greater than fifty percent of the assessed value and the project is larger than five thousand gross square feet of occupied or conditioned space as defined in the Washington state energy code.

(b) "Major facility project" does not include: (i) Projects for which the department, public school district, or other applicable agency and the design team determine the LEED silver standard or the Washington sustainable school design protocol to be not practicable; or (ii) transmitter buildings, pumping stations,

hospitals, research facilities primarily used for sponsored laboratory experimentation, laboratory research, or laboratory training in research methods, or other similar building types as determined by the department. When the LEED silver standard is determined to be not practicable for a project, then it must be determined if any LEED standard is practicable for the project. If LEED standards or the Washington sustainable school design protocol are not followed for the project, the public school district or public agency shall report these reasons to the department.

(6) "Public agency" means every state office, officer, board, commission, committee, bureau, department, and public higher education institution.

(7) "Public school district" means a school district eligible to receive state basic education moneys pursuant to RCW 28A.150.250 and 28A.150.260.

(8) "Washington sustainable school design protocol" means the school design protocol and related information developed by the ~~((state board of education and the))~~ office of the superintendent of public instruction, in conjunction with school districts and the school facilities advisory board.

Sec. 331 RCW 39.35D.040 and 2005 c 12 s 4 are each amended to read as follows:

(1) All major facility projects of public school districts receiving any funding in a state capital budget must be designed and constructed to at least the LEED silver standard or the Washington sustainable school design protocol. To the extent appropriate LEED silver or Washington sustainable school design protocol standards exist for the type of building or facility, this subsection applies to major facility projects that have not received project approval from the superintendent of public instruction prior to: (a) July 1, 2006, for volunteering school districts; (b) July 1, 2007, for class one school districts; and (c) July 1, 2008, for class two school districts.

(2) Public school districts under this section shall: (a) Monitor and document appropriate operating benefits and savings resulting from major facility projects designed and constructed as required under this section for a minimum of five years following local board acceptance of a project receiving state funding; and (b) report annually to the superintendent of public instruction. The form and content of each report must be mutually developed by the office of the superintendent of public instruction in consultation with school districts.

(3) The superintendent of public instruction shall consolidate the reports required in subsection (2) of this section into one report and report to the governor and legislature by September 1st of each even-numbered year beginning in 2006 and ending in 2016. In its report, the superintendent of public instruction shall also report on the implementation of this chapter, including reasons why the LEED standard or Washington sustainable school design protocol was not used as required by RCW 39.35D.020(5)(b). The superintendent of public instruction shall make recommendations regarding the ongoing implementation of this chapter, including a discussion of incentives and disincentives related to implementing this chapter.

(4) The ~~((state board of education, in consultation with the))~~ superintendent of public instruction~~(;-)~~ shall develop and issue guidelines for administering this chapter for public school districts. The purpose of the guidelines is to define a procedure and method for employing and verifying compliance with the LEED silver standard or the Washington sustainable school design protocol.

(5) The superintendent of public instruction shall utilize the school facilities advisory board as a high-performance buildings advisory committee comprised of affected public schools, ~~((the state board of education;-))~~ the superintendent of public

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

instruction, the department, and others at the superintendent of public instruction's discretion to provide advice on implementing this chapter. Among other duties, the advisory committee shall make recommendations regarding an education and training process and an ongoing evaluation or feedback process to help the superintendent of public instruction (~~and the state board of education~~) implement this chapter.

Sec. 332 RCW 39.35D.060 and 2005 c 12 s 6 are each amended to read as follows:

(1)(a) The department, in consultation with affected public agencies, shall develop and issue guidelines for administering this chapter for public agencies. The purpose of the guidelines is to define a procedure and method for employing and verifying activities necessary for certification to at least the LEED silver standard for major facility projects.

(b) The department and the office of the superintendent of public instruction shall amend their fee schedules for architectural and engineering services to accommodate the requirements in the design of major facility projects under this chapter.

(c) The department and the office of the superintendent of public instruction shall procure architecture and engineering services consistent with chapter 39.80 RCW.

(d) Major facility projects designed to meet standards identified in this chapter must include building commissioning as a critical cost-saving part of the construction process. This process includes input from the project design and construction teams and the project ownership representatives.

(e) As provided in the request for proposals for construction services, the operating agency shall hold a preproposal conference for prospective bidders to discuss compliance with and achievement of standards identified in this chapter for prospective respondents.

(2) The department shall create a high-performance buildings advisory committee comprised of representatives from the design and construction industry involved in public works contracting, personnel from the affected public agencies responsible for overseeing public works projects, (~~the state board of education,~~) the office of the superintendent of public instruction, and others at the department's discretion to provide advice on implementing this chapter. Among other duties, the advisory committee shall make recommendations regarding an education and training process and an ongoing evaluation or feedback process to help the department implement this chapter.

(3) The department and the (~~state board of education~~) office of the superintendent of public instruction shall adopt rules to implement this section.

Sec. 333 RCW 79.17.100 and 2003 c 334 s 322 are each amended to read as follows:

Except as otherwise provided in RCW 79.17.110, upon the application of a school district or any institution of higher education for the purchase or lease of lands granted to the state by the United States, the department may offer such land for sale or lease to such school district or institution of higher education in such acreage as it may determine, consideration being given upon application of a school district to school site criteria established by the (~~state board of education~~) superintendent of public instruction. However, in the event the department thereafter proposes to offer such land for sale or lease at public auction, such school district or institution of higher education shall have a preference right for six months from notice of such proposal to purchase or lease such land at the appraised value determined by the board.

Sec. 334 RCW 79.17.120 and 2003 c 334 s 438 are each amended to read as follows:

The purchases authorized under RCW 79.17.110 shall be classified as for the construction of common school plant

facilities under RCW 28A.525.010 through 28A.525.222 and shall be payable out of the common school construction fund as otherwise provided for in RCW 28A.515.320 if the school district involved was under emergency school construction classification as established by the (~~state board of education~~) superintendent of public instruction at any time during the period of its lease of state lands.

NEW SECTION. Sec. 335 The following sections are each decodified:

- RCW 28A.525.120
- RCW 28A.525.122
- RCW 28A.525.124
- RCW 28A.525.126
- RCW 28A.525.128
- RCW 28A.525.130
- RCW 28A.525.132
- RCW 28A.525.134
- RCW 28A.525.140
- RCW 28A.525.142
- RCW 28A.525.144
- RCW 28A.525.146
- RCW 28A.525.148
- RCW 28A.525.150
- RCW 28A.525.152
- RCW 28A.525.154
- RCW 28A.525.156
- RCW 28A.525.158
- RCW 28A.525.160
- RCW 28A.525.182

**PART 4
COURSES OF STUDY AND EDUCATIONAL
PROGRAMS**

Sec. 401 RCW 28A.305.220 and 2004 c 19 s 108 are each amended to read as follows:

(1) The (~~state board of education~~) superintendent of public instruction, in consultation with the higher education coordinating board, the state board for community and technical colleges, and the work force training and education coordinating board, shall develop for use by all public school districts a standardized high school transcript. The (~~state board of education~~) superintendent shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) The standardized high school transcript shall include the following information:

(a) The highest scale score and level achieved in each content area on the high school Washington assessment of student learning or other high school measures successfully completed by the student as provided by RCW 28A.655.061 and 28A.155.045;

(b) All scholar designations as provided by RCW 28A.655.061;

(c) A notation of whether the student has earned a certificate of individual achievement or a certificate of academic achievement by means of the Washington assessment of student learning or by an alternative assessment.

(3) Transcripts are important documents to students who will apply for admission to postsecondary institutions of higher education. Transcripts are also important to students who will seek employment upon or prior to graduation from high school. It is recognized that student transcripts may be the only record available to employers in their decision-making processes regarding prospective employees. The superintendent of public instruction shall require school districts to inform annually all

FIFTY-EIGHTH DAY, MARCH 7, 2006

high school students that prospective employers may request to see transcripts and that the prospective employee's decision to release transcripts can be an important part of the process of applying for employment.

Sec. 402 RCW 28A.230.100 and 1991 c 116 s 8 are each amended to read as follows:

The ~~((state board of education))~~ superintendent of public instruction, in consultation with the higher education coordinating board, the state board for community and technical colleges, and the work force training and education coordinating board, shall adopt rules pursuant to chapter 34.05 RCW, to implement the course requirements set forth in RCW 28A.230.090. The rules shall include, as the ~~((state board))~~ superintendent deems necessary, granting equivalencies for and temporary exemptions from the course requirements in RCW 28A.230.090 and special alterations of the course requirements in RCW 28A.230.090. In developing such rules the ~~((state board))~~ superintendent shall recognize the relevance of vocational and applied courses and allow such courses to fulfill in whole or in part the courses required for graduation in RCW 28A.230.090. The rules may include provisions for competency testing in lieu of such courses required for graduation in RCW 28A.230.090 or demonstration of specific skill proficiency or understanding of concepts through work or experience.

Sec. 403 RCW 28A.230.170 and 1985 c 341 s 1 are each amended to read as follows:

The study of the Constitution of the United States and the Constitution of the state of Washington shall be a condition prerequisite to graduation from the public and private high schools of this state. The ~~((state board of education acting upon the advice of the))~~ superintendent of public instruction shall provide by rule ~~((or regulation))~~ for the implementation of this section.

NEW SECTION. Sec. 404 The state board of education, in consultation with the state board for community and technical colleges, shall examine the statutory authority, rules, and jurisdiction between the K-12 and postsecondary education systems regarding the general educational development test and adult education. The board shall make recommendations for change or clarification to the education committees of the legislature by January 15, 2007.

NEW SECTION. Sec. 405 (1) The state board of education shall develop and propose a revised definition of the purpose and expectations for high school diplomas issued by public schools in Washington state. The revised definition shall address whether attainment of a high school diploma is intended to signify that a student is ready for success in college, ready for successful and gainful employment in the workplace, or some combination of these and other objectives. The revised definition shall focus on the knowledge, skills, and abilities that students are expected to demonstrate to receive a high school diploma, as well as the various methods to be used to measure student performance, rather than focusing on courses, credits, seat time, and test scores.

(2) In developing the revised definition of the high school diploma, the state board of education shall consult with educators, parents, institutions of higher education, employers, and community leaders. The board shall also work with the state board for community and technical colleges, the higher education coordinating board, and the work force training and education coordinating board.

(3) The state board of education shall submit the proposed revised definition of the high school diploma, along with any necessary revisions to state statutes and rules, to the education committees of the legislature by December 1, 2007.

Sec. 406 RCW 28A.305.170 and 2002 c 291 s 3 are each amended to read as follows:

(1) In addition to any other powers and duties as provided by law, the ~~((state board of education))~~ superintendent of public instruction, in consultation with the military department, shall adopt rules governing and authorizing the acceptance of national guard high school career training and the national guard youth challenge program in lieu of either required high school credits or elective high school credits.

(2) With the exception of students enrolled in the national guard youth challenge program, students enrolled in such national guard programs shall be considered enrolled in the common school last attended preceding enrollment in such national guard program.

(3) The ~~((board))~~ superintendent shall adopt rules to ensure that students who successfully complete the national guard youth challenge program are granted an appropriate number of high school credits, based on the students' levels of academic proficiency as measured by the program.

Sec. 407 RCW 28A.230.130 and 2003 c 49 s 2 are each amended to read as follows:

(1) All public high schools of the state shall provide a program, directly or in cooperation with a community college or another school district, for students whose educational plans include application for entrance to a baccalaureate-granting institution after being granted a high school diploma. The program shall help these students to meet at least the minimum entrance requirements under RCW 28B.10.050.

(2) All public high schools of the state shall provide a program, directly or in cooperation with a community or technical college, a skills center, an apprenticeship committee, or another school district, for students who plan to pursue career or work opportunities other than entrance to a baccalaureate-granting institution after being granted a high school diploma. These programs may:

(a) Help students demonstrate the application of essential academic learning requirements to the world of work, occupation-specific skills, knowledge of more than one career in a chosen pathway, and employability and leadership skills; and

(b) Help students demonstrate the knowledge and skill needed to prepare for industry certification, and/or have the opportunity to articulate to postsecondary education and training programs.

~~((3) The state board of education, upon request from local school districts, may grant waivers from the requirements to provide the program described in subsections (1) and (2) of this section for reasons relating to school district size and the availability of staff authorized to teach subjects which must be provided. In considering waiver requests related to programs in subsection (2) of this section, the state board of education shall consider the extent to which the school district has offered such programs before the 2003-04 school year.))~~

Sec. 408 RCW 28A.205.010 and 2005 c 497 s 214 are each amended to read as follows:

(1) As used in this chapter, unless the context thereof shall clearly indicate to the contrary:

"Education center" means any private school operated on a profit or nonprofit basis which does the following:

(a) Is devoted to the teaching of basic academic skills, including specific attention to improvement of student motivation for achieving, and employment orientation.

(b) Operates on a clinical, client centered basis. This shall include, but not be limited to, performing diagnosis of individual educational abilities, determination and setting of individual goals, prescribing and providing individual courses of instruction therefor, and evaluation of each individual client's progress in his or her educational program.

(c) Conducts courses of instruction by professionally trained personnel certificated by the Washington professional educator

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

standards board according to rules adopted for the purposes of this chapter and providing, for certification purposes, that a year's teaching experience in an education center shall be deemed equal to a year's teaching experience in a common or private school.

(2) For purposes of this chapter, basic academic skills shall include the study of mathematics, speech, language, reading and composition, science, history, literature and political science or civics; it shall not include courses of a vocational training nature and shall not include courses deemed nonessential to the accrediting ~~((of the common schools))~~ or the approval of private schools under RCW 28A.305.130.

(3) The ~~((state board of education))~~ superintendent of public instruction shall certify an education center only upon application and (a) determination that such school comes within the definition thereof as set forth in subsection (1) of this section and (b) demonstration on the basis of actual educational performance of such applicants' students which shows after consideration of their students' backgrounds, educational gains that are a direct result of the applicants' educational program. Such certification may be withdrawn if the ~~((board))~~ superintendent finds that a center fails to provide adequate instruction in basic academic skills. No education center certified by the ~~((state board of education))~~ superintendent of public instruction pursuant to this section shall be deemed a common school under RCW 28A.150.020 or a private school for the purposes of RCW 28A.195.010 through 28A.195.050.

Sec. 409 RCW 28A.205.070 and 1993 c 211 s 6 are each amended to read as follows:

In allocating funds appropriated for education centers, the superintendent of public instruction shall:

(1) Place priority upon stability and adequacy of funding for education centers that have demonstrated superior performance as defined in RCW 28A.205.040(2).

(2) Initiate and maintain a competitive review process to select new or expanded center programs in unserved or underserved areas. The criteria for review of competitive proposals for new or expanded education center services shall include but not be limited to:

(a) The proposing organization shall have obtained certification from the ~~((state board of education))~~ superintendent of public instruction as provided in RCW 28A.205.010;

(b) The cost-effectiveness of the proposal; and

(c) The availability of committed nonstate funds to support, enrich, or otherwise enhance the basic program.

(3) In selecting areas for new or expanded education center programs, the superintendent of public instruction shall consider factors including but not limited to:

(a) The proportion and total number of dropouts unserved by existing center programs, if any;

(b) The availability within the geographic area of programs other than education centers which address the basic educational needs of dropouts; and

(c) Waiting lists or other evidence of demand for expanded education center programs.

(4) In the event of any curtailment of services resulting from lowered legislative appropriations, the superintendent of public instruction shall issue pro rata reductions to all centers funded at the time of the lowered appropriation. Individual centers may be exempted from such pro rata reductions if the superintendent finds that such reductions would impair the center's ability to operate at minimally acceptable levels of service. In the event of such exceptions, the superintendent shall determine an appropriate rate for reduction to permit the center to continue operation.

(5) In the event that an additional center or centers become certified and apply to the superintendent for funds to be

allocated from a legislative appropriation which does not increase from the immediately preceding biennium, or does not increase sufficiently to allow such additional center or centers to operate at minimally acceptable levels of service without reducing the funds available to previously funded centers, the superintendent shall not provide funding for such additional center or centers from such appropriation.

Sec. 410 RCW 28A.215.010 and 1995 c 335 s 104 are each amended to read as follows:

The board of directors of any school district shall have the power to establish and maintain preschools and to provide before-and-after-school and vacation care in connection with the common schools of said district located at such points as the board shall deem most suitable for the convenience of the public, for the care and instruction of infants and children residing in said district. The board shall establish such courses, activities, rules, and regulations governing preschools and before-and-after-school care as it may deem best: PROVIDED, That these courses and activities shall meet the minimum standard for such preschools as established by the United States department of health, education and welfare, or its successor agency, and the ~~((state board of education))~~ superintendent of public instruction. Except as otherwise provided by state or federal law, the board of directors may fix a reasonable charge for the care and instruction of children attending such schools. The board may, if necessary, supplement such funds as are received for the superintendent of public instruction or any agency of the federal government, by an appropriation from the general school fund of the district.

Sec. 411 RCW 28A.215.020 and 1995 c 335 s 308 are each amended to read as follows:

Expenditures under federal funds and/ or state appropriations made to carry out the purposes of RCW 28A.215.010 through 28A.215.050 shall be made by warrants issued by the state treasurer upon order of the superintendent of public instruction. The ~~((state board of education))~~ superintendent of public instruction shall make necessary rules ~~((and regulations))~~ to carry out the purpose of RCW 28A.215.010. After being notified by the office of the governor that there is an agency or department responsible for early learning, the superintendent shall consult with that agency when establishing relevant rules.

Sec. 412 RCW 28A.205.040 and 1999 c 348 s 4 are each amended to read as follows:

(1)(a) From funds appropriated for that purpose, the superintendent of public instruction shall pay fees to a certified center on a monthly basis for each student enrolled in compliance with RCW 28A.205.020. The superintendent shall set fees by rule.

(b) Revisions in such fees proposed by an education center shall become effective after thirty days notice unless the superintendent finds such a revision is unreasonable in which case the revision shall not take effect. ~~((An education center may, within fifteen days after such a finding by the superintendent, file notification of appeal with the state board of education which shall, no later than its second regularly scheduled meeting following notification of such appeal, either grant or deny the proposed revision.))~~ The administration of any general education development test shall not be a part of such initial diagnostic procedure.

(c) Reimbursements shall not be made for students who are absent.

(d) No center shall make any charge to any student, or the student's parent, guardian or custodian, for whom a fee is being received under the provisions of this section.

(2) Payments shall be made from available funds first to those centers that have in the judgment of the superintendent

FIFTY-EIGHTH DAY, MARCH 7, 2006

demonstrated superior performance based upon consideration of students' educational gains taking into account such students' backgrounds, and upon consideration of cost effectiveness. In considering the cost effectiveness of nonprofit centers the superintendent shall take into account not only payments made under this section but also factors such as tax exemptions, direct and indirect subsidies or any other cost to taxpayers at any level of government which result from such nonprofit status.

(3) To be eligible for such payment, every such center, without prior notice, shall permit a review of its accounting records by personnel of the state auditor during normal business hours.

(4) If total funds for this purpose approach depletion, the superintendent shall notify the centers of the date after which further funds for reimbursement of the centers' services will be exhausted.

Sec. 413 RCW 28A.215.140 and 1988 c 174 s 5 are each amended to read as follows:

The department shall establish an advisory committee composed of interested parents and representatives from ~~((the state board of education))~~ the office of the superintendent of public instruction, the division of children and family services within the department of social and health services, early childhood education and development staff preparation programs, the head start programs, school districts, and such other community and business organizations as deemed necessary by the department to assist with the establishment of the preschool program and advise the department on matters regarding the on-going promotion and operation of the program.

Sec. 414 RCW 28A.230.020 and 1991 c 116 s 6 are each amended to read as follows:

All common schools shall give instruction in reading, penmanship, orthography, written and mental arithmetic, geography, the history of the United States, English grammar, physiology and hygiene with special reference to the effects of alcohol and drug abuse on the human system, science with special reference to the environment, and such other studies as may be prescribed by rule ~~((or regulation))~~ of the ~~((state board of education))~~ superintendent of public instruction. All teachers shall stress the importance of the cultivation of manners, the fundamental principles of honesty, honor, industry and economy, the minimum requisites for good health including the beneficial effect of physical exercise and methods to prevent exposure to and transmission of sexually transmitted diseases, and the worth of kindness to all living creatures and the land. The prevention of child abuse may be offered as part of the curriculum in the common schools.

Sec. 415 RCW 28A.230.040 and 1984 c 52 s 1 are each amended to read as follows:

Every pupil attending grades one through eight of the public schools shall receive instruction in physical education as prescribed by rule ~~((or regulation))~~ of the ~~((state board of education))~~ superintendent of public instruction; PROVIDED, That individual pupils or students may be excused on account of physical disability, religious belief, or participation in directed athletics.

Sec. 416 RCW 28A.230.050 and 1985 c 384 s 3 are each amended to read as follows:

All high schools of the state shall emphasize the work of physical education, and carry into effect all physical education requirements established by rule ~~((or regulation))~~ of the ~~((state board of education))~~ superintendent of public instruction; PROVIDED, That individual students may be excused from participating in physical education otherwise required under this section on account of physical disability, employment, or religious belief, or because of participation in directed athletics or military science and tactics or for other good cause.

Sec. 417 RCW 28A.330.100 and 1995 c 335 s 503 and 1995 c 77 s 22 are each reenacted and amended to read as follows:

Every board of directors of a school district of the first class, in addition to the general powers for directors enumerated in this title, shall have the power:

(1) To employ for a term of not exceeding three years a superintendent of schools of the district, and for cause to dismiss him or her~~(:)~~, and to fix his or her duties and compensation~~(:)~~;

(2) To employ, and for cause dismiss one or more assistant superintendents and to define their duties and fix their compensation~~(:)~~;

(3) To employ a business manager, attorneys, architects, inspectors of construction, superintendents of buildings and a superintendent of supplies, all of whom shall serve at the board's pleasure, and to prescribe their duties and fix their compensation~~(:)~~;

(4) To employ, and for cause dismiss, supervisors of instruction and to define their duties and fix their compensation~~(:)~~;

(5) To prescribe a course of study and a program of exercises which shall be consistent with the course of study prepared by the ~~((state board of education))~~ superintendent of public instruction for the use of the common schools of this state~~(:)~~;

(6) To, in addition to the minimum requirements imposed by this title establish and maintain such grades and departments, including night, high, kindergarten, vocational training and, except as otherwise provided by law, industrial schools, and schools and departments for the education and training of any class or classes of youth with disabilities, as in the judgment of the board, best shall promote the interests of education in the district~~(:)~~;

(7) To determine the length of time over and above one hundred eighty days that school shall be maintained: PROVIDED, That for purposes of apportionment no district shall be credited with more than one hundred and eighty-three days' attendance in any school year; and to fix the time for annual opening and closing of schools and for the daily dismissal of pupils before the regular time for closing schools~~(:)~~;

(8) To maintain a shop and repair department, and to employ, and for cause dismiss, a foreman and the necessary help for the maintenance and conduct thereof~~(:)~~;

(9) To provide free textbooks and supplies for all children attending school~~(:)~~;

(10) To require of the officers or employees of the district to give a bond for the honest performance of their duties in such penal sum as may be fixed by the board with good and sufficient surety, and to cause the premium for all bonds required of all such officers or employees to be paid by the district: PROVIDED, That the board may, by written policy, allow that such bonds may include a deductible proviso not to exceed two percent of the officer's or employee's annual salary~~(:)~~;

(11) To prohibit all secret fraternities and sororities among the students in any of the schools of the said districts~~(:)~~; and

(12) To appoint a practicing physician, resident of the school district, who shall be known as the school district medical inspector, and whose duty it shall be to decide for the board of directors all questions of sanitation and health affecting the safety and welfare of the public schools of the district who shall serve at the board's pleasure: PROVIDED, That children shall not be required to submit to vaccination against the will of their parents or guardian.

NEW SECTION. **Sec. 418** RCW 28A.305.220 is recodified as a new section in chapter 28A.230 RCW.

NEW SECTION. **Sec. 419** RCW 28A.305.170 is recodified

FIFTY-EIGHTH DAY, MARCH 7, 2006
as a new section in chapter 28A.300 RCW.

2006 REGULAR SESSION

**PART 5
SCHOOL DISTRICT BOUNDARIES**

Sec. 501 RCW 28A.315.175 and 1999 c 315 s 302 are each amended to read as follows:

~~((The powers and duties of the state board with respect to this chapter shall be))~~ The superintendent of public instruction shall:

(1) ~~((To))~~ Aid regional committees in the performance of their duties by furnishing them with plans of procedure, standards, data, maps, forms, and other necessary materials and services essential to a study and understanding of the problems of school district organization in their respective educational service districts(-); and

\ (2) ~~((To hear appeals as provided in RCW 28A.315.205))~~ Carry out powers and duties of the superintendent of public instruction relating to the organization and reorganization of school districts.

Sec. 502 RCW 28A.315.195 and 2003 c 413 s 2 are each amended to read as follows:

(1) A proposed change in school district organization by transfer of territory from one school district to another may be initiated by a petition in writing presented to the educational service district superintendent:

(a) Signed by at least fifty percent plus one of the active registered voters residing in the territory proposed to be transferred; or

(b) Signed by a majority of the members of the board of directors of one of the districts affected by a proposed transfer of territory.

(2) The petition shall state the name and number of each district affected, describe the boundaries of the territory proposed to be transferred, and state the reasons for desiring the change and the number of children of school age, if any, residing in the territory.

(3) The educational service district superintendent shall not complete any transfer of territory under this section that involves ten percent or more of the common school student population of the entire district from which the transfer is proposed, unless the educational service district superintendent has first called and held a special election of the voters of the entire school district from which the transfer of territory is proposed. The purpose of the election is to afford those voters an opportunity to approve or reject the proposed transfer. A simple majority shall determine approval or rejection.

(4) ~~The ((state board))~~ superintendent of public instruction may establish rules limiting the frequency of petitions that may be filed pertaining to territory included in whole or in part in a previous petition.

(5) Upon receipt of the petition, the educational service district superintendent shall notify in writing the affected districts that:

(a) Each school district board of directors, whether or not initiating a proposed transfer of territory, is required to enter into negotiations with the affected district or districts;

(b) In the case of a citizen-initiated petition, the affected districts must negotiate on the entire proposed transfer of territory;

(c) The districts have ninety calendar days in which to agree to the proposed transfer of territory;

(d) The districts may request and shall be granted by the educational service district superintendent one thirty-day extension to try to reach agreement; and

(e) Any district involved in the negotiations may at any time during the ninety-day period notify the educational service

district superintendent in writing that agreement will not be possible.

(6) If the negotiating school boards cannot come to agreement about the proposed transfer of territory, the educational service district superintendent, if requested by the affected districts, shall appoint a mediator. The mediator has thirty days to work with the affected school districts to see if an agreement can be reached on the proposed transfer of territory.

(7) If the affected school districts cannot come to agreement about the proposed transfer of territory, and the districts do not request the services of a mediator or the mediator was unable to bring the districts to agreement, either district may file with the educational service district superintendent a written request for a hearing by the regional committee.

(8) If the affected school districts cannot come to agreement about the proposed transfer of territory initiated by citizen petition, and the districts do not request the services of a mediator or the mediator was unable to bring the districts to agreement, the district in which the citizens who filed the petition reside shall file with the educational service district superintendent a written request for a hearing by the regional committee, unless a majority of the citizen petitioners request otherwise.

(9) Upon receipt of a notice under subsection (7) or (8) of this section, the educational service district superintendent shall notify the chair of the regional committee in writing within ten days.

(10) Costs incurred by school districts under this section shall be reimbursed by the state from such funds as are appropriated for this purpose.

Sec. 503 RCW 28A.315.205 and 2003 c 413 s 1 are each amended to read as follows:

(1) The chair of the regional committee shall schedule a hearing on the proposed transfer of territory at a location in the educational service district within sixty calendar days of being notified under RCW 28A.315.195 (7) or (8).

(2) Within thirty calendar days of the hearing under subsection (1) of this section, or final hearing if more than one is held by the committee, the committee shall issue its written findings and decision to approve or disapprove the proposed transfer of territory. The educational service district superintendent shall transmit a copy of the committee's decision to the superintendents of the affected school districts within ten calendar days.

(3) In carrying out the purposes of RCW 28A.315.015 and in making decisions as authorized under RCW 28A.315.095(1), the regional committee shall base its judgment upon whether and to the extent the proposed change in school district organization complies with RCW 28A.315.015(2) and rules adopted by the ~~((state board))~~ superintendent of public instruction under chapter 34.05 RCW.

(4) ~~((State board))~~ The rules under subsection (3) of this section shall provide for giving consideration to all of the following:

(a) Student educational opportunities as measured by the percentage of students performing at each level of the statewide mandated assessments and data regarding student attendance, graduation, and dropout rates;

(b) The safety and welfare of pupils. For the purposes of this subsection, "safety" means freedom or protection from danger, injury, or damage and "welfare" means a positive condition or influence regarding health, character, and well-being;

(c) The history and relationship of the property affected to the students and communities affected, including, for example, inclusion within a single school district, for school attendance and corresponding tax support purposes, of entire master planned communities that were or are to be developed pursuant

FIFTY-EIGHTH DAY, MARCH 7, 2006

to an integrated commercial and residential development plan with over one thousand dwelling units;

(d) Whether or not geographic accessibility warrants a favorable consideration of a recommended change in school district organization, including remoteness or isolation of places of residence and time required to travel to and from school; and

(e) All funding sources of the affected districts, equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per pupil valuation when all funding sources are considered, improvement in the economies in the administration and operation of schools, and the extent the proposed change would potentially reduce or increase the individual and aggregate transportation costs of the affected school districts.

(5)(a)(i) A petitioner or school district may appeal a decision by the regional committee to the ~~((state board))~~ superintendent of public instruction based on the claim that the regional committee failed to follow the applicable statutory and regulatory procedures or acted in an arbitrary and capricious manner. Any such appeal shall be based on the record and the appeal must be filed within thirty days of the final decision of the regional committee. The appeal shall be heard and determined by an administrative law judge in the office of administrative hearings, based on the standards in (a)(ii) of this subsection.

(ii) If the ~~((state board))~~ administrative law judge finds that all applicable procedures were not followed or that the regional committee acted in an arbitrary and capricious manner, ~~((it))~~ the administrative law judge shall refer the matter back to the regional committee with an explanation of ~~((the board's))~~ his or her findings. The regional committee shall rehear the proposal.

(iii) If the ~~((state board))~~ administrative law judge finds that all applicable procedures were followed or that the regional committee did not act in an arbitrary and capricious manner, depending on the appeal, the educational service district shall be notified and directed to implement the changes.

(b) Any school district or citizen petitioner affected by a final decision of the regional committee may seek judicial review of the committee's decision in accordance with RCW 34.05.570.

Sec. 504 RCW 28A.315.015 and 1999 c 315 s 101 are each amended to read as follows:

(1) It is the purpose of this chapter to:

(a) Incorporate into a single, comprehensive, school district organization law all essential provisions governing:

(i) The formation and establishment of new school districts;

(ii) The alteration of the boundaries of existing districts; and

(iii) The adjustment of the assets and liabilities of school districts when changes are made under this chapter; and

(b) Establish methods and procedures whereby changes in the school district system may be brought about by the people concerned and affected.

(2) It is the state's policy that decisions on proposed changes in school district organization should be made, whenever possible, by negotiated agreement between the affected school districts. If the districts cannot agree, the decision shall be made by the regional committees on school district organization, based on the committees' best judgment, taking into consideration the following factors and factors under RCW 28A.315.205:

(a) A balance of local petition requests and the needs of the statewide community at large in a manner that advances the best interest of public education in the affected school districts and communities, the educational service district, and the state;

(b) Responsibly serving all of the affected citizens and students by contributing to logical service boundaries and recognizing a changing economic pattern within the educational

service districts of the state;

(c) Enhancing the educational opportunities of pupils in the territory by reducing existing disparities among the affected school districts' ability to provide operating and capital funds through an equitable adjustment of the assets and liabilities of the affected districts;

(d) Promoting a wiser use of public funds through improvement in the school district system of the educational service districts and the state; and

(e) Other criteria or considerations as may be established in rule by the ~~((state board of education))~~ superintendent of public instruction.

(3) It is neither the intent nor purpose of this chapter to apply to organizational changes and the procedure therefor relating to capital fund aid by nonhigh school districts as provided for in chapter 28A.540 RCW.

Sec. 505 RCW 28A.315.025 and 1990 c 33 s 293 are each amended to read as follows:

As used in this chapter:

(1) "Change in the organization and extent of school districts" means the formation and establishment of new school districts, the dissolution of existing school districts, the alteration of the boundaries of existing school districts, or all of them.

(2) "Regional committee" means the regional committee on school district organization created by this chapter.

(3) ~~((("State board" means the state board of education.~~

~~—(4)))~~ "School district" means the territory under the jurisdiction of a single governing board designated and referred to as the board of directors.

~~((5)))~~ (4) "Educational service district superintendent" means the educational service district superintendent as provided for in RCW 28A.310.170 or his or her designee.

Sec. 506 RCW 28A.315.055 and 1999 c 315 s 203 are each amended to read as follows:

In case the boundaries of any of the school districts are conflicting or incorrectly described, the educational service district board of directors, after due notice and a public hearing, shall change, harmonize, and describe them and shall so certify, with a complete transcript of boundaries of all districts affected, such action to the ~~((state board))~~ superintendent of public instruction for ~~((its))~~ approval or revision. Upon receipt of notification of ~~((state board))~~ action by the superintendent of public instruction, the educational service district superintendent shall transmit to the county legislative authority of the county or counties in which the affected districts are located a complete transcript of the boundaries of all districts affected.

Sec. 507 RCW 28A.315.085 and 2005 c 497 s 405 are each amended to read as follows:

(1) The superintendent of public instruction shall furnish ~~((to the state board and))~~ to regional committees the services of employed personnel and the materials and supplies necessary to enable them to perform the duties imposed upon them by this chapter ~~((and)).~~ Members shall be reimbursed ~~((the members thereof))~~ for expenses necessarily incurred by them in the performance of their duties ~~((, such reimbursement for regional committee members to be))~~ in accordance with RCW 28A.315.155 ~~((, and such reimbursement for state board members to be in accordance with RCW 28A.305.014)).~~

(2) Costs that may be incurred by an educational service district in association with school district negotiations under RCW 28A.315.195 and supporting the regional committee under RCW 28A.315.205 shall be reimbursed by the state from such funds as are appropriated for these purposes.

Sec. 508 RCW 28A.315.125 and 1993 c 416 s 2 are each amended to read as follows:

The members of each regional committee shall be elected in

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

the following manner:

(1) On or before the 25th day of September, 1994, and not later than the 25th day of September of every subsequent even-numbered year, each superintendent of an educational service district shall call an election to be held in each educational service district within which resides a member of a regional committee whose term of office expires on the second Monday of January next following, and shall give written notice thereof to each member of the board of directors of each school district in the educational service district. Such notice shall include instructions, and the rules ~~((and regulations))~~ established by the ~~((state board of education))~~ superintendent of public instruction for the conduct of the election. The ~~((state board of education))~~ superintendent of public instruction is ~~((hereby))~~ empowered to adopt rules pursuant to chapter 34.05 RCW which establish standards and procedures which the ~~((state board))~~ superintendent deems necessary to conduct elections pursuant to this section; to conduct run-off elections in the event an election for a position is indecisive; and to decide run-off elections which result in tie votes, in a fair and orderly manner.

(2) Candidates for membership on a regional committee shall file a declaration of candidacy with the superintendent of the educational service district wherein they reside. Declarations of candidacy may be filed by person or by mail not earlier than the 1st day of October, and not later than the 15th day of October of each even-numbered year. The superintendent may not accept any declaration of candidacy that is not on file in his or her office or not postmarked before the 16th day of October, or if not postmarked or the postmark is not legible, if received by mail after the 20th day of October of each even-numbered year.

(3) Each member of the regional committee shall be elected by a majority of the votes cast for all candidates for the position by the members of the boards of directors of school districts in the educational service district. All votes shall be cast by mail ballot addressed to the superintendent of the educational service district wherein the school director resides. No votes shall be accepted for counting if postmarked after the 16th day of November or if not postmarked or the postmark is not legible, if received by mail after the 21st day of November of each even-numbered year. An election board comprised of three persons appointed by the board of the educational service district shall count and tally the votes not later than the 25th day of November or the next business day if the 25th falls on a Saturday, Sunday, or legal holiday of each even-numbered year. Each vote cast by a school director shall be recorded as one vote. Within ten days following the count of votes, the educational service district superintendent shall certify to the superintendent of public instruction the name or names of the person(s) elected to be members of the regional committee.

(4) In the event of a change in the number of educational service districts or in the number of educational service district board members pursuant to chapter 28A.310 RCW a new regional committee shall be elected for each affected educational service district at the next election conducted pursuant to this section. Those persons who were serving on a regional committee within an educational service district affected by a change in the number of districts or board members shall continue to constitute the regional committee for the educational service district within which they are registered to vote until the majority of a new board has been elected and certified.

(5) No member of a regional committee shall continue to serve thereon if he or she ceases to be a registered voter of the educational service district board member district or if he or she is absent from three consecutive meetings of the committee without an excuse acceptable to the committee.

Sec. 509 RCW 28A.315.185 and 1999 c 315 s 303 are each amended to read as follows:

To the extent funds are appropriated, the superintendent of public instruction, in cooperation with the educational service districts and the Washington state school directors' association, shall conduct an annual training meeting for the regional committees, ~~((state board members;))~~ educational service district superintendents, and local school district superintendents and boards of directors. Training may also be provided upon request.

PART 6 EDUCATIONAL SERVICE DISTRICTS

Sec. 601 RCW 28A.305.210 and 2005 c 518 s 913 are each amended to read as follows:

~~((The state board of education, by rule or regulation, may require the assistance of educational service district boards and/or superintendents in the performance of any duty, authority, or power imposed upon or granted to the state board of education by law, upon such terms and conditions as the state board of education shall establish. Such authority to assist the state board of education shall be limited to the service function of information collection and dissemination and the attestation to the accuracy and completeness of submitted information. —(2)))~~ During the 2005-2007 biennium until the effective date of this act, educational service districts may, at the request of the state board of education, receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education postsite visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

~~((2)))~~ During the 2005-2007 biennium until the effective date of this act, educational service districts may, at the request of the state board of education, receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education postsite visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

(2) This section expires July 1, 2007.

Sec. 602 RCW 28A.310.080 and 1977 ex.s. c 283 s 15 are each amended to read as follows:

~~((On or before the twenty-fifth day of August, 1978, and))~~ Not later than the twenty-fifth day of August of every ~~((subsequent))~~ even-numbered year, the ~~((secretary to the state board of education))~~ superintendent of public instruction shall call an election to be held in each educational service district within which resides a member of the board of the educational service district whose term of office expires on the second Monday of January next following, and shall give written notice thereof to each member of the board of directors of each school district in such educational service district. Such notice shall include instructions ~~((;))~~ and rules ~~((; and regulations))~~ established by the ~~((state board of education))~~ superintendent of public instruction for the conduct of the election.

Sec. 603 RCW 28A.310.030 and 1990 c 33 s 271 are each amended to read as follows:

Except as otherwise provided in this chapter, in each educational service district there shall be an educational service district board consisting of seven members elected by the school directors of the educational service district, one from each of seven educational service district board-member districts. Board-member districts in districts reorganized under RCW 28A.310.020, or as provided for in RCW 28A.310.120 and under this section, shall be initially determined by the state board of education. If a reorganization pursuant to RCW 28A.310.020 places the residence of a board member into another or newly created educational service district, such member shall serve on the board of the educational service district of residence and at the next election called by the ~~((secretary to the state board of education))~~ superintendent of public instruction pursuant to RCW 28A.310.080 a new seven

FIFTY-EIGHTH DAY, MARCH 7, 2006

member board shall be elected. If the redrawing of board-member district boundaries pursuant to this chapter shall cause the resident board-member district of two or more board members to coincide, such board members shall continue to serve on the board and at the next election called by the ~~((secretary to the state board of education))~~ superintendent of public instruction a new board shall be elected. The board-member districts shall be arranged so far as practicable on a basis of equal population, with consideration being given existing board members of existing educational service district boards. Each educational service district board member shall be elected by the school directors of each school district within the educational service district. Beginning in 1971 and every ten years thereafter, educational service district boards shall review and, if necessary, shall change the boundaries of board-member districts so as to provide so far as practicable equal representation according to population of such board-member districts and to conform to school district boundary changes: PROVIDED, That all board-member district boundaries, to the extent necessary to conform with this chapter, shall be immediately redrawn for the purposes of the next election called by the ~~((secretary to the state board of education))~~ superintendent of public instruction following any reorganization pursuant to this chapter. Such district board, if failing to make the necessary changes prior to June 1st of the appropriate year, shall refer for settlement questions on board-member district boundaries to the ~~((state board of education))~~ office of the superintendent of public instruction, which, after a public hearing, shall decide such questions.

Sec. 604 RCW 28A.310.050 and 1977 ex.s. c 283 s 19 are each amended to read as follows:

Any educational service district board may elect by resolution of the board to increase the board member size to nine board members. In such case positions number eight and nine shall be filled at the next election called by the ~~((secretary to the state board of education))~~ superintendent of public instruction, position numbered eight to be for a term of two years, position numbered nine to be for a term of four years. Thereafter the terms for such positions shall be for four years.

Sec. 605 RCW 28A.310.060 and 1977 ex.s. c 283 s 20 are each amended to read as follows:

The term of every educational service district board member shall begin on the second Monday in January next following the election at which he or she was elected: PROVIDED, That a person elected to less than a full term pursuant to this section shall take office as soon as the election returns have been certified and he or she has qualified. In the event of a vacancy in the board from any cause, such vacancy shall be filled by appointment of a person from the same board-member district by the educational service district board. In the event that there are more than three vacancies in a seven-member board or four vacancies in a nine-member board, the ~~((state board of education))~~ superintendent of public instruction shall fill by appointment sufficient vacancies so that there shall be a quorum of the board serving. Each appointed board member shall serve until his or her successor has been elected at the next election called by the ~~((secretary to the state board of education))~~ superintendent of public instruction and has qualified.

Sec. 606 RCW 28A.310.090 and 1977 ex.s. c 283 s 16 are each amended to read as follows:

Candidates for membership on an educational service district board shall file declarations of candidacy with the ~~((secretary to the state board of education))~~ superintendent of public instruction on forms prepared by the ~~((secretary))~~ superintendent. Declarations of candidacy may be filed by person or by mail not earlier than the first day of September, nor later than the sixteenth day of September. The ~~((secretary to the~~

~~state board of education))~~ superintendent may not accept any declaration of candidacy that is not on file in his or her office or is not postmarked before the seventeenth day of September.

Sec. 607 RCW 28A.310.100 and 1980 c 179 s 7 are each amended to read as follows:

Each member of an educational service district board shall be elected by a majority of the votes cast at the election for all candidates for the position. All votes shall be cast by mail addressed to the ~~((secretary to the state board of education))~~ superintendent of public instruction and no votes shall be accepted for counting if postmarked after the sixteenth day of October or if not postmarked or the postmark is not legible, if received by mail after the twenty-first day of October following the call of the election. The ~~((secretary to the state board of education))~~ superintendent of public instruction and an election board comprised of three persons appointed by the ~~((state board of education))~~ superintendent shall count and tally the votes not later than the twenty-fifth day of October in the following manner: Each vote cast by a school director shall be accorded as one vote. If no candidate receives a majority of the votes cast, then, not later than the first day of November, the ~~((secretary to the state board of education))~~ superintendent of public instruction shall call a second election to be conducted in the same manner and at which the candidates shall be the two candidates receiving the highest number of votes cast. No vote cast at such second election shall be received for counting if postmarked after the sixteenth day of November or if not postmarked or the postmark is not legible, if received by mail after the twenty-first day of November and the votes shall be counted as hereinabove provided on the twenty-fifth day of November. The candidate receiving a majority of votes at any such second election shall be declared elected. In the event of a tie in such second election, the candidate elected shall be determined by a chance drawing of a nature established by the ~~((secretary to the state board of education))~~ superintendent of public instruction. Within ten days following the count of votes in an election at which a member of an educational service district board is elected, the ~~((secretary to the state board of education))~~ superintendent of public instruction shall certify to the county auditor of the headquarters county of the educational service district the name or names of the persons elected to be members of the educational service district board.

Sec. 608 RCW 28A.310.140 and 1990 c 33 s 274 are each amended to read as follows:

Every school district must be included entirely within a single educational service district. If the boundaries of any school district within an educational service district are changed in any manner so as to extend the school district beyond the boundaries of that educational service district, the ~~((state board))~~ superintendent of public instruction shall change the boundaries of the educational service districts so affected in a manner consistent with the purposes of RCW 28A.310.010 and this section.

Sec. 609 RCW 28A.310.150 and 1990 c 33 s 275 are each amended to read as follows:

Every candidate for membership on an educational service district board shall be a registered voter and a resident of the board-member district for which such candidate files. On or before the date for taking office, every member shall make an oath or affirmation to support the Constitution of the United States and the state of Washington and to faithfully discharge the duties of the office according to the best of such member's ability. The members of the board shall not be required to give bond unless so directed by the ~~((state board of education))~~ superintendent of public instruction. At the first meeting of newly elected members and after the qualification for office of the newly elected members, each educational service district

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

board shall reorganize by electing a chair and a vice chair. A majority of all of the members of the board shall constitute a quorum.

Sec. 610 RCW 28A.310.200 and 2001 c 143 s 1 are each amended to read as follows:

In addition to other powers and duties as provided by law, every educational service district board shall:

(1) Approve the budgets of the educational service district in accordance with the procedures provided for in this chapter(-);

(2) Meet regularly according to the schedule adopted at the organization meeting and in special session upon the call of the chair or a majority of the board(-);

(3) Approve the selection of educational service district personnel and clerical staff as provided in RCW 28A.310.230(-);

(4) Fix the amount of and approve the bonds for those educational service district employees designated by the board as being in need of bonding(-);

(5) Keep in the educational service district office a full and correct transcript of the boundaries of each school district within the educational service district(-);

(6) Acquire by borrowing funds or by purchase, lease, devise, bequest, and gift and otherwise contract for real and personal property necessary for the operation of the educational service district and to the execution of the duties of the board and superintendent thereof and sell, lease, or otherwise dispose of that property not necessary for district purposes. No real property shall be acquired or alienated without the prior approval of the ~~((state board of education))~~ superintendent of public instruction and the acquisition or alienation of all such property shall be subject to such provisions as the ~~((board))~~ superintendent may establish. When borrowing funds for the purpose of acquiring property, the educational service district board shall pledge as collateral the property to be acquired. Borrowing shall be evidenced by a note or other instrument between the district and the lender(-);

(7) Under RCW 28A.310.010, upon the written request of the board of directors of a local school district or districts served by the educational service district, the educational service district board of directors may provide cooperative and informational services not in conflict with other law that provide for the development and implementation of programs, activities, services, or practices that support the education of preschool through twelfth grade students in the public schools or that support the effective, efficient, or safe management and operation of the school district or districts served by the educational service district(-);

(8) Adopt such bylaws and rules ~~((and regulations))~~ for its own operation as it deems necessary or appropriate(-); and

(9) Enter into contracts, including contracts with common and educational service districts and the school for the deaf and the school for the blind for the joint financing of cooperative service programs conducted pursuant to RCW 28A.310.180(3), and employ consultants and legal counsel relating to any of the duties, functions, and powers of the educational service districts.

Sec. 611 RCW 28A.310.310 and 1990 c 33 s 284 are each amended to read as follows:

The educational service district board shall designate the headquarters office of the educational service district. Educational service districts shall provide for their own office space, heating, contents insurance, electricity, and custodial services, which may be obtained through contracting with any board of county commissioners. Official records of the educational service district board and superintendent, including each of the county superintendents abolished by chapter 176, Laws of 1969 ex. sess., shall be kept by the educational service district superintendent. Whenever the boundaries of any of the

educational service districts are reorganized pursuant to RCW 28A.310.020, the ~~((state board of education))~~ superintendent of public instruction shall supervise the transferral of such records so that each educational service district superintendent shall receive those records relating to school districts within the appropriate educational service district.

Sec. 612 RCW 28A.323.020 and 1985 c 385 s 25 are each amended to read as follows:

The duties in this chapter imposed upon and required to be performed by a regional committee and by an educational service district superintendent in connection with a change in the organization and extent of school districts and/or with the adjustment of the assets and liabilities of school districts and with all matters related to such change or adjustment whenever territory lying in a single educational service district is involved shall be performed jointly by the regional committees and by the superintendents of the several educational service districts as required whenever territory lying in more than one educational service district is involved in a proposed change in the organization and extent of school districts: PROVIDED, That a regional committee may designate three of its members, or two of its members and the educational service district superintendent, as a subcommittee to serve in lieu of the whole committee, but action by a subcommittee shall not be binding unless approved by a majority of the regional committee. Proposals for changes in the organization and extent of school districts and proposed terms of adjustment of assets and liabilities thus prepared and approved shall be submitted to the ~~((state board))~~ superintendent of public instruction by the regional committee of the educational service district in which is located the part of the proposed or enlarged district having the largest number of common school pupils residing therein.

Sec. 613 RCW 28A.323.040 and 1973 c 47 s 3 are each amended to read as follows:

For all purposes essential to the maintenance, operation, and administration of the schools of a district, including the apportionment of current state and county school funds, the county in which a joint school district shall be considered as belonging shall be as designated by the ~~((state board of education))~~ superintendent of public instruction. Prior to making such designation, the ~~((state board of education))~~ superintendent of public instruction shall hold at least one public hearing on the matter, at which time the recommendation of the joint school district shall be presented and, in addition to such recommendation, the ~~((state board))~~ superintendent shall consider the following prior to its designation:

- (1) Service needs of such district;
- (2) Availability of services;
- (3) Geographic location of district and servicing agencies; and
- (4) Relationship to contiguous school districts.

Sec. 614 RCW 29A.24.070 and 2005 c 221 s 1 are each amended to read as follows:

Declarations of candidacy shall be filed with the following filing officers:

(1) The secretary of state for declarations of candidacy for statewide offices, United States senate, and United States house of representatives;

(2) The secretary of state for declarations of candidacy for the state legislature, the court of appeals, and the superior court when the candidate is seeking office in a district comprised of voters from two or more counties. The secretary of state and the county auditor may accept declarations of candidacy for candidates for the state legislature, the court of appeals, and the superior court when the candidate is seeking office in a district comprised of voters from one county;

(3) The county auditor for all other offices. For any

FIFTY-EIGHTH DAY, MARCH 7, 2006

nonpartisan office, other than judicial offices and school director in joint districts, where voters from a district comprising more than one county vote upon the candidates, a declaration of candidacy shall be filed with the county auditor of the county in which a majority of the registered voters of the district reside. For school directors in joint school districts, the declaration of candidacy shall be filed with the county auditor of the county designated by the ~~((state board of education))~~ superintendent of public instruction as the county to which the joint school district is considered as belonging under RCW 28A.323.040;

(4) For all other purposes of this title, a declaration of candidacy for the state legislature, the court of appeals, and the superior court filed with the secretary of state shall be deemed to have been filed with the county auditor when the candidate is seeking office in a district composed of voters from one county.

Each official with whom declarations of candidacy are filed under this section, within one business day following the closing of the applicable filing period, shall transmit to the public disclosure commission the information required in RCW 29A.24.031 (1) through (4) for each declaration of candidacy filed in his or her office during such filing period or a list containing the name of each candidate who files such a declaration in his or her office during such filing period together with a precise identification of the position sought by each such candidate and the date on which each such declaration was filed. Such official, within three days following his or her receipt of any letter withdrawing a person's name as a candidate, shall also forward a copy of such withdrawal letter to the public disclosure commission.

Sec. 615 RCW 84.09.037 and 1990 c 33 s 597 are each amended to read as follows:

Each school district affected by a transfer of territory from one school district to another school district under chapter 28A.315 RCW shall retain its preexisting boundaries for the purpose of the collection of excess tax levies authorized under RCW 84.52.053 before the effective date of the transfer, for such tax collection years and for such excess tax levies as the ~~((state board of education))~~ superintendent of public instruction may approve and order that the transferred territory shall either be subject to or relieved of such excess levies, as the case may be. For the purpose of all other excess tax levies previously authorized under chapter 84.52 RCW and all excess tax levies authorized under RCW 84.52.053 subsequent to the effective date of a transfer of territory, the boundaries of the affected school districts shall be modified to recognize the transfer of territory subject to RCW 84.09.030.

PART 7 STUDENTS

Sec. 701 RCW 28A.305.160 and 1996 c 321 s 2 are each amended to read as follows:

(1) The ~~((state board of education))~~ superintendent of public instruction shall adopt and distribute to all school districts lawful and reasonable rules prescribing the substantive and procedural due process guarantees of pupils in the common schools. Such rules shall authorize a school district to use informal due process procedures in connection with the short-term suspension of students to the extent constitutionally permissible: PROVIDED, That the ~~((state board))~~ superintendent of public instruction deems the interest of students to be adequately protected. When a student suspension or expulsion is appealed, the rules shall authorize a school district to impose the suspension or expulsion temporarily after an initial hearing for no more than ten consecutive school days or until the appeal is decided, whichever is earlier. Any days that the student is temporarily suspended or expelled before the appeal is decided

shall be applied to the term of the student suspension or expulsion and shall not limit or extend the term of the student suspension or expulsion.

(2) Short-term suspension procedures may be used for suspensions of students up to and including, ten consecutive school days.

Sec. 702 RCW 28A.150.300 and 1993 c 68 s 1 are each amended to read as follows:

The use of corporal punishment in the common schools is prohibited. The ~~((state board of education, in consultation with the))~~ superintendent of public instruction shall develop and adopt a policy prohibiting the use of corporal punishment in the common schools. The policy shall be adopted ~~((by the state board of education no later than February 1, 1994.))~~ and ~~((shall take effect))~~ implemented in all school districts ~~((September 1, 1994.))~~.

Sec. 703 RCW 28A.225.160 and 1999 c 348 s 5 are each amended to read as follows:

Except as otherwise provided by law, it is the general policy of the state that the common schools shall be open to the admission of all persons who are five years of age and less than twenty-one years residing in that school district. Except as otherwise provided by law or rules adopted by the ~~((state board of education))~~ superintendent of public instruction, districts may establish uniform entry qualifications, including but not limited to birth date requirements, for admission to kindergarten and first grade programs of the common schools. Such rules may provide for exceptions based upon the ability, or the need, or both, of an individual student. For the purpose of complying with any rule adopted by the ~~((state board of education which))~~ superintendent of public instruction that authorizes a preadmission screening process as a prerequisite to granting exceptions to the uniform entry qualifications, a school district may collect fees to cover expenses incurred in the administration of any preadmission screening process: PROVIDED, That in so establishing such fee or fees, the district shall adopt regulations for waiving and reducing such fees in the cases of those persons whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees.

NEW SECTION. Sec. 704 A new section is added to chapter 28A.300 RCW to read as follows:

The superintendent of public instruction shall adopt rules relating to pupil tests and records.

Sec. 705 RCW 28A.300.150 and 1994 c 245 s 8 are each amended to read as follows:

The superintendent of public instruction shall collect and disseminate to school districts information on child abuse and neglect prevention curriculum and shall adopt rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools. The superintendent of public instruction and the departments of social and health services and community, trade, and economic development shall share relevant information.

Sec. 706 RCW 28A.600.020 and 1997 c 266 s 11 are each amended to read as follows:

(1) The rules adopted pursuant to RCW 28A.600.010 shall be interpreted to ~~((insure))~~ ensure that the optimum learning atmosphere of the classroom is maintained, and that the highest consideration is given to the judgment of qualified certificated educators regarding conditions necessary to maintain the optimum learning atmosphere.

(2) Any student who creates a disruption of the educational process in violation of the building disciplinary standards while under a teacher's immediate supervision may be excluded by the teacher from his or her individual classroom and instructional or activity area for all or any portion of the balance of the school

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

day, or up to the following two days, or until the principal or designee and teacher have conferred, whichever occurs first. Except in emergency circumstances, the teacher first must attempt one or more alternative forms of corrective action. In no event without the consent of the teacher may an excluded student return to the class during the balance of that class or activity period or up to the following two days, or until the principal or his or her designee and the teacher have conferred.

(3) In order to preserve a beneficial learning environment for all students and to maintain good order and discipline in each classroom, every school district board of directors shall provide that written procedures are developed for administering discipline at each school within the district. Such procedures shall be developed with the participation of parents and the community, and shall provide that the teacher, principal or designee, and other authorities designated by the board of directors, make every reasonable attempt to involve the parent or guardian and the student in the resolution of student discipline problems. Such procedures shall provide that students may be excluded from their individual classes or activities for periods of time in excess of that provided in subsection (2) of this section if such students have repeatedly disrupted the learning of other students. The procedures must be consistent with the rules of the ~~((state board of education))~~ superintendent of public instruction and must provide for early involvement of parents in attempts to improve the student's behavior.

(4) The procedures shall assure, pursuant to RCW 28A.400.110, that all staff work cooperatively toward consistent enforcement of proper student behavior throughout each school as well as within each classroom.

(5) A principal shall consider imposing long-term suspension or expulsion as a sanction when deciding the appropriate disciplinary action for a student who, after July 27, 1997:

(a) Engages in two or more violations within a three-year period of RCW 9A.46.120, 28A.320.135, 28A.600.455, 28A.600.460, 28A.635.020, 28A.600.020, 28A.635.060, 9.41.280, or 28A.320.140; or

(b) Engages in one or more of the offenses listed in RCW 13.04.155.

The principal shall communicate the disciplinary action taken by the principal to the school personnel who referred the student to the principal for disciplinary action.

Sec. 707 RCW 28A.600.030 and 1990 c 33 s 498 are each amended to read as follows:

Each school district board of directors may establish student grading policies which permit teachers to consider a student's attendance in determining the student's overall grade or deciding whether the student should be granted or denied credit. Such policies shall take into consideration the circumstances pertaining to the student's inability to attend school. However, no policy shall be adopted whereby a grade shall be reduced or credit shall be denied for disciplinary reasons only, rather than for academic reasons, unless due process of law is provided as set forth by the ~~((state board of education))~~ superintendent of public instruction under RCW 28A.305.160 (as recodified by this act).

NEW SECTION. Sec. 708 RCW 28A.305.160 is recodified as a new section in chapter 28A.600 RCW.

PART 8 TRANSFER OF PROFESSIONAL EDUCATOR STANDARDS BOARD DUTIES

Sec. 801 RCW 18.35.020 and 2005 c 45 s 2 are each amended to read as follows:

(1) No person shall engage in the fitting and dispensing of

hearing instruments or imply or represent that he or she is engaged in the fitting and dispensing of hearing instruments unless he or she is a licensed hearing instrument fitter/dispenser or a licensed audiologist or holds an interim permit issued by the department as provided in this chapter and is an owner or employee of an establishment that is bonded as provided by RCW 18.35.240. The owner or manager of an establishment that dispenses hearing instruments is responsible under this chapter for all transactions made in the establishment name or conducted on its premises by agents or persons employed by the establishment engaged in fitting and dispensing of hearing instruments. Every establishment that fits and dispenses shall have in its employ at least one licensed hearing instrument fitter/dispenser or licensed audiologist at all times, and shall annually submit proof that all testing equipment at that establishment that is required by the board to be calibrated has been properly calibrated.

(2) Effective January 1, 2003, no person shall engage in the practice of audiology or imply or represent that he or she is engaged in the practice of audiology unless he or she is a licensed audiologist or holds an audiology interim permit issued by the department as provided in this chapter. Audiologists who are certified as educational staff associates by the ~~((state board of education))~~ Washington professional educator standards board are excluded unless they elect to become licensed under this chapter. However, a person certified by the state board of education as an educational staff associate who practices outside the school setting must be a licensed audiologist.

(3) Effective January 1, 2003, no person shall engage in the practice of speech-language pathology or imply or represent that he or she is engaged in the practice of speech-language pathology unless he or she is a licensed speech-language pathologist or holds a speech-language pathology interim permit issued by the department as provided in this chapter. Speech-language pathologists who are certified as educational staff associates by the state board of education are excluded unless they elect to become licensed under this chapter. However, a person certified by the state board of education as an educational staff associate who practices outside the school setting must be a licensed speech-language pathologist.

Sec. 802 RCW 18.35.195 and 2005 c 45 s 4 are each amended to read as follows:

(1) This chapter shall not apply to military or federal government employees.

(2) This chapter does not prohibit or regulate:

(a) Fitting or dispensing by students enrolled in a board-approved program who are directly supervised by a licensed hearing instrument fitter/dispenser, a licensed audiologist under the provisions of this chapter, or an instructor at a two-year hearing instrument fitter/dispenser degree program that is approved by the board;

(b) Hearing instrument fitter/dispensers, speech-language pathologists, or audiologists of other states, territories, or countries, or the District of Columbia while appearing as clinicians of bona fide educational seminars sponsored by speech-language pathology, audiology, hearing instrument fitter/dispenser, medical, or other healing art professional associations so long as such activities do not go beyond the scope of practice defined by this chapter; and

(c) The practice of audiology or speech-language pathology by persons certified by the ~~((state board of education))~~ Washington professional educator standards board as educational staff associates, except for those persons electing to be licensed under this chapter. However, a person certified by the ~~((state))~~ board ~~((of education))~~ as an educational staff associate who practices outside the school setting must be a licensed audiologist or licensed speech-language pathologist.

FIFTY-EIGHTH DAY, MARCH 7, 2006

Sec. 803 RCW 18.83.200 and 1986 c 27 s 10 are each amended to read as follows:

This chapter shall not apply to:

(1) Any person teaching, lecturing, consulting, or engaging in research in psychology but only insofar as such activities are performed as a part of or are dependent upon a position in a college or university in the state of Washington.

(2) Any person who holds a valid school psychologist credential from the Washington (~~(state board of education)~~) professional educator standards board but only when such a person is practicing psychology in the course of his or her employment.

(3) Any person employed by a local, state, or federal government agency whose psychologists must qualify for employment under federal or state certification or civil service regulations; but only at those times when that person is carrying out the functions of his or her employment.

(4) Any person who must qualify under the employment requirements of a business or industry and who is employed by a business or industry which is not engaged in offering psychological services to the public, but only when such person is carrying out the functions of his or her employment: PROVIDED, That no person exempt from licensing under this subsection shall engage in the clinical practice of psychology.

(5) Any person who is a student of psychology, psychological intern, or resident in psychology preparing for the profession of psychology under supervision in a training institution or facilities and who is designated by the title such as "psychological trainee," "psychology student," which thereby indicates his or her training status.

(6) Any person who has received a doctoral degree from an accredited institution of higher learning with an adequate major in sociology or social psychology as determined by the board and who has passed comprehensive examinations in the field of social psychology as part of the requirements for the doctoral degree. Such persons may use the title "social psychologist" provided that they file a statement of their education with the board.

Sec. 804 RCW 28A.625.360 and 1990 1st ex.s. c 10 s 2 are each amended to read as follows:

(1) The (~~(state board of education)~~) professional educator standards board shall establish an annual award program for excellence in teacher preparation to recognize higher education teacher educators for their leadership, contributions, and commitment to education.

(2) The program shall recognize annually one teacher preparation faculty member from one of the teacher preparation programs approved by the (~~(state board of education)~~) professional educator standards board.

Sec. 805 RCW 28A.225.330 and 1999 c 198 s 3 are each amended to read as follows:

(1) When enrolling a student who has attended school in another school district, the school enrolling the student may request the parent and the student to briefly indicate in writing whether or not the student has:

(a) Any history of placement in special educational programs;

(b) Any past, current, or pending disciplinary action;

(c) Any history of violent behavior, or behavior listed in RCW 13.04.155;

(d) Any unpaid fines or fees imposed by other schools; and

(e) Any health conditions affecting the student's educational needs.

(2) The school enrolling the student shall request the school the student previously attended to send the student's permanent record including records of disciplinary action, history of violent behavior or behavior listed in RCW 13.04.155, attendance,

immunization records, and academic performance. If the student has not paid a fine or fee under RCW 28A.635.060, or tuition, fees, or fines at approved private schools the school may withhold the student's official transcript, but shall transmit information about the student's academic performance, special placement, immunization records, records of disciplinary action, and history of violent behavior or behavior listed in RCW 13.04.155. If the official transcript is not sent due to unpaid tuition, fees, or fines, the enrolling school shall notify both the student and parent or guardian that the official transcript will not be sent until the obligation is met, and failure to have an official transcript may result in exclusion from extracurricular activities or failure to graduate.

(3) If information is requested under subsection (2) of this section, the information shall be transmitted within two school days after receiving the request and the records shall be sent as soon as possible. Any school district or district employee who releases the information in compliance with this section is immune from civil liability for damages unless it is shown that the school district employee acted with gross negligence or in bad faith. The (~~(state board of education)~~) professional educator standards board shall provide by rule for the discipline under chapter 28A.410 RCW of a school principal or other chief administrator of a public school building who fails to make a good faith effort to assure compliance with this subsection.

(4) Any school district or district employee who releases the information in compliance with federal and state law is immune from civil liability for damages unless it is shown that the school district or district employee acted with gross negligence or in bad faith.

(5) When a school receives information under this section or RCW 13.40.215 that a student has a history of disciplinary actions, criminal or violent behavior, or other behavior that indicates the student could be a threat to the safety of educational staff or other students, the school shall provide this information to the student's teachers and security personnel.

Sec. 806 RCW 28A.405.110 and 1985 c 420 s 1 are each amended to read as follows:

The legislature recognizes the importance of teachers in the educational system. Teachers are the fundamental element in assuring a quality education for the state's and the nation's children. Teachers, through their direct contact with children, have a great impact on the development of the child. The legislature finds that this important role of the teacher requires an assurance that teachers are as successful as possible in attaining the goal of a well-educated society. The legislature finds, therefore, that the evaluation of those persons seeking to enter the teaching profession is no less important than the evaluation of those persons currently teaching. The evaluation of persons seeking teaching credentials should be strenuous while making accommodations uniquely appropriate to the applicants. Strenuous teacher training and preparation should be complemented by examinations of prospective teachers prior to candidates being granted official certification by the (~~(state board of education)~~) professional educator standards board. Teacher preparation program entrance evaluations, teacher training, teacher preparation program exit examinations, official certification, in-service training, and ongoing evaluations of individual progress and professional growth are all part of developing and maintaining a strong precertification and postcertification professional education system.

The legislature further finds that an evaluation system for teachers has the following elements, goals, and objectives: (1) An evaluation system must be meaningful, helpful, and objective; (2) an evaluation system must encourage improvements in teaching skills, techniques, and abilities by identifying areas needing improvement; (3) an evaluation

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

system must provide a mechanism to make meaningful distinctions among teachers and to acknowledge, recognize, and encourage superior teaching performance; and (4) an evaluation system must encourage respect in the evaluation process by the persons conducting the evaluations and the persons subject to the evaluations through recognizing the importance of objective standards and minimizing subjectivity.

Sec. 807 RCW 28A.415.010 and 1991 c 285 s 1 are each amended to read as follows:

It shall be the responsibility of each educational service district board to establish a center for the improvement of teaching. The center shall administer, coordinate, and act as fiscal agent for such programs related to the recruitment and training of certificated and classified K-12 education personnel as may be delegated to the center by the superintendent of public instruction under RCW 28A.310.470(~~(; or the state board of education under RCW 28A.310.480)~~). To assist in these activities, each educational service district board shall establish an improvement of teaching coordinating council to include, at a minimum, representatives as specified in RCW 28A.415.040. An existing in-service training task force, established pursuant to RCW 28A.415.040, may serve as the improvement of teaching coordinating council. The educational service district board shall ensure coordination of programs established pursuant to RCW 28A.415.030, 28A.410.060, and 28A.415.250.

The educational service district board may arrange each year for the holding of one or more teachers' institutes and/or workshops for professional staff preparation and in-service training in such manner and at such time as the board believes will be of benefit to the teachers and other professional staff of school districts within the educational service district and shall comply with rules (~~and regulations of the state board of education~~) of the professional educator standards board pursuant to RCW 28A.410.060 or the superintendent of public instruction (~~or state board of education~~) pursuant to RCW 28A.415.250. The board may provide such additional means of teacher and other professional staff preparation and in-service training as it may deem necessary or appropriate and there shall be a proper charge against the educational service district general expense fund when approved by the educational service district board.

Educational service district boards of contiguous educational service districts, by mutual arrangements, may hold joint institutes and/or workshops, the expenses to be shared in proportion to the numbers of certificated personnel as shown by the last annual reports of the educational service districts holding such joint institutes or workshops.

In local school districts employing more than one hundred teachers and other professional staff, the school district superintendent may hold a teachers' institute of one or more days in such district, said institute when so held by the school district superintendent to be in all respects governed by the provisions of this title and (~~state board of education~~) rules (~~and regulations~~) relating to teachers' institutes held by educational service district superintendents.

Sec. 808 RCW 28A.415.020 and 1995 c 284 s 2 are each amended to read as follows:

(1) Certificated personnel shall receive for each ten clock hours of approved in-service training attended the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(2) Certificated personnel shall receive for each ten clock hours of approved continuing education earned, as continuing education is defined by rule adopted by the (~~state board of education~~) professional educator standards board, the equivalent of a one credit college quarter course on the salary schedule

developed by the legislative evaluation and accountability program committee.

(3) Certificated personnel shall receive for each forty clock hours of participation in an approved internship with a business, an industry, or government, as an internship is defined by rule of the (~~state board of education~~) professional educator standards board in accordance with RCW 28A.415.025, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(4) An approved in-service training program shall be a program approved by a school district board of directors, which meet standards adopted by the (~~state board of education~~) professional educator standards board, and the development of said program has been participated in by an in-service training task force whose membership is the same as provided under RCW 28A.415.040, or a program offered by an education agency approved to provide in-service for the purposes of continuing education as provided for under rules adopted by the (~~state board of education~~) professional educator standards board, or both.

(5) Clock hours eligible for application to the salary schedule developed by the legislative evaluation and accountability program committee as described in subsections (1) and (2) of this section, shall be those hours acquired after August 31, 1987. Clock hours eligible for application to the salary schedule as described in subsection (3) of this section shall be those hours acquired after December 31, 1995.

Sec. 809 RCW 28A.415.024 and 2005 c 461 s 1 are each amended to read as follows:

(1) All credits earned in furtherance of degrees earned by certificated staff, that are used to increase earnings on the salary schedule consistent with RCW 28A.415.023, must be obtained from an educational institution accredited by an accrediting association recognized by rule of the (~~state board of education~~) professional educator standards board.

(2) The office of the superintendent of public instruction shall verify for school districts the accreditation status of educational institutions granting degrees that are used by certificated staff to increase earnings on the salary schedule consistent with RCW 28A.415.023.

(3) The office of the superintendent of public instruction shall provide school districts with training and additional resources to ensure they can verify that degrees earned by certificated staff, that are used to increase earnings on the salary schedule consistent with RCW 28A.415.023, are obtained from an educational institution accredited by an accrediting association recognized by rule of the (~~state board of education~~) professional educator standards board.

(4)(a) No school district may submit degree information before there has been verification of accreditation under subsection (3) of this section.

(b) Certificated staff who submit degrees received from an unaccredited educational institution for the purposes of receiving a salary increase shall be fined three hundred dollars. The fine shall be paid to the office of the superintendent of public instruction and used for costs of administering this section.

(c) In addition to the fine in (b) of this subsection, certificated staff who receive salary increases based upon degrees earned from educational institutions that have been verified to be unaccredited must reimburse the district for any compensation received based on these degrees.

Sec. 810 RCW 28A.415.025 and 1995 c 284 s 3 are each amended to read as follows:

The (~~state board of education~~) professional educator standards board shall establish rules for awarding clock hours

FIFTY-EIGHTH DAY, MARCH 7, 2006

for participation of certificated personnel in internships with business, industry, or government. To receive clock hours for an internship, the individual must demonstrate that the internship will provide beneficial skills and knowledge in an area directly related to his or her current assignment, or to his or her assignment for the following school year. An individual may not receive more than the equivalent of two college quarter credits for internships during a calendar-year period. The total number of credits for internships that an individual may earn to advance on the salary schedule developed by the legislative evaluation and accountability program committee or its successor agency is limited to the equivalent of fifteen college quarter credits.

Sec. 811 RCW 28A.415.105 and 1995 c 335 s 403 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28A.415.125 through 28A.415.140.

(1) "Cooperating organizations" means that at least one school district, one college or university, and one educational service district are involved jointly with the development of a student teaching center.

(2) "Cooperating teacher" means a teacher who holds a continuing certificate and supervises and coaches a student teacher.

(3) "Field experience" means opportunities for observation, tutoring, microteaching, extended practicums, and clinical and laboratory experiences which do not fall within the meaning of student teaching.

(4) "School setting" means a classroom in a public, common school in the state of Washington.

(5) "Student teacher" means a candidate for initial teacher certification who is in a ~~((state board of education-approved))~~ professional educator standards board-approved, or regionally or nationally accredited teacher preparation program in a school setting as part of the field-based component of their preparation program.

(6) "Student teaching" means the full quarter or semester in a school setting during which the student teacher observes the cooperating teacher, participates in instructional activities, and assumes both part-time and full-time teaching responsibilities under the supervision of the cooperating teacher.

(7) "Student teaching center" means the program established to provide student teachers in a geographic region of the state with special support and training as part of their teacher preparation program.

(8) "Supervisor or university supervisor" means the regular or adjunct faculty member, or college or university-approved designee, who assists and supervises the work of cooperating teachers and student teachers.

Sec. 812 RCW 28A.415.125 and 1991 c 258 s 6 are each amended to read as follows:

The ~~((state board of education))~~ professional educator standards board, from appropriated funds, shall establish a network of student teaching centers to support the continuing development of the field-based component of teacher preparation programs. The purpose of the training centers is to:

(1) Expand opportunities for student teacher placements in school districts statewide, with an emphasis on those populations and locations that are unserved or underserved;

(2) Provide cooperating teachers for all student teachers during their student internship for up to two academic quarters;

(3) Enhance the student teaching component of teacher preparation programs, including a placement of student teachers in special education and multi-ethnic school settings; and

(4) Expand access to each other and opportunities for collaboration in teacher education between colleges and universities and school districts.

Sec. 813 RCW 28A.415.130 and 1991 c 258 s 7 are each amended to read as follows:

Funds for the student teaching centers shall be allocated by the superintendent of public instruction among the educational service district regions on the basis of student teaching placements. The fiscal agent for each center shall be either an educational service district or a state institution of higher education. Prospective fiscal agents shall document to the ~~((state board of education))~~ professional educator standards board the following information:

(1) The existing or proposed center was developed jointly through a process including participation by at least one school district, one college or university, and one educational service district;

(2) Primary administration for each center shall be the responsibility of one or more of the cooperating organizations;

(3) Assurance that the training center program provides appropriate and necessary training in observation, supervision, and assistance skills and techniques for:

(a) Cooperating teachers;

(b) Other school building personnel; and

(c) School district employees.

Sec. 814 RCW 28A.415.145 and 1991 c 258 s 10 are each amended to read as follows:

The ~~((state board of education))~~ professional educator standards board and the superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to carry out the purposes of RCW 28A.415.100 through 28A.415.140.

Sec. 815 RCW 28A.630.400 and 1995 c 335 s 202 and 1995 c 77 s 27 are each reenacted and amended to read as follows:

(1) The ~~((state board of education))~~ professional educator standards board and the state board for community and technical colleges, in consultation with the superintendent of public instruction, the higher education coordinating board, the state apprenticeship training council, and community colleges, shall adopt rules as necessary under chapter 34.05 RCW to implement the paraeducator associate of arts degree.

(2) As used in this section, a "paraeducator" is an individual who has completed an associate of arts degree for a paraeducator. The paraeducator may be hired by a school district to assist certificated instructional staff in the direct instruction of children in small and large groups, individualized instruction, testing of children, recordkeeping, and preparation of materials. The paraeducator shall work under the direction of instructional certificated staff.

(3) The training program for a paraeducator associate of arts degree shall include, but is not limited to, the general requirements for receipt of an associate of arts degree and training in the areas of introduction to childhood education, orientation to children with disabilities, fundamentals of childhood education, creative activities for children, instructional materials for children, fine art experiences for children, the psychology of learning, introduction to education, child health and safety, child development and guidance, first aid, and a practicum in a school setting.

(4) Consideration shall be given to transferability of credit earned in this program to teacher preparation programs at colleges and universities.

Sec. 816 RCW 28A.660.020 and 2004 c 23 s 2 are each amended to read as follows:

(1) Each district or consortia of school districts applying for the alternative route certification program shall submit a proposal to the Washington professional educator standards board specifying:

(a) The route or routes the partnership program intends to offer and a detailed description of how the routes will be structured and operated by the partnership;

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

(b) The number of candidates that will be enrolled per route;

(c) An identification, indication of commitment, and description of the role of approved teacher preparation programs that are partnering with the district or consortia of districts;

(d) An assurance of district provision of adequate training for mentor teachers either through participation in a state mentor training academy or district-provided training that meets state-established mentor-training standards specific to the mentoring of alternative route candidates;

(e) An assurance that significant time will be provided for mentor teachers to spend with the alternative route teacher candidates throughout the internship. Partnerships must provide each candidate with intensive classroom mentoring until such time as the candidate demonstrates the competency necessary to manage the classroom with less intensive supervision and guidance from a mentor;

(f) A description of the rigorous screening process for applicants to alternative route programs, including entry requirements specific to each route, as provided in RCW 28A.660.040; and

(g) The design and use of a teacher development plan for each candidate. The plan shall specify the alternative route coursework and training required of each candidate and shall be developed by comparing the candidate's prior experience and coursework with the state's new performance-based standards for residency certification and adjusting any requirements accordingly. The plan may include the following components:

(i) A minimum of one-half of a school year, and an additional significant amount of time if necessary, of intensive mentorship, starting with full-time mentoring and progressing to increasingly less intensive monitoring and assistance as the intern demonstrates the skills necessary to take over the classroom with less intensive support. For route one and two candidates, before the supervision is diminished, the mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the higher education teacher preparation program must both agree that the teacher candidate is ready to manage the classroom with less intensive supervision. For route three and four candidates, the mentor of the teacher candidate shall make the decision;

(ii) Identification of performance indicators based on the knowledge and skills standards required for residency certification by the ~~((state board of education))~~ Washington professional educator standards board;

(iii) Identification of benchmarks that will indicate when the standard is met for all performance indicators;

(iv) A description of strategies for assessing candidate performance on the benchmarks;

(v) Identification of one or more tools to be used to assess a candidate's performance once the candidate has been in the classroom for about one-half of a school year; and

(vi) A description of the criteria that would result in residency certification after about one-half of a school year but before the end of the program.

(2) To the extent funds are appropriated for this purpose, districts may apply for program funds to pay stipends to trained mentor teachers of interns during the mentored internship. The per intern amount of mentor stipend shall not exceed five hundred dollars.

Sec. 817 RCW 28A.660.040 and 2004 c 23 s 4 are each amended to read as follows:

Partnership grants funded under this chapter shall operate one to four specific route programs. Successful completion of the program shall make a candidate eligible for residency teacher certification. For route one and two candidates, the mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the higher education teacher

preparation program must both agree that the teacher candidate has successfully completed the program. For route three and four candidates, the mentor of the teacher candidate shall make the determination that the candidate has successfully completed the program.

(1) Partnership grant programs seeking funds to operate route one programs shall enroll currently employed classified instructional employees with transferable associate degrees seeking residency teacher certification with endorsements in special education, bilingual education, or English as a second language. It is anticipated that candidates enrolled in this route will complete both their baccalaureate degree and requirements for residency certification in two years or less, including a mentored internship to be completed in the final year. In addition, partnership programs shall uphold entry requirements for candidates that include:

(a) District or building validation of qualifications, including three years of successful student interaction and leadership as a classified instructional employee;

(b) Successful passage of the statewide basic skills exam, when available; and

(c) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers.

(2) Partnership grant programs seeking funds to operate route two programs shall enroll currently employed classified staff with baccalaureate degrees seeking residency teacher certification in subject matter shortage areas and areas with shortages due to geographic location. Candidates enrolled in this route must complete a mentored internship complemented by flexibly scheduled training and coursework offered at a local site, such as a school or educational service district, or online or via video-conference over the K-20 network, in collaboration with the partnership program's higher education partner. In addition, partnership grant programs shall uphold entry requirements for candidates that include:

(a) District or building validation of qualifications, including three years of successful student interaction and leadership as classified staff;

(b) A baccalaureate degree from a regionally accredited institution of higher education. The individual's college or university grade point average may be considered as a selection factor;

(c) Successful completion of the content test, once the state content test is available;

(d) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and

(e) Successful passage of the statewide basic skills exam, when available.

(3) Partnership grant programs seeking funds to operate route three programs shall enroll individuals with baccalaureate degrees, who are not employed in the district at the time of application. When selecting candidates for certification through route three, districts shall give priority to individuals who are seeking residency teacher certification in subject matter shortage areas or shortages due to geographic locations. For route three only, the districts may include additional candidates in nonshortage subject areas if the candidates are seeking endorsements with a secondary grade level designation as defined by rule by the ~~((state board of education))~~ professional educator standards board. The districts shall disclose to candidates in nonshortage subject areas available information on the demand in those subject areas. Cohorts of candidates for this route shall attend an intensive summer teaching academy, followed by a full year employed by a district in a mentored internship, followed, if necessary, by a second summer teaching academy. In addition, partnership programs shall uphold entry requirements for candidates that include:

- (a) Five years' experience in the work force;
- (b) A baccalaureate degree from a regionally accredited institution of higher education. The individual's grade point average may be considered as a selection factor;
- (c) Successful completion of the content test, once the state content test is available;
- (d) External validation of qualifications, including demonstrated successful experience with students or children, such as ~~((references [reference]))~~ reference letters and letters of support from previous employers;
- (e) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and
- (f) Successful passage of statewide basic skills exams, when available.

(4) Partnership grant programs seeking funds to operate route four programs shall enroll individuals with baccalaureate degrees, who are employed in the district at the time of application, or who hold conditional teaching certificates or emergency substitute certificates. Cohorts of candidates for this route shall attend an intensive summer teaching academy, followed by a full year employed by a district in a mentored internship. In addition, partnership programs shall uphold entry requirements for candidates that include:

- (a) Five years' experience in the work force;
- (b) A baccalaureate degree from a regionally accredited institution of higher education. The individual's grade point average may be considered as a selection factor;
- (c) Successful completion of the content test, once the state content test is available;
- (d) External validation of qualifications, including demonstrated successful experience with students or children, such as reference letters and letters of support from previous employers;
- (e) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and
- (f) Successful passage of statewide basic skills exams, when available.

Sec. 818 RCW 28A.690.020 and 1990 c 33 s 546 are each amended to read as follows:

The "designated state official" for this state under Article II of RCW 28A.690.010 shall be the superintendent of public instruction, who shall be the compact administrator and who shall have power to ~~((promulgate))~~ adopt rules to carry out the terms of this compact. The superintendent of public instruction shall enter into contracts pursuant to Article III of the Agreement only with the approval of the specific text thereof by the ~~((state board of education))~~ professional educator standards board.

Sec. 819 RCW 28A.300.050 and 1990 c 33 s 252 are each amended to read as follows:

The superintendent of public instruction shall provide technical assistance to the ~~((state board of education))~~ professional educator standards board in the conduct of the activities described in ~~((sections 202 through 232 of this act))~~ RCW 28A.410.040 and 28A.410.050.

Sec. 820 RCW 28A.625.370 and 1990 1st ex.s. c 10 s 3 are each amended to read as follows:

The award for the teacher educator shall include:

- (1) A certificate presented to the teacher educator by the governor, the ~~((president of the state board of education))~~ chair of the professional educator standards board, and the superintendent of public instruction at a public ceremony; and
- (2) A grant to the professional education advisory board of the institution from which the teacher educator is selected, which grant shall not exceed two thousand five hundred dollars and which grant shall be awarded under RCW 28A.625.390.

Sec. 821 RCW 28A.625.380 and 1990 1st ex.s. c 10 s 4 are

each amended to read as follows:

The ~~((state board of education))~~ professional educator standards board shall adopt rules under chapter 34.05 RCW to carry out the purposes of RCW 28A.625.360 through 28A.625.390. These rules shall include establishing the selection criteria for the Washington award for excellence in teacher preparation. The ~~((state))~~ board ~~((of education))~~ is encouraged to consult with teacher educators, deans, and professional education advisory board members in developing the selection criteria. The criteria shall include any role performed by nominees relative to implementing innovative developments by the nominee's teacher preparation program and efforts the nominee has made to assist in communicating with legislators, common school teachers and administrators, and others about the nominee's teacher preparation program.

Sec. 822 RCW 28A.625.390 and 1990 1st ex.s. c 10 s 5 are each amended to read as follows:

The professional education advisory board for the institution from which the teacher educator has been selected to receive an award shall be eligible to apply for an educational grant as provided under RCW 28A.625.370. The ~~((state board of education))~~ professional educator standards board shall award the grant after the ~~((state))~~ board has approved the grant application as long as the written grant application is submitted to the ~~((state))~~ board within one year after the award is received by the teacher educator. The grant application shall identify the educational purpose toward which the grant shall be used.

Sec. 823 RCW 28B.10.710 and 1993 c 77 s 1 are each amended to read as follows:

There shall be a one quarter or semester course in either Washington state history and government, or Pacific Northwest history and government in the curriculum of all teachers' colleges and teachers' courses in all institutions of higher education. No person shall be graduated from any of said schools without completing said course of study, unless otherwise determined by the ~~((state board of education))~~ Washington professional educator standards board. Any course in Washington state or Pacific Northwest history and government used to fulfill this requirement shall include information on the culture, history, and government of the American Indian peoples who were the first human inhabitants of the state and the region.

Sec. 824 RCW 28B.35.120 and 2004 c 275 s 54 are each amended to read as follows:

In addition to any other powers and duties prescribed by law, each board of trustees of the respective regional universities:

- (1) Shall have full control of the regional university and its property of various kinds, except as otherwise provided by law.
- (2) Shall employ the president of the regional university, his assistants, members of the faculty, and other employees of the institution, who, except as otherwise provided by law, shall hold their positions, until discharged therefrom by the board for good and lawful reason.
- (3) With the assistance of the faculty of the regional university, shall prescribe the course of study in the various schools and departments thereof and publish such catalogues thereof as the board deems necessary: PROVIDED, That the ~~((state))~~ Washington professional educator standards board ~~((of education))~~ shall determine the requisites for and give program approval of all courses leading to teacher certification by such board.

(4) Establish such divisions, schools or departments necessary to carry out the purposes of the regional university and not otherwise proscribed by law.

(5) Except as otherwise provided by law, may establish and erect such new facilities as determined by the board to be

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

necessary for the regional university.

(6) May acquire real and other property as provided in RCW 28B.10.020, as now or hereafter amended.

(7) Except as otherwise provided by law, may purchase all supplies and purchase or lease equipment and other personal property needed for the operation or maintenance of the regional university.

(8) May establish, lease, operate, equip and maintain self-supporting facilities in the manner provided in RCW 28B.10.300 through 28B.10.330, as now or hereafter amended.

(9) Except as otherwise provided by law, to enter into such contracts as the trustees deem essential to regional university purposes.

(10) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from whatsoever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the regional university programs; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof.

(11) Subject to the approval of the higher education coordinating board pursuant to RCW 28B.76.230, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(12) May promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the regional university.

Sec. 825 RCW 28B.40.120 and 2004 c 275 s 56 are each amended to read as follows:

In addition to any other powers and duties prescribed by law, the board of trustees of The Evergreen State College:

(1) Shall have full control of the state college and its property of various kinds, except as otherwise provided by law.

(2) Shall employ the president of the state college, his assistants, members of the faculty, and other employees of the institution, who, except as otherwise provided by law, shall hold their positions, until discharged therefrom by the board for good and lawful reason.

(3) With the assistance of the faculty of the state college, shall prescribe the course of study in the various schools and departments thereof and publish such catalogues thereof as the board deems necessary: PROVIDED, That the ~~((state board of education))~~ Washington professional educator standards board shall determine the requisites for and give program approval of all courses leading to teacher certification by such board.

(4) Establish such divisions, schools or departments necessary to carry out the purposes of the college and not otherwise proscribed by law.

(5) Except as otherwise provided by law, may establish and erect such new facilities as determined by the board to be necessary for the college.

(6) May acquire real and other property as provided in RCW 28B.10.020, as now or hereafter amended.

(7) Except as otherwise provided by law, may purchase all supplies and purchase or lease equipment and other personal property needed for the operation or maintenance of the college.

(8) May establish, lease, operate, equip and maintain self-supporting facilities in the manner provided in RCW 28B.10.300 through 28B.10.330, as now or hereafter amended.

(9) Except as otherwise provided by law, to enter into such contracts as the trustees deem essential to college purposes.

(10) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from whatsoever

source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the college programs; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof.

(11) Subject to the approval of the higher education coordinating board pursuant to RCW 28B.76.230, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(12) May promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the college.

Sec. 826 RCW 43.43.832 and 2005 c 421 s 2 are each amended to read as follows:

(1) The legislature finds that businesses and organizations providing services to children, developmentally disabled persons, and vulnerable adults need adequate information to determine which employees or licensees to hire or engage. The legislature further finds that many developmentally disabled individuals and vulnerable adults desire to hire their own employees directly and also need adequate information to determine which employees or licensees to hire or engage. Therefore, the Washington state patrol identification and criminal history section shall disclose, upon the request of a business or organization as defined in RCW 43.43.830, a developmentally disabled person, or a vulnerable adult as defined in RCW 43.43.830 or his or her guardian, an applicant's record for convictions as defined in chapter 10.97 RCW.

(2) The legislature also finds that the ~~((state board of education))~~ Washington professional educator standards board may request of the Washington state patrol criminal identification system information regarding a certificate applicant's record for convictions under subsection (1) of this section.

(3) The legislature also finds that law enforcement agencies, the office of the attorney general, prosecuting authorities, and the department of social and health services may request this same information to aid in the investigation and prosecution of child, developmentally disabled person, and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse.

(4) The legislature further finds that the secretary of the department of social and health services must establish rules and set standards to require specific action when considering the information listed in subsection (1) of this section, and when considering additional information including but not limited to civil adjudication proceedings as defined in RCW 43.43.830 and any out-of-state equivalent, in the following circumstances:

(a) When considering persons for state employment in positions directly responsible for the supervision, care, or treatment of children, vulnerable adults, or individuals with mental illness or developmental disabilities;

(b) When considering persons for state positions involving unsupervised access to vulnerable adults to conduct comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

(c) When licensing agencies or facilities with individuals in positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to agencies or facilities licensed under chapter 74.15 or 18.51 RCW;

(d) When contracting with individuals or businesses or organizations for the care, supervision, case management, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 18.48, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW;

(e) When individual providers are paid by the state or providers are paid by home care agencies to provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW.

(5) Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis pending completion of the state background investigation. Whenever a national criminal record check through the federal bureau of investigation is required by state law, a person may be employed or engaged as a volunteer or independent contractor on a conditional basis pending completion of the national check. The Washington personnel resources board shall adopt rules to accomplish the purposes of this subsection as it applies to state employees.

(6)(a) For purposes of facilitating timely access to criminal background information and to reasonably minimize the number of requests made under this section, recognizing that certain health care providers change employment frequently, health care facilities may, upon request from another health care facility, share copies of completed criminal background inquiry information.

(b) Completed criminal background inquiry information may be shared by a willing health care facility only if the following conditions are satisfied: The licensed health care facility sharing the criminal background inquiry information is reasonably known to be the person's most recent employer, no more than twelve months has elapsed from the date the person was last employed at a licensed health care facility to the date of their current employment application, and the criminal background information is no more than two years old.

(c) If criminal background inquiry information is shared, the health care facility employing the subject of the inquiry must require the applicant to sign a disclosure statement indicating that there has been no conviction or finding as described in RCW 43.43.842 since the completion date of the most recent criminal background inquiry.

(d) Any health care facility that knows or has reason to believe that an applicant has or may have a disqualifying conviction or finding as described in RCW 43.43.842, subsequent to the completion date of their most recent criminal background inquiry, shall be prohibited from relying on the applicant's previous employer's criminal background inquiry information. A new criminal background inquiry shall be requested pursuant to RCW 43.43.830 through 43.43.842.

(e) Health care facilities that share criminal background inquiry information shall be immune from any claim of defamation, invasion of privacy, negligence, or any other claim in connection with any dissemination of this information in accordance with this subsection.

(f) Health care facilities shall transmit and receive the criminal background inquiry information in a manner that reasonably protects the subject's rights to privacy and confidentiality.

(g) For the purposes of this subsection, "health care facility" means a nursing home licensed under chapter 18.51 RCW, a boarding home licensed under chapter 18.20 RCW, or an adult family home licensed under chapter 70.128 RCW.

(7) If a federal bureau of investigation check is required in addition to the state background check by the department of social and health services, an applicant who is not disqualified based on the results of the state background check shall be eligible for a one hundred twenty day provisional approval to hire, pending the outcome of the federal bureau of investigation check. The department may extend the provisional approval until receipt of the federal bureau of investigation check. If the federal bureau of investigation check disqualifies an applicant, the department shall notify the requestor that the provisional approval to hire is withdrawn and the applicant may be terminated.

Sec. 827 RCW 43.43.840 and 2005 c 421 s 6 are each amended to read as follows:

When a business or an organization terminates, fires, dismisses, fails to renew the contract, or permits the resignation of an employee because of crimes against children or other persons or because of crimes relating to the financial exploitation of a vulnerable adult, and if that employee is employed in a position requiring a certificate or license issued by a licensing agency such as the (~~state board of education~~) Washington professional educator standards board, the business or organization shall notify the licensing agency of such termination of employment.

Sec. 828 RCW 43.43.845 and 2005 c 421 s 7 and 2005 c 237 s 1 are each reenacted and amended to read as follows:

(1) Upon a guilty plea or conviction of a person of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW, promoting prostitution of a minor under chapter 9A.88 RCW, or the sale or purchase of a minor child under RCW 9A.64.030, the prosecuting attorney shall notify the state patrol of such guilty pleas or convictions.

(2) When the state patrol receives information that a person has pled guilty to or been convicted of one of the felony crimes under subsection (1) of this section, the state patrol shall transmit that information to the superintendent of public instruction. It shall be the duty of the superintendent of public instruction to identify whether the person holds a certificate or permit issued under chapters 28A.405 and 28A.410 RCW or is employed by a school district, and provide this information to the (~~state board of education~~) Washington professional educator standards board and the school district employing the individual who pled guilty or was convicted of the crimes identified in subsection (1) of this section.

Sec. 829 RCW 72.40.028 and 1985 c 378 s 18 are each amended to read as follows:

All teachers at the state school for the deaf and the state school for the blind shall meet all certification requirements and the programs shall meet all accreditation requirements and conform to the standards defined by law or by rule of the (~~state board of education~~) Washington professional educator standards board or the office of the state superintendent of public instruction. The superintendents, by rule, may adopt additional educational standards for their respective schools. Salaries of all certificated employees shall be set so as to conform to and be contemporary with salaries paid to other certificated employees of similar background and experience in the school district in which the program or facility is located. The superintendents may provide for provisional certification for teachers in their respective schools including certification for emergency, temporary, substitute, or provisional duty.

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

OTHER DUTIES

Sec. 901 RCW 28A.600.010 and 1997 c 265 s 4 are each amended to read as follows:

Every board of directors, unless otherwise specifically provided by law, shall:

(1) Enforce the rules prescribed by the superintendent of public instruction (~~((and the state board of education))~~) for the government of schools, pupils, and certificated employees.

(2) Adopt and make available to each pupil, teacher and parent in the district reasonable written rules regarding pupil conduct, discipline, and rights, including but not limited to short-term suspensions as referred to in RCW 28A.305.160 (as recodified by this act) and suspensions in excess of ten consecutive days. Such rules shall not be inconsistent with any of the following: Federal statutes and regulations, state statutes, common law, and the rules of the superintendent of public instruction (~~(, and the state board of education)~~). The board's rules shall include such substantive and procedural due process guarantees as prescribed by the ~~((state board of education))~~ superintendent of public instruction under RCW 28A.305.160 (as recodified by this act). ~~((Commencing with the 1976-77 school year,))~~ When such rules are made available to each pupil, teacher, and parent, they shall be accompanied by a detailed description of rights, responsibilities, and authority of teachers and principals with respect to the discipline of pupils as prescribed by state statutory law, the superintendent of public instruction, ~~((and state board of education rules))~~ and the rules ~~((and regulations))~~ of the school district.

For the purposes of this subsection, computation of days included in "short-term" and "long-term" suspensions shall be determined on the basis of consecutive school days.

(3) Suspend, expel, or discipline pupils in accordance with RCW 28A.305.160 (as recodified by this act).

NEW SECTION. Sec. 902 A new section is added to chapter 28A.405 RCW to read as follows:

Each school district board of directors shall adopt a policy regarding the presence at their respective schools of teachers and other certificated personnel before the opening of school in the morning and after the closing of school in the afternoon or evening. The board of directors shall make the policy available to parents and the public through the school district report card and other means of communication.

Sec. 903 RCW 28A.225.280 and 1990 1st ex.s. c 9 s 206 are each amended to read as follows:

Eligibility of transfer students under RCW 28A.225.220 and 28A.225.225 for participation in extracurricular activities shall be subject to rules adopted by the Washington interscholastic activities association ~~((as authorized by the state board of education))~~.

Sec. 904 RCW 28A.600.200 and 1990 c 33 s 502 are each amended to read as follows:

Each school district board of directors is hereby granted and shall exercise the authority to control, supervise and regulate the conduct of interschool athletic activities and other interschool extracurricular activities of an athletic, cultural, social or recreational nature for students of the district. A board of directors may delegate control, supervision and regulation of any such activity to the Washington interscholastic activities association or any other voluntary nonprofit entity and compensate such entity for services provided, subject to the following conditions:

(1) ~~((The voluntary nonprofit entity shall submit an annual report to the state board of education of student appeal determinations, assets, and financial receipts and disbursements at such time and in such detail as the state board shall establish by rule;~~

~~—(2))~~ The voluntary nonprofit entity shall not discriminate in connection with employment or membership upon its governing board, or otherwise in connection with any function it performs, on the basis of race, creed, national origin, sex or marital status;

~~((3))~~ (2) Any rules and policies applied by the voluntary nonprofit entity which govern student participation in any interschool activity shall be written ~~((and subject to the annual review and approval of the state board of education at such time as it shall establish;~~

~~—(4) All amendments and repeals of such rules and policies shall be subject to the review and approval of the state board);~~ ~~((and~~

~~—(5))~~ (3) Such rules and policies shall provide for notice of the reasons and a fair opportunity to contest such reasons prior to a final determination to reject a student's request to participate in or to continue in an interschool activity. Any such decision shall be considered a decision of the school district conducting the activity in which the student seeks to participate or was participating and may be appealed pursuant to RCW 28A.645.010 through 28A.645.030; and

(4) Beginning the effective date of this section and until July 1, 2007, that any decision by the Washington interscholastic activities association may be appealed to the office of the superintendent of public instruction. After July 1, 2007, decisions by the Washington interscholastic activities association addressing only academic issues may be appealed to the office of the superintendent of public instruction. The office of the superintendent shall adopt rules to implement this subsection.

NEW SECTION. Sec. 905 A new section is added to chapter 28A.600 RCW to read as follows:

By July 1, 2007, the Washington interscholastic activities association shall establish a nine-person appeals board to address nonacademic appeals. The board shall be comprised of active members of school district boards of directors, and retired or inactive coaches. The retired or inactive coaches shall be representative of the multilevels of competition, the various school classifications, and the activity districts of the Washington interscholastic activities association. The board shall begin hearing nonacademic appeals by July 1, 2007. No board member may participate in the appeal process if the member was involved in the activity that was the basis of the appeal or involved in the decision of the association, either directly or indirectly.

Sec. 906 RCW 28A.160.210 and 1989 c 178 s 20 are each amended to read as follows:

In addition to other powers and duties, the ~~((state board of education))~~ superintendent of public instruction shall adopt rules ~~((and regulations))~~ governing the training and qualifications of school bus drivers. Such rules ~~((and regulations))~~ shall be designed to insure that persons will not be employed to operate school buses unless they possess such physical health and driving skills as are necessary to safely operate school buses: PROVIDED, That such rules ~~((and regulations))~~ shall insure that school bus drivers are provided a due process hearing before any certification required by such rules ~~((and regulations))~~ is cancelled: PROVIDED FURTHER, That such rules ~~((and regulations))~~ shall not conflict with the authority of the department of licensing to license school bus drivers in accordance with chapter 46.25 RCW. The ~~((state board of education))~~ superintendent of public instruction may obtain a copy of the driving record, as maintained by the department of licensing, for consideration when evaluating a school bus driver's driving skills.

Sec. 907 RCW 28A.160.100 and 1990 c 33 s 138 are each amended to read as follows:

In addition to the authority otherwise provided in RCW

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

28A.160.010 through 28A.160.120 to school districts for the transportation of persons, whether school children, school personnel, or otherwise, any school district authorized to use school buses and drivers hired by the district for the transportation of school children to and from a school activity, along with such school employees as necessary for their supervision, shall, if such school activity be an interscholastic activity, be authorized to transport members of the general public to such event and utilize the school district's buses, transportation equipment and facilities, and employees therefor: PROVIDED, That provision shall be made for the reimbursement and payment to the school district by such members of the general public of not less than the district's actual costs and the reasonable value of the use of the district's buses and facilities provided in connection with such transportation: PROVIDED FURTHER, That wherever private transportation certified or licensed by the utilities and transportation commission or public transportation is reasonably available (~~as determined by rule and regulation of the state board of education~~), this section shall not apply.

Sec. 908 RCW 28A.210.070 and 1990 c 33 s 191 are each amended to read as follows:

As used in RCW 28A.210.060 through 28A.210.170:

(1) "Chief administrator" shall mean the person with the authority and responsibility for the immediate supervision of the operation of a school or day care center as defined in this section or, in the alternative, such other person as may hereafter be designated in writing for the purposes of RCW 28A.210.060 through 28A.210.170 by the statutory or corporate board of directors of the school district, school, or day care center or, if none, such other persons or person with the authority and responsibility for the general supervision of the operation of the school district, school or day care center.

(2) "Full immunization" shall mean immunization against certain vaccine-preventable diseases in accordance with schedules and with immunizing agents approved by the state board of health.

(3) "Local health department" shall mean the city, town, county, district or combined city-county health department, board of health, or health officer which provides public health services.

(4) "School" shall mean and include each building, facility, and location at or within which any or all portions of a preschool, kindergarten and grades one through twelve program of education and related activities are conducted for two or more children by or in behalf of any public school district and by or in behalf of any private school or private institution subject to approval by the state board of education pursuant to RCW 28A.305.130(~~(6)~~), 28A.195.010 through 28A.195.050, and 28A.410.120.

(5) "Day care center" shall mean an agency which regularly provides care for a group of thirteen or more children for periods of less than twenty-four hours and is licensed pursuant to chapter 74.15 RCW.

(6) "Child" shall mean any person, regardless of age, in attendance at a public or private school or a licensed day care center.

Sec. 909 RCW 28A.210.120 and 1990 c 33 s 196 are each amended to read as follows:

It shall be the duty of the chief administrator of every public and private school and day care center to prohibit the further presence at the school or day care center for any and all purposes of each child for whom proof of immunization, certification of exemption, or proof of compliance with an approved schedule of immunization has not been provided in accordance with RCW 28A.210.080 and to continue to prohibit the child's presence until such proof of immunization,

certification of exemption, or approved schedule has been provided. The exclusion of a child from a school shall be accomplished in accordance with rules of the office of the superintendent, in consultation with the state board of (~~education~~) health. The exclusion of a child from a day care center shall be accomplished in accordance with rules of the department of social and health services. Prior to the exclusion of a child, each school or day care center shall provide written notice to the parent(s) or legal guardian(s) of each child or to the adult(s) in loco parentis to each child, who is not in compliance with the requirements of RCW 28A.210.080. The notice shall fully inform such person(s) of the following: (1) The requirements established by and pursuant to RCW 28A.210.060 through 28A.210.170; (2) the fact that the child will be prohibited from further attendance at the school unless RCW 28A.210.080 is complied with; (3) such procedural due process rights as are hereafter established pursuant to RCW 28A.210.160 and/or 28A.210.170, as appropriate; and (4) the immunization services that are available from or through the local health department and other public agencies.

Sec. 910 RCW 28A.210.160 and 1990 c 33 s 199 are each amended to read as follows:

The superintendent of public instruction with regard to public schools and the state board of education with regard to private schools, in consultation with the state board of (~~education~~) health, shall (~~and is hereby empowered to~~) each adopt rules pursuant to chapter 34.05 RCW (~~which~~) that establish the procedural and substantive due process requirements governing the exclusion of children from (~~public and private~~) schools pursuant to RCW 28A.210.120.

Sec. 911 RCW 28A.210.320 and 2002 c 101 s 1 are each amended to read as follows:

(1) The attendance of every child at every public school in the state shall be conditioned upon the presentation before or on each child's first day of attendance at a particular school of a medication or treatment order addressing any life-threatening health condition that the child has that may require medical services to be performed at the school. Once such an order has been presented, the child shall be allowed to attend school.

(2) The chief administrator of every public school shall prohibit the further presence at the school for any and all purposes of each child for whom a medication or treatment order has not been provided in accordance with this section if the child has a life-threatening health condition that may require medical services to be performed at the school and shall continue to prohibit the child's presence until such order has been provided. The exclusion of a child from a school shall be accomplished in accordance with rules of the state board of education. Before excluding a child, each school shall provide written notice to the parents or legal guardians of each child or to the adults in loco parentis to each child, who is not in compliance with the requirements of this section. The notice shall include, but not be limited to, the following: (a) The requirements established by this section; (b) the fact that the child will be prohibited from further attendance at the school unless this section is complied with; and (c) such procedural due process rights as are established pursuant to this section.

(3) The (~~state board of education~~) superintendent of public instruction in consultation with the state board of health shall adopt rules under chapter 34.05 RCW that establish the procedural and substantive due process requirements governing the exclusion of children from public schools under this section. The rules shall include any requirements under applicable federal laws.

(4) As used in this section, "life-threatening condition" means a health condition that will put the child in danger of death during the school day if a medication or treatment order

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

and a nursing plan are not in place.

(5) As used in this section, "medication or treatment order" means the authority a registered nurse obtains under RCW 18.79.260(2).

Sec. 912 RCW 28A.335.100 and 1975-'76 2nd ex.s. c 23 s 1 are each amended to read as follows:

Any association established by school districts pursuant to the interlocal cooperation act, chapter 39.34 RCW for the purpose of jointly and cooperatively purchasing school supplies, materials and equipment, if otherwise authorized for school district purposes to purchase personal or real property, is ~~((hereby)) authorized((subject to rules and regulations of the state board of education))~~ to mortgage, or convey a purchase money security interest in real or personal property of such association of every kind, character or description whatsoever, or any interest in such personal or real property: PROVIDED, That any such association shall be prohibited from causing any creditor of the association to acquire any rights against the property, properties or assets of any of its constituent school districts and any creditor of such association shall be entitled to look for payment of any obligation incurred by such association solely to the assets and properties of such association.

Sec. 913 RCW 28A.335.120 and 2001 c 183 s 2 are each amended to read as follows:

(1) The board of directors of any school district of this state may:

(a) Sell for cash, at public or private sale, and convey by deed all interest of the district in or to any of the real property of the district which is no longer required for school purposes; and

(b) Purchase real property for the purpose of locating thereon and affixing thereto any house or houses and appurtenant buildings removed from school sites owned by the district and sell for cash, at public or private sale, and convey by deed all interest of the district in or to such acquired and improved real property.

(2) When the board of directors of any school district proposes a sale of school district real property pursuant to this section and the value of the property exceeds seventy thousand dollars, the board shall publish a notice of its intention to sell the property. The notice shall be published at least once each week during two consecutive weeks in a legal newspaper with a general circulation in the area in which the school district is located. The notice shall describe the property to be sold and designate the place where and the day and hour when a hearing will be held. The board shall hold a public hearing upon the proposal to dispose of the school district property at the place and the day and hour fixed in the notice and admit evidence offered for and against the propriety and advisability of the proposed sale.

(3) The board of directors of any school district desiring to sell surplus real property shall publish a notice in a newspaper of general circulation in the school district. School districts shall not sell the property for at least forty-five days following the publication of the newspaper notice.

(4) Private schools shall have the same rights as any other person or entity to submit bids for the purchase of surplus real property and to have such bids considered along with all other bids.

(5) Any sale of school district real property authorized pursuant to this section shall be preceded by a market value appraisal by a professionally designated real estate appraiser as defined in RCW 74.46.020 or a general real estate appraiser certified under chapter 18.140 RCW selected by the board of directors and no sale shall take place if the sale price would be less than ninety percent of the appraisal made by the real estate appraiser: PROVIDED, That if the property has been on the market for one year or more the property may be reappraised

and sold for not less than seventy-five percent of the reappraised value with the unanimous consent of the board.

(6) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through use of the services of licensed real estate brokers, a contract for such services may be negotiated and concluded: PROVIDED, That the use of a licensed real estate broker will not eliminate the obligation of the board of directors to provide the notice described in this section: PROVIDED FURTHER, That the fee or commissions charged for any broker services shall not exceed seven percent of the resulting sale value for a single parcel: PROVIDED FURTHER, That any professionally designated real estate appraiser as defined in RCW 74.46.020 or a general real estate appraiser certified under chapter 18.140 RCW selected by the board to appraise the market value of a parcel of property to be sold may not be a party to any contract with the school district to sell such parcel of property for a period of three years after the appraisal.

(7) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through sale on contract terms, a real estate sales contract may be executed between the district and buyer ~~((PROVIDED, That the terms and conditions of any such sales contract must comply with rules and regulations of the state board of education, herein authorized, governing school district real property contract sales))~~.

Sec. 914 RCW 28A.320.240 and 1969 ex.s. c 223 s 28A.58.104 are each amended to read as follows:

(1) The purpose of this section is to identify quality criteria for school library media programs that support the student learning goals under RCW 28A.150.210, the essential academic learning requirements under RCW 28A.655.070, and high school graduation requirements adopted under RCW 28A.230.090.

(2) Every board of directors shall provide for the operation and stocking of such libraries as the board deems necessary for the proper education of the district's students or as otherwise required by law or rule ((or regulation)) of the superintendent of public instruction ((or the state board of education)).

(3) "Teacher-librarian" means a certified teacher with a library media endorsement under rules adopted by the professional educator standards board.

(4) "School-library media program" means a school-based program that is staffed by a certificated teacher-librarian and provides a variety of resources that support student mastery of the essential academic learning requirements in all subject areas and the implementation of the district's school improvement plan.

(5) The teacher-librarian, through the school-library media program, shall collaborate as an instructional partner to help all students meet the content goals in all subject areas, and assist high school students completing the culminating project and high school and beyond plans required for graduation.

Sec. 915 RCW 28A.155.060 and 1995 c 77 s 12 are each amended to read as follows:

For the purpose of carrying out the provisions of RCW 28A.155.020 through 28A.155.050, the board of directors of every school district shall be authorized to contract with agencies approved by the ~~((state board of education))~~ superintendent of public instruction for operating special education programs for students with disabilities. Approval standards for such agencies shall conform substantially with those promulgated for approval of special education aid programs in the common schools.

Sec. 916 RCW 28A.600.130 and 1995 1st sp.s. c 5 s 1 are

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

each amended to read as follows:

The higher education coordinating board shall establish a planning committee to develop criteria for screening and selection of the Washington scholars each year in accordance with RCW 28A.600.110(1). It is the intent that these criteria shall emphasize scholastic achievement but not exclude such criteria as leadership ability and community contribution in final selection procedures. The Washington scholars planning committee shall have members from selected state agencies and private organizations having an interest and responsibility in education, including but not limited to, the ~~((state board of education, the))~~ office of superintendent of public instruction, the council of presidents, the state board for community and technical colleges, and the Washington friends of higher education.

Sec. 917 RCW 28A.650.015 and 1995 c 335 s 507 are each amended to read as follows:

(1) The superintendent of public instruction, to the extent funds are appropriated, shall develop and implement a Washington state K-12 education technology plan. The technology plan shall be updated on at least a biennial basis, shall be developed to coordinate and expand the use of education technology in the common schools of the state. The plan shall be consistent with applicable provisions of chapter 43.105 RCW. The plan, at a minimum, shall address:

(a) The provision of technical assistance to schools and school districts for the planning, implementation, and training of staff in the use of technology in curricular and administrative functions;

(b) The continued development of a network to connect school districts, institutions of higher learning, and other sources of on-line information; and

(c) Methods to equitably increase the use of education technology by students and school personnel throughout the state.

(2) The superintendent of public instruction shall appoint an educational technology advisory committee to assist in the development and implementation of the technology plan in subsection (1) of this section. The committee shall include, but is not limited to, persons representing: The ~~((state board of education, the commission on student learning, the))~~ department of information services, educational service districts, school directors, school administrators, school principals, teachers, classified staff, higher education faculty, parents, students, business, labor, scientists and mathematicians, the higher education coordinating board, the work force training and education coordinating board, and the state library.

PART 10 MISCELLANEOUS

NEW SECTION. **Sec. 1001** Part headings used in this act are not any part of the law.

NEW SECTION. **Sec. 1002** Section 407 of this act takes effect September 1, 2009."

Senator McAuliffe spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe on page 99, line 30 to the committee striking amendment to Engrossed Second Substitute House Bill No. 3098.

The motion by Senator McAuliffe carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning, K-12 & Higher Education as amended to Engrossed Second Substitute House Bill No. 3098.

The motion by Senator McAuliffe carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.305.130, 28A.305.035, 28A.300.040, 28A.305.011, 28A.150.230, 28A.505.140, 28A.525.020, 28A.525.030, 28A.525.050, 28A.525.055, 28A.525.070, 28A.525.080, 28A.525.090, 28A.525.162, 28A.525.164, 28A.525.166, 28A.525.168, 28A.525.170, 28A.525.172, 28A.525.174, 28A.525.176, 28A.525.178, 28A.525.180, 28A.525.190, 28A.525.200, 28A.525.216, 28A.150.260, 28A.335.160, 28A.540.050, 28A.150.530, 28A.335.210, 28A.335.230, 28A.540.070, 39.35D.020, 39.35D.040, 39.35D.060, 79.17.100, 79.17.120, 28A.305.220, 28A.230.100, 28A.230.170, 28A.305.170, 28A.230.130, 28A.205.010, 28A.205.070, 28A.215.010, 28A.215.020, 28A.205.040, 28A.215.140, 28A.230.020, 28A.230.040, 28A.230.050, 28A.315.175, 28A.315.195, 28A.315.205, 28A.315.015, 28A.315.025, 28A.315.055, 28A.315.085, 28A.315.125, 28A.315.185, 28A.305.210, 28A.310.080, 28A.310.030, 28A.310.050, 28A.310.060, 28A.310.090, 28A.310.100, 28A.310.140, 28A.310.150, 28A.310.200, 28A.310.310, 28A.323.020, 28A.323.040, 29A.24.070, 84.09.037, 28A.305.160, 28A.150.300, 28A.225.160, 28A.300.150, 28A.600.020, 28A.600.030, 18.35.020, 18.35.195, 18.83.200, 28A.625.360, 28A.225.330, 28A.405.110, 28A.415.010, 28A.415.020, 28A.415.024, 28A.415.025, 28A.415.105, 28A.415.125, 28A.415.130, 28A.415.145, 28A.660.020, 28A.660.040, 28A.690.020, 28A.300.050, 28A.625.370, 28A.625.380, 28A.625.390, 28B.10.710, 28B.35.120, 28B.40.120, 43.43.832, 43.43.840, 72.40.028, 28A.600.010, 28A.225.280, 28A.600.200, 28A.160.210, 28A.160.100, 28A.210.070, 28A.210.120, 28A.210.160, 28A.210.320, 28A.335.100, 28A.335.120, 28A.320.240, 28A.155.060, 28A.600.130, and 28A.650.015; reenacting and amending RCW 28A.330.100, 28A.630.400, and 43.43.845; adding a new section to chapter 28A.525 RCW; adding a new section to chapter 28A.545 RCW; adding a new section to chapter 28A.230 RCW; adding new sections to chapter 28A.300 RCW; adding new sections to chapter 28A.600 RCW; adding a new section to chapter 28A.405 RCW; creating new sections; recodifying RCW 28A.305.220, 28A.305.170, and 28A.305.160; decodifying RCW 28A.525.120, 28A.525.122, 28A.525.124, 28A.525.126, 28A.525.128, 28A.525.130, 28A.525.132, 28A.525.134, 28A.525.140, 28A.525.142, 28A.525.144, 28A.525.146, 28A.525.148, 28A.525.150, 28A.525.152, 28A.525.154, 28A.525.156, 28A.525.158, 28A.525.160, and 28A.525.182; providing an effective date; and providing expiration dates."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Second Substitute House Bill No. 3098 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 3098 as amended by the Senate.

FIFTY-EIGHTH DAY, MARCH 7, 2006

ROLL CALL

2006 REGULAR SESSION

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 3098 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 36

Voting nay: Senators Benson, Carrell, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Mulliken, Oke and Zarelli - 11

Excused: Senators Haugen and Parlette - 2

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3098 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2006

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1841 and asks Senate to recede therefrom.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate recede from its position on the Senate amendment(s) to Substitute House Bill No. 1841.

Senator Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Kohl-Welles that the Senate recede from its position on the Senate amendment(s) to Substitute House Bill No. 1841.

The motion by Senator Kohl-Welles carried and the Senate receded from its position in the Senate amendment(s) to Substitute House Bill No. 1841 by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended and Substitute House Bill No. 1841 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1841, by House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Kenney, Conway, Strow, Sells, Simpson, Hasegawa and Santos)

Revising provisions for electrical trainees.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles and Parlette be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.28.041 and 2002 c 249 s 2 are each amended to read as follows:

(1) It is unlawful for any person, firm, partnership, corporation, or other entity to advertise, offer to do work, submit a bid, engage in, conduct, or carry on the business of installing or maintaining wires or equipment to convey electric current, or installing or maintaining equipment to be operated by electric current as it pertains to the electrical industry, without having an unrevoked, unsuspended, and unexpired electrical contractor license, issued by the department in accordance with this chapter. All electrical contractor licenses expire twenty-four calendar months following the day of their issue. The department may issue an electrical contractors license for a period of less than twenty-four months only for the purpose of equalizing the number of electrical contractor licenses that expire each month. Application for an electrical contractor license shall be made in writing to the department, accompanied by the required fee. The application shall state:

(a) The name and address of the applicant; in case of firms or partnerships, the names of the individuals composing the firm or partnership; in case of corporations, the names of the managing officials thereof;

(b) The location of the place of business of the applicant and the name under which the business is conducted;

(c) Employer social security number;

(d) Evidence of workers' compensation coverage for the applicant's employees working in Washington, as follows:

(i) The applicant's industrial insurance account number issued by the department;

(ii) The applicant's self-insurer number issued by the department; or

(iii) For applicants domiciled in a state or province of Canada subject to an agreement entered into under RCW 51.12.120(7), as permitted by the agreement, filing a certificate of coverage issued by the agency that administers the workers' compensation law in the applicant's state or province of domicile certifying that the applicant has secured the payment of compensation under the other state's or province's workers' compensation law;

(e) Employment security department number;

(f) State excise tax registration number;

(g) Unified business identifier (UBI) account number may be substituted for the information required by (d) of this subsection if the applicant will not employ employees in Washington, and by (e) and (f) of this subsection; and

(h) Whether a general or specialty electrical contractor license is sought and, if the latter, the type of specialty. Electrical contractor specialties include, but are not limited to: Residential, pump and irrigation, limited energy system, signs, nonresidential maintenance, restricted nonresidential maintenance, appliance repair, and a combination specialty. A general electrical contractor license shall grant to the holder the right to engage in, conduct, or carry on the business of installing or maintaining wires or equipment to carry electric current, and installing or maintaining equipment, or installing or maintaining material to fasten or insulate such wires or equipment to be operated by electric current, in the state of Washington. A specialty electrical contractor license shall grant to the holder a limited right to engage in, conduct, or carry on the business of installing or maintaining wires or equipment to carry electrical current, and installing or maintaining equipment; or installing or maintaining material to fasten or insulate such wires or equipment to be operated by electric current in the state of Washington as expressly allowed by the license.

(2) The department may verify the workers' compensation coverage information provided by the applicant under subsection (1)(d) of this section, including but not limited to

FIFTY-EIGHTH DAY, MARCH 7, 2006

information regarding the coverage of an individual employee of the applicant. If coverage is provided under the laws of another state, the department may notify the other state that the applicant is employing employees in Washington.

(3) The application for an electrical contractor license shall be accompanied by a bond in the sum of four thousand dollars with the state of Washington named as obligee in the bond, with good and sufficient surety, to be approved by the department. The bond shall at all times be kept in full force and effect, and any cancellation or revocation thereof, or withdrawal of the surety therefrom, suspends the license issued to the principal until a new bond has been filed and approved as provided in this section. Upon approval of a bond, the department shall on the next business day deposit the fee accompanying the application in the electrical license fund and shall file the bond in the office. The department shall upon request furnish to any person, firm, partnership, corporation, or other entity a certified copy of the bond upon the payment of a fee that the department shall set by rule. The fee shall cover but not exceed the cost of furnishing the certified copy. The bond shall be conditioned that in any installation or maintenance of wires or equipment to convey electrical current, and equipment to be operated by electrical current, the principal will comply with the provisions of this chapter and with any electrical ordinance, building code, or regulation of a city or town adopted pursuant to RCW 19.28.010(3) that is in effect at the time of entering into a contract. The bond shall be conditioned further that the principal will pay for all labor, including employee benefits, and material furnished or used upon the work, taxes and contributions to the state of Washington, and all damages that may be sustained by any person, firm, partnership, corporation, or other entity due to a failure of the principal to make the installation or maintenance in accordance with this chapter or any applicable ordinance, building code, or regulation of a city or town adopted pursuant to RCW 19.28.010(3). In lieu of the surety bond required by this section the license applicant may file with the department a cash deposit or other negotiable security acceptable to the department. If the license applicant has filed a cash deposit, the department shall deposit the funds in a special trust savings account in a commercial bank, mutual savings bank, or savings and loan association and shall pay annually to the depositor the interest derived from the account.

(4) The department shall issue general or specialty electrical contractor licenses to applicants meeting all of the requirements of this chapter. The provisions of this chapter relating to the licensing of any person, firm, partnership, corporation, or other entity including the requirement of a bond with the state of Washington named as obligee therein and the collection of a fee therefor, are exclusive, and no political subdivision of the state of Washington may require or issue any licenses or bonds or charge any fee for the same or a similar purpose. No person, firm, partnership, corporation, or other entity holding more than one specialty contractor license under this chapter may be required to pay an annual fee for more than one such license or to post more than one four thousand dollar bond, equivalent cash deposit, or other negotiable security.

(5) To obtain a general or specialty electrical contractor license the applicant must designate an individual who currently possesses a valid master journeyman electrician's certificate of competency, master specialty electrician's certificate of competency in the specialty for which application has been made, or administrator's certificate as a general electrical contractor administrator or as a specialty electrical contractor administrator in the specialty for which application has been made.

(6) Administrator certificate specialties include but are not limited to: Residential, pump and irrigation, limited energy system, signs, nonresidential maintenance, restricted nonresidential maintenance, appliance repair, and combination specialty. To obtain an administrator's certificate an individual must pass an examination as set forth in RCW 19.28.051 unless

the applicant was a licensed electrical contractor at any time during 1974. Applicants who were electrical contractors licensed by the state of Washington at any time during 1974 are entitled to receive a general electrical contractor administrator's certificate without examination if the applicants apply prior to January 1, 1984. The board of electrical examiners shall certify to the department the names of all persons who are entitled to either a general or specialty electrical contractor administrator's certificate.

Sec. 2. RCW 19.28.161 and 2002 c 249 s 4 are each amended to read as follows:

(1) No person may engage in the electrical construction trade without having a valid master journeyman electrician certificate of competency, journeyman electrician certificate of competency, master specialty electrician certificate of competency, or specialty electrician certificate of competency issued by the department in accordance with this chapter. Electrician certificate of competency specialties include, but are not limited to: Residential, pump and irrigation, limited energy system, signs, nonresidential maintenance, restricted nonresidential maintenance, and appliance repair.

(2) A person who is indentured in an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade or who is learning the electrical construction trade may work in the electrical construction trade if supervised by a certified master journeyman electrician, journeyman electrician, master specialty electrician in that electrician's specialty, or specialty electrician in that electrician's specialty. All apprentices and individuals learning the electrical construction trade shall obtain an electrical training certificate from the department. The certificate shall authorize the holder to learn the electrical construction trade while under the direct supervision of a master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. The holder of the electrical training certificate shall renew the certificate biennially. At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the electrical construction industry for the previous biennial period and the number of hours worked for each employer, and proof of sixteen hours of approved classroom electrical continuing education courses covering this chapter, the national electrical code, or electrical theory, or the equivalent electrical training courses taken as part of an approved apprenticeship program under chapter 49.04 RCW or an approved electrical training program under RCW 19.28.191(1)(h). This education requirement is effective July 1, 2007. A biennial fee shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter. Apprentices and individuals learning the electrical construction trade shall have their electrical training certificates in their possession at all times that they are performing electrical work. They shall show their certificates to an authorized representative of the department at the representative's request.

(3) Any person who has been issued an electrical training certificate under this chapter may work if that person is under supervision. Supervision shall consist of a person being on the same job site and under the control of either a certified master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Either a certified master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty shall be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day unless otherwise provided in this chapter.

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

(4) The ratio of noncertified individuals to certified master journeymen electricians, journeymen electricians, master specialty electricians, or specialty electricians on any one job site is as follows:

(a) When working as a specialty electrician, not more than two noncertified individuals for every certified master specialty electrician working in that electrician's specialty, specialty electrician working in that electrician's specialty, master journeyman electrician, or journeyman electrician, except that the ratio requirements are one certified master specialty electrician working in that electrician's specialty, specialty electrician working in that electrician's specialty, master journeyman electrician, or journeyman electrician working as a specialty electrician to no more than four students enrolled in and working as part of an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited trade or technical schools licensed by the work force training and education coordinating board under chapter 28C.10 RCW. In meeting the ratio requirements for students enrolled in an electrical construction program at a trade school, a trade school may receive input and advice from the electrical board; and

(b) When working as a journeyman electrician, not more than one noncertified individual for every certified master journeyman electrician or journeyman electrician, except that the ratio requirements shall be one certified master journeyman electrician or journeyman electrician to no more than four students enrolled in and working as part of an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited trade or technical schools licensed by the work force training and education coordinating board under chapter 28C.10 RCW. In meeting the ratio requirements for students enrolled in an electrical construction program at a trade school, a trade school may receive input and advice from the electrical board.

An individual who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited technical or trade schools licensed by the work force training and education coordinating board under chapter 28C.10 RCW, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter.

(5) For the residential (as specified in WAC 296-46A-930(2)(a)), pump and irrigation (as specified in WAC 296-46A-930(2)(b)(i)), sign (as specified in WAC 296-46A-930(2)(c)), limited energy (as specified in WAC 296-46A-930(2)(e)(i)), nonresidential maintenance (as specified in WAC 296-46A-930(2)(f)(i)), restricted nonresidential maintenance as determined by the department in rule, or other new nonresidential specialties, not including appliance repair, as determined by the department in rule, either a master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty must be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day. Other specialties must meet the requirements specified in RCW 19.28.191(1)(~~(f)(ii)~~) ((g)(ii)). When the ratio of certified electricians to noncertified individuals on a job site is one certified electrician to three or four noncertified individuals, the certified electrician must:

(a) Directly supervise and instruct the noncertified individuals and the certified electrician may not directly make or engage in an electrical installation; and

(b) Be on the same job site as the noncertified individual for a minimum of one hundred percent of each working day.

(6) The electrical contractor shall accurately verify and attest to the electrical trainee hours worked by electrical trainees on behalf of the electrical contractor."

Senator Kohl-Welles spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kohl-Welles and Parlette to Substitute House Bill No. 1841.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "trainees" strike the remainder of the title and insert "and contractor licenses; and amending RCW 19.28.041 and 19.28.161."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1841 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1841 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1841 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senator Deccio - 1

Excused: Senator Parlette - 1

SUBSTITUTE HOUSE BILL NO. 1841 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2006

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2481 and asks Senate to recede therefrom.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Fairley moved that the Senate recede from its position on Substitute House Bill No. 2481 and pass the bill without the Senate amendment(s).

Senator Fairley spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Fairley that the Senate recede from its

FIFTY-EIGHTH DAY, MARCH 7, 2006

position on Substitute House Bill No. 2481 and pass the bill without Senate amendment(s).

The motion by Senator Fairley carried and the Senate receded from its position and passed Substitute House Bill No. 2481.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2481, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 45

Voting nay: Senators Honeyford, Mulliken, Stevens and Zarelli - 4

SUBSTITUTE HOUSE BILL NO. 2481, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2006

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2695 and asks Senate to recede therefrom.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kastama moved that the Senate recede from its position on the Senate amendment(s) to Substitute House Bill No. 2695.

The President declared the question before the Senate to be motion by Senator Kastama that the Senate recede from its position on the Senate amendment(s) to Substitute House Bill No. 2695.

The motion by Senator Kastama carried and the Senate receded from its amendment(s) to Substitute House Bill No. 2695.

MOTION

On motion of Senator Kastama, the rules were suspended and Substitute House Bill No. 2695 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2695, by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Haigh, Sump and McDermott)

Modifying absentee or provisional ballot notice requirements.

The measure was read the second time.

MOTION

Senator Kastama moved that the following striking amendment by Senators Kastama and Roach be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.60.165 and 2005 c 243 s 8 are each amended to read as follows:

(1) If the voter neglects to sign the outside envelope of an absentee or provisional ballot, the auditor shall notify the voter by ~~((telephone))~~ first class mail and advise the voter of the correct procedures for completing the unsigned affidavit. ~~((If the auditor is not able to provide the information personally to the voter by telephone, then the voter must be contacted by first class mail and advised of the correct procedures for completing the unsigned affidavit. Leaving a voice mail message for the voter is not to be considered as personally contacting the voter.))~~ If the absentee ballot is received within three business days of the final meeting of the canvassing board, or the voter has been notified by first class mail and has not responded at least three business days before the final meeting of the canvassing board, then the auditor shall attempt to notify the voter by telephone, using the voter registration record information. In order for the ballot to be counted, the voter must either:

(a) Appear in person and sign the envelope no later than the day before the certification of the primary or election; or

(b) Sign a copy of the envelope provided by the auditor, and return it to the auditor no later than the day before the certification of the primary or election.

(2)(a) If the handwriting of the signature on an absentee or provisional ballot envelope is not the same as the handwriting of the signature on the registration file, the auditor shall notify the voter by ~~((telephone))~~ first class mail, enclosing a copy of the envelope affidavit, and advise the voter of the correct procedures for updating his or her signature on the voter registration file. ~~((If the auditor is not able to provide the information personally to the voter by telephone, then the voter must be contacted by first class mail and advised of the correct procedures for completing the unsigned affidavit. Leaving a voice mail message for the voter is not to be considered as personally contacting the voter.))~~ If the absentee or provisional ballot is received within three business days of the final meeting of the canvassing board, or the voter has been notified by first class mail and has not responded at least three business days before the final meeting of the canvassing board, then the auditor shall attempt to notify the voter by telephone, using the voter registration record information. In order for the ballot to be counted, the voter must either:

(i) Appear in person and sign a new registration form no later than the day before the certification of the primary or election; or

(ii) Sign a copy of the affidavit provided by the auditor and return it to the auditor no later than the day before the certification of the primary or election. The voter may enclose with the affidavit a photocopy of a valid government or tribal issued identification document that includes their current signature. If the signature on the copy of the affidavit does not match the signature on file or the signature on the copy of the identification document, the voter must appear in person and sign a new registration form no later than the day before the certification of the primary or election in order for the ballot to be counted.

(b) If the signature on an absentee or provisional ballot envelope is not the same as the signature on the registration file because the name is different, the ballot may be counted as long as the handwriting is clearly the same. The auditor shall send the voter a change-of-name form under RCW 29A.08.440 and direct the voter to complete the form.

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

(c) If the signature on an absentee or provisional ballot envelope is not the same as the signature on the registration file because the voter used initials or a common nickname, the ballot may be counted as long as the sumame and handwriting are clearly the same.

(3) A voter may not cure a missing or mismatched signature for purposes of counting the ballot in a recount.

(4) A record must be kept of all ballots with missing and mismatched signatures. The record must contain the date on which the voter was contacted or the notice was mailed, as well as the date on which the voter signed the envelope, a copy of the envelope, a new registration form, or a change-of-name form. That record is a public record under chapter 42.17 RCW and may be disclosed to interested parties on written request."

Senators Kastama and Roach spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kastama and Roach to Substitute House Bill No. 2695.

The motion by Senator Kastama carried and the striking amendment was adopted by voice vote.

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 2695 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2695 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2695 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 40

Voting nay: Senators Esser, Hewitt, Honeyford, Morton, Mulliken, Parlette, Pflug, Schoesler and Zarelli - 9

SUBSTITUTE HOUSE BILL NO. 2695 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2006

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2685 and asks Senate to recede therefrom.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Fraser moved that the Senate recede from its position on Engrossed Substitute House Bill No. 2685 and pass the bill without the Senate amendment(s).

Senator Fraser spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Fraser that the Senate recede from its position on Engrossed Substitute House Bill No. 2685 and pass the bill without the Senate amendment(s).

MOTION

On motion of Senator McCaslin, Senator Morton was excused.

The motion by Senator Fraser carried and the Senate receded from its position on Engrossed Substitute House Bill No. 2685.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2685, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Morton - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2685, without Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5236,
 SECOND ENGROSSED SENATE BILL NO. 5714,
 SENATE BILL NO. 6059,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6106,
 SUBSTITUTE SENATE BILL NO. 6141,
 SECOND SUBSTITUTE SENATE BILL NO. 6172,
 SUBSTITUTE SENATE BILL NO. 6188,
 SUBSTITUTE SENATE BILL NO. 6234,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6244,
 SUBSTITUTE SENATE BILL NO. 6246,
 SUBSTITUTE SENATE BILL NO. 6247,
 SENATE BILL NO. 6248,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6255,
 SENATE BILL NO. 6264,
 SENATE BILL NO. 6280,
 SUBSTITUTE SENATE BILL NO. 6308,
 SECOND SUBSTITUTE SENATE BILL NO. 6319,
 SUBSTITUTE SENATE BILL NO. 6320,
 SUBSTITUTE SENATE BILL NO. 6369,
 SENATE BILL NO. 6373,
 SUBSTITUTE SENATE BILL NO. 6377,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6396,
 SENATE BILL NO. 6412,
 SENATE BILL NO. 6418,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6427,
 SENATE BILL NO. 6429,
 SENATE BILL NO. 6453,

FIFTY-EIGHTH DAY, MARCH 7, 2006

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6459,
 SECOND SUBSTITUTE SENATE BILL NO. 6460,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6508,
 SUBSTITUTE SENATE BILL NO. 6527,
 SUBSTITUTE SENATE BILL NO. 6555,
 SENATE BILL NO. 6568,
 SUBSTITUTE SENATE BILL NO. 6613,
 SUBSTITUTE SENATE BILL NO. 6617,
 SENATE BILL NO. 6637,
 ENGROSSED SENATE BILL NO. 6661,
 SUBSTITUTE SENATE BILL NO. 6717,
 SUBSTITUTE SENATE BILL NO. 6781,
 SECOND SUBSTITUTE SENATE BILL NO. 6823,
 SUBSTITUTE SENATE BILL NO. 6840,

MESSAGE FROM THE HOUSE

March 4, 2006

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 3070 and asks Senate to recede therefrom.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Fairley moved that the Senate recede from its position on the Senate amendment(s) to Second Substitute House Bill No. 3070.

The President declared the question before the Senate to be motion by Senator Fairley that the Senate recede from its position on the Senate amendment(s) to Second Substitute House Bill No. 3070.

The motion by Senator Fairley carried and the Senate receded from its amendment(s) to Second Substitute House Bill No. 3070.

MOTION

On motion of Senator Fairley, the rules were suspended and Second Substitute House Bill No. 3070 was returned to second reading for the purposes of amendment.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 3070, by House Committee on Capital Budget (originally sponsored by Representatives Miloscia, Hasegawa, Chase and Santos)

Increasing nonprofit housing development capacity.

The measure was read the second time.

MOTION

Senator Fairley moved that the following striking amendment by Senator Fairley be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.180.160 and 1999 c 131 s 2 are each amended to read as follows:

The total amount of outstanding indebtedness of the commission may not exceed ~~((three))~~ four and one-half billion dollars at any time. The calculation of outstanding indebtedness shall include the initial principal amount of an issue and shall

2006 REGULAR SESSION

not include interest that is either currently payable or that accrues as a part of the face amount of an issue payable at maturity or earlier redemption. Outstanding indebtedness shall not include notes or bonds as to which the obligation of the commission has been satisfied and discharged by refunding or for which payment has been provided by reserves or otherwise."

Senator Fairley spoke in favor of adoption of the striking amendment.

MOTION

On motion of Senator Mulliken, Senator Benton was excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Fairley to Second Substitute House Bill No. 3070.

The motion by Senator Fairley carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "increasing housing development capacity; and amending RCW 43.180.160."

MOTION

On motion of Senator Fairley, the rules were suspended, Second Substitute House Bill No. 3070 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 3070 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 3070 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 38

Voting nay: Senators Finkbeiner, Hewitt, Honeyford, Johnson, Mulliken, Parlette, Roach, Schoesler and Zarelli - 9

Absent: Senator Deccio - 1

Excused: Senator Morton - 1

SECOND SUBSTITUTE HOUSE BILL NO. 3070 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

Senator Jacobsen moved adoption of the following resolution:

SENATE RESOLUTION
8727

By Senators Jacobsen, Hewitt, Hargrove, Stevens, Swecker, McCaslin, Spanel, Doumit, Fraser, Honeyford, Morton, Oke and Brown

WHEREAS, Vic Moon's illustrious and lengthy career with the Washington State Legislature began in 1967; and

WHEREAS, Vic's first position with the legislature, for the legislative research council, saw him pulling double duty staffing committees for both the Senate and the House of Representatives; and

WHEREAS, In 1973, Vic dedicated himself solely to the service of the upper chamber while with the Senate research center; and

WHEREAS, 1977 through 1980 saw Vic venture into the executive realm as an assistant director for the department of fisheries; and

WHEREAS, Vic could no longer stay away from this hallowed body, and returned home as a Senate staffer in 1980; and

WHEREAS, Vic has worn the title of Senate research analyst alongside the titles of husband, father, and grandfather; and

WHEREAS, Each summer saw Vic disappear to roam the backroads of the west, taking in plays, operas, and adding to the Moon family collection of western art and culture; and

WHEREAS, Vic's bolo ties and belt buckles have brought Senate fashion to heights never before seen; and

WHEREAS, "Senator Moon" has set the all-time bill report record for most one sentence bill summaries; and

WHEREAS, For the better part of forty years, Vic has shared his sense of adventure, clever wit, and good humor with those he has worked for and with;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate give Vic a heartfelt thanks for his many years of service and wish Vic the very best as he embarks on his well-deserved retirement adventures; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Vic Moon.

Senators Jacobsen, Oke, Hargrove, Fraser, McCaslin, Parlette, Regala, Franklin, Deccio, Doumit, Honeyford, Spanel, Swecker, Rasmussen, Haugen, Roach and Stevens spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8727.

The motion by Senator Jacobsen carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Vic Moon, retiring Senate staff member, and members of his family who were seated in the gallery.

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION
8733

By Senators Hewitt, Brown, Honeyford, Eide, Esser, Kastama, Stevens, Berkey, Zarelli, Pridemore, Schoesler, Weinstein, Parlette, Jacobsen, Pflug, Doumit, Benson, Hargrove, Swecker, Kohl-Welles, Finkbeiner, Fairley, Roach, Thibaudeau, Morton, Haugen, Delvin, McAuliffe, Mulliken, Prentice, McCaslin,

Fraser, Benton, Franklin, Carrell, Spanel, Schmidt, Regala, Brandland, Poulsen, Deccio, Shin, Oke, Keiser, Rockefeller, Rasmussen, Sheldon and Kline

WHEREAS, Senator Stephen L. Johnson has served the people of the 47th Legislative District as a distinguished and respected member of the Washington State Senate since 1995; and

WHEREAS, Senator Johnson has served as Majority Floor Leader, Republican Floor Leader, and Republican Deputy Leader; and

WHEREAS, Senator Johnson served as the chair of the Senate Education Committee during a critical phase of school reform; and

WHEREAS, Senator Johnson is recognized and respected for his dedication to achieving excellence in education for the children of our state; and

WHEREAS, Senator Johnson is known for his quiet, meticulous work on tough issues; and

WHEREAS, Senator Johnson's understanding of the law has made him a valuable ranking member on the Senate Judiciary Committee; and

WHEREAS, Senator Johnson has provided his grateful colleagues, except for Senator McCaslin, with lengthy and technical explanations of lengthy and technical bills; and

WHEREAS, Senator Johnson has served with distinction as the senior partner in the Senate's prestigious law firm of Johnson, Kline, Esser, Rockefeller and Weinstein; and

WHEREAS, Senator Johnson is known for being a champion of the people on such burning issues as trademark registration, outdated RCW references, the Uniform Arbitration Act, inconsistencies in law regarding court filing fees, and stolen pallets; and

WHEREAS, Senator Johnson's calm, thoughtful, and deliberate manner will be greatly missed by his Senate colleagues;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate and staff express our deep appreciation to Senator Stephen L. Johnson for his commitment and dedicated service to the people of the 47th Legislative District and to the people all across Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Senator Stephen L. Johnson, the King County Bar Association, the Mayor of the City of Covington, the Mayor of the City of Black Diamond, the Mayor of the City of Kent, and the Mayor of the City of Auburn.

Senators Honeyford, Keiser, Deccio, Stevens, Eide and Esser spoke in favor of adoption of the resolution.

On motion of Senator Esser, the resolution was amended, adding Senators Rockefeller and Weinstein as "junior partners" in the Senate law firm by voice vote.

Senators Finkbeiner, Rockefeller, Kohl-Welles, McCaslin, Kline, Oke, Shin, Parlette, Hewitt, Roach and McAuliffe spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8733.

The motion by Senator Honeyford carried and the resolution was adopted by voice vote.

PERSONAL PRIVILEGE

Senator Johnson: "Thank you Mr. President. I'm almost tempted to be sentimental as I see my wife Lynn in the front and the family up in the gallery but I am Norwegian after all and so sentiment can't be much of a part of it here. I do want to reflect on some things but first I want to take care of little business. The prestigious law firm, I have some outgoing recommendations here. I'm talking of course about Johnson, Kline and others. My first would be that Senator Esser be

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

elevated to senior status immediately. You'll be the only learned person in the noble profession on this side of the aisle. Secondly, Senator Rockefeller, the most urbane of us all, stay exactly where he is which is of counsel status. Thirdly, Senator Weinstein, who isn't here now, I suggest that he stay right where he is and do more briefing on the reporters shield bill. And finally, our intern. Nobody has referred to our intern, who isn't here either for the moment. You may remember that Abraham Lincoln became a lawyer without going to law school. He read the law in an office of a lawyer. I think based on that Senator Hargrove should now be admitted to the bar immediately, as our intern. A couple of other matters, Senator Kline we have files to divide between us. I suggest that you take all the probate files. I think you'd look perfect in a three piece suit and a bow tie and I'll take the personal injury files. I've always wanted that kind of income with fancy shoes and a sports car. No, this for me has been twelve years. It's been a wonderful time. When you like politics ever since you can remember, being elected to the Senate is a thing of beauty. After all, it's the most exclusive club in the state of Washington, the Washington State Senate, and we're all above average which we know. So, it's the people. It's the institution. It's the issues that we've undertaken. My primary impulse is one of gratitude now as I look back. Gratitude for the opportunity given me by the people of the Forty-seventh District. Let me take a minute and talk about those folks. The Renton Highlines for the first two elections, not the last one after redistricting. The people of the east hill of Kent, people of Covington, Black Diamond, most of Black Diamond, and a lot of Auburn. All those folks have in common is this: That they care a lot about schools, they care a lot about their community and really don't like to pay a lot of taxes for those things. So, I've tried to represent them for twelve years. The Forty-seventh District desk has been occupied, over the last forty some years primarily by three members. The late Senator Markin Durkin, the late Senator Kent Pullen, and the not yet late Senator Johnson so it's good company that I followed when I was elected to this seat and I'm very proud of it and it's something that I think in our district for will continue to do so. I also want to express gratitude for the pioneers of this state. When you're up on the fourth floor and you look at all the photographs, the galleries of members since territorial days, you realize how many people have been taking care of this Senate for a long, long time. All people above average, going back over a hundred years now so that we have that responsibility and I think I seen that happen. There are many times when I think members here say, 'Are we doing this in the best interest of the state of Washington and of the Senate? Because we have a certain level of standards that we think are important. I'm very grateful for that. To the members on both sides of the aisle. When I came twelve years ago your predecessor, Senator Brown, was Mark Gaspard, as Leader and Senator Hewitt, your predecessor was Dan McDonald who was newly elected at that time. To the Senate administration, the Secretary's not here right now. When I came, Marty Brown was Secretary. This shows you how often the majority has changed in this chamber which makes it interesting too. Marty Brown, succeeded by Mike O'Connell, who, in turn, was succeeded by Tony Cook, Milt Doumit and now Tom Hoemann. All who have done fine jobs. This is a marvelous institution and I feel blessed to have served with people after whom buildings have been named or maybe will be named in the future. I want to thank you Mr. President. The Lt. Governor was newly elected in 1996 and came aboard in the session in 1997. I was in my third year and newly elected as Majority Floor Leader, so we worked together then and have ever since. On the matter of naming buildings, I have a feeling if I come back here in a dozen years or so this building which has never had a good name. I mean it's the

Legislative Building, the Capital, will be the 'Brad Owen Building' for two reasons: In gratitude for your service, Mr. President, and by that time he will have used up all the available office space in the building as well. You've all noticed the lovely lady sitting next to the President. I want to give a special thanks to her. Not just for the support I've had for the years I've been in the Senate, but the interest of which she has shown in Olympia and in the Senate with her friend Judy Oke, Jerri Honeyford and others over the years and I hope that you'll have introduced to you my family as well, which is in the gallery. We all know that you have to have and friends by the way. You have to have family and friends supportive of what you do because its such, kind of an irregular sort of schedule and a lot of up and downs so I want to thank them. Especially Lynn. I also want to thank Jennifer Baga who has been my legislative assistant for eleven of the twelve years. Boy, does she know this place. She thinks about things that I should of thought about before I do and that's exactly the kind of assistant that you want in this business. Finally, or the penultimate point I want to make and that is, "What have I learned," and that is, as above average as we all are in this chamber, as vain as we might be at times, there's probably a lot more wisdom that exists back at home. I think that's worth remembering most of the time even if we begin to feel that this is the world here in Olympia and taking a deep breath and looking back isn't a bad idea because there is a lot of wisdom with the six million Washingtonians that are out there. I've taken the position for a long time that you don't leave anything. You go on to something else. So, Vic Moon isn't leaving his career here at the Senate. He's going on to an interesting career of traveling around the country. I feel that same way myself. I'm looking forward to another chapter. I think we all should. I was, I read the obituaries, not because of my profession but I find some very, very interesting life stories in the obituaries. Some of them very encouraging and inspiring and some just kind of odd and furious but in one of them some time ago, you can see this, from the newspaper yellow by now. I cut it out about four or five years ago thinking to myself, 'well, maybe I'll need that sometime,' because it has an interesting message. It's a quote from Thoreau which I want to read. Thoreau says 'I left the woods for as good a reason as I went there. Perhaps it seemed to me that I had several more lives to live and could not spare any more time for that one.' I want to wish you all my sincere gratitude and God's blessing for all that you do in the future. Thank you."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Senator Johnson's wife, Lynn, who was seated at the rostrum.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed members of Senator Johnson's family and friends who were seated in the gallery and recognized by the Senate.

MOTION

On motion of Senator Eide, Rule 46 was suspended for the purpose of allowing the conference committee on the Supplemental Operating and Supplemental Capital budgets to meet.

MOTION

Senator Jacobsen moved adoption of the following resolution:

FIFTY-EIGHTH DAY, MARCH 7, 2006
SENATE RESOLUTION
8737

2006 REGULAR SESSION

The President welcomed and introduced Judy Oke, the wife of Senator Oke, who was seated at the rostrum.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed members of the Senator Okes family and friends who were seated in the gallery and recognized by the Senate.

PERSONAL PRIVILEGE

Senator Oke: "Thank you Mr. President. Boy, what a time this has been listening to these comments. I want to thank you personally for how you and Linda have treated me over the years. You're a special friend, special person and you handle that job so well. I hope you're here for a long time. Thank you. I learned one thing quickly, I'm not Norwegian I've got this Kleenex here and that proves it. I've been shedding some tears and the other thing I know, I'm not a lawyer. I got a one pager here. He couldn't even find where all his stuff was. I really would like to take a moment and just share with you quickly cause I had opportunities to do a lot of sharing but I want you to know Bob Oke as an eighteen year old and where I come from. I'm going to try to do this very quickly. Eighteen I joined the navy and my dad gave me two choices: Either go to school or join the service and I said, 'But Pop, I'm having a great time, I mean I got a car I got my own bedroom, I can come and go when I want. He says, 'Ya, you got a couple weeks to make this choice'. Next day I went down and went to the Coast Guard but they couldn't take me right away and I went across the way to the navy and I said 'why not?' so I went over there and bang I'm going in. They gave me a good education. Not one out of the universities but a good ground floor education. When I was thirty-five, everything changed. I mean it was going one and it wasn't the right direction. In a little chapel in Bremerton the preacher, I had Judy with me, had met her and we, the first question I asked her was, 'Do you want to go to church?' and this is a senior chief in the navy, I mean we don't ask girls to go to church but I knew I had to make a change in my life. A month or so later the preacher really opened the door for me to understand that all I had to do was ask forgiveness for my sins and except Christ as my Lord and Savior and I'd be saved. I didn't know what saved was, I went home and I didn't know what saved was but I knew I had changed. Everything inside of me was clean and boy was that a good feeling. I fell in love with Judy. We married. My only possession, was a little tricky on my part, my only possession at that time was a sea bag and there wasn't much in the sea bag. She had a house and a lot of other things and I thought she had a lot of money and she thought I had a lot of money so we just joined forces but I think we were both wrong. One thing in accepting the Lord in your life gives you the Holy Spirit which guides and directs you and that's what made Bob Oke something other than I was. While I was out salmon fishing after one year of retirement, just having a ball, I was hunting, fishing, that's all I ever wanted to do for one year. I was reeling in a salmon and I just knew there was more to life than this and I looked up and I said 'Lord, whatever you want me to do here I am' and that's a big statement let me tell you. When I got home I told Judy, 'Pack your bags, we're on our way to Africa.' I just figured if you told the Lord you were going to do His will, you're on your way to Africa, I don't know why but a day or two later a niece that was working for one of the representatives called me and said, 'Would you come to Olympia? We need somebody up here like you,' and everything inside of me went 'No way, no way, no way,' but there was a little voice said, 'This is your call. You said you'd go' and so that's what really got me involved. 1st Corinthians 1:27 was the verse that convinced me that I could do it. It's says 'God chooses the foolish things of the world to shame the wise.' That

By Senators Hewitt, Finkbeiner, Roach, Deccio, Stevens, Zarelli, Benton, Mulliken, Brandland, Schoesler, Pflug, Swecker, Delvin, Johnson, Schmidt, Kastama, Berkey, Pridemore, Weinstein, Carrell, Shin, Jacobsen, Poulsen, Kline, Kohl-Welles, Spanel, Franklin, Haugen, Hargrove, Honeyford, Regala, Rasmussen, McAuliffe, Fairley, Fraser, Sheldon, Keiser, Eide, Prentice, Rockefeller, Esser, Parlette, Benson, Doumit, Thibaudeau, Morton and Brown

WHEREAS, Senator Bob Oke has served the people of the 26th Legislative District as a dedicated and respected member of the Washington State Senate since 1991; and

WHEREAS, Senator Oke has served as Republican Whip and chair of the Senate Natural Resources and Parks Committee; and

WHEREAS, Senator Oke's understanding and commitment to improving Washington State Parks and the management of game fish and birds has made him a valuable ranking member on the Senate Natural Resources, Ocean and Recreation Committee; and

WHEREAS, Senator Oke has served continuously on the Senate Transportation Committee throughout his sixteen years of public service in the Washington State Senate; and

WHEREAS, Senator Oke's unmatched dedication, determination, and leadership on the new Tacoma Narrows Bridge project has resulted in the construction of the longest suspension bridge to be built in the United States since 1964; and

WHEREAS, Senator Oke has fought relentlessly to keep young people from starting to smoke and to protect all people from the dangers of second-hand smoke; and

WHEREAS, Senator Oke's great courage during his illness has strengthened the faith of all who know him; and

WHEREAS, Senator Oke and his lovely wife, "Mrs. Oke," brought with them to the Senate a message of love, strength, and family; and

WHEREAS, Senator Oke has been known to check in with staff using a cell phone while standing atop his car in the middle of nowhere while hunting pheasants; and

WHEREAS, Senator Oke will long be remembered for his love of the Mariners and his understanding of the importance of ball games, fishing, and other outdoor activities to the bond between a parent and a child; and

WHEREAS, Senator Oke has worked throughout his legislative career in a bipartisan, respectful, and honorable manner; and

WHEREAS, Senator Oke has earned the love and respect of his colleagues and staff members from both sides of the aisle;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate and staff express our deep appreciation to Senator Bob Oke for his commitment and dedicated service to the people of the 26th Legislative District and to the people all across Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Senator Bob Oke, Senator Ken Jacobsen, the Mayor of the City of Port Orchard, the Mayor of the City of Gig Harbor, and the Mayor of the City of Bremerton.

Senators Jacobsen, Mulliken, Deccio, Haugen, Sheldon, Swecker, Spanel, Hargrove, Shin, Franklin, Finkbeiner, Rockefeller, Stevens, Kastama, Parlette, Honeyford, Schoesler, Eide and Rasmussen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8737.

The motion by Senator Jacobsen carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

FIFTY-EIGHTH DAY, MARCH 7, 2006

was me God chooses the weak things of the world to shame the strong, and I fit right there. I just knew when I read that I could do this with the Holy Spirit's power and guidance. I'm not considered the smartest person on the block. In fact, if we took a WASL test I'd probably be dead last in this room. I don't know how I get by sometimes, I'm a terrible speller and my staff helps me a great deal. The other issue that I've learned strongly and it's grown me strongly is, love your enemies. Love them to death and tell them that you love them and pray for them and you know what. One day it turns around and they come to respect you and love you. If we could all do that, wouldn't this be a wonderful world? Phillipines 4:13, 'I can do all things through Christ who strengthen me' It's a plaque in my room, and I put it there originally cause some of these lobbyist would come in and I was shocked at their language and I thought I need put something up there to let them know we don't talk like that in my office. My biggest fear in sixteen years is that I would somehow, some way embarrassed my Lord and I hope when I stand before my Lord that there's a smile on His face and then he'll say, 'Well done my faithful servant.' That's what its all about. Tacoma Narrows project. I want to thank you and Judy thanks you for what you did last year. I mean that tape has been played so many times, I can't believe it. Of course when you give Judy the standing ovation, she wants to start from the back and work forward, but it doesn't quite work that way. We always end that tape with your sweet standing ovations. The pheasant farm is the cherry on the top. You know, I was thinking, those Fish & Wildlife guys are pretty smart, putting my name down there for the future. I hope, let you guys in the legislature say, 'Well, we need to take care of Bob's farm' You know, so that's a pretty good move. Tobacco sampling. Nobody will understand how much that meant to me. I don't know, truly the guidance of the Holy Spirit, but I just know that that's the most important bill that I've ever got through the Legislature and when I saw that pass in the House, I'm telling you, I just leaped with joy. Just leaped with joy. It will be one of the proudest moments in my sixteen years to be down in the Governor's office, I hope in a couple of days, to sign that bill. I wasn't the one that got it there. To be truthful, the press did it. I mean, don't pass up the pen for the sword because those articles that they wrote just nailed it. The last one in particular and the young men, that's sitting back behind me I'm told convinced the speaker to let that out for a vote. I just have one item of a negative thing. We all have to go back and campaign, half of you here don't but all the House does. Make the determination before you get started, whoever you hire to be your man in the field or whatever that nothing, nothing goes out unless you see it and approve it. We have separated ourselves through those campaigns and it's ugly. Some of the stuff that goes out there and your turn to the other candidate and say, 'Well, I didn't do it. I'm not responsible even though it was a little wrong,' and of course the Supreme Court said we could lie and I sure hope somebody fixes that one. It's the ugliest and then we have to come back as a body and I'll tell you some people have a hard time in forgiveness. You know, 'Vengeance is mine' saith the Lord and that gets me through a lot of trouble but watch, don't let somebody do your mailing and not look at it. You're responsible. I've had candidates tell me, 'Well, I didn't do it.' Well, their responsible for their campaign and dog gone it they ought to make sure that it's run right. I want to thank my staff, Michelle, in particular whose standing there and Penny, just come a little close so they can see you. They have made me and Vic and so many other staff people, look good. I mean without them I would not of made it. Penny's been with me this whole sixteen years. She's the pen behind Bob Oke. Some people think I'm pretty smart because I write all these cool articles but all I do is a little editing once in awhile and very seldom make any

2006 REGULAR SESSION

changes. God Bless you and thank you dears. The lady behind me, I think the Governor's going to probably say something about her, but I can't, even when my back's to her, I can't but say I have the most wonderful wife in the world. You know I had a wife before her and I picked her and her name was Judy and that's why I call Mrs. Oke. 'Mrs. Oke' because I don't need anymore Judy's in my life. I need a Mrs. Oke and she has been terrific. She has been through everything with me and in fact when I was dealing with that sampling bill and decided that I would come back again, she had told me, 'No way. You go back, you go back by yourself, and I said, 'I got to do this, Mrs. Oke and she looked at me and said, 'You'll do it, I'm with you.' So I'll tell you she didn't want to go and I didn't really either. I will miss you all of you and I'll try to come back and I think I mentioned it, I told the Governor if I'm healthy enough and so forth I would like to serve on the Fish & Wildlife Commission. I got a feeling that if they do they'll make me the legislative whatever, so I might be around. I won't bug you but when I see an issue that's right you might hear from me. Truly, God Bless you all. I just pray for your families. I pray for all of you and we have such a wonderful country and a wonderful state and a wonderful community. We all ought to be smiling all the time because we have so much to be smiling for, so much to be happy about and forget all that negative junk out there. I don't read that stuff anymore and I don't listen to it. I don't need negative in my mind. I protect my mind from the bad elements and the only thing I let go in I hope is those good things. God Bless each one of you. Thank you for being here and thank you for saying so much wonderful things and Jake, you're my favorite. I'll tell you, I just love you to death. Thank you."

MOTION

At 12:23 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:45 p.m. by President Owen.

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Franklin moved that Gubernatorial Appointment No. 9386, Marilyn Walton, as a member of the Board of Trustees, Tacoma Community College District No. 22, be confirmed.

Senator Franklin spoke in favor of the motion.

APPOINTMENT OF MARILYN WALTON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9386, Marilyn Walton as a member of the Board of Trustees, Tacoma Community College District No. 22.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9386, Marilyn Walton as a member of the Board of Trustees, Tacoma Community College

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

District No. 22 and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 8; Excused, 0.

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 41

MOTION

Senator Rasmussen moved that Gubernatorial Appointment No. 9374, Will Rasmussen, as a member of the Board of Regents, University of Washington, be confirmed.

Senator Rasmussen spoke in favor of the motion.

Absent: Senators Benton, Finkbeiner, Hargrove, Haugen, Johnson, Kline, Oke and Pflug - 8

APPOINTMENT OF WILL RASMUSSEN

Gubernatorial Appointment No. 9386, Marilyn Walton, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Tacoma Community College District No. 22.

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9374, Will Rasmussen as a member of the Board of Regents, University of Washington.

MOTION

On motion of Senator Schoesler, Senators Oke, Johnson, Roach, Stevens and Finkbeiner were excused.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9374, Will Rasmussen as a member of the Board of Regents, University of Washington and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rasmussen moved that Gubernatorial Appointment No. 9380, Herb Simon, as a member of the Board of Regents, University of Washington, be confirmed.

Senators Rasmussen, Regala and Franklin spoke in favor of the motion.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Benton, Johnson, Kline, Oke and Pflug - 5

MOTION

On motion of Senator Schoesler, Senators Benton and Pflug were excused.

Gubernatorial Appointment No. 9374, Will Rasmussen, having received the constitutional majority was declared confirmed as a member of the Board of Regents, University of Washington.

MOTION

On motion of Senator Regala, Senators Hargrove, Kline and Haugen were excused.

MOTION

At 2:07 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

APPOINTMENT OF HERB SIMON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9380, Herb Simon as a member of the Board of Regents, University of Washington.

The Senate was called to order at 3:36 p.m. by President Owen.

MOTION

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

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9380, Herb Simon as a member of the Board of Regents, University of Washington and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

MOTION

Senator McCaslin moved adoption of the following resolution:

Voting yea: Senators Benson, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 41

SENATE RESOLUTION
8700

Absent: Senator Brown - 1
Excused: Senators Benton, Hargrove, Haugen, Johnson, Kline, Oke and Pflug - 7

By Senator McCaslin

WHEREAS, Our good friend and colleague, Lyman Lee, passed away on January 7, 2006; and

WHEREAS, Lyman Alanzo Lee, Jr. was born in Chicago, Illinois on June 5, 1926, to Lyman Sr. and Flora Lee; and

WHEREAS, Lyman grew up in his parents' homes in Chicago, Illinois and Kewanee, Wisconsin, where he loved to ride horses at the family stables; and

WHEREAS, Lyman graduated from high school in 1946, and then earned a bachelor's degree in criminal law from the University of Chicago; and

Gubernatorial Appointment No. 9380, Herb Simon, having received the constitutional majority was declared confirmed as a member of the Board of Regents, University of Washington.

SECOND READING

FIFTY-EIGHTH DAY, MARCH 7, 2006

WHEREAS, Instead of choosing a career in law, Lyman pursued a career in amateur boxing and automobile racing; and

WHEREAS, He married his high school sweetheart Pat Doyle in 1950 and hung up his boxing gloves and racing helmet when his daughter Karen was born in 1951; and

WHEREAS, Lyman owned and operated a corrugated packaging business in southern California until 1976, when he retired and moved to Washington State; and

WHEREAS, His interest in politics led him to the state Senate, where he was a dedicated employee for more than twenty years, working as a driver, supply clerk, and legislative garage supervisor; and

WHEREAS, His position with the Senate carpool afforded him numerous opportunities to provide service to Senators in need of transportation; and

WHEREAS, He was the keeper of the dreaded "Senate Van" and a yellow Camaro, coveted by all who knew him; and

WHEREAS, Lyman was an incredibly kind and gentle man whose conversation and smile often lifted the spirits of coworkers; and

WHEREAS, He will be deeply missed by all who knew him;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate express their appreciation for Lyman Lee's excellent service to Washington State and deepest condolences at his passage; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Lyman Lee's four children, ten grandchildren, and four great-grandchildren.

Senators McCaslin and Eide spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8700.

The motion by Senator McCaslin carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Mark Lee, the son of Lyman Lee and a former Senate Staffer who was seated in the gallery.

MOTION

Senator Finkbeiner moved adoption of the following resolution:

SENATE RESOLUTION 8735

By Senator Finkbeiner

WHEREAS, The story of the Walla Walla sweet onion began over a century ago on the Island of Corsica, off the west coast of Italy; and

WHEREAS, A French soldier found an Italian sweet onion seed and brought it to the Walla Walla Valley; and

WHEREAS, The Walla Walla sweet onion developed over several generations through the process of carefully hand selecting onions from each year's crop, ensuring exceptional sweetness, jumbo size, and round shape; and

WHEREAS, Walla Walla sweet onion growers united in 1995 to form the United States Department of Agriculture's Federal Marketing Order #956 to protect their popular industry; and

WHEREAS, Only growers within the legal production area of the Walla Walla Valley can market Walla Walla sweet onions; and

WHEREAS, A trademark logo helps ensure that customers are getting the genuine Walla Walla sweet onion; and

WHEREAS, The freshman students in Toni Miller's Kirkland Junior High humanities class have for 3 years studied

2006 REGULAR SESSION

the legislative process by requesting legislation naming the Walla Walla sweet onion as the official Washington state vegetable;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes the Walla Walla sweet onion as a unique and valuable product marketed by the Walla Walla sweet onion shippers; and

BE IT FURTHER RESOLVED, That the Washington State Senate recognize the Walla Walla sweet onion shippers in the state of Washington who work to make the Walla Walla sweet onion industry successful through the promotion, marketing, research, and development of this trademark crop.

Senators Finkbeiner, Rasmussen, Hewitt, Kastama, Deccio, Prentice and Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8735.

The motion by Senator Finkbeiner carried and the resolution was adopted by voice vote.

MOTION

Senator Brown moved adoption of the following resolution:

SENATE RESOLUTION 8736

By Senators Brown, Deccio, Esser, Parlette, Roach, Schmidt, Benson, Johnson, Schoesler, Sheldon, Pridemore, Hargrove, Kohl-Welles, Rasmussen, Doumit, Rockefeller and Jacobsen

WHEREAS, Gonzaga University, located in Spokane, Washington, is home of the Bulldogs, whose men's basketball team has competed in the National Collegiate Athletic Association since 1958, and in the West Coast Conference (WCC) since 1979; and

WHEREAS, Gonzaga University's basketball fans are the self-proclaimed "Zag Nation," and the Bulldogs keep giving them plenty to celebrate this season, claiming two of the four yearly WCC awards, ranking first in the nation for free-throw percentage, and placing sixth in the nation for win-loss percentage; and

WHEREAS, The Bulldogs, who are ranked fourth in the nation, are on an 18 game winning streak, have not lost a home game since early 2003, winning a record 40 successive home games, in addition to 23 straight conference games, and have lost only two conference games in the past three years; and

WHEREAS, The Bulldogs' head coach Mark Few, who has an impressive career coaching record of 183-40 over nearly seven seasons, was honored with his sixth-straight WCC Coach of the Year title for guiding the team to a record sixth consecutive regular season championship; and

WHEREAS, The 2006 Bulldogs ran the table in WCC play, a feat accomplished only nine times in the previous 51 seasons, posting their second perfect 14-0 conference season in the past three seasons; and

WHEREAS, Junior forward Adam Morrison, who graduated from Spokane's Mead High School, is the sixth consecutive Gonzaga player to be named WCC Player of the Year, and is number one nationally in points per game, averaging 28.8 points per game; and

WHEREAS, Morrison recently became the first Gonzaga athlete to land the cover spread of *Sports Illustrated* magazine; and

WHEREAS, Morrison and senior center J.P. Batista were named to both the WCC All-Conference First Team and the National Association of Basketball Coaches All-District First Team; and

WHEREAS, Junior forward Sean Mallon, who has started in every game this season, was named to the WCC Winter Academic Team for the second time; and

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

WHEREAS, Gonzaga University hosted the 2006 West Coast Conference Basketball Tournament, which the Bulldogs entered as the No. 1 seed; and

WHEREAS, Last night, the Zags rallied from a 15-point second-half deficit to beat Loyola Marymount University and win the WCC tournament title, thereby ensuring the Bulldogs' eighth straight NCAA Tournament bid;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the talent and hard work of the Gonzaga University Bulldogs Men's Basketball coaches and players; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Gonzaga University Men's Basketball Coach Mark Few.

Senators Brown, Esser, Deccio and Benson spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8736.

The motion by Senator Brown carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2644, by Representatives P. Sullivan, Crouse and Kilmer

Increasing temporarily the statewide cap for the customer assistance public utility tax credit.

The measure was read the second time.

MOTION

Senator Poulsen moved that the following striking amendment by Senators Poulsen and Prentice be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.16.0497 and 2001 c 214 s 13 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Base credit" means the maximum amount of credit against the tax imposed by this chapter that each light and power business or gas distribution business may take each fiscal year as calculated by the department. The base credit is equal to the proportionate share that the total grants received by each light and power business or gas distribution business in the prior fiscal year bears to the total grants received by all light and power businesses and gas distribution businesses in the prior fiscal year multiplied by five million five hundred thousand dollars for fiscal year 2007, and two million five hundred thousand dollars for all other fiscal years before and after fiscal year 2007.

(b) "Billing discount" means a reduction in the amount charged for providing service to qualifying persons in Washington made by a light and power business or a gas distribution business. Billing discount does not include grants received by the light and power business or a gas distribution business.

(c) "Grant" means funds provided to a light and power business or gas distribution business by the department of community, trade, and economic development or by a qualifying organization.

(d) "Low-income home energy assistance program" means energy assistance programs for low-income households as

defined on December 31, 2000, in the low-income home energy assistance act of 1981 as amended August 1, 1999, 42 U.S.C. Sec. 8623 et seq.

(e) "Qualifying person" means a Washington resident who applies for assistance and qualifies for a grant regardless of whether that person receives a grant.

(f) "Qualifying contribution" means money given by a light and power business or a gas distribution business to a qualifying organization, exclusive of money received in the prior fiscal year from its customers for the purpose of assisting other customers.

(g) "Qualifying organization" means an entity that has a contractual agreement with the department of community, trade, and economic development to administer in a specified service area low-income home energy assistance funds received from the federal government and such other funds that may be received by the entity.

(2) Subject to the limitations in this section, a light and power business or a gas distribution business may take a credit each fiscal year against the tax imposed under this chapter.

(a)(i) A credit may be taken for qualifying contributions if the dollar amount of qualifying contributions for the fiscal year in which the tax credit is taken is greater than one hundred twenty-five percent of the dollar amount of qualifying contributions given in fiscal year 2000.

(ii) If no qualifying contributions were given in fiscal year 2000, a credit shall be allowed for the first fiscal year that qualifying contributions are given. Thereafter, credit shall be allowed if the qualifying contributions given exceed one hundred twenty-five percent of qualifying contributions given in the first fiscal year.

(iii) The amount of credit shall be fifty percent of the dollar amount of qualifying contributions given in the fiscal year in which the tax credit is taken.

(b)(i) A credit may be taken for billing discounts if the dollar amount of billing discounts for the fiscal year in which the tax credit is taken is greater than one hundred twenty-five percent of the dollar amount of billing discounts given in fiscal year 2000.

(ii) If no billing discounts were given in fiscal year 2000, a credit shall be allowed in the first fiscal year that billing discounts are given. Thereafter, credit shall be allowed if the dollar amount of billing discounts given exceeds one hundred twenty-five percent of billing discounts given in the first fiscal year.

(iii) The amount of credit shall be fifty percent of the dollar amount of the billing discounts given in the fiscal year in which the tax credit is taken.

(c) The total amount of credit that may be taken for qualifying contributions and billing discounts in a fiscal year is limited to the base credit for the same fiscal year.

(3)(a)(i) Except as provided in (a)(ii) of this subsection, the total amount of credit, statewide, that may be taken in any fiscal year shall not exceed two million five hundred thousand dollars.

(ii) The total amount of credit, statewide, that may be taken in fiscal year 2007 shall not exceed five million five hundred thousand dollars.

(b) By May 1st of each year starting in 2002, the department of community, trade, and economic development shall notify the department of revenue in writing of the grants received in the current fiscal year by each light and power business and gas distribution business.

(4)(a) Not later than June 1st of each year beginning in 2002, the department shall publish the base credit for each light and power business and gas distribution business for the next fiscal year.

(b) Not later than July 1st of each year beginning in 2002, application for credit must be made to the department including but not limited to the following information: Billing discounts given by the applicant in fiscal year 2000; qualifying contributions given by the applicant in the prior fiscal year; the

FIFTY-EIGHTH DAY, MARCH 7, 2006

amount of money received in the prior fiscal year from customers for the purpose of assisting other customers; the base credit for the next fiscal year for the applicant; the qualifying contributions anticipated to be given in the next fiscal year; and billing discounts anticipated to be given in the next fiscal year. No credit under this section will be allowed to a light and power business or gas distribution business that does not file the application by July 1st.

(c) Not later than August 1st of each year beginning in 2002, the department shall notify each applicant of the amount of credit that may be taken in that fiscal year.

(d) The balance of base credits not used by other light and power businesses and gas distribution businesses shall be ratably distributed to applicants under the formula in subsection (1)(a) of this section. The total amount of credit that may be taken by an applicant is the base credit plus any ratable portion of unused base credit.

(5) The credit taken under this section is limited to the amount of tax imposed under this chapter for the fiscal year. The credit must be claimed in the fiscal year in which the billing reduction is made. Any unused credit expires. Refunds shall not be given in place of credits.

(6) No credit may be taken for billing discounts made before July 1, 2001. Within two weeks of May 8, 2001, the department of community, trade, and economic development shall notify the department of revenue in writing of the grants received in fiscal year 2001 by each light and power business and gas distribution business. Within four weeks of May 8, 2001, the department of revenue shall publish the base credit for each light and power business and gas distribution business for fiscal year 2002. Within eight weeks of May 8, 2001, application to the department must be made showing the information required in subsection (4)(b) of this section. Within twelve weeks of May 8, 2001, the department shall notify each applicant of the amount of credit that may be taken in fiscal year 2002.

NEW SECTION. Sec. 2. This act takes effect July 1, 2006."

Senators Poulsen and Morton spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Poulsen and Prentice to House Bill No. 2644.

The motion by Senator Poulsen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "RCW 82.16.0497;" strike the remainder of the title and insert "amending RCW 82.16.0497; and providing an effective date."

MOTION

On motion of Senator Poulsen, the rules were suspended, House Bill No. 2644 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of House Bill No. 2644 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2644 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland,

2006 REGULAR SESSION

Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Oke - 1

HOUSE BILL NO. 2644 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2879, by Representative McIntire

Modifying the electronic administration of the real estate excise tax.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2879 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2879.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2879 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Brandland - 1

Excused: Senator Oke - 1

HOUSE BILL NO. 2879, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Schoesler, Senator Brandland was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2933, by House Committee on Appropriations (originally sponsored by Representatives P. Sullivan, Curtis, Simpson, Conway, Hinkle, Kenney, Williams, Ericks, Sells, Rodne, McDonald, Kilmer and Green)

Addressing death benefit payments for law enforcement officers' and fire fighters' retirement system, plan 2.

The measure was read the second time.

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 2933 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2933.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2933 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Oke - 1

SUBSTITUTE HOUSE BILL NO. 2933, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1523, by House Committee on Finance (originally sponsored by Representatives Quall, Morris, Pettigrew, Kilmer, Talcott, Pearson, Linville and Kristiansen)

Extending a sales and use tax exemption to the construction of new facilities to be used for the conditioning of vegetable seeds. Revised for 1st Substitute: Extending a sales and use tax exemption to the construction of new facilities to be used for the conditioning of vegetable seed.

The measure was read the second time.

MOTION

Senator Rasmussen moved that the following committee striking amendment by the Committee on Agriculture & Rural Economic Development be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.60.020 and 2004 c 25 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means a rural county as defined in RCW 82.14.370.

(4)(a) "Eligible investment project" means an investment project in an eligible area as defined in subsection (3) of this section.

(b) The lessor or owner of a qualified building is not eligible for a deferral unless:

(i) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(ii)(A) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(B) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual survey required under RCW 82.60.070; and

(C) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

(c) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5), other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part, or investment projects which have already received deferrals under this chapter.

(5) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" means the same as defined in RCW 82.04.120. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, ~~(and)~~ the activities performed by research and development laboratories and commercial testing laboratories, and the conditioning of vegetable seeds.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(9) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year. The term "entire tax year" means a full-time position that is filled for a period of twelve consecutive months. The term "full-time" means at least thirty-five hours a week, four hundred fifty-five hours a quarter, or one thousand eight hundred twenty hours a year.

(10) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(11) "Recipient" means a person receiving a tax deferral under this chapter.

(12) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

NEW SECTION. **Sec. 2.** This act takes effect July 1, 2006."

FIFTY-EIGHTH DAY, MARCH 7, 2006

Senator Rasmussen spoke in favor of adoption of the committee striking amendment.

MOTION

On motion of Senator Schoesler, Senator Brandland was excused.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture & Rural Economic Development to Substitute House Bill No. 1523.

The motion by Senator Rasmussen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "seeds;" strike the remainder of the title and insert "amending RCW 82.60.020; and providing an effective date."

MOTION

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 1523 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1523 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1523 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 43

Voting nay: Senators Fairley, Fraser, Kline, Kohl-Welles and Thibaudeau - 5

Excused: Senator Oke - 1

SUBSTITUTE HOUSE BILL NO. 1523 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 3159, by Representatives Linville, Newhouse, Grant, Kessler, Orcutt, Chandler, Dunn and Kristiansen

Modifying the excise taxation of food products.

The measure was read the second time.

MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be not adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter shall not apply to the value of products or the gross proceeds of sales derived from:

(a) Manufacturing dairy products; or

(b) Selling manufactured dairy products to purchasers who transport in the ordinary course of business the goods out of this state. A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(2) "Dairy products" means dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein.

(3) This section expires July 1, 2012.

Sec. 2. RCW 82.04.4266 and 2005 c 513 s 1 are each amended to read as follows:

(1) This chapter shall not apply to ~~((amounts received from))~~ the value of products or the gross proceeds of sales derived from:

~~((++))~~ (a) Manufacturing fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits ~~((and))~~ or vegetables; or

~~((=))~~ (b) Selling at wholesale ~~((fresh))~~ fruits ~~((and))~~ or vegetables ~~((canned, preserved, frozen, processed, or dehydrated))~~ manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state. ~~((As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record.))~~ A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(2) This section expires July 1, 2012.

Sec. 3. RCW 82.04.260 and 2005 c 513 s 2 and 2005 c 443 s 4 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola byproducts, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, oil, canola meal, or canola byproduct manufactured, multiplied by the rate of 0.138 percent;

(b) Seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of 0.138 percent;

(c) Beginning July 1, 2012, dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed shall be equal to the value of the products manufactured or the gross proceeds derived from such sales

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

multiplied by the rate of 0.138 percent. ~~((As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record))~~ Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(d) Beginning July 1, 2012, fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables, or selling at wholesale fruits or vegetables manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

~~((d))~~ (e) Until July 1, 2009, alcohol fuel, biodiesel fuel, or biodiesel feedstock, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business shall be equal to the value of alcohol fuel, biodiesel fuel, or biodiesel feedstock manufactured, multiplied by the rate of 0.138 percent; and

~~((e))~~ (f) Alcohol fuel or wood biomass fuel, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business shall be equal to the value of alcohol fuel or wood biomass fuel manufactured, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(6) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds

derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(8) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(9) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of 0.484 percent.

(10) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under RCW 43.72.900.

(11)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, as to such persons the amount of tax with respect to such business shall, in the case of manufacturers, be equal to the value of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through the later of June 30, 2007, or the day preceding the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550; and

(ii) 0.2904 percent beginning on the later of July 1, 2007, or the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550.

FIFTY-EIGHTH DAY, MARCH 7, 2006

(b) Beginning October 1, 2005, upon every person engaging within this state in the business of making sales, at retail or wholesale, of commercial airplanes, or components of such airplanes, manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the airplanes or components multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through the later of June 30, 2007, or the day preceding the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550; and

(ii) 0.2904 percent beginning on the later of July 1, 2007, or the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550.

(c) For the purposes of this subsection (11), "commercial airplane," "component," and "final assembly of a superefficient airplane" have the meanings given in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person eligible for the tax rate under this subsection (11) must report as required under RCW 82.32.545.

(e) This subsection (11) does not apply after the earlier of: July 1, 2024; or December 31, 2007, if assembly of a superefficient airplane does not begin by December 31, 2007, as determined under RCW 82.32.550.

Sec. 4. RCW 82.32.610 and 2005 c 513 s 3 are each amended to read as follows:

(1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(2) Each person claiming a tax exemption under RCW 82.04.4266 or section 1 of this act shall report information to the department by filing a complete annual survey. The survey is due by March 31st of the year following any calendar year in which a tax exemption under RCW 82.04.4266 or section 1 of this act is taken. The department may extend the due date for timely filing of annual surveys under this section as provided in RCW 82.32.590. The survey shall include the amount of tax exemption taken. The survey shall also include the following information for employment positions in Washington:

(a) The number of total employment positions;

(b) Full-time, part-time, and temporary employment positions as a percent of total employment;

(c) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and

(d) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

The first survey filed under this subsection shall also include information for the twelve-month period immediately before first use of a tax incentive.

(3) The department may request additional information necessary to measure the results of the exemption program, to be submitted at the same time as the survey.

(4) All information collected under this section, except the amount of the tax exemption taken, is deemed taxpayer information under RCW 82.32.330. Information on the amount of tax exemption taken is not subject to the confidentiality provisions of RCW 82.32.330.

(5) If a person fails to submit an annual survey under subsection (2) of this section by the due date of the report or any extension under RCW 82.32.590, the department shall declare

the amount of taxes exempted for the previous calendar year to be immediately due and payable. The department shall assess interest, but not penalties, on the amounts due under this section. The amount due shall be calculated using a rate of 0.138 percent. The interest shall be assessed at the rate provided for delinquent taxes under this chapter, retroactively to the date the exemption was claimed, and shall accrue until the taxes for which the exemption was claimed are repaid. This information is not subject to the confidentiality provisions of RCW 82.32.330.

(6) The department shall use the information from this section to prepare summary descriptive statistics by category. No fewer than three taxpayers shall be included in any category. The department shall report these statistics to the legislature each year by September 1st.

(7) The department shall study the tax exemption authorized in RCW 82.04.4266 and section 1 of this act. The department shall submit a report to the finance committee of the house of representatives and the ways and means committee of the senate by December 1, 2011. The report shall measure the effect of the exemption on job creation, job retention, company growth, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

Sec. 5. RCW 82.74.010 and 2005 c 513 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Cold storage warehouse" means a storage warehouse ~~(used)~~ owned or operated by a wholesaler or third-party warehouse as those terms are defined in RCW 82.08.820 to store fresh and/or frozen perishable fruits or vegetables, dairy products, eggs or egg products, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

(3) "Dairy product" means dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein.

(4) "Dairy product manufacturing" means manufacturing, as defined in RCW 82.04.120, of dairy products.

(5) "Department" means the department of revenue.

~~((4))~~ (6) "Egg" means eggs that as of March 1, 2000, are identified in 7 C.F.R., chapter 1, part 94.

(7) "Egg handling" means inspecting, candling, breaking, or packaging eggs, or filtering, mixing, blending, pasteurizing, stabilizing, cooling, freezing, drying, or packaging egg products.

(8) "Egg product" means egg products that as of March 1, 2000, are identified in 7 C.F.R., chapter 1, part 94.

(9) "Eligible investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project. The lessor or owner of a qualified building is not eligible for a deferral unless (a) the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or (b)(i) the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments, and (ii) the lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual survey under RCW 82.74.040. The economic benefit of the deferral to the lessee may be evidenced by any type of payment, credit, or any other financial arrangement between the lessor or owner of the qualified building and the lessee.

~~((5))~~ (10) "Fresh fruit and vegetable processing" means manufacturing as defined in RCW 82.04.120 which consists of

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

the canning, preserving, freezing, processing, or dehydrating fresh fruits and/or vegetables.

~~((6))~~ (11)(a) "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for:

(i) Construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral;

(ii) Construction of the qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection ~~((4))~~ (9) of this section; or

(iii) Tenant improvements for a qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection ~~((4))~~ (9) of this section.

(b) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(c) If the investment project is a phased project, "initiation of construction" applies separately to each phase.

~~((7))~~ (12) "Person" has the meaning given in RCW 82.04.030.

~~((8))~~ (13) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for fresh fruit and vegetable processing, dairy product manufacturing, egg handling, cold storage ~~((warehouse))~~ warehousing, and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, plant, or laboratory used for fresh fruit and vegetable processing, dairy product manufacturing, egg handling, cold storage warehousing, or research and development. If a building is used partly for fresh fruit and vegetable processing, dairy product manufacturing, egg handling, cold storage warehousing, or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

~~((9))~~ (14) "Qualified machinery and equipment" means all industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a fresh fruit and vegetable processing, dairy product manufacturing, egg handling, cold storage warehouse, or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

~~((10))~~ (15) "Recipient" means a person receiving a tax deferral under this chapter.

~~((11))~~ (16) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process related to fresh fruit and vegetable processing, dairy product manufacturing, egg handling, or cold storage warehousing before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

Sec. 6. RCW 82.74.030 and 2005 c 513 s 6 are each amended to read as follows:

(1) The department shall issue a sales and use tax deferral certificate for state and local sales and use taxes ~~((due))~~ imposed or authorized under chapters 82.08, 82.12, and 82.14 RCW on

each eligible investment project if the investment project is undertaken for the purpose of fresh fruit and vegetable processing, dairy product manufacturing, egg handling, cold storage warehousing, or research and development.

(2) This section expires July 1, 2012.

Sec. 7. RCW 82.74.040 and 2005 c 513 s 7 are each amended to read as follows:

(1)(a) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(b) Each recipient of a deferral granted under this chapter shall complete an annual survey. If the economic benefits of the deferral are passed to a lessee as provided in RCW 82.74.010~~((4))~~ (9), the lessee shall complete the annual survey and the applicant is not required to complete the annual survey. The survey is due by March 31st of the year following the calendar year in which the investment project is certified by the department as having been operationally complete and each of the seven succeeding calendar years. The department may extend the due date for timely filing of annual surveys under this section as provided in RCW 82.32.590. The survey shall include the amount of tax deferred. The survey shall also include the following information for employment positions in Washington:

(i) The number of total employment positions;

(ii) Full-time, part-time, and temporary employment positions as a percent of total employment;

(iii) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and

(iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

(c) The department may request additional information necessary to measure the results of the deferral program, to be submitted at the same time as the survey.

(d) All information collected under this subsection, except the amount of the tax deferral taken, is deemed taxpayer information under RCW 82.32.330. Information on the amount of tax deferral taken is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(e) The department shall use the information from this section to prepare summary descriptive statistics by category. No fewer than three taxpayers shall be included in any category. The department shall report these statistics to the legislature each year by September 1st.

(f) The department shall also use the information to study the tax deferral program authorized under this chapter. The department shall report to the legislature by December 1, 2011. The report shall measure the effect of the program on job creation, ~~((the number of jobs created for residents of eligible areas;))~~ company growth, the introduction of new products, the diversification of the state's economy, growth in research and development investment, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

(2)(a) If a recipient of the deferral fails to complete the annual survey required under subsection (1) of this section by the date due or any extension under RCW 82.32.590, twelve and one-half percent of the deferred tax shall be immediately due. If the economic benefits of the deferral are passed to a lessee as

FIFTY-EIGHTH DAY, MARCH 7, 2006

provided in RCW 82.74.010((4)) (9), the lessee shall be responsible for payment to the extent the lessee has received the economic benefit. The department shall assess interest, but not penalties, on the amounts due under this section. The interest shall be assessed at the rate provided for delinquent taxes under chapter 82.32 RCW, and shall accrue until the amounts due are repaid.

(b) A recipient who must repay deferred taxes under RCW 82.74.050(2) because the department has found that an investment project is used for purposes other than fresh fruit and vegetable processing, dairy product manufacturing, egg handling, cold storage warehousing, or research and development is no longer required to file annual surveys under this section beginning on the date an investment project is used for nonqualifying purposes.

Sec. 8. RCW 82.74.050 and 2005 c 513 s 8 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, taxes deferred under this chapter need not be repaid.

(2) If, on the basis of survey under RCW 82.74.040 or other information, the department finds that an investment project is used for purposes other than fresh fruit and vegetable processing, dairy product manufacturing, egg handling, cold storage warehousing, or research and development at any time during the calendar year in which the investment project is certified by the department as having been operationally completed, or at any time during any of the seven succeeding calendar years, a portion of deferred taxes shall be immediately due according to the following schedule:

Year in which <u>nonqualifying</u> use occurs	% of deferred taxes due
1	100%
2	87.5%
3	75%
4	62.5%
5	50%
6	37.5%
7	25%
8	12.5%

(3) The department shall assess interest, but not penalties, on the deferred taxes under subsection (2) of this section. The interest shall be assessed at the rate provided for delinquent taxes under chapter 82.32 RCW, retroactively to the date of deferral, and shall accrue until the deferred taxes are repaid. The debt for deferred taxes will not be extinguished by insolvency or other failure of the recipient. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of this chapter, for the remaining periods of the deferral.

(4) Notwithstanding subsection (2) of this section, deferred taxes on the following need not be repaid:

(a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under RCW 82.08.02565; and

(b) Machinery and equipment which at the time of first use would have qualified for exemption under RCW 82.12.02565.

Sec. 9. RCW 82.08.820 and 1997 c 450 s 2 are each amended to read as follows:

(1) Wholesalers or third-party warehouse owners who own or operate warehouses or grain elevators and retailers who own or operate distribution centers, and who have paid the tax levied by RCW 82.08.020 on:

(a) Material-handling and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment; or

(b) Construction of a warehouse or grain elevator, including materials, and including service and labor costs, are eligible for an exemption in the form of a remittance. The amount of the remittance is computed under subsection (3) of this section and is based on the state share of sales tax.

(2) For purposes of this section and RCW 82.12.820:

(a) "Agricultural products" has the meaning given in RCW 82.04.213;

(b) "Construction" means the actual construction of a warehouse or grain elevator that did not exist before the construction began. "Construction" includes expansion if the expansion adds at least two hundred thousand square feet of additional space to an existing warehouse or additional storage capacity of at least one million bushels to an existing grain elevator. "Construction" does not include renovation, remodeling, or repair;

(c) "Department" means the department of revenue;

(d) "Distribution center" means a warehouse that is used exclusively by a retailer solely for the storage and distribution of finished goods to retail outlets of the retailer. "Distribution center" does not include a warehouse at which retail sales occur;

(e) "Finished goods" means tangible personal property intended for sale by a retailer or wholesaler. "Finished goods" does not include agricultural products stored by wholesalers, third-party warehouses, or retailers if the storage takes place on the land of the person who produced the agricultural product. "Finished goods" does not include logs, minerals, petroleum, gas, or other extracted products stored as raw materials or in bulk;

(f) "Grain elevator" means a structure used for storage and handling of grain in bulk;

(g) "Material-handling equipment and racking equipment" means equipment in a warehouse or grain elevator that is primarily used to handle, store, organize, convey, package, or repackage finished goods. The term includes tangible personal property with a useful life of one year or more that becomes an ingredient or component of the equipment, including repair and replacement parts. The term does not include equipment in offices, lunchrooms, restrooms, and other like space, within a warehouse or grain elevator, or equipment used for nonwarehousing purposes. "Material-handling equipment" includes but is not limited to: Conveyers, carousels, lifts, positioners, pick-up-and-place units, cranes, hoists, mechanical arms, and robots; mechanized systems, including containers that are an integral part of the system, whose purpose is to lift or move tangible personal property; and automated handling, storage, and retrieval systems, including computers that control them, whose purpose is to lift or move tangible personal property; and forklifts and other off-the-road vehicles that are used to lift or move tangible personal property and that cannot be operated legally on roads and streets. "Racking equipment" includes, but is not limited to, conveying systems, chutes, shelves, racks, bins, drawers, pallets, and other containers and storage devices that form a necessary part of the storage system;

(h) "Person" has the meaning given in RCW 82.04.030;

(i) "Retailer" means a person who makes "sales at retail" as defined in chapter 82.04 RCW of tangible personal property;

(j) "Square footage" means the product of the two horizontal dimensions of each floor of a specific warehouse. The entire footprint of the warehouse shall be measured in calculating the

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

square footage, including space that juts out from the building profile such as loading docks. "Square footage" does not mean the aggregate of the square footage of more than one warehouse at a location or the aggregate of the square footage of warehouses at more than one location;

(k) "Third-party warehouse" means a person taxable under RCW 82.04.280(4);

(l) "Warehouse" means an enclosed building or structure in which finished goods are stored. A warehouse building or structure may have more than one storage room and more than one floor. Office space, lunchrooms, restrooms, and other space within the warehouse and necessary for the operation of the warehouse are considered part of the warehouse as are loading docks and other such space attached to the building and used for handling of finished goods. Landscaping and parking lots are not considered part of the warehouse. A storage yard is not a warehouse, nor is a building in which manufacturing takes place; and

(m) "Wholesaler" means a person who makes "sales at wholesale" as defined in chapter 82.04 RCW of tangible personal property, but "wholesaler" does not include a person who makes sales exempt under RCW 82.04.330.

(3)(a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.08.020. The buyer may then apply to the department for remittance of all or part of the tax paid under RCW 82.08.020. For grain elevators with bushel capacity of one million but less than two million, the remittance is equal to fifty percent of the amount of tax paid. For warehouses with square footage of two hundred thousand or more and for grain elevators with bushel capacity of two million or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and fifty percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment.

(b) The department shall determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer shall on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer shall retain, in adequate detail to enable the department to determine whether the equipment or construction meets the criteria under this section: Invoices; proof of tax paid; documents describing the material-handling equipment and racking equipment; location and size of warehouses and grain elevators; and construction invoices and documents.

(c) The department shall on a quarterly basis remit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(4) Warehouses, grain elevators, and material-handling equipment and racking equipment for which an exemption, credit, or deferral has been or is being received under chapter 82.60, ~~((82.61,))~~ 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Warehouses and grain elevators upon which construction was initiated before May 20, 1997, are not eligible for a remittance under this section.

(5) The lessor or owner of a warehouse or grain elevator is not eligible for a remittance under this section unless the underlying ownership of the warehouse or grain elevator and the material-handling equipment and racking equipment vests exclusively in the same person, or unless the lessor by written

contract agrees to pass the economic benefit of the remittance to the lessee in the form of reduced rent payments.

Sec. 10. RCW 82.08.820 and 2005 c 513 s 11 are each amended to read as follows:

(1) Wholesalers or third-party warehouse owners who own or operate warehouses or grain elevators and retailers who own or operate distribution centers, and who have paid the tax levied by RCW 82.08.020 on:

(a) Material-handling and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment; or

(b) Construction of a warehouse or grain elevator, including materials, and including service and labor costs, are eligible for an exemption in the form of a remittance. The amount of the remittance is computed under subsection (3) of this section and is based on the state share of sales tax.

(2) For purposes of this section and RCW 82.12.820:

(a) "Agricultural products" has the meaning given in RCW 82.04.213;

~~(b) "Cold storage warehouse" ((means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing))~~ has the meaning provided in RCW 82.74.010;

(c) "Construction" means the actual construction of a warehouse or grain elevator that did not exist before the construction began. "Construction" includes expansion if the expansion adds at least twenty-five thousand square feet of additional space to an existing cold storage warehouse, at least two hundred thousand square feet of additional space to an existing warehouse other than a cold storage warehouse, or additional storage capacity of at least one million bushels to an existing grain elevator. "Construction" does not include renovation, remodeling, or repair;

(d) "Department" means the department of revenue;

(e) "Distribution center" means a warehouse that is used exclusively by a retailer solely for the storage and distribution of finished goods to retail outlets of the retailer. "Distribution center" does not include a warehouse at which retail sales occur;

(f) "Finished goods" means tangible personal property intended for sale by a retailer or wholesaler. "Finished goods" does not include agricultural products stored by wholesalers, third-party warehouses, or retailers if the storage takes place on the land of the person who produced the agricultural product. "Finished goods" does not include logs, minerals, petroleum, gas, or other extracted products stored as raw materials or in bulk;

(g) "Grain elevator" means a structure used for storage and handling of grain in bulk;

(h) "Material-handling equipment and racking equipment" means equipment in a warehouse or grain elevator that is primarily used to handle, store, organize, convey, package, or repackage finished goods. The term includes tangible personal property with a useful life of one year or more that becomes an ingredient or component of the equipment, including repair and replacement parts. The term does not include equipment in offices, lunchrooms, restrooms, and other like space, within a warehouse or grain elevator, or equipment used for nonwarehousing purposes. "Material-handling equipment" includes but is not limited to: Conveyers, carousels, lifts, positioners, pick-up-and-place units, cranes, hoists, mechanical arms, and robots; mechanized systems, including containers that are an integral part of the system, whose purpose is to lift or move tangible personal property; and automated handling, storage, and retrieval systems, including computers that control them, whose purpose is to lift or move tangible personal property; and forklifts and other off-the-road vehicles that are

FIFTY-EIGHTH DAY, MARCH 7, 2006

used to lift or move tangible personal property and that cannot be operated legally on roads and streets. "Racking equipment" includes, but is not limited to, conveying systems, chutes, shelves, racks, bins, drawers, pallets, and other containers and storage devices that form a necessary part of the storage system;

(i) "Person" has the meaning given in RCW 82.04.030;

(j) "Retailer" means a person who makes "sales at retail" as defined in chapter 82.04 RCW of tangible personal property;

(k) "Square footage" means the product of the two horizontal dimensions of each floor of a specific warehouse. The entire footprint of the warehouse shall be measured in calculating the square footage, including space that juts out from the building profile such as loading docks. "Square footage" does not mean the aggregate of the square footage of more than one warehouse at a location or the aggregate of the square footage of warehouses at more than one location;

(l) "Third-party warehouse" means a person taxable under RCW 82.04.280(4);

(m) "Warehouse" means an enclosed building or structure in which finished goods are stored. A warehouse building or structure may have more than one storage room and more than one floor. Office space, lunchrooms, restrooms, and other space within the warehouse and necessary for the operation of the warehouse are considered part of the warehouse as are loading docks and other such space attached to the building and used for handling of finished goods. Landscaping and parking lots are not considered part of the warehouse. A storage yard is not a warehouse, nor is a building in which manufacturing takes place; and

(n) "Wholesaler" means a person who makes "sales at wholesale" as defined in chapter 82.04 RCW of tangible personal property, but "wholesaler" does not include a person who makes sales exempt under RCW 82.04.330.

(3)(a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.08.020. The buyer may then apply to the department for remittance of all or part of the tax paid under RCW 82.08.020. For grain elevators with bushel capacity of one million but less than two million, the remittance is equal to fifty percent of the amount of tax paid. For warehouses with square footage of two hundred thousand or more, other than cold storage warehouses, and for grain elevators with bushel capacity of two million or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and fifty percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment. For cold storage warehouses with square footage of twenty-five thousand or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and one hundred percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment.

(b) The department shall determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer shall on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer shall retain, in adequate detail to enable the department to determine whether the equipment or construction meets the criteria under this section: Invoices; proof of tax paid; documents describing the material-handling equipment and

racking equipment; location and size of warehouses and grain elevators; and construction invoices and documents.

(c) The department shall on a quarterly basis remit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(4) Warehouses, grain elevators, and material-handling equipment and racking equipment for which an exemption, credit, or deferral has been or is being received under chapter 82.60, ~~((82.61,))~~ 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Warehouses and grain elevators upon which construction was initiated before May 20, 1997, are not eligible for a remittance under this section.

(5) The lessor or owner of a warehouse or grain elevator is not eligible for a remittance under this section unless the underlying ownership of the warehouse or grain elevator and the material-handling equipment and racking equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the remittance to the lessee in the form of reduced rent payments.

Sec. 11. RCW 82.08.820 and 2005 c 513 s 11 are each amended to read as follows:

(1) Wholesalers or third-party warehouse owners who own or operate warehouses or grain elevators and retailers who own or operate distribution centers, and who have paid the tax levied by RCW 82.08.020 on:

(a) Material-handling and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment; or

(b) Construction of a warehouse or grain elevator, including materials, and including service and labor costs, are eligible for an exemption in the form of a remittance. The amount of the remittance is computed under subsection (3) of this section and is based on the state share of sales tax.

(2) For purposes of this section and RCW 82.12.820:

(a) "Agricultural products" has the meaning given in RCW 82.04.213;

~~(b) ("Cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing;~~

~~—(c))~~ "Construction" means the actual construction of a warehouse or grain elevator that did not exist before the construction began. "Construction" includes expansion if the expansion adds ~~((at least twenty-five thousand square feet of additional space to an existing cold storage warehouse;))~~ at least two hundred thousand square feet of additional space to an existing warehouse ~~((other than a cold storage warehouse;))~~ or additional storage capacity of at least one million bushels to an existing grain elevator. "Construction" does not include renovation, remodeling, or repair;

~~((d))~~ (c) "Department" means the department of revenue;

~~((e))~~ (d) "Distribution center" means a warehouse that is used exclusively by a retailer solely for the storage and distribution of finished goods to retail outlets of the retailer. "Distribution center" does not include a warehouse at which retail sales occur;

~~((f))~~ (e) "Finished goods" means tangible personal property intended for sale by a retailer or wholesaler. "Finished goods" does not include agricultural products stored by wholesalers, third-party warehouses, or retailers if the storage takes place on the land of the person who produced the agricultural product. "Finished goods" does not include logs, minerals, petroleum, gas, or other extracted products stored as raw materials or in bulk;

~~((g))~~ (f) "Grain elevator" means a structure used for storage and handling of grain in bulk;

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

~~((#))~~ (g) "Material-handling equipment and racking equipment" means equipment in a warehouse or grain elevator that is primarily used to handle, store, organize, convey, package, or repackage finished goods. The term includes tangible personal property with a useful life of one year or more that becomes an ingredient or component of the equipment, including repair and replacement parts. The term does not include equipment in offices, lunchrooms, restrooms, and other like space, within a warehouse or grain elevator, or equipment used for nonwarehousing purposes. "Material-handling equipment" includes but is not limited to: Conveyers, carousels, lifts, positioners, pick-up-and-place units, cranes, hoists, mechanical arms, and robots; mechanized systems, including containers that are an integral part of the system, whose purpose is to lift or move tangible personal property; and automated handling, storage, and retrieval systems, including computers that control them, whose purpose is to lift or move tangible personal property; and forklifts and other off-the-road vehicles that are used to lift or move tangible personal property and that cannot be operated legally on roads and streets. "Racking equipment" includes, but is not limited to, conveying systems, chutes, shelves, racks, bins, drawers, pallets, and other containers and storage devices that form a necessary part of the storage system;

~~((#))~~ (h) "Person" has the meaning given in RCW 82.04.030;

~~((#))~~ (i) "Retailer" means a person who makes "sales at retail" as defined in chapter 82.04 RCW of tangible personal property;

~~((#))~~ (j) "Square footage" means the product of the two horizontal dimensions of each floor of a specific warehouse. The entire footprint of the warehouse shall be measured in calculating the square footage, including space that juts out from the building profile such as loading docks. "Square footage" does not mean the aggregate of the square footage of more than one warehouse at a location or the aggregate of the square footage of warehouses at more than one location;

~~((#))~~ (k) "Third-party warehouse" means a person taxable under RCW 82.04.280(4);

~~((#))~~ (l) "Warehouse" means an enclosed building or structure in which finished goods are stored. A warehouse building or structure may have more than one storage room and more than one floor. Office space, lunchrooms, restrooms, and other space within the warehouse and necessary for the operation of the warehouse are considered part of the warehouse as are loading docks and other such space attached to the building and used for handling of finished goods. Landscaping and parking lots are not considered part of the warehouse. A storage yard is not a warehouse, nor is a building in which manufacturing takes place; and

~~((#))~~ (m) "Wholesaler" means a person who makes "sales at wholesale" as defined in chapter 82.04 RCW of tangible personal property, but "wholesaler" does not include a person who makes sales exempt under RCW 82.04.330.

(3)(a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.08.020. The buyer may then apply to the department for remittance of all or part of the tax paid under RCW 82.08.020. For grain elevators with bushel capacity of one million but less than two million, the remittance is equal to fifty percent of the amount of tax paid. For warehouses with square footage of two hundred thousand or more (~~—other than cold storage warehouses—~~) and for grain elevators with bushel capacity of two million or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and fifty percent of the amount of tax paid for qualifying material-handling

equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment. (~~For cold storage warehouses with square footage of twenty-five thousand or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and one hundred percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment.~~)

(b) The department shall determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer shall on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer shall retain, in adequate detail to enable the department to determine whether the equipment or construction meets the criteria under this section: Invoices; proof of tax paid; documents describing the material-handling equipment and racking equipment; location and size of warehouses and grain elevators; and construction invoices and documents.

(c) The department shall on a quarterly basis remit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(4) Warehouses, grain elevators, and material-handling equipment and racking equipment for which an exemption, credit, or deferral has been or is being received under chapter 82.60, ~~((82.61,))~~ 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Warehouses and grain elevators upon which construction was initiated before May 20, 1997, are not eligible for a remittance under this section.

(5) The lessor or owner of a warehouse or grain elevator is not eligible for a remittance under this section unless the underlying ownership of the warehouse or grain elevator and the material-handling equipment and racking equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the remittance to the lessee in the form of reduced rent payments.

Sec. 12. RCW 82.12.820 and 2005 c 513 s 12 are each amended to read as follows:

(1) Wholesalers or third-party warehouse owners who own or operate warehouses or grain elevators, and retailers who own or operate distribution centers, and who have paid the tax levied under RCW 82.12.020 on:

(a) Material-handling equipment and racking equipment and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment; or

(b) Materials incorporated in the construction of a warehouse or grain elevator, are eligible for an exemption on tax paid in the form of a remittance or credit against tax owed. The amount of the remittance or credit is computed under subsection (2) of this section and is based on the state share of use tax.

(2)(a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.12.020 to the department. The person may then apply to the department for remittance of all or part of the tax paid under RCW 82.12.020. For grain elevators with bushel capacity of one million but less than two million, the remittance is equal to fifty percent of the amount of tax paid. For warehouses with square footage of two hundred thousand or more (~~—other than cold storage warehouses—~~) and for grain elevators with bushel capacity of two million or more, the remittance is equal to one hundred percent of the amount of tax

FIFTY-EIGHTH DAY, MARCH 7, 2006

paid for qualifying construction materials, and fifty percent of the amount of tax paid for qualifying material-handling equipment and racking equipment. ~~((For cold storage warehouses with square footage of twenty-five thousand or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and one hundred percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment.))~~

(b) The department shall determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer shall on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer shall retain, in adequate detail to enable the department to determine whether the equipment or construction meets the criteria under this section: Invoices; proof of tax paid; documents describing the material-handling equipment and racking equipment; location and size of warehouses, if applicable; and construction invoices and documents.

(c) The department shall on a quarterly basis remit or credit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(3) Warehouse, grain elevators, and material-handling equipment and racking equipment for which an exemption, credit, or deferral has been or is being received under chapter 82.60, ~~((82.61,))~~ 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Materials incorporated in warehouses and grain elevators upon which construction was initiated prior to May 20, 1997, are not eligible for a remittance under this section.

(4) The lessor or owner of the warehouse or grain elevator is not eligible for a remittance or credit under this section unless the underlying ownership of the warehouse or grain elevator and material-handling equipment and racking equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the exemption to the lessee in the form of reduced rent payments.

(5) The definitions in RCW 82.08.820 apply to this section.

Sec. 13. RCW 82.32.600 and 2005 c 514 s 1002 are each amended to read as follows:

(1) Persons required to file surveys under RCW 82.04.4452, 82.32.610, or 82.74.040 must electronically file with the department all surveys, returns, and any other forms or information the department requires in an electronic format as provided or approved by the department ~~((, unless the department grants relief under subsection (2) of this section))~~. As used in this section, "returns" has the same meaning as "return" in RCW 82.32.050.

~~((2))~~ ~~((Upon request, the department may relieve a person of the obligations in subsection (1) of this section if the person's taxes have been reduced a cumulative total of less than one thousand dollars from all of the credits, exemptions, or preferential business and occupation tax rates, for which a person is required to file an annual survey under RCW 82.04.4452, 82.32.535, 82.32.545, 82.32.570, 82.32.560, 82.60.070, or 82.63.020.~~

~~((3))~~ ~~Persons who no longer qualify for relief under subsection (2) of this section will be notified in writing by the department and must comply with subsection (1) of this section by the date provided in the notice.~~

~~((4))~~ Any survey, return, or any other form or information required to be filed in an electronic format under subsection (1)

of this section is not filed until received by the department in an electronic format.

(3) The department may waive the electronic filing requirement in subsection (1) of this section for good cause shown.

Sec. 14. RCW 82.32.590 and 2005 c 514 s 1001 are each amended to read as follows:

(1) If the department finds that the failure of a taxpayer to file an annual survey under RCW 82.04.4452, 82.32.610, or 82.74.040 by the due date was the result of circumstances beyond the control of the taxpayer, the department shall extend the time for filing the survey. Such extension shall be for a period of thirty days from the date the department issues its written notification to the taxpayer that it qualifies for an extension under this section. The department may grant additional extensions as it deems proper.

(2) In making a determination whether the failure of a taxpayer to file an annual survey by the due date was the result of circumstances beyond the control of the taxpayer, the department shall be guided by rules adopted by the department for the waiver or cancellation of penalties when the underpayment or untimely payment of any tax was due to circumstances beyond the control of the taxpayer.

NEW SECTION. **Sec. 15.** (1) Except as otherwise provided in this section, this act takes effect July 1, 2006.

(2) Sections 5 through 8 and 10 of this act take effect July 1, 2007.

(3) Sections 11 and 12 of this act take effect July 1, 2012.

NEW SECTION. **Sec. 16.** Section 9 of this act expires July 1, 2007.

NEW SECTION. **Sec. 17.** Section 10 of this act expires July 1, 2012."

On page 1, line 1 of the title, after "products;" strike the remainder of the title and insert "amending RCW 82.04.4266, 82.32.610, 82.74.010, 82.74.030, 82.74.040, 82.74.050, 82.08.820, 82.08.820, 82.08.820, 82.12.820, 82.32.600, and 82.32.590; reenacting and amending RCW 82.04.260; adding a new section to chapter 82.04 RCW; providing effective dates; and providing expiration dates."

The President declared the question before the Senate to be the motion by Senator Prentice to not adopt the committee striking amendment by the Committee on Ways & Means to Engrossed House Bill No. 3159.

The motion by Senator Prentice carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Prentice moved that the following striking amendment by Senator Prentice and others be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter shall not apply to the value of products or the gross proceeds of sales derived from:

(a) Manufacturing dairy products; or

(b) Selling manufactured dairy products to purchasers who transport in the ordinary course of business the goods out of this state. A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(2) "Dairy products" means dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein.

(3) This section expires July 1, 2012.

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to the value of products or the gross proceeds of sales derived from:

(a) Manufacturing seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; or

(b) Selling manufactured seafood products that remain in a raw, raw frozen, or raw salted state to purchasers who transport in the ordinary course of business the goods out of this state. A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(2) This section expires July 1, 2012.

Sec. 3. RCW 82.04.4266 and 2005 c 513 s 1 are each amended to read as follows:

(1) This chapter shall not apply to ~~((amounts received from))~~ the value of products or the gross proceeds of sales derived from:

~~((+))~~ (a) Manufacturing fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits ~~((and))~~ or vegetables; or

~~((2))~~ (b) Selling at wholesale ~~((fresh))~~ fruits ~~((and))~~ or vegetables ~~((canned, preserved, frozen, processed, or dehydrated))~~ manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state. ~~((As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record.))~~ A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(2) This section expires July 1, 2012.

Sec. 4. RCW 82.04.260 and 2005 c 513 s 2 and 2005 c 443 s 4 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola byproducts, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, oil, canola meal, or canola byproduct manufactured, multiplied by the rate of 0.138 percent;

(b) Beginning July 1, 2012, seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured or the gross proceeds derived from such sales, multiplied by the rate of 0.138 percent;

(c) Beginning July 1, 2012, dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed shall be equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. ~~((As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record))~~ Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(d) Beginning July 1, 2012, fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables, or selling at wholesale fruits or vegetables manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

~~((+))~~ (e) Until July 1, 2009, alcohol fuel, biodiesel fuel, or biodiesel feedstock, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business shall be equal to the value of alcohol fuel, biodiesel fuel, or biodiesel feedstock manufactured, multiplied by the rate of 0.138 percent; and

~~((+))~~ (f) Alcohol fuel or wood biomass fuel, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business shall be equal to the value of alcohol fuel or wood biomass fuel manufactured, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(6) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a

FIFTY-EIGHTH DAY, MARCH 7, 2006

consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(8) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(9) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of 0.484 percent.

(10) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under RCW 43.72.900.

(11)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, as to such persons the amount of tax with respect to such business shall, in the case of manufacturers, be equal to the value of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through the later of June 30, 2007, or the day preceding the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550; and

(ii) 0.2904 percent beginning on the later of July 1, 2007, or the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550.

(b) Beginning October 1, 2005, upon every person engaging within this state in the business of making sales, at retail or wholesale, of commercial airplanes, or components of such airplanes, manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the airplanes or components multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through the later of June 30, 2007, or the day preceding the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550; and

(ii) 0.2904 percent beginning on the later of July 1, 2007, or the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550.

(c) For the purposes of this subsection (11), "commercial airplane," "component," and "final assembly of a superefficient airplane" have the meanings given in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person eligible for the tax rate under this subsection (11) must report as required under RCW 82.32.545.

(e) This subsection (11) does not apply after the earlier of: July 1, 2024; or December 31, 2007, if assembly of a superefficient airplane does not begin by December 31, 2007, as determined under RCW 82.32.550.

(12) Upon every person engaging within this state in inspecting, testing, labeling, and storing canned salmon owned by another person, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

Sec. 5. RCW 82.32.610 and 2005 c 513 s 3 are each amended to read as follows:

(1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(2) Each person claiming a tax exemption under RCW 82.04.4266, section 1 of this act, or section 2 of this act shall report information to the department by filing a complete annual survey. The survey is due by March 31st of the year following any calendar year in which a tax exemption under RCW 82.04.4266, section 1 of this act, or section 2 of this act is taken. The department may extend the due date for timely filing of annual surveys under this section as provided in RCW 82.32.590. The survey shall include the amount of tax exemption taken. The survey shall also include the following information for employment positions in Washington:

(a) The number of total employment positions;

(b) Full-time, part-time, and temporary employment positions as a percent of total employment;

(c) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and

(d) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

The first survey filed under this subsection shall also include information for the twelve-month period immediately before first use of a tax incentive.

(3) The department may request additional information necessary to measure the results of the exemption program, to be submitted at the same time as the survey.

(4) All information collected under this section, except the amount of the tax exemption taken, is deemed taxpayer information under RCW 82.32.330. Information on the amount of tax exemption taken is not subject to the confidentiality provisions of RCW 82.32.330.

(5) If a person fails to submit an annual survey under subsection (2) of this section by the due date of the ~~((report))~~ survey or any extension under RCW 82.32.590, the department shall declare the amount of taxes exempted for the previous calendar year to be immediately due and payable. The department shall assess interest, but not penalties, on the amounts due under this section. The amount due shall be calculated using a rate of 0.138 percent. The interest shall be assessed at the rate provided for delinquent taxes under this chapter, retroactively to the date the exemption was claimed, and shall accrue until the taxes for which the exemption was claimed are repaid. This information is not subject to the confidentiality provisions of RCW 82.32.330.

(6) The department shall use the information from this section to prepare summary descriptive statistics by category. No fewer than three taxpayers shall be included in any category. The department shall report these statistics to the legislature each year by September 1st.

FIFTY-EIGHTH DAY, MARCH 7, 2006

(7) The department shall study the tax exemption authorized in RCW 82.04.4266, section 1 of this act, and section 2 of this act. The department shall submit a report to the finance committee of the house of representatives and the ways and means committee of the senate by December 1, 2011. The report shall measure the effect of the exemption on job creation, job retention, company growth, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

Sec. 6. RCW 82.74.010 and 2005 c 513 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Cold storage warehouse" means a storage warehouse ~~((used))~~ owned or operated by a wholesaler or third-party warehouse as those terms are defined in RCW 82.08.820 to store fresh and/or frozen perishable fruits or vegetables, dairy products, seafood products, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

(3) "Dairy product" means dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein.

(4) "Dairy product manufacturing" means manufacturing, as defined in RCW 82.04.120, of dairy products.

(5) "Department" means the department of revenue.

~~((4))~~ (6) "Eligible investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project. The lessor or owner of a qualified building is not eligible for a deferral unless (a) the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or (b)(i) the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments, and (ii) the lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual survey under RCW 82.74.040. The economic benefit of the deferral to the lessee may be evidenced by any type of payment, credit, or any other financial arrangement between the lessor or owner of the qualified building and the lessee.

~~((5))~~ (7) "Fresh fruit and vegetable processing" means manufacturing as defined in RCW 82.04.120 which consists of the canning, preserving, freezing, processing, or dehydrating fresh fruits and/or vegetables.

~~((6))~~ (8)(a) "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for:

(i) Construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral;

(ii) Construction of the qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection ~~((4))~~ (6) of this section; or

(iii) Tenant improvements for a qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection ~~((4))~~ (6) of this section.

(b) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(c) If the investment project is a phased project, "initiation of construction" applies separately to each phase.

~~((7))~~ (9) "Person" has the meaning given in RCW 82.04.030.

~~((8))~~ (10) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for

2006 REGULAR SESSION

the purpose of increasing floor space or production capacity used for fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage ~~((warehouse))~~ warehousing, and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, plant, or laboratory used for fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehousing, or research and development. If a building is used partly for fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehousing, or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

~~((9))~~ (11) "Qualified machinery and equipment" means all industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehouse, or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

~~((10))~~ (12) "Recipient" means a person receiving a tax deferral under this chapter.

~~((11))~~ (13) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process related to fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, or cold storage warehousing before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(14) "Seafood product" means any edible marine fish and shellfish that remains in a raw, raw frozen, or raw salted state.

(15) "Seafood product manufacturing" means the manufacturing, as defined in RCW 82.04.120, of seafood products.

Sec. 7. RCW 82.74.030 and 2005 c 513 s 6 are each amended to read as follows:

(1) The department shall issue a sales and use tax deferral certificate for state and local sales and use taxes ~~((due))~~ imposed or authorized under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project if the investment project is undertaken for the purpose of fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehousing, or research and development.

(2) This section expires July 1, 2012.

Sec. 8. RCW 82.74.040 and 2005 c 513 s 7 are each amended to read as follows:

(1)(a) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(b) Each recipient of a deferral granted under this chapter shall complete an annual survey. If the economic benefits of the deferral are passed to a lessee as provided in RCW 82.74.010~~((4))~~ (6), the lessee shall complete the annual survey and the applicant is not required to complete the annual survey. The survey is due by March 31st of the year following the calendar year in which the investment project is certified by the department as having been operationally complete and each of the seven succeeding calendar years. The department may

FIFTY-EIGHTH DAY, MARCH 7, 2006

extend the due date for timely filing of annual surveys under this section as provided in RCW 82.32.590. The survey shall include the amount of tax deferred. The survey shall also include the following information for employment positions in Washington:

- (i) The number of total employment positions;
- (ii) Full-time, part-time, and temporary employment positions as a percent of total employment;
- (iii) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and
- (iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

(c) The department may request additional information necessary to measure the results of the deferral program, to be submitted at the same time as the survey.

(d) All information collected under this subsection, except the amount of the tax deferral taken, is deemed taxpayer information under RCW 82.32.330. Information on the amount of tax deferral taken is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(e) The department shall use the information from this section to prepare summary descriptive statistics by category. No fewer than three taxpayers shall be included in any category. The department shall report these statistics to the legislature each year by September 1st.

(f) The department shall also use the information to study the tax deferral program authorized under this chapter. The department shall report to the legislature by December 1, 2011. The report shall measure the effect of the program on job creation, ~~((the number of jobs created for residents of eligible areas))~~ company growth, the introduction of new products, the diversification of the state's economy, growth in research and development investment, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

(2)(a) If a recipient of the deferral fails to complete the annual survey required under subsection (1) of this section by the date due or any extension under RCW 82.32.590, twelve and one-half percent of the deferred tax shall be immediately due. If the economic benefits of the deferral are passed to a lessee as provided in RCW 82.74.010~~((4))~~ (6), the lessee shall be responsible for payment to the extent the lessee has received the economic benefit. The department shall assess interest, but not penalties, on the amounts due under this section. The interest shall be assessed at the rate provided for delinquent taxes under chapter 82.32 RCW, and shall accrue until the amounts due are repaid.

(b) A recipient who must repay deferred taxes under RCW 82.74.050(2) because the department has found that an investment project is used for purposes other than fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehousing, or research and development is no longer required to file annual surveys under this section beginning on the date an investment project is used for nonqualifying purposes.

Sec. 9. RCW 82.74.050 and 2005 c 513 s 8 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, taxes deferred under this chapter need not be repaid.

(2) If, on the basis of survey under RCW 82.74.040 or other information, the department finds that an investment project is used for purposes other than fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehousing, or research and development at any time during the calendar year in which the

investment project is certified by the department as having been operationally completed, or at any time during any of the seven succeeding calendar years, a portion of deferred taxes shall be immediately due according to the following schedule:

Year in which <u>nonqualifying</u> use occurs	% of deferred taxes due
1	100%
2	87.5%
3	75%
4	62.5%
5	50%
6	37.5%
7	25%
8	12.5%

(3) The department shall assess interest, but not penalties, on the deferred taxes under subsection (2) of this section. The interest shall be assessed at the rate provided for delinquent taxes under chapter 82.32 RCW, retroactively to the date of deferral, and shall accrue until the deferred taxes are repaid. The debt for deferred taxes will not be extinguished by insolvency or other failure of the recipient. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of this chapter, for the remaining periods of the deferral.

(4) Notwithstanding subsection (2) of this section, deferred taxes on the following need not be repaid:

(a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under RCW 82.08.02565; and

(b) Machinery and equipment which at the time of first use would have qualified for exemption under RCW 82.12.02565.

Sec. 10. RCW 82.08.820 and 1997 c 450 s 2 are each amended to read as follows:

(1) Wholesalers or third-party warehouse owners who own or operate warehouses or grain elevators and retailers who own or operate distribution centers, and who have paid the tax levied by RCW 82.08.020 on:

(a) Material-handling and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment; or

(b) Construction of a warehouse or grain elevator, including materials, and including service and labor costs, are eligible for an exemption in the form of a remittance. The amount of the remittance is computed under subsection (3) of this section and is based on the state share of sales tax.

(2) For purposes of this section and RCW 82.12.820:

(a) "Agricultural products" has the meaning given in RCW 82.04.213;

(b) "Construction" means the actual construction of a warehouse or grain elevator that did not exist before the construction began. "Construction" includes expansion if the expansion adds at least two hundred thousand square feet of additional space to an existing warehouse or additional storage capacity of at least one million bushels to an existing grain elevator. "Construction" does not include renovation, remodeling, or repair;

(c) "Department" means the department of revenue;

(d) "Distribution center" means a warehouse that is used exclusively by a retailer solely for the storage and distribution of finished goods to retail outlets of the retailer. "Distribution center" does not include a warehouse at which retail sales occur;

(e) "Finished goods" means tangible personal property intended for sale by a retailer or wholesaler. "Finished goods"

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

does not include agricultural products stored by wholesalers, third-party warehouses, or retailers if the storage takes place on the land of the person who produced the agricultural product. "Finished goods" does not include logs, minerals, petroleum, gas, or other extracted products stored as raw materials or in bulk;

(f) "Grain elevator" means a structure used for storage and handling of grain in bulk;

(g) "Material-handling equipment and racking equipment" means equipment in a warehouse or grain elevator that is primarily used to handle, store, organize, convey, package, or repackage finished goods. The term includes tangible personal property with a useful life of one year or more that becomes an ingredient or component of the equipment, including repair and replacement parts. The term does not include equipment in offices, lunchrooms, restrooms, and other like space, within a warehouse or grain elevator, or equipment used for nonwarehousing purposes. "Material-handling equipment" includes but is not limited to: Conveyers, carousels, lifts, positioners, pick-up-and-place units, cranes, hoists, mechanical arms, and robots; mechanized systems, including containers that are an integral part of the system, whose purpose is to lift or move tangible personal property; and automated handling, storage, and retrieval systems, including computers that control them, whose purpose is to lift or move tangible personal property; and forklifts and other off-the-road vehicles that are used to lift or move tangible personal property and that cannot be operated legally on roads and streets. "Racking equipment" includes, but is not limited to, conveying systems, chutes, shelves, racks, bins, drawers, pallets, and other containers and storage devices that form a necessary part of the storage system;

(h) "Person" has the meaning given in RCW 82.04.030;

(i) "Retailer" means a person who makes "sales at retail" as defined in chapter 82.04 RCW of tangible personal property;

(j) "Square footage" means the product of the two horizontal dimensions of each floor of a specific warehouse. The entire footprint of the warehouse shall be measured in calculating the square footage, including space that juts out from the building profile such as loading docks. "Square footage" does not mean the aggregate of the square footage of more than one warehouse at a location or the aggregate of the square footage of warehouses at more than one location;

(k) "Third-party warehouse" means a person taxable under RCW 82.04.280(4);

(l) "Warehouse" means an enclosed building or structure in which finished goods are stored. A warehouse building or structure may have more than one storage room and more than one floor. Office space, lunchrooms, restrooms, and other space within the warehouse and necessary for the operation of the warehouse are considered part of the warehouse as are loading docks and other such space attached to the building and used for handling of finished goods. Landscaping and parking lots are not considered part of the warehouse. A storage yard is not a warehouse, nor is a building in which manufacturing takes place; and

(m) "Wholesaler" means a person who makes "sales at wholesale" as defined in chapter 82.04 RCW of tangible personal property, but "wholesaler" does not include a person who makes sales exempt under RCW 82.04.330.

(3)(a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.08.020. The buyer may then apply to the department for remittance of all or part of the tax paid under RCW 82.08.020. For grain elevators with bushel capacity of one million but less than two million, the remittance is equal to fifty percent of the amount of tax paid. For warehouses with square footage of two hundred thousand or more and for grain elevators with bushel capacity of two million or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and fifty percent of the amount of tax paid for qualifying

material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment.

(b) The department shall determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer shall on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer shall retain, in adequate detail to enable the department to determine whether the equipment or construction meets the criteria under this section: Invoices; proof of tax paid; documents describing the material-handling equipment and racking equipment; location and size of warehouses and grain elevators; and construction invoices and documents.

(c) The department shall on a quarterly basis remit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(4) Warehouses, grain elevators, and material-handling equipment and racking equipment for which an exemption, credit, or deferral has been or is being received under chapter 82.60, ~~((82.61;))~~ 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Warehouses and grain elevators upon which construction was initiated before May 20, 1997, are not eligible for a remittance under this section.

(5) The lessor or owner of a warehouse or grain elevator is not eligible for a remittance under this section unless the underlying ownership of the warehouse or grain elevator and the material-handling equipment and racking equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the remittance to the lessee in the form of reduced rent payments.

Sec. 11. RCW 82.08.820 and 2005 c 513 s 11 are each amended to read as follows:

(1) Wholesalers or third-party warehouse owners who own or operate warehouses or grain elevators and retailers who own or operate distribution centers, and who have paid the tax levied by RCW 82.08.020 on:

(a) Material-handling and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment; or

(b) Construction of a warehouse or grain elevator, including materials, and including service and labor costs, are eligible for an exemption in the form of a remittance. The amount of the remittance is computed under subsection (3) of this section and is based on the state share of sales tax.

(2) For purposes of this section and RCW 82.12.820:

(a) "Agricultural products" has the meaning given in RCW 82.04.213;

(b) "Cold storage warehouse" (~~means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing~~) has the meaning provided in RCW 82.74.010;

(c) "Construction" means the actual construction of a warehouse or grain elevator that did not exist before the construction began. "Construction" includes expansion if the expansion adds at least twenty-five thousand square feet of additional space to an existing cold storage warehouse, at least two hundred thousand square feet of additional space to an existing warehouse other than a cold storage warehouse, or additional storage capacity of at least one million bushels to an existing grain elevator. "Construction" does not include renovation, remodeling, or repair;

(d) "Department" means the department of revenue;

(e) "Distribution center" means a warehouse that is used exclusively by a retailer solely for the storage and distribution of finished goods to retail outlets of the retailer. "Distribution center" does not include a warehouse at which retail sales occur;

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

(f) "Finished goods" means tangible personal property intended for sale by a retailer or wholesaler. "Finished goods" does not include agricultural products stored by wholesalers, third-party warehouses, or retailers if the storage takes place on the land of the person who produced the agricultural product. "Finished goods" does not include logs, minerals, petroleum, gas, or other extracted products stored as raw materials or in bulk;

(g) "Grain elevator" means a structure used for storage and handling of grain in bulk;

(h) "Material-handling equipment and racking equipment" means equipment in a warehouse or grain elevator that is primarily used to handle, store, organize, convey, package, or repackage finished goods. The term includes tangible personal property with a useful life of one year or more that becomes an ingredient or component of the equipment, including repair and replacement parts. The term does not include equipment in offices, lunchrooms, restrooms, and other like space, within a warehouse or grain elevator, or equipment used for nonwarehousing purposes. "Material-handling equipment" includes but is not limited to: Conveyers, carousels, lifts, positioners, pick-up-and-place units, cranes, hoists, mechanical arms, and robots; mechanized systems, including containers that are an integral part of the system, whose purpose is to lift or move tangible personal property; and automated handling, storage, and retrieval systems, including computers that control them, whose purpose is to lift or move tangible personal property; and forklifts and other off-the-road vehicles that are used to lift or move tangible personal property and that cannot be operated legally on roads and streets. "Racking equipment" includes, but is not limited to, conveying systems, chutes, shelves, racks, bins, drawers, pallets, and other containers and storage devices that form a necessary part of the storage system;

(i) "Person" has the meaning given in RCW 82.04.030;

(j) "Retailer" means a person who makes "sales at retail" as defined in chapter 82.04 RCW of tangible personal property;

(k) "Square footage" means the product of the two horizontal dimensions of each floor of a specific warehouse. The entire footprint of the warehouse shall be measured in calculating the square footage, including space that juts out from the building profile such as loading docks. "Square footage" does not mean the aggregate of the square footage of more than one warehouse at a location or the aggregate of the square footage of warehouses at more than one location;

(l) "Third-party warehouse" means a person taxable under RCW 82.04.280(4);

(m) "Warehouse" means an enclosed building or structure in which finished goods are stored. A warehouse building or structure may have more than one storage room and more than one floor. Office space, lunchrooms, restrooms, and other space within the warehouse and necessary for the operation of the warehouse are considered part of the warehouse as are loading docks and other such space attached to the building and used for handling of finished goods. Landscaping and parking lots are not considered part of the warehouse. A storage yard is not a warehouse, nor is a building in which manufacturing takes place; and

(n) "Wholesaler" means a person who makes "sales at wholesale" as defined in chapter 82.04 RCW of tangible personal property, but "wholesaler" does not include a person who makes sales exempt under RCW 82.04.330.

(3)(a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.08.020. The buyer may then apply to the department for remittance of all or part of the tax paid under RCW 82.08.020. For grain elevators with bushel capacity of one million but less than two million, the remittance is equal to fifty percent of the amount of tax paid. For warehouses with square footage of two hundred thousand or more, other than cold storage warehouses, and for grain elevators with bushel capacity of two million or more, the remittance is equal to one

hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and fifty percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment. For cold storage warehouses with square footage of twenty-five thousand or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and one hundred percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment.

(b) The department shall determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer shall on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer shall retain, in adequate detail to enable the department to determine whether the equipment or construction meets the criteria under this section: Invoices; proof of tax paid; documents describing the material-handling equipment and racking equipment; location and size of warehouses and grain elevators; and construction invoices and documents.

(c) The department shall on a quarterly basis remit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(4) Warehouses, grain elevators, and material-handling equipment and racking equipment for which an exemption, credit, or deferral has been or is being received under chapter 82.60, ~~((82.61,))~~ 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Warehouses and grain elevators upon which construction was initiated before May 20, 1997, are not eligible for a remittance under this section.

(5) The lessor or owner of a warehouse or grain elevator is not eligible for a remittance under this section unless the underlying ownership of the warehouse or grain elevator and the material-handling equipment and racking equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the remittance to the lessee in the form of reduced rent payments.

Sec. 12. RCW 82.08.820 and 2005 c 513 s 11 are each amended to read as follows:

(1) Wholesalers or third-party warehouse owners who own or operate warehouses or grain elevators and retailers who own or operate distribution centers, and who have paid the tax levied by RCW 82.08.020 on:

(a) Material-handling and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment; or

(b) Construction of a warehouse or grain elevator, including materials, and including service and labor costs, are eligible for an exemption in the form of a remittance. The amount of the remittance is computed under subsection (3) of this section and is based on the state share of sales tax.

(2) For purposes of this section and RCW 82.12.820:

(a) "Agricultural products" has the meaning given in RCW 82.04.213;

(b) ~~("Cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing;~~

~~(c))~~ "Construction" means the actual construction of a warehouse or grain elevator that did not exist before the construction began. "Construction" includes expansion if the expansion adds ~~((at least twenty-five thousand square feet of additional space to an existing cold storage warehouse;))~~ at least two hundred thousand square feet of additional space to an

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

existing warehouse (~~other than a cold storage warehouse,~~) or additional storage capacity of at least one million bushels to an existing grain elevator. "Construction" does not include renovation, remodeling, or repair;

~~((f))~~ (c) "Department" means the department of revenue;

~~((e))~~ (d) "Distribution center" means a warehouse that is used exclusively by a retailer solely for the storage and distribution of finished goods to retail outlets of the retailer. "Distribution center" does not include a warehouse at which retail sales occur;

~~((f))~~ (e) "Finished goods" means tangible personal property intended for sale by a retailer or wholesaler. "Finished goods" does not include agricultural products stored by wholesalers, third-party warehouses, or retailers if the storage takes place on the land of the person who produced the agricultural product. "Finished goods" does not include logs, minerals, petroleum, gas, or other extracted products stored as raw materials or in bulk;

~~((g))~~ (f) "Grain elevator" means a structure used for storage and handling of grain in bulk;

~~((h))~~ (g) "Material-handling equipment and racking equipment" means equipment in a warehouse or grain elevator that is primarily used to handle, store, organize, convey, package, or repack finished goods. The term includes tangible personal property with a useful life of one year or more that becomes an ingredient or component of the equipment, including repair and replacement parts. The term does not include equipment in offices, lunchrooms, restrooms, and other like space, within a warehouse or grain elevator, or equipment used for nonwarehousing purposes. "Material-handling equipment" includes but is not limited to: Conveyers, carousels, lifts, positioners, pick-up-and-place units, cranes, hoists, mechanical arms, and robots; mechanized systems, including containers that are an integral part of the system, whose purpose is to lift or move tangible personal property; and automated handling, storage, and retrieval systems, including computers that control them, whose purpose is to lift or move tangible personal property; and forklifts and other off-the-road vehicles that are used to lift or move tangible personal property and that cannot be operated legally on roads and streets. "Racking equipment" includes, but is not limited to, conveying systems, chutes, shelves, racks, bins, drawers, pallets, and other containers and storage devices that form a necessary part of the storage system;

~~((i))~~ (h) "Person" has the meaning given in RCW 82.04.030;

~~((j))~~ (i) "Retailer" means a person who makes "sales at retail" as defined in chapter 82.04 RCW of tangible personal property;

~~((k))~~ (j) "Square footage" means the product of the two horizontal dimensions of each floor of a specific warehouse. The entire footprint of the warehouse shall be measured in calculating the square footage, including space that juts out from the building profile such as loading docks. "Square footage" does not mean the aggregate of the square footage of more than one warehouse at a location or the aggregate of the square footage of warehouses at more than one location;

~~((l))~~ (k) "Third-party warehouse" means a person taxable under RCW 82.04.280(4);

~~((m))~~ (l) "Warehouse" means an enclosed building or structure in which finished goods are stored. A warehouse building or structure may have more than one storage room and more than one floor. Office space, lunchrooms, restrooms, and other space within the warehouse and necessary for the operation of the warehouse are considered part of the warehouse as are loading docks and other such space attached to the building and used for handling of finished goods. Landscaping and parking lots are not considered part of the warehouse. A storage yard is not a warehouse, nor is a building in which manufacturing takes place; and

~~((n))~~ (m) "Wholesaler" means a person who makes "sales at wholesale" as defined in chapter 82.04 RCW of tangible personal property, but "wholesaler" does not include a person who makes sales exempt under RCW 82.04.330.

(3)(a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.08.020. The buyer may then apply to the department for remittance of all or part of the tax paid under RCW 82.08.020. For grain elevators with bushel capacity of one million but less than two million, the remittance is equal to fifty percent of the amount of tax paid. For warehouses with square footage of two hundred thousand or more (~~other than cold storage warehouses,~~) and for grain elevators with bushel capacity of two million or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and fifty percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment. ~~((For cold storage warehouses with square footage of twenty-five thousand or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and one hundred percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment.))~~

(b) The department shall determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer shall on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer shall retain, in adequate detail to enable the department to determine whether the equipment or construction meets the criteria under this section: Invoices; proof of tax paid; documents describing the material-handling equipment and racking equipment; location and size of warehouses and grain elevators; and construction invoices and documents.

(c) The department shall on a quarterly basis remit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(4) Warehouses, grain elevators, and material-handling equipment and racking equipment for which an exemption, credit, or deferral has been or is being received under chapter 82.60, ~~((82.61,))~~ 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Warehouses and grain elevators upon which construction was initiated before May 20, 1997, are not eligible for a remittance under this section.

(5) The lessor or owner of a warehouse or grain elevator is not eligible for a remittance under this section unless the underlying ownership of the warehouse or grain elevator and the material-handling equipment and racking equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the remittance to the lessee in the form of reduced rent payments.

Sec. 13. RCW 82.12.820 and 2005 c 513 s 12 are each amended to read as follows:

(1) Wholesalers or third-party warehouse owners who own or operate warehouses or grain elevators, and retailers who own or operate distribution centers, and who have paid the tax levied under RCW 82.12.020 on:

(a) Material-handling equipment and racking equipment and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment; or

(b) Materials incorporated in the construction of a warehouse or grain elevator, are eligible for an exemption on tax paid in the form of a remittance or credit against tax owed. The amount of the remittance or credit is computed under

FIFTY-EIGHTH DAY, MARCH 7, 2006

subsection (2) of this section and is based on the state share of use tax.

(2)(a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.12.020 to the department. The person may then apply to the department for remittance of all or part of the tax paid under RCW 82.12.020. For grain elevators with bushel capacity of one million but less than two million, the remittance is equal to fifty percent of the amount of tax paid. For warehouses with square footage of two hundred thousand or more (~~(, other than cold storage warehouses,)~~) and for grain elevators with bushel capacity of two million or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction materials, and fifty percent of the amount of tax paid for qualifying material-handling equipment and racking equipment. ~~((For cold storage warehouses with square footage of twenty-five thousand or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and one hundred percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment.))~~

(b) The department shall determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer shall on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer shall retain, in adequate detail to enable the department to determine whether the equipment or construction meets the criteria under this section: Invoices; proof of tax paid; documents describing the material-handling equipment and racking equipment; location and size of warehouses, if applicable; and construction invoices and documents.

(c) The department shall on a quarterly basis remit or credit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(3) Warehouse, grain elevators, and material-handling equipment and racking equipment for which an exemption, credit, or deferral has been or is being received under chapter 82.60, ~~((82.61,))~~ 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Materials incorporated in warehouses and grain elevators upon which construction was initiated prior to May 20, 1997, are not eligible for a remittance under this section.

(4) The lessor or owner of the warehouse or grain elevator is not eligible for a remittance or credit under this section unless the underlying ownership of the warehouse or grain elevator and material-handling equipment and racking equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the exemption to the lessee in the form of reduced rent payments.

(5) The definitions in RCW 82.08.820 apply to this section.

Sec. 14. RCW 82.32.600 and 2005 c 514 s 1002 are each amended to read as follows:

(1) Persons required to file surveys under RCW 82.04.4452, ~~82.32.610, or 82.74.040~~ must electronically file with the department all surveys, returns, and any other forms or information the department requires in an electronic format as provided or approved by the department ~~((, unless the department grants relief under subsection (2) of this section)).~~ As used in this section, "returns" has the same meaning as "return" in RCW 82.32.050.

(2) ~~((Upon request, the department may relieve a person of the obligations in subsection (1) of this section if the person's taxes have been reduced a cumulative total of less than one thousand dollars from all of the credits, exemptions, or preferential business and occupation tax rates, for which a~~

2006 REGULAR SESSION

~~person is required to file an annual survey under RCW 82.04.4452, 82.32.535, 82.32.545, 82.32.570, 82.32.560, 82.60.070, or 82.63.020.~~

~~(3) Persons who no longer qualify for relief under subsection (2) of this section will be notified in writing by the department and must comply with subsection (1) of this section by the date provided in the notice.~~

~~(4)) Any survey, return, or any other form or information required to be filed in an electronic format under subsection (1) of this section is not filed until received by the department in an electronic format.~~

~~(3) The department may waive the electronic filing requirement in subsection (1) of this section for good cause shown.~~

Sec. 15. RCW 82.32.590 and 2005 c 514 s 1001 are each amended to read as follows:

(1) If the department finds that the failure of a taxpayer to file an annual survey under RCW 82.04.4452, 82.32.610, or 82.74.040 by the due date was the result of circumstances beyond the control of the taxpayer, the department shall extend the time for filing the survey. Such extension shall be for a period of thirty days from the date the department issues its written notification to the taxpayer that it qualifies for an extension under this section. The department may grant additional extensions as it deems proper.

(2) In making a determination whether the failure of a taxpayer to file an annual survey by the due date was the result of circumstances beyond the control of the taxpayer, the department shall be guided by rules adopted by the department for the waiver or cancellation of penalties when the underpayment or untimely payment of any tax was due to circumstances beyond the control of the taxpayer.

NEW SECTION. Sec. 16. (1) Except as otherwise provided in this section, this act takes effect July 1, 2006.

(2) Sections 6 through 9 and 11 of this act take effect July 1, 2007.

(3) Sections 12 and 13 of this act take effect July 1, 2012.

NEW SECTION. Sec. 17. Section 10 of this act expires July 1, 2007.

NEW SECTION. Sec. 18. Section 11 of this act expires July 1, 2012."

Senator Prentice spoke in favor of adoption of the striking amendment.

MOTION

Senator Prentice moved that the following amendment by Senator Prentice and others to the striking amendment be adopted.

On page 27, after line 15 of the amendment, insert the following:

"NEW SECTION. Sec. 14. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales to persons who are subject to tax under RCW 82.04.260(12) of: (a) Materials used to package canned salmon including, but not limited to, clear wrap, boxes, tape, and box labels; and (b) glue, ink, or similar tangible personal property, that: (i) Affixes the label to the labeled product; or (ii) becomes a component of the label.

(2) The exemption is available only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

NEW SECTION. Sec. 15. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter do not apply with respect to the use by persons who are subject to tax under RCW 82.04.260(12) of: (1) Materials used to package canned salmon including, but not limited to, clear wrap, boxes, tape, and box

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

labels; and (2) glue, ink, or similar tangible personal property, that: (a) Affixes the label to the labeled product; or (b) becomes a component of the label."

Senator Keiser spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Prentice and others on page 27, line 15 and others to the striking amendment to Engrossed House Bill No. 3159.

The motion by Senator Prentice carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Prentice and others as amended to Engrossed House Bill No. 3159.

The motion by Senator Prentice carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendments was adopted.

On page 1, line 1 of the title, after "products;" strike the remainder of the title and insert "amending RCW 82.04.4266, 82.32.610, 82.74.010, 82.74.030, 82.74.040, 82.74.050, 82.08.820, 82.08.820, 82.08.820, 82.12.820, 82.32.600, and 82.32.590; reenacting and amending RCW 82.04.260; adding new sections to chapter 82.04 RCW; providing effective dates; and providing expiration dates."

On page 29, line 5 of the title amendment, after "82.04 RCW;" insert "adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW;"

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed House Bill No. 3159 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 3159 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 3159 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 3; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 42

Voting nay: Senators Fairley, Fraser and Kohl-Welles - 3

Absent: Senators Haugen, Kline and Thibaudeau - 3

Excused: Senator Oke - 1

ENGROSSED HOUSE BILL NO. 3159 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6230, by Senators Parlette, Doumit, Zarelli, Prentice, Rasmussen and Mulliken

Extending the state sales and use tax credit for certain public facilities districts.

MOTION

On motion of Senator Prentice, Substitute Senate Bill No. 6230 was substituted for Senate Bill No. 6230 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Prentice moved that the following amendment by Senators Prentice and Parlette be adopted.

On page 1, line 11, after "(b)" strike all material down through "2007," on line 15 and insert "created before July 1, 2006, under chapter 35.57 RCW in a county or counties in which there are no other public facilities districts on the effective date of this section and in which the total population in the public facilities district is greater than ninety thousand that commences construction of a new regional center before February 1, 2007."

Senator Prentice spoke in favor of the adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Prentice and Parlette on page 1, line 11 to Substitute Senate Bill No. 6230.

The motion by Senator Prentice carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute Senate Bill No. 6230 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6230.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6230 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senator Fairley - 1

Excused: Senator Oke - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6230, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fraser, Senator Prentice was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3222, by House Committee on Finance (originally sponsored by Representatives Pettigrew, Haler, Chandler, Kretz, Hinkle, Kristiansen, Holmquist and Linville)

Modifying excise tax exemptions for the handling and processing of livestock manure.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute House Bill No. 3222 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 3222.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 3222 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Zarelli - 44

Voting nay: Senators Fairley, Kohl-Welles and Weinstein - 3

Absent: Senator Stevens - 1

Excused: Senator Oke - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3222, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed Substitute Senate Bill No. 6230 was immediately transmitted to the House of Representatives.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3282, by House Committee on Select Committee on Hood Canal (originally sponsored by Representatives Eickmeyer, Green, Haigh, Appleton, Kilmer, O'Brien, Lantz, McCoy, Chase, Miloscia, Clibborn and Ormsby)

Establishing the Hood Canal aquatic rehabilitation account. Revised for 1st Substitute: Creating the Hood Canal aquatic rehabilitation account.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 3282 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3282.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3282 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Oke - 1

SUBSTITUTE HOUSE BILL NO. 3282, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

March 1, 2006

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6194, with the following amendments{s} 6194.E AMH HC AMH5389.1.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that women and people of color experience significant disparities from the general population in education, employment, healthy living conditions, access to health care, and other social determinants of health. The legislature finds that it shall be a priority for the state to develop the knowledge, attitudes, and practice skills of health professionals and those working with diverse populations to achieve a greater understanding of the relationship between culture and health and gender and health.

NEW SECTION. Sec. 2. A new section is added to chapter 43.70 RCW to read as follows:

(1) For the purposes of this section, "multicultural health" means the provision of health care services with the knowledge and awareness of the causes and effects of the determinants of health that lead to disparities in health status between different genders and racial and ethnic populations and the practice skills necessary to respond appropriately.

(2) The department, in consultation with the disciplining authorities as defined in RCW 18.130.040, shall establish, within available department general funds, an ongoing multicultural health awareness and education program as an integral part of its health professions regulation. The purpose of the education program is to raise awareness and educate health care professionals regarding the knowledge, attitudes, and practice skills necessary to care for diverse populations to

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

achieve a greater understanding of the relationship between culture and health. The disciplining authorities having the authority to offer continuing education may provide training in the dynamics of providing culturally competent, multicultural health care to diverse populations. Any such education shall be developed in collaboration with education programs that train students in that health profession. A disciplining authority may require that instructors of continuing education or continuing competency programs integrate multicultural health into their curricula when it is appropriate to the subject matter of the instruction. No funds from the health professions account may be utilized to fund activities under this section unless the disciplining authority authorizes expenditures from its proportions of the account. A disciplining authority may defray costs by authorizing a fee to be charged for participants or materials relating to any sponsored program.

(3) By July 1, 2008, each education program with a curriculum to train health professionals for employment in a profession credentialed by a disciplining authority under chapter 18.130 RCW shall integrate into the curriculum instruction in multicultural health as part of its basic education preparation curriculum. The department may not deny the application of any applicant for a credential to practice a health profession on the basis that the education or training program that the applicant successfully completed did not include integrated multicultural health curriculum as part of its basic instruction."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Franklin moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6194.

Senator Franklin spoke in favor of the motion.

MOTION

On motion of Senator Schoesler, Senator Parlette was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Franklin that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6194.

The motion by Senator Franklin carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6194 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6194, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6194, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 35

Voting nay: Senators Benson, Carrell, Delvin, Hewitt, Honeyford, McCaslin, Morton, Mulliken, Pflug, Schoesler, Stevens and Zarelli - 12

Excused: Senators Oke and Parlette - 2

ENGROSSED SENATE BILL NO. 6194, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6196, with the following amendments{s} 6196-S AMH HC H5390.1.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.20.030 and 1984 c 287 s 75 and 1984 c 243 s 2 are each reenacted and amended to read as follows:

The state board of health shall be composed of ten members. These shall be the secretary or the secretary's designee and nine other persons to be appointed by the governor, including four persons experienced in matters of health and sanitation, one of whom is a health official from a federally recognized tribe; an elected city official who is a member of a local health board((?)); an elected county official who is a member of a local health board((?)); a local health officer((?)); and two persons representing the consumers of health care. Before appointing the city official, the governor shall consider any recommendations submitted by the association of Washington cities. Before appointing the county official, the governor shall consider any recommendations submitted by the Washington state association of counties. Before appointing the local health officer, the governor shall consider any recommendations submitted by the Washington state association of local public health officials. Before appointing one of the two consumer representatives, the governor shall consider any recommendations submitted by the state council on aging. The chairman shall be selected by the governor from among the nine appointed members. The department of ~~((social and health services))~~ health shall provide necessary technical staff support to the board. The board may employ an executive director and a confidential secretary, each of whom shall be exempt from the provisions of the state civil service law, chapter 41.06 RCW.

Members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 2. This act shall be known as the Sue Crystal memorial act."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Franklin moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6196.

Senator Franklin spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Franklin that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6196.

The motion by Senator Franklin carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6196 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6196, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6196, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senator McCaslin - 1

Excused: Senators Oke and Parlette - 2

SUBSTITUTE SENATE BILL NO. 6196, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6558, with the following amendment(s) 6558-S2 AMH FIN AMH5443.1.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 The legislature recognizes the motion picture industry in Washington as a valuable commodity contributing greatly to the economic vitality of the state and the cultural integrity of our communities. The legislature further recognizes the production of in-state motion pictures, television programs, and television commercials creates a marked increase in tourism, family wage jobs, and the sale of local goods and services generating revenue for the state. Furthermore, with captive national and international audiences, the world is introduced to the state's pristine scenic venues and reminded that the Pacific Northwest is a great place to live and raise a family. The legislature also recognizes the inherent educational value of promoting arts and culture as well as the benefits of training young motion picture professionals who will build a fruitful industry for years to come.

The legislature finds in recent years that the state has realized a drastic decline in motion picture production that precludes economic expansion and threatens the state's reputation as a production destination. With the emergence of tax incentives in thirty states nationwide, in-state producers are taking their projects to more competitive economic climates, such as Oregon and Vancouver, British Columbia, where compelling tax incentive packages and subsidies are already in effect.

The legislature also finds that in recent years increasingly workers in Washington state are without health insurance coverage and retirement income protections, causing hardships on workers and their families and higher costs to the state.

Therefore, it is the intent of the legislature to recognize both national and international competition in the motion picture production marketplace. The legislature is committed to leveling the competitive playing field and interested in a partnership with the private sector to regain Washington's place as a premier destination to make motion pictures, television, and television commercials. While at the same time the legislature is committed to ensuring that workers in the motion picture and television industry are covered under health insurance and retirement income plans.

NEW SECTION. Sec. 2 The following definitions apply to this chapter, unless the context clearly requires otherwise.

(1) "Approved motion picture competitiveness program" means a nonprofit organization under the internal revenue code, section 501(c)(6), with the sole purpose of revitalizing the state's economic, cultural, and educational standing in the national and international market of motion picture production by recommending and awarding financial assistance for costs associated with motion pictures in the state of Washington.

(2) "Contribution" means cash contributions.

(3) "Costs" means actual expenses of production and postproduction expended in Washington state for the production of motion pictures, including but not limited to payments made for salaries, wages, and health insurance and retirement benefits, the rental costs of machinery and equipment and the purchase of services, food, property, lodging, and permits for work conducted in Washington state.

(4) "Department" means the department of community, trade, and economic development.

(5) "Motion picture" means a recorded audio-visual production intended for distribution to theaters, DVD, video, or the internet, or television, or one or more episodes of a single television series, television pilots or presentations, or a commercial. "Motion picture" does not mean production of a television commercial of an amount less than two hundred fifty thousand dollars in actual total investment or one or more segments of a newscast or sporting event.

(6) "Funding assistance" means cash expenditures from an approved motion picture competitiveness program.

(7) "Person" has the same meaning as provided in RCW 82.04.030.

NEW SECTION. Sec. 3 (1) The department shall adopt criteria for an approved motion picture competitiveness program with the sole purpose of revitalizing the state's economic, cultural, and educational standing in the national and international market of motion picture production. Rules adopted by the department shall allow the program, within the established criteria, to provide funding assistance only when it captures economic opportunities for Washington's communities and businesses and shall only be provided under a contractual arrangement with a private entity. In establishing the criteria, the department shall consider:

(a) The additional income and tax revenue to be retained in the state for general purposes;

(b) The creation and retention of family wage jobs which provide health insurance and payments into a retirement plan;

(c) The impact of motion picture projects to maximize in-state labor and the use of in-state film production and film postproduction companies;

(d) The impact upon the local economies and the state economy as a whole, including multiplier effects;

(e) The intangible impact on the state and local communities that comes with motion picture projects;

(f) The regional, national, and international competitiveness of the motion picture filming industry;

(g) The revitalization of the state as a premier venue for motion picture production and national television commercial campaigns;

(h) Partnerships with the private sector to bolster film production in the state and serve as an educational and cultural purpose for its citizens;

(i) The vitality of the state's motion picture industry as a necessary and critical factor in promoting the state as a premier tourist and cultural destination;

(j) Giving preference to additional seasons of television series that have previously qualified;

(k) Other factors the department may deem appropriate for the implementation of this chapter.

(2) The board of directors created under section 4 of this act shall create and administer an account for carrying out the purposes of subsection (3) of this section.

(3) Money received by an approved motion picture competitiveness program shall be used only for: (a) Health

FIFTY-EIGHTH DAY, MARCH 7, 2006

insurance and payments into a retirement plan, and other costs associated with film production; (b) a tax credit marketer to market the tax credits authorized under section 5 of this act; and (c) staff and related expenses to maintain the program's proper administration and operation.

(4) Maximum funding assistance from an approved motion picture competitiveness program is limited to:

(a) Twenty percent of a total actual investment in the state of at least five hundred thousand dollars, for a single feature film produced in Washington state;

(b) Twenty percent of a total actual investment in the state of at least three hundred thousand dollars per television episode produced in Washington state; or

(c) Twenty percent of a total actual investment in the state of at least two hundred fifty thousand dollars for an infomercial or television commercial associated with a national or regional advertisement campaign produced in Washington state.

(5) No single motion picture production or episodic television project may be awarded an amount greater than one million dollars from an approved motion picture competitiveness program.

(6) Funding assistance approval must be determined by the approved motion picture competitiveness program within a maximum of thirty calendar days from when the application is received, if the application is submitted after August 15, 2006.

NEW SECTION. Sec. 4 (1) A Washington motion picture competitiveness program under this chapter shall be administered by a board of directors appointed by the governor, and the appointments shall be made within sixty days following enactment. The department, after consulting with the board, shall adopt rules for the standards that shall be used to evaluate the applications for funding assistance prior to June 30, 2006.

(2) The board shall evaluate and award financial assistance to motion picture projects under rules set forth under section 3 of this act.

(3) The board shall consist of the following members:

(a) One member representing the Washington motion picture production industry;

(b) One member representing the Washington motion picture postproduction industry;

(c) Two members representing labor unions affiliated with Washington motion picture production;

(d) One member representing the Washington visitors and convention bureaus;

(e) One member representing the Washington tourism industry;

(f) One member representing the Washington restaurant, hotel, and airline industry; and

(g) A chairperson, chosen at large, shall serve at the pleasure of the governor.

(4) The term of the board members, other than the chair, is four years. A board member appointed by the governor may be removed by the governor for cause under RCW 43.06.070 and 43.06.080.

(5) Five members of the board constitute a quorum.

(6) The board shall elect a treasurer and secretary annually, and other officers as the board members determine necessary, and may adopt bylaws or rules for its own government.

(7) The board shall make any information available at the request of the department to administer this chapter.

(8) Contributions received by a board shall be deposited into the account described in section 3(2) of this act.

NEW SECTION. Sec. 5 A new section is added to chapter 82.04 RCW to read as follows:

(1) Subject to the limitations in this section, a credit is allowed against the tax imposed under this chapter for contributions made by a person to a Washington motion picture competitiveness program.

(2) The person must make the contribution before claiming a credit authorized under this section. Credits earned under this section may be claimed against taxes due for the calendar year

2006 REGULAR SESSION

in which the contribution is made. The amount of credit claimed for a reporting period shall not exceed the tax otherwise due under this chapter for that reporting period. No person may claim more than one million dollars of credit in any calendar year, including credit carried over from a previous calendar year. No refunds may be granted for any unused credits.

(3) The maximum credit that may be earned for each calendar year under this section for a person is limited to the lesser of:

(a) One million dollars; or

(b)(i) Through calendar year 2008, an amount equal to one hundred percent of the contributions made by the person to a program during the calendar year; and

(ii) For calendar years after 2008, an amount equal to ninety percent of the contributions made by the person to a program during the calendar year.

(4) Except as provided under subsection (5) of this section, a tax credit claimed under this section may not be carried over to another year.

(5) Any amount of tax credit otherwise allowable under this section not claimed by the person in any calendar year may be carried over and claimed against the person's tax liability for the next succeeding calendar year. Any credit remaining unused in the next succeeding calendar year may be carried forward and claimed against the person's tax liability for the second succeeding calendar year; and any credit not used in that second succeeding calendar year may be carried over and claimed against the person's tax liability for the third succeeding calendar year, but may not be carried over for any calendar year thereafter.

(6) Credits are available on a first in-time basis. The department shall disallow any credits, or portion thereof, that would cause the total amount of credits claimed under this section during any calendar year to exceed three million five hundred thousand dollars. If this limitation is reached, the department shall notify all Washington motion picture competitiveness programs that the annual statewide limit has been met. In addition, the department shall provide written notice to any person who has claimed tax credits in excess of the three million five hundred thousand dollar limitation in this subsection. The notice shall indicate the amount of tax due and shall provide that the tax be paid within thirty days from the date of such notice. The department shall not assess penalties and interest as provided in chapter 82.32 RCW on the amount due in the initial notice if the amount due is paid by the due date specified in the notice, or any extension thereof.

(7) To claim a credit under this section, a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic format as provided or approved by the department. Any return, form, or information required to be filed in an electronic format under this section is not filed until received by the department in an electronic format. As used in this subsection, "returns" has the same meaning as "return" in RCW 82.32.050.

(8) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section.

(9) A Washington motion picture competitiveness program shall provide to the department, upon request, such information needed to verify eligibility for credit under this section, including information regarding contributions received by the program.

(10) The department shall not allow any credit under this section before July 1, 2006.

(11) For the purposes of this section, "Washington motion picture competitiveness program" or "program" means an organization established pursuant to chapter 43.-- RCW (sections 1 through 4 of this act).

(12) No credit may be earned for contributions made on or after July 1, 2011.

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

NEW SECTION. Sec. 6 (1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how incentives are used.

(2) Each motion picture production receiving funding assistance under section 3 of this act shall report information to the department by filing a complete annual survey. The survey is due by March 31st of the year following any calendar year in which funding assistance under section 4 of this act is taken. The department may extend the due date for timely filing of annual surveys under this section if failure to file was the result of circumstances beyond the control of the motion picture production receiving the funding assistance.

(3) The survey shall include the amount of funding assistance received. The survey shall also include the following information for employment positions in Washington by the motion picture production receiving funding assistance, including indirect employment by contractors or other affiliates:

(a) The number of total employment positions;

(b) Full-time, part-time, and temporary employment positions as a percent of total employment;

(c) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and

(d) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

(4) The department may request additional information necessary to measure the results of the funding assistance program, to be submitted at the same time as the survey.

(5) If a person fails to submit an annual survey under subsection (2) of this section by the due date of the report or any extension the department shall declare the amount of funding assistance for the previous calendar year to be immediately due and payable. The department shall assess interest, but not penalties, on the amounts due under this section. The interest shall be assessed at the rate provided for delinquent taxes under chapter 82.32 RCW, retroactively to the date the funding assistance was received, and shall accrue until the funding assistance is repaid.

(6) The department shall use the information from this section to prepare summary descriptive statistics. The department shall report these statistics to the legislature each year by September 1st. The department shall provide the complete annual surveys to the joint legislative audit and review committee.

NEW SECTION. Sec. 7 The provisions of section 5 of this act are subject to review by the joint legislative audit and review committee. The joint legislative audit and review committee will make a recommendation to the house finance committee and the senate ways and means committee by December 1, 2010, regarding the effectiveness of the motion picture competitiveness program including, but not limited to, the amount of state revenue generated, the amount of family wages jobs with benefits created, adherence to the criteria in section 3 of this act, and any other factors deemed appropriate by the joint legislative audit and review committee.

NEW SECTION. Sec. 8 Sections 1 through 4, 6, and 7 of this act constitute a new chapter in Title 43 RCW." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Brown moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6558.

Senator Brown spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Brown that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6558.

The motion by Senator Brown carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6558 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6558, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6558, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudau, Weinstein and Zarelli - 47

Excused: Senators Oke and Parlette - 2

SECOND SUBSTITUTE SENATE BILL NO. 6558, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:
SECOND SUBSTITUTE HOUSE BILL NO. 2462,
SUBSTITUTE SENATE BILL NO. 6671,
SUBSTITUTE SENATE BILL NO. 6676,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Schoesler, Senator Brandland was excused.

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6618, with the following amendments {s} 6618-S AMH APP H5406.1.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. In 1993 the Washington legislature laid out a vision of a revitalized school system in Washington state. Envisioned was a comprehensive assessment system committed to high academic standards for all of its students. The Washington assessment of student learning was created as a tool to measure whether students were reaching the high academic standards. The legislature continues to support

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

this assessment as a part of a comprehensive assessment system. Recently some alternative assessments have been developed. The legislature finds that there is interest in exploring why some students have not been able to meet the state standards and whether additional alternative methods, options, procedures, or performance measures could be used to augment the current system.

NEW SECTION, Sec. 2. (1) The Washington state institute for public policy shall conduct a study to explore options to augment the current system of assessments to provide additional opportunities for students to demonstrate that they have met the state learning standards. The study is limited to:

(a) A review and statistical analysis of Washington assessment of student learning data to increase understanding of the students who did not meet the standard in one or more areas of assessment, identify the characteristics of those students, and identify possible barriers to student success or possible causes of the lack of success;

(b) A review and identification of additional alternative assessment options that could be used to augment the current assessment system. In identifying the alternative assessment options, the institute shall include a review of alternative assessments used in other states as well as those that have been developed and those that have been proposed in Washington. The institute shall examine the use of national tests as well as career skill certification exams in their review of possible alternative assessment options. For each of the identified alternative assessment options, the study shall at a minimum include:

- (i) An estimation of the costs for implementation;
- (ii) A review of the cultural appropriateness;
- (iii) Whether the alternative assessment reliably measures a student's ability to meet state learning standards in one or more of the required content areas;
- (iv) Whether the alternative assessment is in compliance with RCW 28A.655.061(1); and
- (v) Any challenges to implementation for each of the identified alternative assessment options, including any legislative action necessary for implementation;

(c) A review and identification of additional alternative methods, procedures, or combinations of performance measures, including those proposed in Washington, to assess whether students have met the state learning standards. For each of the identified alternative methods, procedures, or performance measures, the study shall at a minimum include:

- (i) An estimation of the costs for implementation;
- (ii) A review of the cultural appropriateness;
- (iii) Whether the method, procedure, or performance measure reliably measures a student's ability to meet state learning standards in one or more of the required content areas;
- (iv) Whether the method, procedure, or performance measure is in compliance with RCW 28A.655.061(1);
- (v) Any challenges to implementation for each of the identified methods, procedures, or performance measures, including any legislative action necessary for implementation; and
- (vi) Whether the procedures or methods could be standardized across the state.

(2) The Washington state institute for public policy shall provide an interim report to the legislature by December 1, 2006, and a final report by December 1, 2007. The interim report shall include a preliminary statistical analysis of the information required under subsection (1)(a) of this section and shall include recommendations on at least two alternative assessment options, alternative methods, procedures, or performance measures that were reviewed under subsection (1)(b) and (c) of this section. The final study shall include suggestions for any follow-up studies that the legislature could undertake to continue to build on the information obtained in this study.

(3) The institute shall consult, at a minimum, with nationally recognized experts on assessments including representatives from nationally recognized centers for multicultural education, representatives of the office of the superintendent of public instruction, educators, counselors, parents, the business community, classified employees, career and technical organizations, representatives of federally recognized Washington tribes, representatives of cultural, linguistic, and racial minority groups, and the community of persons with disabilities in developing the initial list of possible alternative assessment options, alternative assessment methods, procedures, or performance measures to be reviewed under subsection (1)(b) and (c) of this section.

(4) The office of the superintendent of public instruction and school districts shall provide the institute with access to all necessary data to conduct the studies in this act.

NEW SECTION, Sec. 3. This act shall be known as the Governor Booth Gardner Act." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6618. Senator McAuliffe spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator McAuliffe that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6618.

The motion by Senator McAuliffe carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6618 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6618, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6618, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senators Deccio and Roach - 2

Excused: Senators Brandland, Oke and Parlette - 3

SUBSTITUTE SENATE BILL NO. 6618, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6323, with the following amendments{s} 6323-S AMH SGOA H5271.1.

FIFTY-EIGHTH DAY, MARCH 7, 2006

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.17.030 and 1987 c 295 s 18 are each amended to read as follows:

The provisions of this chapter relating to the financing of election campaigns shall apply in all election campaigns other than (1) for precinct committee officer; (2) for a federal elective office; and (3) for an office of a political subdivision of the state that does not encompass a whole county and that contains fewer than five thousand registered voters as of the date of the most recent general election in the subdivision, unless required by RCW 42.17.405 (2) through (5) and (7).

Sec. 2. RCW 42.17.405 and 1986 c 12 s 3 are each amended to read as follows:

(1) Except as provided in subsections (2) (~~(and)~~), (3), and (7) of this section, the reporting provisions of this chapter do not apply to candidates, elected officials, and agencies in political subdivisions with less than one thousand registered voters as of the date of the most recent general election in the jurisdiction, to political committees formed to support or oppose candidates or ballot propositions in such political subdivisions, or to persons making independent expenditures in support of or opposition to such ballot propositions.

(2) The reporting provisions of this chapter apply in any exempt political subdivision from which a "petition for disclosure" containing the valid signatures of fifteen percent of the number of registered voters, as of the date of the most recent general election in the political subdivision, is filed with the commission. The commission shall by rule prescribe the form of the petition. After the signatures are gathered, the petition shall be presented to the auditor or elections officer of the county, or counties, in which the political subdivision is located. The auditor or elections officer shall verify the signatures and certify to the commission that the petition contains no less than the required number of valid signatures. The commission, upon receipt of a valid petition, shall order every known affected person in the political subdivision to file the initially required statement and reports within fourteen days of the date of the order.

(3) The reporting provisions of this chapter apply in any exempt political subdivision that by ordinance, resolution, or other official action has petitioned the commission to make the provisions applicable to elected officials and candidates of the exempt political subdivision. A copy of the action shall be sent to the commission. If the commission finds the petition to be a valid action of the appropriate governing body or authority, the commission shall order every known affected person in the political subdivision to file the initially required statement and reports within fourteen days of the date of the order.

(4) The commission shall void any order issued by it pursuant to subsection (2) or (3) of this section when, at least four years after issuing the order, the commission is presented a petition or official action so requesting from the affected political subdivision. Such petition or official action shall meet the respective requirements of subsection (2) or (3) of this section.

(5) Any petition for disclosure, ordinance, resolution, or official action of an agency petitioning the commission to void the exemption in RCW 42.17.030(3) shall not be considered unless it has been filed with the commission:

(a) In the case of a ballot measure, at least sixty days before the date of any election in which campaign finance reporting is to be required;

(b) In the case of a candidate, at least sixty days before the first day on which a person may file a declaration of candidacy for any election in which campaign finance reporting is to be required.

(6) Any person exempted from reporting under this chapter may at his or her option file the statement and reports.

2006 REGULAR SESSION

(7) The reporting provisions of this chapter apply to a candidate in any political subdivision if the candidate receives or expects to receive five thousand dollars or more in contributions."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kastama moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6323.

Senator Kastama spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Kastama that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6323.

The motion by Senator Kastama carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6323 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6323, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6323, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senators Honeyford and Mulliken - 2

Excused: Senators Brandland, Oke and Parlette - 3

SUBSTITUTE SENATE BILL NO. 6323, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 28, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5654, with the following amendments{s} 5654-S AMH JUDI H5279.1.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the dissemination of personally identifying information as proscribed in RCW 4.24.680 is not in the public interest.

Sec. 2. RCW 4.24.680 and 2002 c 336 s 1 are each amended to read as follows:

~~((A person or organization shall not, with the intent to harm or intimidate, sell, trade, give, publish, distribute, or otherwise release the residential address, residential telephone number, birthdate, or social security number of any law enforcement-related, corrections officer-related, or court-related employee or volunteer, or someone with a similar name, and categorize them as such, without the express written permission of the employee~~

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

RICHARD NAFZIGER, Chief Clerk

~~or volunteer unless specifically exempted by law or court order.))~~

~~(1) A person shall not knowingly make available on the world wide web the personal information of a peace officer, corrections person, justice, judge, commissioner, public defender, or prosecutor if the dissemination of the personal information poses an imminent and serious threat to the peace officer's, corrections person's, justice's, judge's, commissioner's, public defender's, or prosecutor's safety or the safety of that person's immediate family and the threat is reasonably apparent to the person making the information available on the world wide web to be serious and imminent.~~

~~(2) It is not a violation of this section if an employee of a county auditor or county assessor publishes personal information, in good faith, on the web site of the county auditor or county assessor in the ordinary course of carrying out public functions.~~

~~(3) For the purposes of this section:~~

~~(a) "Commissioner" means a commissioner of the superior court, court of appeals, or supreme court.~~

~~(b) "Corrections person" means any employee or volunteer who by state, county, municipal, or combination thereof, statute has the responsibility for the confinement, care, management, training, treatment, education, supervision, or counseling of those whose civil rights have been limited in some way by legal sanction.~~

~~(c) "Immediate family" means a peace officer's, corrections person's, justice's, judge's, commissioner's, public defender's, or prosecutor's spouse, child, or parent and any other adult who lives in the same residence as the person.~~

~~(d) "Judge" means a judge of the United States district court, the United States court of appeals, the United States magistrate, the United States bankruptcy court, and the Washington court of appeals, superior court, district court, or municipal court.~~

~~(e) "Justice" means a justice of the United States supreme court or Washington supreme court.~~

~~(f) "Personal information" means a peace officer's, corrections person's, justice's, judge's, commissioner's, public defender's, or prosecutor's home address, home telephone number, pager number, social security number, home e-mail address, directions to the person's home, or photographs of the person's home or vehicle.~~

~~(g) "Prosecutor" means a county prosecuting attorney, a city attorney, the attorney general, or a United States attorney and their assistants or deputies.~~

~~(h) "Public defender" means a federal public defender, or other public defender, and his or her assistants or deputies.~~

~~Sec. 3. RCW 4.24.700 and 2002 c 336 s 3 are each amended to read as follows:~~

~~((Any law enforcement-related, corrections officer-related, or court-related employee or volunteer who suffers damages as a result of a person or organization selling, trading, giving, publishing, distributing, or otherwise releasing the residential address, residential telephone number, birthdate, or social security number of the employee or volunteer in violation of RCW 4.24.680 may bring an action against the person or organization in court for actual damages sustained, plus attorneys' fees and costs.))~~

~~Any person whose personal information is made available on the world wide web as described in RCW 4.24.680(1) who suffers damages as a result of such conduct may bring an action against the person or organization who makes such information available, for actual damages sustained plus damages in an amount not to exceed one thousand dollars for each day the personal information was made available on the world wide web, and reasonable attorneys' fees and costs.~~

~~NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." and the same are herewith transmitted.~~

MOTION

Senator Prentice moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5654.
Senator Prentice spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Prentice that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5654.

The motion by Senator Prentice carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5654 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5654, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5654, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Shin - 1

Excused: Senators Brandland and Oke - 2

SUBSTITUTE SENATE BILL NO. 5654, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1672,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

The House receded from its amendment {s} to SUBSTITUTE SENATE BILL NO. 6144 and passed the bill without the House amendment {s}.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

FIFTY-EIGHTH DAY, MARCH 7, 2006

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1841,
SUBSTITUTE HOUSE BILL NO. 2155,
HOUSE BILL NO. 2466,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2475,
SECOND SUBSTITUTE HOUSE BILL NO. 2754,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 3, 2006

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6239, with the following amendments{s} 6239-S2.E AMH APP AMH5461.1.

Strike everything after the enacting clause and insert the following:

**"PART I
SUBSTANCE ABUSE REDUCTION**

NEW SECTION. Sec. 101 A new section is added to chapter 70.96A RCW to read as follows:

(1) Any county that has imposed the sales and use tax authorized by RCW 82.14.460 may seek a state appropriation of up to one hundred thousand dollars annually beginning in fiscal year 2008 and ending in fiscal year 2010. The funds shall be used to provide additional support to counties for mental health or substance abuse treatment for persons with methamphetamine addiction. Local governments receiving funds under this section may not use the funds to supplant existing funding.

(2) Counties receiving funding shall: (a) Provide a financial plan for the expenditure of any potential funds prior to funds being awarded; (b) report annually to the appropriate committees of the legislature regarding the number of clients served, services provided, and a statement of expenditures; and (c) expend no more than ten percent for administrative costs or for information technology.

NEW SECTION. Sec. 102 A new section is added to chapter 72.09 RCW to read as follows:

(1) Through June 30, 2010, it is the intent of the legislature to provide one hundred additional placements for therapeutic drug and alcohol treatment in the state's correctional institutions, above the level of placements provided on January 1, 2006.

(2) This section expires June 30, 2010.

NEW SECTION. Sec. 103 It is the intent of the legislature to provide assistance for jurisdictions enforcing illegal drug laws that have historically been underserved by federally funded state narcotics task forces and are considered to be major transport areas of narcotics traffickers.

NEW SECTION. Sec. 104 (1) Three pilot enforcement areas shall be established for a period of four fiscal years, beginning July 1, 2006, and ending June 30, 2010, with one in the southwestern region of the state, comprising of Pacific, Wahkiakum, Lewis, Grays Harbor, and Cowlitz counties; one in the southeastern region of the state, comprising of Walla Walla, Columbia, Garfield, and Asotin counties; and one in the northeastern part of the state, comprising of Stevens, Ferry, Pend Oreille, and Lincoln counties. The counties comprising a specific pilot area shall coordinate with each other to establish and implement a regional strategy to enforce illegal drug laws.

(2) When funded by the legislature, funding is to be divided equally among the three pilot enforcement areas. This funding is intended to provide a minimum of four additional sheriff deputies for each pilot area, two deputy prosecutors who will support the counties that are included in the pilot area, a court clerk, and clerical staff to serve the pilot area. It is the intent of

2006 REGULAR SESSION

the legislature that those counties that have not previously received significant federal narcotics task force funding shall be allocated funding for at least one additional sheriff's deputy. Counties are encouraged to utilize drug courts and treatment programs, and to share resources that operate in the region through the use of interlocal agreements. The funding appropriated for this purpose must not be used to supplant existing funding and cannot be used for any purpose other than the enforcement of illegal drug laws.

The criminal justice training commission shall allocate funds to the Washington association of prosecuting attorneys and the Washington association of sheriffs and police chiefs. The Washington association of prosecuting attorneys is responsible for administration of the funding and programs for the prosecution of crimes and court proceedings. The Washington association of sheriffs and police chiefs shall administer the funds provided for law enforcement.

NEW SECTION. Sec. 105 The Washington association of sheriffs and police chiefs, the Washington association of prosecuting attorneys, and the Washington association of county officials shall jointly develop measures to determine the efficacy of the programs in the pilot areas. These measures shall include comparison of arrest rates before the implementation of this act and after, reduction of recidivism, and any other factors that are determined to be relevant to evaluation of the programs. The organizations named in this section shall present their findings to the legislature by December 1, 2008.

Sec. 106 RCW 2.28.170 and 2005 c 504 s 504 are each amended to read as follows:

(1) Counties may establish and operate drug courts.

(2) For the purposes of this section, "drug court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism and substance abuse among nonviolent, substance abusing felony and nonfelony offenders, whether adult or juvenile, by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment; mandatory periodic drug testing; and the use of appropriate sanctions and other rehabilitation services.

(3)(a) Any jurisdiction that seeks a state appropriation to fund a drug court program must first:

(i) Exhaust all federal funding that is available to support the operations of its drug court and associated services; and

(ii) Match, on a dollar-for-dollar basis, state moneys allocated for drug court programs with local cash or in-kind resources. Moneys allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for drug court operations and associated services.

(b) Any county that establishes a drug court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The drug court may adopt local requirements that are more stringent than the minimum. The minimum requirements are:

(i) The offender would benefit from substance abuse treatment;

(ii) The offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030; and

(iii) Without regard to whether proof of any of these elements is required to convict, the offender is not currently charged with or convicted of an offense:

(A) That is a sex offense;

(B) That is a serious violent offense;

(C) During which the defendant used a firearm; or

(D) During which the defendant caused substantial or great bodily harm or death to another person.

Sec. 107 RCW 26.44.020 and 2000 c 162 s 19 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Court" means the superior court of the state of Washington, juvenile department.

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) "Department" means the state department of social and health services.

(6) "Child" or "children" means any person under the age of eighteen years of age.

(7) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(8) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) "Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child by any person under circumstances which indicate that the child's health, welfare, and safety is harmed, excluding conduct permitted under RCW 9A.16.100. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(13) "Child protective services section" means the child protective services section of the department.

(14) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(15) "Negligent treatment or maltreatment" means an act or omission that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, and safety, including but not limited to conduct prohibited under RCW 9A.42.100. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment.

(16) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions

that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(17) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(18) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(19) "Unfounded" means available information indicates that, more likely than not, child abuse or neglect did not occur. No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.

Sec. 108 RCW 26.44.020 and 2005 c 512 s 5 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) "Department" means the state department of social and health services.

(6) "Child" or "children" means any person under the age of eighteen years of age.

(7) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(8) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an

FIFTY-EIGHTH DAY, MARCH 7, 2006

employee or agent of any public or private organization or institution.

(12) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(13) "Child protective services section" means the child protective services section of the department.

(14) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(15) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child (~~the~~ ~~does~~) does not constitute negligent treatment or maltreatment in and of (themselves [itself]) itself.

(16) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(17) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(18) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(19) "Unfounded" means available information indicates that, more likely than not, child abuse or neglect did not occur. No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.

Sec. 109 RCW 74.34.020 and 2003 c 230 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a vulnerable adult, which have the following meanings:

(a) "Sexual abuse" means any form of nonconsensual sexual contact, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.

(b) "Physical abuse" means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or the use of chemical restraints or physical restraints unless the restraints are consistent with licensing requirements, and includes restraints that are otherwise being used inappropriately.

(c) "Mental abuse" means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a vulnerable adult from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing.

(d) "Exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(3) "Consent" means express written consent granted after the vulnerable adult or his or her legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

(4) "Department" means the department of social and health services.

(5) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, boarding homes; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; or chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed by the department.

(6) "Financial exploitation" means the illegal or improper use of the property, income, resources, or trust funds of the vulnerable adult by any person for any person's profit or advantage.

(7) "Individual provider" means a person under contract with the department to provide services in the home under chapter 74.09 or 74.39A RCW.

(8) "Mandated reporter" is an employee of the department; law enforcement officer; social worker; professional school personnel; individual provider; an employee of a facility; an operator of a facility; an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency; county coroner or medical examiner; Christian Science practitioner; or health care provider subject to chapter 18.130 RCW.

(9) "Neglect" means (a) a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

(10) "Permissive reporter" means any person, employee of a financial institution, attorney, or volunteer in a facility or program providing services for vulnerable adults.

(11) "Protective services" means any services provided by the department to a vulnerable adult with the consent of the vulnerable adult, or the legal representative of the vulnerable adult, who has been abandoned, abused, financially exploited, neglected, or in a state of self-neglect. These services may include, but are not limited to case management, social casework, home care, placement, arranging for medical evaluations, psychological evaluations, day care, or referral for legal assistance.

(12) "Self-neglect" means the failure of a vulnerable adult, not living in a facility, to provide for himself or herself the goods and services necessary for the vulnerable adult's physical or mental health, and the absence of which impairs or threatens the vulnerable adult's well-being. This definition may include a vulnerable adult who is receiving services through home health, hospice, or a home care agency, or an individual provider when the neglect is not a result of inaction by that agency or individual provider.

(13) "Vulnerable adult" includes a person:

- (a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or
- (b) Found incapacitated under chapter 11.88 RCW; or
- (c) Who has a developmental disability as defined under RCW 71A.10.020; or
- (d) Admitted to any facility; or
- (e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or
- (f) Receiving services from an individual provider.

NEW SECTION. Sec. 110 The department of community, trade, and economic development shall review federal, state, and local funding sources and funding levels available to local meth action teams through the Washington state methamphetamine initiative to determine whether funding is adequate to accomplish the mission of the meth action teams. The department shall also review the funding levels for drug task forces in the state of Washington to determine whether they may require additional resources to successfully interdict drug trafficking organizations and clandestine labs statewide. The department shall report findings and recommendations to the legislature by November 1, 2006.

NEW SECTION. Sec. 111 The department of social and health services shall consult with faith-based organizations to discuss the appropriate role that such organizations may have in filling support service delivery needs for persons with chemical dependency disorders. The department shall report findings and recommendations to the legislature by November 1, 2006.

NEW SECTION. Sec. 112 The agency council on coordinated transportation shall adopt, as a part of its strategic program, a plan to increase access by recovering addicts to existing special needs transportation services already offered by medicaid brokerages and local transportation coalitions. The council may also implement an awareness campaign through department of corrections community corrections officers and service providers licensed by the department of social and health services division of alcohol and substance abuse to promote to recovering addicts seeking treatment the use of special needs transportation services, the council web site, and the statewide trip planner. The council shall report back to the legislature regarding the implementation of these strategies by November 1, 2006.

NEW SECTION. Sec. 113 The department of social and health services, in consultation with the attorney general, shall report to the legislature by January 15, 2007, on the status of ongoing multimedia campaigns to prevent methamphetamine use and underage drinking, and promote treatment, within the state of Washington.

PART II

CLEANUP OF CONTAMINATED PROPERTY

Sec. 201 RCW 64.44.010 and 1999 c 292 s 2 are each amended to read as follows:

The words and phrases defined in this section shall have the following meanings when used in this chapter unless the context clearly indicates otherwise.

(1) "Authorized contractor" means a person who decontaminates, demolishes, or disposes of contaminated property as required by this chapter who is certified by the department as provided for in RCW 64.44.060.

(2) "Contaminated" or "contamination" means polluted by hazardous chemicals so that the property is unfit for human habitation or use due to immediate or long-term hazards. Property that at one time was contaminated but has been satisfactorily decontaminated according to procedures established by the state board of health is not "contaminated."

(3) "Department" means the department of health.

(4) "Hazardous chemicals" means the following substances ~~((used in))~~ associated with the manufacture of illegal drugs: (a) Hazardous substances as defined in RCW 70.105D.020 ~~((and))~~; (b) precursor substances as defined in RCW 69.43.010 which the state board of health, in consultation with the state board of pharmacy, has determined present an immediate or long-term health hazard to humans; and (c) the controlled substance or substances being manufactured, as defined in RCW 69.50.101.

~~((4))~~ (5) "Officer" means a local health officer authorized under chapters 70.05, 70.08, and 70.46 RCW.

~~((5))~~ (6) "Property" means any real or personal property, ((site, structure, or part of a structure which)) or segregable part thereof, that is involved in or affected by the unauthorized manufacture or storage of hazardous chemicals. This includes but is not limited to single-family residences, units of multiplexes, condominiums, apartment buildings, boats, motor vehicles, trailers, manufactured housing, ((or)) any shop, booth, ((or)) garden, or storage shed, and all contents of the items referenced in this subsection.

Sec. 202 RCW 64.44.020 and 1999 c 292 s 3 are each amended to read as follows:

Whenever a law enforcement agency becomes aware that property has been contaminated by hazardous chemicals, that agency shall report the contamination to the local health officer. The local health officer shall ~~((post))~~ cause a posting of a written warning on the premises within one working day of notification of the contamination and shall inspect the property within fourteen days after receiving the notice of contamination. The warning shall inform the potential occupants that hazardous chemicals may exist on, or have been removed from, the premises and that entry is unsafe. If a property owner believes that a tenant has contaminated property that was being leased or rented, and the property is vacated or abandoned, then the property owner shall contact the local health officer about the possible contamination. Local health officers or boards may charge property owners reasonable fees for inspections of suspected contaminated property requested by property owners.

A local health officer may enter, inspect, and survey at reasonable times any properties for which there are reasonable grounds to believe that the property has become contaminated. If the property is contaminated, the local health officer shall post a written notice declaring that the officer intends to issue an order prohibiting use of the property as long as the property is contaminated.

If access to the property is denied, a local health officer in consultation with law enforcement may seek a warrant for the purpose of conducting administrative inspections and seizure of property as defined in RCW 69.50.505. A superior, district, or municipal court within the jurisdiction of the property may, based upon probable cause that the property is contaminated, issue warrants for the purpose of conducting administrative inspections and seizure of property as defined in RCW 69.50.505.

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

Local health officers must report all cases of contaminated property to the state department of health. The department may make the list of contaminated properties available to health associations, landlord and realtor organizations, prosecutors, and other interested groups. The department shall promptly update the list of contaminated properties to remove those which have been decontaminated according to provisions of this chapter.

The local health officer may determine when the services of an authorized contractor are necessary.

Sec. 203 RCW 64.44.070 and 1999 c 292 s 8 are each amended to read as follows:

(1) The state board of health shall promulgate rules and standards for carrying out the provisions in this chapter in accordance with chapter 34.05 RCW, the administrative procedure act. The local board of health and the local health officer are authorized to exercise such powers as may be necessary to carry out this chapter. The department shall provide technical assistance to local health boards and health officers to carry out their duties under this chapter.

(2) The department shall adopt rules for decontamination of a property used as an illegal drug laboratory and methods for the testing of ground water, surface water, soil, and septic tanks for contamination. The rules shall establish decontamination standards for hazardous chemicals, including but not limited to methamphetamine, lead, mercury, and total volatile organic compounds. The department shall also adopt rules pertaining to independent third party sampling to verify satisfactory decontamination of property deemed contaminated and unfit for use. For the purposes of this section, an independent third party sampler is a person who is not an employee, agent, representative, partner, joint venturer, shareholder, or parent or subsidiary company of the clandestine drug laboratory decontamination contractor, the contractor's company, or property owner.

NEW SECTION. Sec. 204 The department of community, trade, and economic development shall report to the legislature on the feasibility of providing incentives and protections to landlords to encourage housing rentals to recovering substance abusers or those convicted of drug crimes. A final report must be submitted to the appropriate committees of the legislature by January 1, 2007.

PART III CRIMINAL SANCTIONS AND PROCEDURE

Sec. 301 RCW 9.94A.533 and 2003 c 53 s 58 are each amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

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

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to

the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

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

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

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

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

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

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

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

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

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

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

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

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

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

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.605. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

Sec. 302 RCW 9.94A.660 and 2005 c 460 s 1 are each amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense or sex offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender has no current or prior convictions for a sex offense at any time or violent offense within ten years before conviction of the current offense, in this state, another state, or the United States;

(c) For a violation of the Uniform Controlled Substances Act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

(d) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;

(e) The standard sentence range for the current offense is greater than one year; and

(f) The offender has not received a drug offender sentencing alternative more than once in the prior ten years before the current offense.

(2) A motion for a sentence under this section may be made by the court, the offender, or the state. If the sentencing court determines that the offender is eligible for this alternative, the court may order an examination of the offender. The examination shall, at a minimum, address the following issues:

(a) Whether the offender suffers from drug addiction;

(b) Whether the addiction is such that there is a probability that criminal behavior will occur in the future;

(c) Whether effective treatment for the offender's addiction is available from a provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services; and

(d) Whether the offender and the community will benefit from the use of the alternative.

(3) The examination report must contain:

(a) Information on the issues required to be addressed in subsection (2) of this section; and

(b) A proposed treatment plan that must, at a minimum, contain:

(i) A proposed treatment provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services;

(ii) The recommended frequency and length of treatment, including both residential chemical dependency treatment and treatment in the community;

(iii) A proposed monitoring plan, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others; and

(iv) Recommended crime-related prohibitions and affirmative conditions.

(4) After receipt of the examination report, if the court determines that a sentence under this section is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under subsection (5) of this section or a residential chemical dependency treatment-based alternative under subsection (6) of this section. The residential chemical dependency treatment-based alternative is only available if the midpoint of the standard range is twenty-four months or less.

(5) The prison-based alternative shall include:

(a) A period of total confinement in a state facility for one-half of the midpoint of the standard sentence range or twelve months, whichever is greater. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections;

(b) The remainder of the midpoint of the standard range as a term of community custody which must include appropriate substance abuse treatment in a program that has been approved by the division of alcohol and substance abuse of the department of social and health services. If the department finds that

FIFTY-EIGHTH DAY, MARCH 7, 2006

conditions have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence. An offender who fails to complete the program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court;

(c) Crime-related prohibitions including a condition not to use illegal controlled substances;

(d) A requirement to submit to urinalysis or other testing to monitor that status; and

(e) A term of community custody pursuant to RCW 9.94A.715 to be imposed upon failure to complete or administrative termination from the special drug offender sentencing alternative program.

(6) The residential chemical dependency treatment-based alternative shall include:

(a) A term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, conditioned on the offender entering and remaining in residential chemical dependency treatment certified under chapter 70.96A RCW for a period set by the court between three and six months. If the court imposes a term of community custody, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the term of community custody. The court shall impose, as conditions of community custody, treatment and other conditions as proposed in the plan under subsection (3)(b) of this section. The department may impose conditions and sanctions as authorized in RCW 9.94A.715 (2), (3), (6), and (7), 9.94A.737, and 9.94A.740. The court shall schedule a progress hearing during the period of residential chemical dependency treatment, and schedule a treatment termination hearing for three months before the expiration of the term of community custody;

(b) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment. At the hearing, the court may:

(i) Authorize the department to terminate the offender's community custody status on the expiration date determined under (a) of this subsection; or

(ii) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of community custody; or

(iii) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.715;

(c) If the court imposes a term of total confinement under (b)(iii) of this subsection, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the terms of total confinement and community custody.

(7) If the court imposes a sentence under this section, the court may prohibit the offender from using alcohol or controlled substances and may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court may impose any of the following conditions:

(a) Devote time to a specific employment or training;

(b) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;

(c) Report as directed to a community corrections officer;

(d) Pay all court-ordered legal financial obligations;

(e) Perform community restitution work;

(f) Stay out of areas designated by the sentencing court;

(g) Such other conditions as the court may require such as affirmative conditions.

(8)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the terms of the community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody if the offender violates the conditions of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for any time previously served under this section.

(9) If an offender sentenced to the prison-based alternative under subsection (5) of this section is found by the United States attorney general to be subject to a deportation order, a hearing shall be held by the department unless waived by the offender, and, if the department finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence.

(10) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.

(11) Costs of examinations and preparing treatment plans under subsections (2) and (3) of this section may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 70.96A.350.

Sec. 303 RCW 9.94A.500 and 2000 c 75 s 8 are each amended to read as follows:

(1) Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing.

Except in cases where the defendant shall be sentenced to a term of total confinement for life without the possibility of release or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, the court may order the department to complete a risk assessment report. If available before sentencing, the report shall be provided to the court.

Unless specifically waived by the court, the court shall order the department to complete a chemical dependency screening report before imposing a sentence upon a defendant who has been convicted of a violation of the uniform controlled substances act under chapter 69.50 RCW ((~~or~~)), a criminal solicitation to commit such a violation under chapter 9A.28 RCW, or any felony where the court finds that the offender has a chemical dependency that has contributed to his or her offense. In addition, the court shall, at the time of plea or conviction, order the department to complete a presentence report before imposing a sentence upon a defendant who has been convicted of a felony sexual offense. The department of corrections shall give priority to presentence investigations for sexual offenders. If the court determines that the defendant may be a mentally ill person as defined in RCW 71.24.025, although the defendant has not established that at the time of the crime he or she lacked the capacity to commit the crime, was incompetent to commit the crime, or was insane at the time of the crime, the court shall order the department to complete a presentence report before imposing a sentence.

The court shall consider the risk assessment report and presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed.

MOTION

Senator Prentice moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6239.

Senators Prentice and Hargrove spoke in favor of the motion.

MOTION

On motion of Senator Weinstein, Senator Shin was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Prentice that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6239.

The motion by Senator Prentice carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6239 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6239, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6239, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Oke - 1

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6239, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2006

PART IV MISCELLANEOUS

NEW SECTION. Sec. 401 Part headings used in this act are no part of the law.

NEW SECTION. Sec. 402 If specific funding for the purposes of each section of this act, referencing the section by section number and by bill or chapter number, is not provided by June 30, 2006, in the omnibus appropriations act, each section not referenced in the omnibus appropriations act is null and void.

NEW SECTION. Sec. 403 Section 107 of this act expires January 1, 2007.

NEW SECTION. Sec. 404 Section 108 of this act takes effect January 1, 2007."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6365, with the following amendments {s} 6365-S AMH LINV H5414.2.

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 19.94.175 and 1995 c 355 s 7 are each amended to read as follows:

(1) Pursuant to RCW 19.94.015, the following annual registration fees shall be charged for each weighing or measuring instrument or device used for commercial purposes in this state:

(a) Weighing devices:

Small scales "zero to four hundred pounds

\$ ((5-00)) 7.50

	capacity" . . .		
	Intermediate scales "four hundred one pounds to five thousand pounds capacity" . . .		
(ii)		((20.00)	
)	
	\$	<u>30.00</u>	
	Large scales "over five thousand pounds capacity" . . .		
(iii)		((52.00)	
)	
	\$	<u>63.50</u>	
(iv)	(Large scales with supplemental devices		
	\$	<u>52.00</u>	
(v))	Railroad track scales . . .		
	\$	800.00	
(b)	Liquid fuel metering devices:		
	Motor fuel meters with flows of (less than)		
(i)	twenty gallons or less per minute	((5.00)	
)	
	\$	<u>7.50</u>	
	Motor fuel meters with flows of more than twenty but not more than one hundred fifty gallons per minute		
(ii)		((16.00)	
)	
	\$	<u>24.00</u>	
	Motor fuel meters with flows over one hundred fifty gallons per minute		
(iii)		((25.00)	
)	
	\$	<u>37.50</u>	
(c)	Liquid petroleum gas meters:		
	With one inch diameter or smaller dispensers . . .		
(i)		((10.00)	
)	
	\$	<u>17.50</u>	
(ii)	With greater		
	\$	((30.00)	

	than one inch diameter dispensers . . .)
			<u>40.00</u>
(d)	Fabric meters		
		((5.00)	
	\$	<u>7.50</u>	
(e)	Cordage meters		
		((5.00)	
	\$	<u>7.50</u>	
(f)	Mass flow meters		
		((14.00)	
)	
	\$	<u>107.00</u>	
(g)	Taxi meters		
		((5.00)	
	\$	<u>15.00</u>	

(2) With the exception of subsection (3) of this section, no person shall be required to pay more than the ~~((established))~~ annual registration fee ~~((adopted under this section))~~ for any weighing or measuring instrument or device in any one year.

(3) The department or a city sealer may establish reasonable inspection and testing fees for each type or class of weighing or measuring instrument or device specially requested to be inspected or tested by the device owner. These inspection and testing fees shall be limited to those amounts necessary for the department or city sealer to cover the direct costs associated with such inspection and testing. The fees ~~((established under this subsection))~~ shall not be set so as to compete with service agents normally engaged in such services.

Sec. 2 RCW 19.94.175 and 1995 c 355 s 7 are each amended to read as follows:

(1) Pursuant to RCW 19.94.015, the following annual registration fees shall be charged for each weighing or measuring instrument or device used for commercial purposes in this state:

(a)	Weighing devices:		
	Small scales "zero to four hundred pounds capacity" . . .		
(i)		((5.00)	
)	
	\$	<u>10.00</u>	
	Intermediate scales "four hundred one pounds to five thousand pounds capacity" . . .		
(ii)		((20.00)	
)	
	\$	<u>40.00</u>	
	Large scales "over five thousand pounds capacity" . . .		
(iii)		((52.00)	
)	
	\$	<u>75.00</u>	
(iv)	(Large scales with supplemental devices		
	\$	<u>52.00</u>	

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

(+))	Railroad track scales	\$	800.00
(b)	Liquid fuel metering devices:		
	Motor fuel meters with flows of ((less than))		
(i)	twenty gallons or less per minute	\$	((5.00)) <u>10.00</u>
	Motor fuel meters with flows of more than twenty but not more than one hundred fifty gallons per minute	\$	((16.00)) <u>32.00</u>
(ii)	Motor fuel meters with flows over one hundred fifty gallons per minute	\$	((25.00)) <u>50.00</u>
(iii)	Liquid petroleum gas meters:		
	With one inch diameter or smaller dispensers	\$	((10.00)) <u>25.00</u>
(i)	With greater than one inch diameter dispensers	\$	((30.00)) <u>50.00</u>
(ii)	Fabric meters	\$	((5.00)) <u>10.00</u>
(d)	Cordage meters	\$	((5.00)) <u>10.00</u>
(e)	Mass flow meters	\$	((14.00)) <u>200.00</u>
(f)	Taxi meters	\$	((5.00)) <u>25.00</u>
(g)			

(2) With the exception of subsection (3) of this section, no person shall be required to pay more than the ~~((established))~~ annual registration fee (~~((adopted under this section))~~) for any weighing or measuring instrument or device in any one year.

(3) The department or a city sealer may establish reasonable inspection and testing fees for each type or class of weighing or measuring instrument or device specially requested to be inspected or tested by the device owner. These inspection and testing fees shall be limited to those amounts necessary for the department or city sealer to cover the direct costs associated with such inspection and testing. The fees ~~((established under this subsection))~~ shall not be set so as to compete with service agents normally engaged in such services.

Sec. 3 RCW 15.80.450 and 1969 ex.s. c 100 s 16 are each amended to read as follows:

Any person may apply to the director for a weighmaster's license. Such application shall be on a form prescribed by the director and shall include:

(1) The full name of the person applying for such license and if the applicant is a partnership, association or corporation, the full name of each member of the partnership or the names of the officers of the association or corporation;

(2) The principal business address of the applicant in this state and elsewhere;

(3) The names of the persons authorized to receive and accept service of summons and legal notice of all kinds for the applicant;

(4) The location of any scale or scales subject to the applicant's control and from which certified weights will be issued; and

(5) Such other information as the director feels necessary to carry out the purposes of this chapter.

Such annual application shall be accompanied by a license fee of ~~((twenty))~~ fifty dollars for each scale from which certified weights will be issued and a bond as provided for in RCW 15.80.480.

Sec. 4 RCW 15.80.490 and 1969 ex.s. c 100 s 20 are each amended to read as follows:

Any weighmaster may file an application with the director for a license for any employee or agent to operate and issue certified weight tickets from a scale which such weighmaster is licensed to operate under the provisions of this chapter. Such application shall be submitted on a form prescribed by the director and shall contain the following:

(1) Name of the weighmaster;

(2) The full name of the employee or agent and his resident address;

(3) The position held by such person with the weighmaster;

(4) The scale or scales from which such employee or agent will issue certified weights; and

(5) Signature of the weigher and the weighmaster.

Such annual application shall be accompanied by a license fee of ~~((five))~~ ten dollars.

Sec. 5 RCW 19.94.2582 and 1995 c 355 s 16 are each amended to read as follows:

(1) Each request for an official registration certificate shall be in writing, under oath, and on a form prescribed by the department and shall contain any relevant information as the director may require, including but not limited to the following:

(a) The name and address of the person, corporation, partnership, or sole proprietorship requesting registration;

(b) The names and addresses of all individuals requesting an official registration certificate from the department; and

(c) The tax registration number as required under RCW 82.32.030 or uniform business identifier provided on a master license issued under RCW 19.02.070.

(2) Each individual when submitting a request for an official registration certificate or a renewal of such a certificate shall pay a fee to the department in the amount of ~~((eighty))~~ one hundred sixty dollars per individual.

(3) The department shall issue a decision on a request for an official registration certificate within twenty days of receipt of the request. If an individual is denied their request for an official registration certificate, the department must notify that individual in writing stating the reasons for the denial and shall

FIFTY-EIGHTH DAY, MARCH 7, 2006

refund any payments made by that individual in connection with the request.

NEW SECTION. Sec. 6 The director of the department of agriculture or the director's designee shall convene its weights and measures advisory committee on a quarterly basis to monitor implementation of this act. The department and the advisory committee shall report to the appropriate committees of the legislature by December 1, 2006, if they have any recommended changes to the implementation of the weights and measures program.

NEW SECTION. Sec. 7 The department of agriculture shall provide a report to appropriate committees of the legislature on the status of the weights and measures program by December 15, 2007.

NEW SECTION. Sec. 8 (1) Sections 1 and 3 through 7 of this act take effect July 1, 2006.

(2) Section 2 of this act takes effect July 1, 2007.

NEW SECTION. Sec. 9 Section 1 of this act expires July 1, 2007."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 19.94.175, 19.94.175, 15.80.450, 15.80.490, and 19.94.2582; creating new sections; providing effective dates; and providing an expiration date."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rasmussen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6365.

Senator Rasmussen spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6365.

The motion by Senator Rasmussen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6365 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6365, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6365, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridmore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 41

Voting nay: Senators Benton, Carrell, Esser, McCaslin, Roach, Sheldon and Zarelli - 7

Excused: Senator Oke - 1

SUBSTITUTE SENATE BILL NO. 6365, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2006

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6635, with the following amendments{s} 6635-S.E AMH CFS AMH 5361.1.

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 26.33.045 and 1995 c 270 s 8 are each amended to read as follows:

(1) An adoption shall not be delayed or denied on the basis of the race, color, or national origin of the adoptive parent or the child involved. However, when the department or an agency considers whether a placement option is in a child's best interests, the department or agency may consider the cultural, ethnic, or racial background of the child and the capacity of prospective adoptive parents to meet the needs of a child of this background. This provision shall not apply to or affect the application of the Indian Child Welfare Act of 1978, 25 U.S.C. Sec. 1901 et seq.

(2) The department shall create standardized training to be provided to all department employees involved in the placement of a child to assure compliance with Title IV of the civil rights act of 1964 and the multiethnic placement act of 1994, as amended by the interethnic adoption provisions of the small business job protection act of 1996. Such training shall be open to agency employees.

NEW SECTION. Sec. 2 The department of health, in cooperation with the department of social and health services, shall recommend a process for the efficient collection, compilation, and annual publication of adoption statistical data, including data regarding fees, costs, and expenses paid by adoptive families. In developing recommendations, the department of health and the department of social and health services shall consider current processes and requirements for adoption data collection and reporting. The department of health shall report to the legislature not later than October 1, 2006, regarding its recommendations.

NEW SECTION. Sec. 3 The department of social and health services shall, in consultation with adoption advocates, representatives of adoption agencies, adoption attorneys, child-placing agencies, birth and adoptive parents and adapters, federally recognized tribes, and representatives of the superior court judges:

(1) Review the fees associated with children adopted out of the foster care system who are dependents of the state of Washington. The review shall include a determination of whether fees or any other factors are barriers to adoptions of children out of the foster care system; and

(2) Study accreditation standards developed for adoption agencies, including the standards developed by the council on accreditation for children and family services. The department shall brief the legislature by January 1, 2007, on recommendations related to accreditation standards and reducing any barriers that may exist pertaining to the adoption of children who are dependents of the state of Washington.

Sec. 4 RCW 26.33.400 and 1991 c 136 s 6 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, "advertisement" means communication by newspaper, radio, television, handbills, placards or other print, broadcast, or the electronic medium. This definition applies throughout this section.

(2) No person or entity shall cause to be published for circulation, or broadcast on a radio or television station, within the geographic borders of this state, an advertisement of a child or children offered or wanted for adoption, or shall hold himself or herself out through such advertisement as having the ability to place, locate, dispose, or receive a child or children for adoption unless such person or entity is:

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

(a) A duly authorized agent, contractee, or employee of the department or a children's agency or institution licensed by the department to care for and place children;

(b) A person who has a completed preplacement report as set forth in RCW 26.33.190 (1) and (2) or chapter 26.34 RCW with a favorable recommendation as to the fitness of the person to be an adoptive parent, or such person's duly authorized uncompensated agent, or such person's attorney who is licensed to practice in the state. Verification of compliance with the requirements of this section shall consist of a written declaration by the person or entity who prepared the preplacement report.

Nothing in this section prohibits an attorney licensed to practice in Washington state from advertising his or her availability to practice or provide services related to the adoption of children.

~~(3)(a) A violation of subsection (2) of this section is a matter affecting the public interest ((for the purpose of applying chapter 19.86 RCW. A violation of subsection (2) of this section is not reasonable in relation to the development and preservation of business. A violation of subsection (2) of this section)) and constitutes an unfair or deceptive act or practice in trade or commerce for the purpose of applying chapter 19.86 RCW.~~

~~(b) The attorney general may bring an action in the name of the state against any person violating the provisions of this section in accordance with the provisions of RCW 19.86.080.~~

~~(c) Nothing in this section applies to any radio or television station or any publisher, printer, or distributor of any newspaper, magazine, billboard, or other advertising medium which accepts advertising in good faith without knowledge of its violation of any provision of this section after an attempt to verify the advertising is in compliance with this section.~~

NEW SECTION. Sec. 5 RCW 26.33.410 (Advertisements -- Exemption) and 1989 c 255 s 2 are each repealed.

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Franklin moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6635.

Senator Franklin spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Franklin that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6635.

The motion by Senator Franklin carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6635 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6635, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6635, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel,

Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Oke - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6635, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6826, with the following amendments {s} 6826 AMH FIN H5488.1.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.16.050 and 2004 c 153 s 308 are each amended to read as follows:

In computing tax there may be deducted from the gross income the following items:

(1) Amounts derived by municipally owned or operated public service businesses, directly from taxes levied for the support or maintenance thereof: PROVIDED, That this section shall not be construed to exempt service charges which are spread on the property tax rolls and collected as taxes;

(2) Amounts derived from the sale of commodities to persons in the same public service business as the seller, for resale as such within this state. This deduction is allowed only with respect to water distribution, gas distribution or other public service businesses which furnish water, gas or any other commodity in the performance of public service businesses;

(3) Amounts actually paid by a taxpayer to another person taxable under this chapter as the latter's portion of the consideration due for services furnished jointly by both, if the total amount has been credited to and appears in the gross income reported for tax by the former;

(4) The amount of cash discount actually taken by the purchaser or customer;

(5) The amount of bad debts, as that term is used in 26 U.S.C. Sec. 166, as amended or renumbered as of January 1, 2003, on which tax was previously paid under this chapter;

(6) Amounts derived from business which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(7) Amounts derived from the distribution of water through an irrigation system, for irrigation purposes;

(8) Amounts derived from the transportation of commodities from points of origin in this state to final destination outside this state, or from points of origin outside this state to final destination in this state, with respect to which the carrier grants to the shipper the privilege of stopping the shipment in transit at some point in this state for the purpose of storing, manufacturing, milling, or other processing, and thereafter forwards the same commodity, or its equivalent, in the same or converted form, under a through freight rate from point of origin to final destination; and amounts derived from the transportation of commodities from points of origin in the state to an export elevator, wharf, dock or ship side on tidewater or navigable tributaries thereto from which such commodities are forwarded, without intervening transportation, by vessel, in their original form, to interstate or foreign destinations: PROVIDED, That no deduction will be allowed when the point of origin and the point of delivery to such an export elevator, wharf, dock, or ship side are located within the corporate limits of the same city or town;

(9) Amounts derived from the production, sale, or transfer of electrical energy for resale within or outside the state or for consumption outside the state;

(10) Amounts derived from the distribution of water by a nonprofit water association and used for capital improvements by that nonprofit water association;

FIFTY-EIGHTH DAY, MARCH 7, 2006

(11) Amounts paid by a sewerage collection business taxable under RCW 82.16.020(1)(a) to a person taxable under chapter 82.04 RCW for the treatment or disposal of sewage;

(12) Amounts derived from fees or charges imposed on persons for transit services provided by a public transportation agency. For the purposes of this subsection, "public transportation agency" means a municipality, as defined in RCW 35.58.272, and urban public transportation systems, as defined in RCW 47.04.082. Public transportation agencies shall spend an amount equal to the reduction in tax provided by this tax deduction solely to adjust routes to improve access for citizens using food banks and senior citizen services or to extend or add new routes to assist low-income citizens and seniors.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Esser moved that the Senate concur in the House amendment(s) to Senate Bill No. 6826.

MOTION

The President declared the question before the Senate to be the motion by Senator Esser that the Senate concur in the House amendment(s) to Senate Bill No. 6826.

The motion by Senator Esser carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6826 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6826, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6826, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Oke - 1

SENATE BILL NO. 6826, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

HOUSE BILL NO. 2671, by Representatives Ericks, Kessler, Simpson, Clibborn, Morrell, Springer, Dunn and Wallace

Providing excise tax relief by modifying due dates and eliminating an assessment penalty.

The measure was read the second time.

MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be not adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.32.045 and 2003 1st sp.s. c 13 s 8 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, payments of the taxes imposed under chapters 82.04, 82.08, 82.12, 82.14, and 82.16 RCW, along with reports and returns on forms prescribed by the department, are due monthly within ~~((twenty))~~ twenty-five days after the end of the month in which the taxable activities occur.

(2) The department of revenue may relieve any taxpayer or class of taxpayers from the obligation of remitting monthly and may require the return to cover other longer reporting periods, but in no event may returns be filed for a period greater than one year. For these taxpayers, tax payments are due on or before the last day of the month next succeeding the end of the period covered by the return.

(3) The department of revenue may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

(4) Notwithstanding subsections (1) and (2) of this section, the department may relieve any person of the requirement to file returns if the following conditions are met:

(a) The person's value of products, gross proceeds of sales, or gross income of the business, from all business activities taxable under chapter 82.04 RCW, is less than twenty-eight thousand dollars per year;

(b) The person's gross income of the business from all activities taxable under chapter 82.16 RCW is less than twenty-four thousand dollars per year; and

(c) The person is not required to collect or pay to the department of revenue any other tax or fee which the department is authorized to collect.

Sec. 2. RCW 82.23B.020 and 2003 1st sp.s. c 13 s 9 are each amended to read as follows:

(1) An oil spill response tax is imposed on the privilege of receiving crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine terminal from a waterborne vessel or barge at the rate of one cent per barrel of crude oil or petroleum product received.

(2) In addition to the tax imposed in subsection (1) of this section, an oil spill administration tax is imposed on the privilege of receiving crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine terminal from a waterborne vessel or barge at the rate of four cents per barrel of crude oil or petroleum product.

(3) The taxes imposed by this chapter shall be collected by the marine terminal operator from the taxpayer. If any person charged with collecting the taxes fails to bill the taxpayer for the taxes, or in the alternative has not notified the taxpayer in writing of the imposition of the taxes, or having collected the taxes, fails to pay them to the department in the manner

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

prescribed by this chapter, whether such failure is the result of the person's own acts or the result of acts or conditions beyond the person's control, he or she shall, nevertheless, be personally liable to the state for the amount of the taxes. Payment of the taxes by the owner to a marine terminal operator shall relieve the owner from further liability for the taxes.

(4) Taxes collected under this chapter shall be held in trust until paid to the department. Any person collecting the taxes who appropriates or converts the taxes collected shall be guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. The taxes required by this chapter to be collected shall be stated separately from other charges made by the marine terminal operator in any invoice or other statement of account provided to the taxpayer.

(5) If a taxpayer fails to pay the taxes imposed by this chapter to the person charged with collection of the taxes and the person charged with collection fails to pay the taxes to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the taxes.

(6) The taxes shall be due from the marine terminal operator, along with reports and returns on forms prescribed by the department, within ~~((twenty))~~ twenty-five days after the end of the month in which the taxable activity occurs.

(7) The amount of taxes, until paid by the taxpayer to the marine terminal operator or to the department, shall constitute a debt from the taxpayer to the marine terminal operator. Any person required to collect the taxes under this chapter who, with intent to violate the provisions of this chapter, fails or refuses to do so as required and any taxpayer who refuses to pay any taxes due under this chapter, shall be guilty of a misdemeanor as provided in chapter 9A.20 RCW.

(8) Upon prior approval of the department, the taxpayer may pay the taxes imposed by this chapter directly to the department. The department shall give its approval for direct payment under this section whenever it appears, in the department's judgment, that direct payment will enhance the administration of the taxes imposed under this chapter. The department shall provide by rule for the issuance of a direct payment certificate to any taxpayer qualifying for direct payment of the taxes. Good faith acceptance of a direct payment certificate by a terminal operator shall relieve the marine terminal operator from any liability for the collection or payment of the taxes imposed under this chapter.

(9) All receipts from the tax imposed in subsection (1) of this section shall be deposited into the state oil spill response account. All receipts from the tax imposed in subsection (2) of this section shall be deposited into the oil spill prevention account.

(10) Within forty-five days after the end of each calendar quarter, the office of financial management shall determine the balance of the oil spill response account as of the last day of that calendar quarter. Balance determinations by the office of financial management under this section are final and shall not be used to challenge the validity of any tax imposed under this chapter. The office of financial management shall promptly notify the departments of revenue and ecology of the account balance once a determination is made. For each subsequent calendar quarter, the tax imposed by subsection (1) of this section shall be imposed during the entire calendar quarter unless:

(a) Tax was imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than nine million dollars; or

(b) Tax was not imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than eight million dollars.

Sec. 3. RCW 82.27.060 and 2003 1st sp.s. c 13 s 10 are each amended to read as follows:

The taxes levied by this chapter shall be due for payment monthly and remittance therefor shall be made within ~~((twenty))~~ twenty-five days after the end of the month in which the taxable activity occurs. The taxpayer on or before the due date shall make out a signed return, setting out such information as the department of revenue may require, including the gross measure of the tax, any deductions, credits, or exemptions claimed, and the amount of tax due for the preceding monthly period, which amount shall be transmitted to the department along with the return.

The department may relieve any taxpayer from the obligation of filing a monthly return and may require the return to cover other periods, but in no event may periodic returns be filed for a period greater than one year. In such cases tax payments are due on or before the last day of the month next succeeding the end of the period covered by the return.

Sec. 4. RCW 82.32.085 and 1990 c 69 s 3 are each amended to read as follows:

(1) "Electronic funds transfer" means any transfer of funds, other than a transaction originated by check, drafts, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account.

~~((The electronic funds transfer is to be completed so that the state receives collectible funds on or before the next banking day following the due date.))~~

(2)(a) Except as provided in (b) of this subsection, the electronic funds transfer is to be completed so that the state receives collectible funds on or before the next banking day following the due date.

(b) A remittance made using the automated clearinghouse debit method will be deemed to be received on the due date if the electronic funds transfer is initiated on or before 11:59 p.m. pacific time on the due date with an effective payment date on or before the next banking day following the due date.

~~(3)(a) The department shall adopt rules necessary to implement the provisions of RCW 82.32.080 and this section. The rules shall include but are not limited to: ~~((+))~~ (i) Coordinating the filing of tax returns with payment by electronic funds transfer; ~~((2))~~ (ii) form and content of electronic funds transfer; ~~((3))~~ (iii) voluntary use of electronic funds transfer with permission of the department; ~~((4))~~ (iv) use of commonly accepted means of electronic funds transfer; ~~((5))~~ (v) means of crediting and recording proof of payment; and ~~((6))~~ (vi) means of correcting errors in transmission.~~

(b) Any changes in the threshold of tax shall be implemented with a separate rule-making procedure.

NEW SECTION. Sec. 5. (1) The legislature recognizes the following with respect to the payment of excise taxes to the department of revenue by electronic funds transfer:

(a) Taxpayers required to pay their taxes by electronic funds transfer must do so through the use of either the automated clearinghouse debit method or automated clearinghouse credit method;

(b) For a remittance by electronic funds transfer to be considered timely, the transfer must be completed so that the state receives collectible funds on or before the next banking day following the due date;

(c) For the state to receive collectible funds on or before the next banking day following the due date, taxpayers using the automated clearinghouse debit method must initiate the transfer before 5:00 p.m. pacific time on the due date;

FIFTY-EIGHTH DAY, MARCH 7, 2006

(d) The department of revenue receives information identifying the precise date and time the electronic funds transfer is initiated when a taxpayer uses the debit method; and

(e) The department receives information identifying only the date that the state receives collectible funds when a taxpayer uses the automated clearinghouse credit method.

(2) The legislature therefore finds that a remittance made using the automated clearinghouse debit method should be deemed to be received on the due date if the transfer is initiated on or before 11:59 p.m. pacific time on the due date with an effective payment date on or before the next banking day following the due date. The legislature further finds that because the department does not receive information about when an electronic funds transfer is initiated when a taxpayer uses the automated clearinghouse credit method, such transfers must be completed so that the state receives collectible funds on or before the next banking day following the due date.

Sec. 6. RCW 82.32.105 and 1998 c 304 s 13 are each amended to read as follows:

(1) If the department of revenue finds that the payment by a taxpayer of a tax less than that properly due or the failure of a taxpayer to pay any tax by the due date was the result of circumstances beyond the control of the taxpayer, the department of revenue shall waive or cancel any penalties imposed under this chapter with respect to such tax.

(2) The department shall waive or cancel the penalty imposed under RCW 82.32.090(1) when the circumstances under which the delinquency occurred do not qualify for waiver or cancellation under subsection (1) of this section if:

(a) The taxpayer requests the waiver for a tax return required to be filed under RCW 82.32.045, 82.14B.061, 82.23B.020, 82.27.060, 82.29A.050, or 84.33.086; and

(b) The taxpayer has timely filed and remitted payment on all tax returns due for that tax program for a period of twenty-four months immediately preceding the period covered by the return for which the waiver is being requested.

(3) The department shall waive or cancel the initial five percent assessment penalty imposed under RCW 82.32.090(2) when the circumstances under which the deficiency occurred do not qualify for waiver or cancellation under subsection (1) of this section if:

(a) The taxpayer requests the waiver for a single tax return required to be filed under RCW 82.32.045, 82.14B.061, 82.23B.020, 82.27.060, 82.29A.050, or 84.33.086, whether or not the assessment covers a single tax return or multiple tax returns;

(b) The penalty is not included in an assessment involving more than a twelve-month period; and

(c) The amount of underpaid tax included in the assessment is no more than twenty percent of the total tax due for the period or periods included in the assessment.

The waiver in this subsection shall only be granted once in a twelve-month period.

(4) The department shall waive or cancel interest imposed under this chapter if:

(a) The failure to timely pay the tax was the direct result of written instructions given the taxpayer by the department; or

(b) The extension of a due date for payment of an assessment of deficiency was not at the request of the taxpayer and was for the sole convenience of the department.

~~((+))~~ (5) The department of revenue shall adopt rules for the waiver or cancellation of penalties and interest imposed by this chapter.

NEW SECTION. Sec. 7. (1) Sections 1 through 3 of this act apply to returns due after July 31, 2006.

(2) Section 4 of this act applies to payments due after July 31, 2006.

(3) Section 6 of this act only applies to assessments originally issued after June 30, 2006.

NEW SECTION. Sec. 8. This act does not affect any existing right acquired or liability or obligation incurred under the sections amended in this act or under any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

NEW SECTION. Sec. 9. (1) Sections 1 through 4 of this act take effect August 1, 2006.

(2) Sections 6 and 7 of this act take effect July 1, 2006."

On page 1, line 2 of the title, after "penalty;" strike the remainder of the title and insert "amending RCW 82.32.045, 82.23B.020, 82.27.060, 82.32.085, and 82.32.105; creating new sections; and providing effective dates."

The President declared the question before the Senate to be the motion by Senator Prentice to not adopt the committee striking amendment by the Committee on Ways & Means to House Bill No. 2671.

The motion by Senator Prentice carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Prentice moved that the following striking amendment by Senators Prentice and Doumit be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.32.045 and 2003 1st sp.s. c 13 s 8 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, payments of the taxes imposed under chapters 82.04, 82.08, 82.12, 82.14, and 82.16 RCW, along with reports and returns on forms prescribed by the department, are due monthly within ~~((twenty))~~ twenty-five days after the end of the month in which the taxable activities occur.

(2) The department of revenue may relieve any taxpayer or class of taxpayers from the obligation of remitting monthly and may require the return to cover other longer reporting periods, but in no event may returns be filed for a period greater than one year. For these taxpayers, tax payments are due on or before the last day of the month next succeeding the end of the period covered by the return.

(3) The department of revenue may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

(4) Notwithstanding subsections (1) and (2) of this section, the department may relieve any person of the requirement to file returns if the following conditions are met:

(a) The person's value of products, gross proceeds of sales, or gross income of the business, from all business activities taxable under chapter 82.04 RCW, is less than twenty-eight thousand dollars per year;

(b) The person's gross income of the business from all activities taxable under chapter 82.16 RCW is less than twenty-four thousand dollars per year; and

(c) The person is not required to collect or pay to the department of revenue any other tax or fee which the department is authorized to collect.

Sec. 2. RCW 82.23B.020 and 2003 1st sp.s. c 13 s 9 are each amended to read as follows:

(1) An oil spill response tax is imposed on the privilege of receiving crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine terminal from a waterborne vessel or barge at

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

the rate of one cent per barrel of crude oil or petroleum product received.

(2) In addition to the tax imposed in subsection (1) of this section, an oil spill administration tax is imposed on the privilege of receiving crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine terminal from a waterborne vessel or barge at the rate of four cents per barrel of crude oil or petroleum product.

(3) The taxes imposed by this chapter shall be collected by the marine terminal operator from the taxpayer. If any person charged with collecting the taxes fails to bill the taxpayer for the taxes, or in the alternative has not notified the taxpayer in writing of the imposition of the taxes, or having collected the taxes, fails to pay them to the department in the manner prescribed by this chapter, whether such failure is the result of the person's own acts or the result of acts or conditions beyond the person's control, he or she shall, nevertheless, be personally liable to the state for the amount of the taxes. Payment of the taxes by the owner to a marine terminal operator shall relieve the owner from further liability for the taxes.

(4) Taxes collected under this chapter shall be held in trust until paid to the department. Any person collecting the taxes who appropriates or converts the taxes collected shall be guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. The taxes required by this chapter to be collected shall be stated separately from other charges made by the marine terminal operator in any invoice or other statement of account provided to the taxpayer.

(5) If a taxpayer fails to pay the taxes imposed by this chapter to the person charged with collection of the taxes and the person charged with collection fails to pay the taxes to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the taxes.

(6) The taxes shall be due from the marine terminal operator, along with reports and returns on forms prescribed by the department, within ~~((twenty))~~ twenty-five days after the end of the month in which the taxable activity occurs.

(7) The amount of taxes, until paid by the taxpayer to the marine terminal operator or to the department, shall constitute a debt from the taxpayer to the marine terminal operator. Any person required to collect the taxes under this chapter who, with intent to violate the provisions of this chapter, fails or refuses to do so as required and any taxpayer who refuses to pay any taxes due under this chapter, shall be guilty of a misdemeanor as provided in chapter 9A.20 RCW.

(8) Upon prior approval of the department, the taxpayer may pay the taxes imposed by this chapter directly to the department. The department shall give its approval for direct payment under this section whenever it appears, in the department's judgment, that direct payment will enhance the administration of the taxes imposed under this chapter. The department shall provide by rule for the issuance of a direct payment certificate to any taxpayer qualifying for direct payment of the taxes. Good faith acceptance of a direct payment certificate by a terminal operator shall relieve the marine terminal operator from any liability for the collection or payment of the taxes imposed under this chapter.

(9) All receipts from the tax imposed in subsection (1) of this section shall be deposited into the state oil spill response account. All receipts from the tax imposed in subsection (2) of this section shall be deposited into the oil spill prevention account.

(10) Within forty-five days after the end of each calendar quarter, the office of financial management shall determine the balance of the oil spill response account as of the last day of that calendar quarter. Balance determinations by the office of financial management under this section are final and shall not

be used to challenge the validity of any tax imposed under this chapter. The office of financial management shall promptly notify the departments of revenue and ecology of the account balance once a determination is made. For each subsequent calendar quarter, the tax imposed by subsection (1) of this section shall be imposed during the entire calendar quarter unless:

(a) Tax was imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than nine million dollars; or

(b) Tax was not imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than eight million dollars.

Sec. 3. RCW 82.27.060 and 2003 1st sp.s. c 13 s 10 are each amended to read as follows:

The taxes levied by this chapter shall be due for payment monthly and remittance therefor shall be made within ~~((twenty))~~ twenty-five days after the end of the month in which the taxable activity occurs. The taxpayer on or before the due date shall make out a signed return, setting out such information as the department of revenue may require, including the gross measure of the tax, any deductions, credits, or exemptions claimed, and the amount of tax due for the preceding monthly period, which amount shall be transmitted to the department along with the return.

The department may relieve any taxpayer from the obligation of filing a monthly return and may require the return to cover other periods, but in no event may periodic returns be filed for a period greater than one year. In such cases tax payments are due on or before the last day of the month next succeeding the end of the period covered by the return.

Sec. 4. RCW 82.32.085 and 1990 c 69 s 3 are each amended to read as follows:

(1) "Electronic funds transfer" means any transfer of funds, other than a transaction originated by check, drafts, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account.

~~((The electronic funds transfer is to be completed so that the state receives collectible funds on or before the next banking day following the due date.))~~

(2)(a) Except as provided in (b) of this subsection, the electronic funds transfer is to be completed so that the state receives collectible funds on or before the next banking day following the due date.

(b) A remittance made using the automated clearinghouse debit method will be deemed to be received on the due date if the electronic funds transfer is initiated on or before 11:59 p.m. pacific time on the due date with an effective payment date on or before the next banking day following the due date.

(3)(a) The department shall adopt rules necessary to implement the provisions of RCW 82.32.080 and this section. The rules shall include but are not limited to: ~~((+))~~ (i) Coordinating the filing of tax returns with payment by electronic funds transfer; ~~((2))~~ (ii) form and content of electronic funds transfer; ~~((3))~~ (iii) voluntary use of electronic funds transfer with permission of the department; ~~((4))~~ (iv) use of commonly accepted means of electronic funds transfer; ~~((5))~~ (v) means of crediting and recording proof of payment; and ~~((6))~~ (vi) means of correcting errors in transmission.

(b) Any changes in the threshold of tax shall be implemented with a separate rule-making procedure.

NEW SECTION. Sec. 5. (1) The legislature recognizes the following with respect to the payment of excise taxes to the department of revenue by electronic funds transfer:

(a) Taxpayers required to pay their taxes by electronic funds transfer must do so through the use of either the automated clearinghouse debit method or automated clearinghouse credit method;

FIFTY-EIGHTH DAY, MARCH 7, 2006

(b) For a remittance by electronic funds transfer to be considered timely, the transfer must be completed so that the state receives collectible funds on or before the next banking day following the due date;

(c) For the state to receive collectible funds on or before the next banking day following the due date, taxpayers using the automated clearinghouse debit method must initiate the transfer before 5:00 p.m. pacific time on the due date;

(d) The department of revenue receives information identifying the precise date and time the electronic funds transfer is initiated when a taxpayer uses the debit method; and

(e) The department receives information identifying only the date that the state receives collectible funds when a taxpayer uses the automated clearinghouse credit method.

(2) The legislature therefore finds that a remittance made using the automated clearinghouse debit method should be deemed to be received on the due date if the transfer is initiated on or before 11:59 p.m. pacific time on the due date with an effective payment date on or before the next banking day following the due date. The legislature further finds that because the department does not receive information about when an electronic funds transfer is initiated when a taxpayer uses the automated clearinghouse credit method, such transfers must be completed so that the state receives collectible funds on or before the next banking day following the due date.

Sec. 6. RCW 82.32.090 and 2003 1st sp.s. c 13 s 13 are each amended to read as follows:

(1) If payment of any tax due on a return to be filed by a taxpayer is not received by the department of revenue by the due date, there shall be assessed a penalty of five percent of the amount of the tax; and if the tax is not received on or before the last day of the month following the due date, there shall be assessed a total penalty of fifteen percent of the amount of the tax under this subsection; and if the tax is not received on or before the last day of the second month following the due date, there shall be assessed a total penalty of twenty-five percent of the amount of the tax under this subsection. No penalty so added shall be less than five dollars.

(2) If the department of revenue determines that any tax (~~is due~~) has been substantially underpaid, there shall be assessed a penalty of five percent of the amount of the tax determined by the department to be due (~~and~~). If payment of any tax determined by the department to be due is not received by the department by the due date specified in the notice, or any extension thereof, there shall be assessed a total penalty of fifteen percent of the amount of the tax under this subsection; and if ((the)) payment of any tax determined by the department to be due is not received on or before the thirtieth day following the due date specified in the notice of tax due, or any extension thereof, there shall be assessed a total penalty of twenty-five percent of the amount of the tax under this subsection. No penalty so added shall be less than five dollars. As used in this section, "substantially underpaid" means that the taxpayer has paid less than eighty percent of the amount of tax determined by the department to be due for all of the types of taxes included in, and for the entire period of time covered by, the department's examination, and the amount of underpayment is at least one thousand dollars.

(3) If a warrant be issued by the department of revenue for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of ten percent of the amount of the tax, but not less than ten dollars.

(4) If the department finds that a person has engaged in any business or performed any act upon which a tax is imposed under this title and that person has not obtained from the department a registration certificate as required by RCW 82.32.030, the department shall impose a penalty of five percent of the amount of tax due from that person for the period that the person was not registered as required by RCW 82.32.030. The department shall not impose the penalty under this subsection (4) if a person who has engaged in business taxable under this

title without first having registered as required by RCW 82.32.030, prior to any notification by the department of the need to register, obtains a registration certificate from the department.

(5) If the department finds that all or any part of a deficiency resulted from the disregard of specific written instructions as to reporting or tax liabilities, the department shall add a penalty of ten percent of the amount of the additional tax found due because of the failure to follow the instructions. A taxpayer disregards specific written instructions when the department of revenue has informed the taxpayer in writing of the taxpayer's tax obligations and the taxpayer fails to act in accordance with those instructions unless the department has not issued final instructions because the matter is under appeal pursuant to this chapter or departmental regulations. The department shall not assess the penalty under this section upon any taxpayer who has made a good faith effort to comply with the specific written instructions provided by the department to that taxpayer. Specific written instructions may be given as a part of a tax assessment, audit, determination, or closing agreement, provided that such specific written instructions shall apply only to the taxpayer addressed or referenced on such documents. Any specific written instructions by the department of revenue shall be clearly identified as such and shall inform the taxpayer that failure to follow the instructions may subject the taxpayer to the penalties imposed by this subsection.

(6) If the department finds that all or any part of the deficiency resulted from an intent to evade the tax payable hereunder, a further penalty of fifty percent of the additional tax found to be due shall be added.

(7) The penalties imposed under subsections (1) through (4) of this section can each be imposed on the same tax found to be due. This subsection does not prohibit or restrict the application of other penalties authorized by law.

(8) The department of revenue may not impose both the evasion penalty and the penalty for disregarding specific written instructions on the same tax found to be due.

(9) For the purposes of this section, "return" means any document a person is required by the state of Washington to file to satisfy or establish a tax or fee obligation that is administered or collected by the department of revenue, and that has a statutorily defined due date.

NEW SECTION. Sec. 7. (1) Sections 1 through 3 of this act apply to returns due after July 31, 2006.

(2) Section 4 of this act applies to payments due after July 31, 2006.

(3) Section 6 of this act only applies to assessments originally issued after June 30, 2006.

NEW SECTION. Sec. 8. This act does not affect any existing right acquired or liability or obligation incurred under the sections amended in this act or under any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

NEW SECTION. Sec. 9. (1) Sections 1 through 4 of this act take effect August 1, 2006.

(2) Sections 6 and 7 of this act take effect July 1, 2006."

Senator Prentice spoke in favor of adoption of the striking amendment.

MOTION

On motion of Senator McCaslin, Senator Deccio was excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Prentice and Doumit to House Bill No. 2671.

The motion by Senator Prentice carried and the striking amendment was adopted by voice vote.

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2671 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2671 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2671 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Oke - 2

HOUSE BILL NO. 2671 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2688, by House Committee on Appropriations (originally sponsored by Representatives Fromhold, Conway, Lovick, Kenney, Quall, Simpson, Ormsby, Moeller and Ericks)

Addressing the law enforcement officers' and fire fighters' retirement system plan 1.

The measure was read the second time.

MOTION

Senator Fraser moved that the following committee amendment by the Committee on Ways & Means be adopted.

On page 2, after line 10, strike section 2.

On page 3, after line 31, insert the following:

"(5) The joint task force will evaluate the June 30, 2000 suspension of employer and member contributions in the law enforcement officers' and fire fighters' retirement system plan 1. The joint task force shall make its recommendations regarding employer and member contributions utilizing the most recent valuation study for the plan."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Fraser spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to Substitute House Bill No. 2688.

The motion by Senator Fraser carried and the committee amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, on line 2 of the title, after "41.26.100", strike " and 41.26.080".

MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 2688 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2688 as amended by the Senate.

POINT OF ORDER

Senator Honeyford: "I do not believe this bill is properly before us. According to Senate Concurrent Resolution No. 8414, Friday, March 3 was the final day consider house bills, unless the bill is necessary to implement the budget. House Bill No. 2688 did not pass the Senate by March 3 and has no budget implications. Therefore, I believe it is out of order."

MOTION

On motion of Senator Eide, further consideration of Substitute House Bill No. 2688 was deferred and the bill held its place on the third reading calendar.

MOTION

At 6:00 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 7:37 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

March 7, 2006
2SHB 2583 Prime Sponsor, Committee on Appropriations: Regarding community and technical college part-time academic employee health benefits. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala and Thibaudeau

Passed to Committee on Rules for second reading.

March 7, 2006
ESHB 2925 Prime Sponsor, Committee on Appropriations: Concerning assisted living facility Medicaid minimum occupancy of fifty percent or greater. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala and Thibaudeau

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

March 7, 2006

SGA 9409 CAROL MOSER, appointed January 9, 2006, for the term ending June 30, 2011, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Benson, Berkey, Eide, Kastama, Mulliken, Oke and Spanel

Passed to Committee on Rules for second reading.

March 7, 2006

SGA 9430 DOUG MACDONALD, appointed February 22, 2006, for the term ending at the governor's pleasure, as Secretary of the Department of Transportation. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Benson, Berkey, Eide, Kastama, Mulliken, Oke and Spanel

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, the rules were suspended and the measures and appointments listed on the Standing Committee Report and House Bill No. 3317 which has been previously held at the desk on March 6, 2006 were placed on the second reading calendar.

MOTION

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

MESSAGE FROM THE HOUSE

March 1, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6851, with the following amendments{s} 6851-S AMH HOUS DUPU 002, 6851-S AMH HOLJ DUPU 004.

On page 1, line 19, after "days" insert "of the date notice was given to all tenants as required by RCW 59.20.080"

On page 4, after line 32, insert:

"NEW SECTION. Sec. 3. The department of community, trade and economic development, working in collaboration with mobile home park associations and other interested parties, shall provide notice of this act to mobile or manufactured home landlords or park owners by mailing written notification to all

known park landlords and owners, and by other reasonable means. Notification must take place before July 1, 2006.

NEW SECTION. Sec. 4. With respect to written mobile or manufactured home space rental agreements in effect on the effective date of this act, section 2 of this act applies prospectively when the term of the tenancy under the agreement is renewed."

Correct the title. and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Fairley moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6851. Senator Fairley spoke in favor of the motion.

MOTION

On motion of Senator Schoesler, Senators Parlette, McCaslin and Stevens were excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Fairley that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6851.

The motion by Senator Fairley carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6851 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6851, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6851, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Oke - 1

SUBSTITUTE SENATE BILL NO. 6851, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6193, with the following amendments{s} 6193-S2 AMH HC H5388.1.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that people of color experience significant disparities from the general population in education, employment, healthy living conditions, access to health care, and other social determinants of health. The legislature intends to address barriers to gender-appropriate

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

and culturally and linguistically appropriate health care and health education materials, including increasing the number of female and minority health care providers, through expanded recruiting, education, and retention programs. The legislature finds that before developing a work force that is representative of the diversity of the state's population, relevant and accurate data on health care professionals, students in health care professions, and recipients of health services must first be collected.

NEW SECTION. Sec. 2. A new section is added to chapter 43.70 RCW to read as follows:

(1) The department, in collaboration with the work force training and education coordinating board, shall distribute survey questions for the purpose of gathering data related to work force supply and demographics to all health care providers who hold a license to practice a health profession. The department shall adopt a schedule for distributing surveys by profession so that each profession is surveyed every two years. In developing the survey, the department shall seek advice from researchers that are likely to use the survey data.

(2)(a) At a minimum, the survey shall include questions related to understanding the following characteristics of individuals in the health care work force:

- (i) Specialty;
- (ii) Birthdate and gender;
- (iii) Race and ethnicity;
- (iv) Hours in practice per week;
- (v) Practice statistics, including hours spent in direct patient care;
- (vi) Zip codes of the location where the provider practices;
- (vii) Years in practice, years in practice in Washington, location and years in practice in other jurisdictions;
- (viii) Education and training background, including the location and types of education and training received; and
- (ix) Type of facilities where the provider practices.

(b) The department may approve proposals for the distribution of surveys containing additional data elements to selected health care professions if it determines that there is a legitimate research interest in obtaining the information, the additional burden on members of the health care profession is not unreasonable, the effect on survey response rates is not unreasonable, and there are funds available. The department may accept funds through contracts, grants, donations, or other forms of contributions to support more detailed surveys.

(3) The department must make a public data set available that meets the confidentiality requirements of subsection (5) of this section. The department may respond to requests for data and other information from the registry for special studies and analysis pursuant to a data-sharing agreement. Any use of the data by the requestor must comply with the confidentiality requirements of subsection (5) of this section. The department may require requestors to pay any or all of the reasonable costs associated with such requests that may be approved.

(4) The failure to complete or return the survey may not be grounds to withhold, fail to renew, or revoke a license or to impose any other disciplinary sanctions against a credentialed health care provider.

(5) The department must process the surveys that it receives in such a way that the identity of individual providers remains confidential. Data elements related to the identification of individual providers are confidential and are exempt from RCW 42.56.040 through 42.56.570 and 42.17.350 through 42.17.450, except as provided in a data-sharing agreement approved by the department pursuant to subsection (3) of this section.

(6) By July 1, 2009, the department shall provide a report to the appropriate committees of the legislature on the effectiveness of using a survey to obtain information on the supply of health care professionals, the distribution and use of the information obtained by the surveys by employers and health professions education and training programs and the

extent to which the surveys have alleviated identified shortages of trained health care providers.

NEW SECTION. Sec. 3. Section 1 of this act takes effect July 1, 2006.

NEW SECTION. Sec. 4. This act expires January 1, 2012." Correct the title. and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Franklin moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6193.

Senator Franklin spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Franklin that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6193.

The motion by Senator Franklin carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6193 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6193, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6193, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senator Pflug - 1

Excused: Senator Oke - 1

SECOND SUBSTITUTE SENATE BILL NO. 6193, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Honeyford that Substitute House Bill 2688 is not properly before the body because it is beyond the cutoff dates established by Senate Concurrent Resolution 8414, the President finds and rules as follows:

The plain language of the cutoff resolution clearly exempts budget-related measures from all of the cutoff dates set forth in the resolution. To determine if the measure before us is necessary to implement the budget, the President generally looks first to determine if the mechanics of the bill relate to the budget, and second, whether any budget references the measure itself.

The measure before us relates to LEOFF benefits and contribution rates. Although an argument can be made that this bill is related to the budget, its substance is in no way crucial to raising or spending money in such a way that it can truly be considered an integral and necessary part of the budget process. And, while it is possible that funding for the bill or its programs will be provided in the budget ultimately enacted, no versions of

FIFTY-EIGHTH DAY, MARCH 7, 2006

the budget to date reference this measure specifically.

As a result, the President concludes that this measure is not presently necessary for the budget and is beyond the cutoff dates set forth in Senate Concurrent Resolution 8414. For this reason, Senator Honeyford's point is well-taken, and the measure is not properly before the body for its consideration at this time."

MOTION

On motion of Senator Eide, further consideration of Substitute House Bill No. 2688 was deferred and the bill held its place on the third reading calendar.

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 2416,

SUBSTITUTE HOUSE BILL NO. 2695,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 3, 2006

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6151, with the following amendments{s} 6151-S.E AMH LINV CALL 183.

On page 2, line 30, after "(2)" insert "(a) A water right holder choosing to not exercise a water right in accordance with the provisions of this section must provide notice to the department in writing within one hundred eighty days of such choice. The notice shall include the name of the water right holder and the number of the permit, certificate, or claim.

(b) When a water right holder chooses to discontinue nonuse under the provisions of this section, notice of such action must be provided to the department in writing. Notice is not required under this subsection (2)(b) for seasonal fluctuations in use if the right is not fully exercised as reflected in the notice provided under this subsection (2)(a) of this section.

(3) The provisions of this section relating to the nonuse of all or a portion of a water right are in addition to any other provisions relating to such nonuse under existing law.

(4)"

Renumber the remaining subsections consecutively and correct any internal references accordingly. and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Eide moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6151.

MOTION

The President declared the question before the Senate to be the motion by Senator Eide that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6151.

The motion by Senator Eide carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6151 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6151, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6151, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Oke - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6151, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6197, with the following amendments{s} 6197-S2 AMH HC H5391.1.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.20 RCW to read as follows:

The legislature finds that women and people of color experience significant disparities from men and the general population in education, employment, healthful living conditions, access to health care, and other social determinants of health. The legislature finds that these circumstances coupled with lower, slower, and less culturally appropriate and gender appropriate access to needed medical care result in higher rates of morbidity and mortality for women and persons of color than observed in the general population. Health disparities are defined by the national institute of health as the differences in incidence, prevalence, mortality, and burden of disease and other adverse health conditions that exist among specific population groups in the United States.

It is the intent of the Washington state legislature to create the healthiest state in the nation by striving to eliminate health disparities in people of color and between men and women. In meeting the intent of this act, the legislature creates the governor's interagency coordinating council on health disparities. This council shall create an action plan and statewide policy to include health impact reviews that measure and address other social determinants of health that lead to disparities as well as the contributing factors of health that can have broad impacts on improving status, health literacy, physical activity, and nutrition.

Sec. 2. RCW 43.20.025 and 1989 1st ex.s. c 9 s 208 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Commissions" means the Washington state commission on African-American affairs established in chapter 43.113 RCW, the Washington state commission on Asian Pacific American affairs established in chapter 43.117 RCW, the Washington state commission on Hispanic affairs established in chapter 43.115 RCW, and the governor's office of Indian affairs.

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

~~(2)~~ (2) "Consumer representative" means any person who is not an elected official, who has no fiduciary obligation to a health facility or other health agency, and who has no material financial interest in the rendering of health services.

~~((2))~~ (3) "Council" means the ~~(health care access and cost control)~~ governor's interagency coordinating council on health disparities, convened according to this chapter.

~~((3))~~ (4) "Department" means the department of health.

~~((4))~~ (5) "Health disparities" means the difference in incidence, prevalence, mortality, or burden of disease and other adverse health conditions, including lack of access to proven health care services that exists between specific population groups in Washington state.

(6) "Health impact review" means a review of a legislative or budgetary proposal completed according to the terms of this chapter that determines the extent to which the proposal improves or exacerbates health disparities.

(7) "Secretary" means the secretary of health, or the secretary's designee.

~~((5))~~ (8) "Local health board" means a health board created pursuant to chapter 70.05, 70.08, or 70.46 RCW.

~~((6))~~ (9) "Local health officer" means the legally qualified physician appointed as a health officer pursuant to chapter 70.05, 70.08, or 70.46 RCW.

~~((7))~~ (10) "Social determinants of health" means those elements of social structure most closely shown to affect health and illness, including at a minimum, early learning, education, socioeconomic standing, safe housing, gender, incidence of violence, convenient and affordable access to safe opportunities for physical activity, healthy diet, and appropriate health care services.

(11) "State board" means the state board of health created under chapter 43.20 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 43.20 RCW to read as follows:

(1) In collaboration with staff whom the office of financial management may assign, and within funds made expressly available to the state board for these purposes, the state board shall assist the governor by convening and providing assistance to the council. The council shall include one representative from each of the following groups: Each of the commissions, the state board, the department, the department of social and health services, the employment security department, the department of community, trade, and economic development, the department of corrections, the health care authority, the department of labor and industries, the department of agriculture, the department of ecology, the higher education coordinating board, the office of the insurance commissioner, the office of the superintendent of public instruction, the department of early learning, the department of transportation, the state board for community and technical colleges, the work force training and education coordinating board, and two members of the public who will represent the interests of health care consumers. The council is a class one group under RCW 43.03.220. The two public members shall be paid per diem and travel expenses in accordance with RCW 43.03.050 and 43.03.060. The council shall reflect diversity in race, ethnicity, and gender. The governor or the governor's designee shall chair the council.

(2) The council shall promote and facilitate communication, coordination, and collaboration among relevant state agencies and communities of color, and the private sector and public sector, to address health disparities. The council shall conduct public hearings, inquiries, studies, or other forms of information gathering to understand how the actions of state government ameliorate or contribute to health disparities. All state agencies must cooperate with the council's efforts.

(3) The council with assistance from the state board, shall assess through public hearings, review of existing data, and other means, and recommend initiatives for improving the availability of culturally appropriate health literature and

interpretive services within public and private health-related agencies.

(4) In order to assist with its work, the council shall establish advisory committees to include members from local communities.

(5) The advisory committee shall reflect diversity in race, ethnicity, and gender.

NEW SECTION. Sec. 4. A new section is added to chapter 43.20 RCW to read as follows:

The council shall consider in its deliberations and by 2012, create an action plan for eliminating health disparities. The action plan must address, but is not limited to, the following diseases, conditions, and health indicators: Diabetes, asthma, infant mortality, HIV/AIDS, heart disease, strokes, breast cancer, cervical cancer, prostate cancer, chronic kidney disease, sudden infant death syndrome (SIDS), mental health, women's health issues, smoking cessation, oral disease, and immunization rates of children and senior citizens. The action plan shall be updated biannually. The council shall meet as often as necessary but not less than six times per calendar year. The council shall report its progress with the action plan to the governor and the legislature no later than January 15, 2008. A second report shall be presented no later than January 15, 2010, and a third report from the council shall be presented to the governor and the legislature no later than January 15, 2012. Thereafter, the governor and legislature shall require progress updates from the council every four years in odd-numbered years. The action plan shall recognize the need for flexibility.

NEW SECTION. Sec. 5. A new section is added to chapter 43.20 RCW to read as follows:

The state board shall, to the extent that funds are available expressly for this purpose, complete health impact reviews, in collaboration with the council, and with assistance that shall be provided by any state agency of which the board makes a request.

(1) A health impact review may be initiated by a written request submitted according to forms and procedures proposed by the council and approved by the state board before December 1, 2006.

(2) Any state legislator or the governor may request a review of any proposal for a state legislative or budgetary change. Upon receiving a request for a health impact review from the governor or a member of the legislature during a legislative session, the state board shall deliver the health impact review to the requesting party in no more than ten days.

(3) The state board may limit the number of health impact reviews it produces to retain quality while operating within its available resources.

(4) A state agency may decline a request to provide assistance if complying with the request would not be feasible while operating within its available resources.

(5) Upon delivery of the review to the requesting party, it shall be a public document, and shall be available on the state board's web site.

(6) The review shall be based on the best available empirical information and professional assumptions available to the state board within the time required for completing the review. The review should consider direct impacts on health disparities as well as changes in the social determinants of health.

(7) The state board and the department shall collaborate to obtain any federal or private funding that may become available to implement the state board's duties under this chapter. If the department receives such funding, the department shall allocate it to the state board and affected agencies to implement its duties under this chapter, and any state general funds that may have been appropriated but are no longer needed by the state board shall lapse to the state general fund.

NEW SECTION. Sec. 6. A new section is added to chapter 43.20 RCW to read as follows:

The state board and the department shall collaborate to obtain any federal or private funding that may become available

FIFTY-EIGHTH DAY, MARCH 7, 2006

to implement the state board's duties under this chapter. If the department receives such funding, the department shall allocate it to the state board to implement its duties under this chapter, and any state general funds that may have been appropriated but are no longer needed by the state board shall lapse to the state general fund.

NEW SECTION. Sec. 7. A new section is added to chapter 44.28 RCW to read as follows:

The joint committee shall conduct a review of the governor's interagency coordinating council on health disparities and its functions. The review shall be substantially the same as a sunset review under chapter 43.131 RCW. The joint committee shall present its findings to appropriate committees of the legislature by December 1, 2016."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Franklin moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6197.

Senator Franklin spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Franklin that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6197.

The motion by Senator Franklin carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6197 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6197, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6197, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 38

Voting nay: Senators Benson, Carrell, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Pflug and Schoesler - 10
Excused: Senator Oke - 1

SECOND SUBSTITUTE SENATE BILL NO. 6197, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2006

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6326, with the following amendments{s} 6326-S2 AMH . . . ENSL 048.

On page 3, after line 21, insert the following:

"(c) Preference shall be given to employers with fewer than fifty employees."

On page 4, after line 17, insert the following:

"NEW SECTION. Sec. 6. A new section is added to chapter 82.04 RCW to read as follows:

(1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(2) Each person claiming a tax credit under section 5 of this act shall report information to the department by filing a complete annual survey. The survey is due by March 31st of the year following any calendar year in which a tax credit under section 5 of this act is taken. The department may extend the due date for timely filing of annual surveys under this section as provided in RCW 82.32.590. The survey shall include the amount of tax credit taken. The survey shall also include the following information for employment positions in Washington:

(a) The number of total employment positions;

(b) Full-time, part-time, and temporary employment positions as a percent of total employment;

(c) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and

(d) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

The first survey filed under this subsection shall also include information for the twelve-month period immediately before first use of a tax incentive.

(3) The department may request additional information necessary to measure the results of the credit program, to be submitted at the same time as the survey.

(4) All information collected under this section, except the amount of the tax credit taken, is deemed taxpayer information under RCW 82.32.330. Information on the amount of tax credit taken is not subject to the confidentiality provisions of RCW 82.32.330.

(5) If a person fails to submit an annual survey under subsection (2) of this section by the due date of the report or any extension under RCW 82.32.590, the department shall declare the amount of taxes credited for the previous calendar year to be immediately due and payable. The department shall assess interest, but not penalties, on the amounts due under this section. The interest shall be assessed at the rate provided for delinquent taxes under this chapter, retroactively to the date the credit was claimed, and shall accrue until the taxes for which the credit was claimed are repaid. This information is not subject to the confidentiality provisions of RCW 82.32.330.

(6) The department shall use the information from this section to prepare summary descriptive statistics by category. No fewer than three taxpayers shall be included in any category. The department shall report these statistics to the legislature each year by September 1st.

(7) The department shall study the tax credit authorized in section 5 of this act. The department shall submit a report to the finance committee of the house of representatives and the ways and means committee of the senate by December 1, 2011. The report shall measure the effect of the credit on job creation, job retention, company growth, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

NEW SECTION. Sec. 7. RCW 82.32.590 and 2005 c 514 s 1001 are each amended to read as follows:

(1) If the department finds that the failure of a taxpayer to file an annual survey under RCW 82.04.4452 or section 6 of this act by the due date was the result of circumstances beyond the control of the taxpayer, the department shall extend the time for filing the survey. Such extension shall be for a period of thirty days from the date the department issues its written notification

FIFTY-EIGHTH DAY, MARCH 7, 2006

to the taxpayer that it qualifies for an extension under this section. The department may grant additional extensions as it deems proper.

(2) In making a determination whether the failure of a taxpayer to file an annual survey by the due date was the result of circumstances beyond the control of the taxpayer, the department shall be guided by rules adopted by the department for the waiver or cancellation of penalties when the underpayment or untimely payment of any tax was due to circumstances beyond the control of the taxpayer."

On page 5, beginning on line 1, strike all of section 7

On page 5, line 12, after "July 1," strike "2016" and insert "2012"

Renumber the remaining sections consecutively and correct any internal references accordingly

Correct the title

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Shin moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6326.

Senator Shin spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Shin that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6326.

The motion by Senator Shin carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6326 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6326, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6326, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senator McCaslin - 1

Excused: Senator Oke - 1

SECOND SUBSTITUTE SENATE BILL NO. 6326, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6741, with the following amendments{s} 6741.E AMH CFS FORR 075.

On page 3, beginning on line 13, after "services." strike everything through "forces." on line 15. and the same are herewith transmitted.

2006 REGULAR SESSION

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Stevens moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6741.

Senator Stevens spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Stevens that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6741.

The motion by Senator Stevens carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6741 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6741, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6741, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Oke - 1

ENGROSSED SENATE BILL NO. 6741, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6540, with the following amendments{s} 6540-S AMH CL ZARO 005.

On page 5, beginning on line 17, after "of the application to" strike "churches, schools, and public institutions" and insert "~~((churches, schools, and public institutions))~~ public institutions identified by the board as appropriate to receive such notice, churches, and schools" and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6540.

Senator Kohl-Welles spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6540.

FIFTY-EIGHTH DAY, MARCH 7, 2006

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6540 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6540, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6540, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Oke - 1

SUBSTITUTE SENATE BILL NO. 6540, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2006

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6541, with the following amendments{s} 6541 AMH APP H5316.1.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The legislature finds that:

(a) Over the past five years, Washington has received more than seven hundred million dollars from the tobacco master settlement agreement;

(b) While the state has securitized a portion of the moneys it was promised under the master settlement agreement, the remainder of the master settlement agreement payments is used to fund important health programs such as the state's basic health plan, children's health insurance, childhood vaccines, and public health;

(c) Litigation now pending in the state or filed in the future could result in damage awards against master settlement agreement signatories or their successors or affiliates that are so large that the defendants could obtain a stay of the execution of the judgment while they appeal only by declaring bankruptcy, rather than posting an appeal bond under state law;

(d) Should a master settlement agreement signatory declare bankruptcy, issues might be raised about whether that disrupts or jeopardizes the payments that fund important state programs;

(e) The legislature has the substantive obligation to raise revenue and to protect the financial well-being of the state and its citizens. Pursuant to that obligation, it is the legislature's responsibility to ensure the continued receipt of master settlement agreement funds to the maximum extent possible.

(2) Therefore, the legislature intends to place a maximum limit on the appeal bond a master settlement agreement signatory or a successor or affiliate of a master settlement agreement signatory can be required to post in litigation in order to stay execution of the judgment without being forced into bankruptcy while it exercises its right to appeal an adverse judgment.

NEW SECTION. Sec. 2. A new section is added to chapter 43.340 RCW to read as follows:

2006 REGULAR SESSION

(1) Except as provided in subsection (2) of this section, in order to secure and protect the moneys to be received as a result of the master settlement agreement in civil litigation under any legal theory involving a signatory, a successor of a signatory, or any affiliate of a signatory to the master settlement agreement, the supersedeas bond to be furnished in order to stay the execution of the judgment during the entire course of appellate review shall be set in accordance with applicable laws or court rules, except that the total bond that is required of all appellants collectively shall not exceed one hundred million dollars, regardless of the value of the judgment.

(2) If an appellee proves by a preponderance of the evidence that an appellant is dissipating assets outside the ordinary course of business to avoid the payment of a judgment, a court may require the appellant to post a bond in an amount up to the amount of the judgment.

NEW SECTION. Sec. 3. This act applies to all actions pending on or filed on or after the effective date of this section."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Prentice moved that the Senate concur in the House amendment(s) to Senate Bill No. 6541.

Senator Prentice spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Prentice that the Senate concur in the House amendment(s) to Senate Bill No. 6541.

The motion by Senator Prentice carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6541 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6541, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6541, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker and Zarelli - 44

Voting nay: Senators Jacobsen, Kohl-Welles, Thibaudeau and Weinstein - 4

Excused: Senator Oke - 1

SENATE BILL NO. 6541, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO.

FIFTY-EIGHTH DAY, MARCH 7, 2006
 6806, with the following amendments{s} 6806-S AMH JJFL
 AMH5369.1.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to study the advisability of providing to all recipients of protection orders, who are victims of domestic violence, wallet-size cards that would provide to law enforcement all information necessary to enforce the protection order.

NEW SECTION. Sec. 2. (1) The domestic violence hope card study committee is established to review the advisability of providing wallet-size cards bearing information regarding protection orders to victims of domestic violence within Washington state. The committee shall collaborate with the Washington state gender and justice commission and shall be composed of:

- (a) Two senators, one from each caucus in the senate;
 - (b) Two representatives, one from each caucus in the house of representatives;
 - (c) One representative of the Washington state attorney general's office;
 - (d) One police chief appointed by the Washington association of sheriffs and police chiefs;
 - (e) One elected sheriff appointed by the Washington association of sheriffs and police chiefs;
 - (f) One representative of the Washington state patrol;
 - (g) One representative of the administrative office of the courts;
 - (h) One representative of a tribal government appointed by the governor;
 - (i) One representative of the Washington association of criminal defense lawyers;
 - (j) One representative of a statewide domestic violence advocacy group appointed by the governor;
 - (k) One representative who is an advocate for domestic violence victims on tribal lands appointed by the governor;
 - (l) One representative of the office of crime victims advocacy;
 - (m) One representative of the Washington association of prosecuting attorneys; and
 - (n) One representative of the Washington state association of county clerks.
- (2) The committee shall review and analyze hope card programs operating in Washington state and other states. Specifically, the committee shall review:
- (a) The practicality of requiring the statewide distribution of wallet-size cards to victims of domestic violence that document the existence of a protection order and provide identifying information regarding the respondent, including a photograph, and contents of a protection order in addition to contact information for the victim to utilize the court system, gain access to domestic violence services, and contact law enforcement;
 - (b) The information required to be provided to victims of domestic violence under current law;
 - (c) Whether victims of domestic violence are receiving this information;
 - (d) Whether any additional information should be included on the cards provided to domestic violence victims;
 - (e) Costs, administrative, and capital equipment issues involved with the implementation of such a program;
 - (f) How nonstate funds could be utilized to pay for the costs involved in implementation of such a program;
 - (g) How such a program could be implemented statewide;
 - (h) Confidentiality, privacy, and safety concerns that may arise in the implementation of such a program; and
 - (i) Any other issues the committee finds relevant to the distribution of hope cards to victims of domestic violence.
- (3) Staff support shall be provided by the office of crime victims advocacy.

2006 REGULAR SESSION

(4) Legislative members of the study committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) A committee report, containing findings and proposed legislation, if any, shall be delivered to the full legislature not later than December 31, 2006.

NEW SECTION. Sec. 3. This act expires June 30, 2007."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Esser moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6806.
 Senator Esser spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Esser that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6806.

The motion by Senator Esser carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6806 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6806, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6806, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Oke - 1

SUBSTITUTE SENATE BILL NO. 6806, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2006

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6731, with the following amendments{s} 6731 AMH CL FROS 007.

On page 2, line 9, after "be" insert "patronizing a prostitute or promoting"

On page 2, line 23, after "the" strike "ability" and insert "availability"

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Senate Bill No. 6731.

Senator Kohl-Welles spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Senate Bill No. 6731.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6731 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6731, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6731, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Oke - 1

SENATE BILL NO. 6731, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6775, with the following amendments{s} 6775-S AMH CJC H5379.1.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to give public and private entities that provide services to children the tools necessary to prevent convicted child sex offenders from contacting children when those children are within the legal boundaries of the covered public and private entities.

NEW SECTION. Sec. 2. A new section is added to chapter 9A.44 RCW to read as follows:

As used in this section and sections 3 and 4 of this act:

(1) "Covered entity" means any public facility or private facility whose primary purpose, at any time, is to provide for the education, care, or recreation of a child or children, including but not limited to community and recreational centers, playgrounds, schools, swimming pools, and state or municipal parks.

(2) "Child" means a person under the age of eighteen, unless the context clearly indicates that the term is otherwise defined in statute.

(3) "Public facility" means a facility operated by a unit of local or state government, or by a nonprofit organization.

(4) "Schools" means public and private schools, but does not include home-based instruction as defined in RCW 28A.225.010.

(5) "Covered offender" means a person who is eighteen years of age or older, who is not under the jurisdiction of the juvenile rehabilitation authority or currently serving a special sex offender disposition alternative, whose risk level classification has been assessed at a risk level II or a risk level III pursuant to RCW 72.09.345, and who, at any time, has been convicted of one or more of the following offenses:

(a) Rape of a child in the first, second, and third degree; child molestation in the first, second, and third degree; indecent liberties against a child under age fifteen; sexual misconduct with a minor in the first and second degree; incest in the first and second degree; luring with sexual motivation; possession of depictions of minors engaged in sexually explicit conduct; dealing in depictions of minors engaged in sexually explicit conduct; bringing into the state depictions of minors engaged in sexually explicit conduct; sexual exploitation of a minor; communicating with a minor for immoral purposes; patronizing a juvenile prostitute;

(b) Any felony in effect at any time prior to the effective date of this act that is comparable to an offense listed in (a) of this subsection, including, but not limited to, statutory rape in the first and second degrees and carnal knowledge;

(c) Any felony offense for which:

(i) There was a finding that the offense was committed with sexual motivation; and

(ii) The victim of the offense was less than sixteen years of age at the time of the offense;

(d) An attempt, conspiracy, or solicitation to commit any of the offenses listed in (a) through (c) of this subsection;

(e) Any conviction from any other jurisdiction which is comparable to any of the offenses listed in (a) through (d) of this subsection.

NEW SECTION. Sec. 3. A new section is added to chapter 9A.44 RCW to read as follows:

(1) An owner, employee, or agent of a covered entity may order a covered offender from the legal premises of a covered entity as provided under this section. To do this, the owner, employee, or agent of a covered entity must first personally serve on the covered offender a written notice that informs the covered offender that:

(a) The covered offender must leave the legal premises of the covered entity and may not return without the written permission of the covered entity; and

(b) If the covered offender refuses to leave the legal boundaries of the covered entity, or thereafter returns and enters within the legal boundaries of the covered entity, the offender may be charged and prosecuted for a felony offense as provided in section 4 of this act.

(2) An owner, employee, or agent of a covered entity shall be immune from civil liability for damages arising from ejecting a covered offender from a covered entity or from failing to eject a covered offender from a covered entity.

NEW SECTION. Sec. 4. A new section is added to chapter 9A.44 RCW to read as follows:

(1) A person is guilty of the crime of criminal trespass against children if he or she:

(a) Is a covered offender as defined in section 2 of this act;

(b) Receives written notice that complies with the requirements of section 3 of this act that he or she is not permitted to remain upon or reenter the legal boundaries of the covered entity; and

(c) Remains upon or reenters the legal boundaries of the covered entity without the written permission of the covered entity.

(2) Criminal trespass against children is a class C felony.

Sec. 5. RCW 9.94A.515 and 2005 c 458 s 2 and 2005 c 183 s 9 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL		
XVI	Aggravated Murder 1 (RCW 10.95.020)	Malicious placement of an explosive 2 (RCW 70.74.270(2))
XV	Homicide by abuse (RCW 9A.32.055)	Robbery 1 (RCW 9A.56.200)
	Malicious explosion 1 (RCW 70.74.280(1))	Sexual Exploitation (RCW 9.68A.040)
	Murder 1 (RCW 9A.32.030)	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
XIV	Murder 2 (RCW 9A.32.050)	VIII Arson 1 (RCW 9A.48.020)
	Trafficking 1 (RCW 9A.40.100(1))	Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
XIII	Malicious explosion 2 (RCW 70.74.280(2))	Manslaughter 2 (RCW 9A.32.070)
	Malicious placement of an explosive 1 (RCW 70.74.270(1))	Promoting Prostitution 1 (RCW 9A.88.070)
XII	Assault 1 (RCW 9A.36.011)	Theft of Ammonia (RCW 69.55.010)
	Assault of a Child 1 (RCW 9A.36.120)	Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))	VII Burglary 1 (RCW 9A.52.020)
	Rape 1 (RCW 9A.44.040)	Child Molestation 2 (RCW 9A.44.086)
	Rape of a Child 1 (RCW 9A.44.073)	Civil Disorder Training (RCW 9A.48.120)
	Trafficking 2 (RCW 9A.40.100(2))	Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
XI	Manslaughter 1 (RCW 9A.32.060)	Drive-by Shooting (RCW 9A.36.045)
	Rape 2 (RCW 9A.44.050)	Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
	Rape of a Child 2 (RCW 9A.44.076)	Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))
X	Child Molestation 1 (RCW 9A.44.083)	Introducing Contraband 1 (RCW 9A.76.140)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))	Malicious placement of an explosive 3 (RCW 70.74.270(3))
	Kidnapping 1 (RCW 9A.40.020)	Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
	Leading Organized Crime (RCW 9A.82.060(1)(a))	Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
	Malicious explosion 3 (RCW 70.74.280(3))	Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
	Sexually Violent Predator Escape (RCW 9A.76.115)	Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
IX	Assault of a Child 2 (RCW 9A.36.130)	Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
	Explosive devices prohibited (RCW 70.74.180)	
	Hit and Run--Death (RCW 46.52.020(4)(a))	
	Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)	
	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))	

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| <p>VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))</p> <p>Bribery (RCW 9A.68.010)</p> <p>Incest 1 (RCW 9A.64.020(1))</p> <p>Intimidating a Judge (RCW 9A.72.160)</p> <p>Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)</p> <p>Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))</p> <p>Rape of a Child 3 (RCW 9A.44.079)</p> <p>Theft of a Firearm (RCW 9A.56.300)</p> <p>Unlawful Storage of Ammonia (RCW 69.55.020)</p> <p>V Abandonment of dependent person 1 (RCW 9A.42.060)</p> <p>Advancing money or property for extortionate extension of credit (RCW 9A.82.030)</p> <p>Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))</p> <p>Child Molestation 3 (RCW 9A.44.089)</p> <p>Criminal Mistreatment 1 (RCW 9A.42.020)</p> <p>Custodial Sexual Misconduct 1 (RCW 9A.44.160)</p> <p>Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)</p> <p>Extortion 1 (RCW 9A.56.120)</p> <p>Extortionate Extension of Credit (RCW 9A.82.020)</p> <p>Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)</p> <p>Incest 2 (RCW 9A.64.020(2))</p> <p>Kidnapping 2 (RCW 9A.40.030)</p> <p>Perjury 1 (RCW 9A.72.020)</p> <p>Persistent prison misbehavior (RCW 9.94.070)</p> <p>Possession of a Stolen Firearm (RCW 9A.56.310)</p> <p>Rape 3 (RCW 9A.44.060)</p> <p>Rendering Criminal Assistance 1 (RCW 9A.76.070)</p> <p>Sexual Misconduct with a Minor 1 (RCW 9A.44.093)</p> | <p>Sexually Violating Human Remains (RCW 9A.44.105)</p> <p>Stalking (RCW 9A.46.110)</p> <p>Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)</p> <p>IV Arson 2 (RCW 9A.48.030)</p> <p>Assault 2 (RCW 9A.36.021)</p> <p>Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))</p> <p>Assault by Watercraft (RCW 79A.60.060)</p> <p>Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)</p> <p>Cheating 1 (RCW 9.46.1961)</p> <p>Commercial Bribery (RCW 9A.68.060)</p> <p>Counterfeiting (RCW 9.16.035(4))</p> <p><u>Criminal Trespass Against Children (second or subsequent offense) (section 4 of this act)</u></p> <p>Endangerment with a Controlled Substance (RCW 9A.42.100)</p> <p>Escape 1 (RCW 9A.76.110)</p> <p>Hit and Run--Injury (RCW 46.52.020(4)(b))</p> <p>Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))</p> <p>Identity Theft 1 (RCW 9.35.020(2))</p> <p>Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)</p> <p>Influencing Outcome of Sporting Event (RCW 9A.82.070)</p> <p>Malicious Harassment (RCW 9A.36.080)</p> <p>Residential Burglary (RCW 9A.52.025)</p> <p>Robbery 2 (RCW 9A.56.210)</p> <p>Theft of Livestock 1 (RCW 9A.56.080)</p> <p>Threats to Bomb (RCW 9.61.160)</p> <p>Trafficking in Stolen Property 1 (RCW 9A.82.050)</p> <p>Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))</p> |
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FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(3))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Willful Failure to Return from Furlough (RCW 72.66.060)
- III Abandonment of dependent person 2 (RCW 9A.42.070)
- Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Criminal Gang Intimidation (RCW 9A.46.120)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Assault (RCW 9A.36.100)
- Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)
- Malicious Injury to Railroad Property (RCW 81.60.070)
- Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Computer Trespass 1 (RCW 9A.52.110)
- Counterfeiting (RCW 9.16.035(3))
- Escape from Community Custody (RCW 72.09.310)
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)

Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))

Unlawful Practice of Law (RCW 2.48.180)

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

False Verification for Welfare (RCW 74.08.055)

Forgery (RCW 9A.60.020)

Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)

Malicious Mischief 2 (RCW 9A.48.080)

Mineral Trespass (RCW 78.44.330)

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))

Transaction of insurance business beyond the scope of licensure (RCW 48.17.063(4))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)

Unlawful Production of Payment Instruments (RCW 9A.56.320)

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Vehicle Prowl 1 (RCW 9A.52.095)

NEW SECTION. **Sec. 6.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6775.

Senator Hargrove spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6775.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6775 by voice vote.

MOTION

On motion of Senator Morton, Senator McCaslin was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6775, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6775, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators McCaslin and Oke - 2

SUBSTITUTE SENATE BILL NO. 6775, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2006

MR. PRESIDENT:

FIFTY-EIGHTH DAY, MARCH 7, 2006

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 2409 and asks Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate recede from its position on the Senate amendments to House Bill No. 2409.

The President declared the question before the Senate to be motion by Senator Hargrove that the Senate recede from its position on the Senate amendments to House Bill No. 2409.

The motion by Senator Hargrove carried and the Senate receded from its amendments to House Bill No. 2409.

MOTION

On motion of Senator Hargrove, the rules were suspended and House Bill No. 2406 was returned to second reading for the purposes of amendment.

SECOND READING

HOUSE BILL NO. 2409, by Representatives O'Brien, Rodne, Ericks, Lovick, Anderson, Jarrett, Nixon, McDonald, Williams, Darneille, Buck, Conway, P. Sullivan, Tom, Takko, Lantz, Kilmer, Fromhold, B. Sullivan, Morrell, Simpson, Springer, Green, Miloscia, Sells and Ormsby

Changing the provisions relating to sex and kidnapping offender registration.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 9A.44.130 and 2003 c 215 s 1 and 2003 c 53 s 68 are each reenacted and amended to read as follows:

(1) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person. In addition, any such adult or juvenile: (a) Who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution; (b) who gains employment at a public or private institution of higher education shall, within ten days of accepting employment or by the first business day after commencing work at the institution, whichever is earlier, notify the sheriff for the county of the

2006 REGULAR SESSION

person's residence of the person's employment by the institution; or (c) whose enrollment or employment at a public or private institution of higher education is terminated shall, within ten days of such termination, notify the sheriff for the county of the person's residence of the person's termination of enrollment or employment at the institution. Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, must notify the county sheriff immediately. The sheriff shall notify the institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(2) This section may not be construed to confer any powers pursuant to RCW ((4.24.500)) 4.24.550 upon the public safety department of any public or private institution of higher education.

(3)(a) The person shall provide the following information when registering: (i) Name; (ii) complete residential address; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) aliases used; (viii) social security number; (ix) photograph; and (x) fingerprints.

(b) Any person who lacks a fixed residence shall provide the following information when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x) where he or she plans to stay.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the

FIFTY-EIGHTH DAY, MARCH 7, 2006

department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS. Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within ~~(thirty)~~ three business days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after February 28, 1990, and to kidnapping offenders convicted under the laws

of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

(vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than twenty-four hours after entering the county and provide the information required in subsection (3)(b) of this section.

(viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION. Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE. Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints, and photograph with the new state within ten days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within ten days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (10) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send signed written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send signed written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send signed written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide signed written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require the person to list the locations where the person has stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

(8) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

(9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means:

(i) Any offense defined as a sex offense by RCW 9.94A.030;

(ii) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);

(iii) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

(iv) Any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a sex offense under this subsection; and

(v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection.

(b) "Kidnapping offense" means: (i) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent; (ii) any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection (9)(b); and (iii) any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a kidnapping offense under this subsection (9)(b).

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

(10)(a) A person who knowingly fails to (~~register with the county sheriff or notify the county sheriff, or who changes his or her name without notifying the county sheriff and the state patrol, as required by~~) comply with any of the requirements of this section is guilty of a class C felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (9)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (9)(a) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an

FIFTY-EIGHTH DAY, MARCH 7, 2006

offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(1)(a) A person who knowingly fails to (~~register or who moves within the state without notifying the county sheriff as required by~~) comply with any of the requirements of this section is guilty of a class C felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (9)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (9)(b) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

Sec. 2 RCW 9A.44.130 and 2005 c 380 s 1 are each amended to read as follows:

(1)(a) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person.

(b) Any adult or juvenile who is required to register under (a) of this subsection:

(i) Who is attending, or planning to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW shall, within ten days of enrolling or prior to arriving at the school to attend classes, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the school, and the sheriff shall promptly notify the principal of the school;

(ii) Who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution;

(iii) Who gains employment at a public or private institution of higher education shall, within ten days of accepting employment or by the first business day after commencing work at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's employment by the institution; or

(iv) Whose enrollment or employment at a public or private institution of higher education is terminated shall, within ten days of such termination, notify the sheriff for the county of the person's residence of the person's termination of enrollment or employment at the institution.

(c) Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, or a public or private school regulated under Title 28A RCW or chapter 72.40 RCW on September 1, 2006, must notify the county sheriff immediately.

(d) The sheriff shall notify the school's principal or institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(e)(i) A principal receiving notice under this subsection must disclose the information received from the sheriff under (b) of this subsection as follows:

(A) If the student who is required to register as a sex offender is classified as a risk level II or III, the principal shall provide the information received to every teacher of any student required to register under (a) of this subsection and to any other personnel who, in the judgment of the principal, supervises the student or for security purposes should be aware of the student's record;

(B) If the student who is required to register as a sex offender is classified as a risk level I, the principal shall provide the information received only to personnel who, in the judgment of the principal, for security purposes should be aware of the student's record.

(ii) Any information received by a principal or school personnel under this subsection is confidential and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.

(2) This section may not be construed to confer any powers pursuant to RCW (~~4.24.500~~) 4.24.550 upon the public safety department of any public or private school or institution of higher education.

(3)(a) The person shall provide the following information when registering: (i) Name; (ii) complete residential address; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) aliases used; (viii) social security number; (ix) photograph; and (x) fingerprints.

(b) Any person who lacks a fixed residence shall provide the following information when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x) where he or she plans to stay.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The

FIFTY-EIGHTH DAY, MARCH 7, 2006

agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) **OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION.** Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) **OFFENDERS UNDER FEDERAL JURISDICTION.** Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) **OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED.** Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) **OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS.** Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of

2006 REGULAR SESSION

social and health services at the time of moving to Washington, must register within ~~((thirty))~~ three business days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) **OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY.** Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

(vii) **OFFENDERS WHO LACK A FIXED RESIDENCE.** Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than twenty-four hours after entering the county and provide the information required in subsection (3)(b) of this section.

(viii) **OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION.** Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(ix) **OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE.** Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints, and photograph with the new state within ten days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within ten days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

FIFTY-EIGHTH DAY, MARCH 7, 2006

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (10) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send signed written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send signed written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send signed written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide signed written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require the person to list the locations where the person has stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

(8) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

(9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means:

(i) Any offense defined as a sex offense by RCW 9.94A.030;

(ii) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);

(iii) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

(iv) Any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a sex offense under this subsection; and

(v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection.

(b) "Kidnapping offense" means: (i) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent; (ii) any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection (9)(b); and (iii) any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a kidnapping offense under this subsection (9)(b).

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

(10)(a) A person who knowingly fails to (~~register with the county sheriff or notify the county sheriff, or who changes his or her name without notifying the county sheriff and the state~~

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

~~patrol, as required by))~~ comply with any of the requirements of this section is guilty of a class C felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (9)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (9)(a) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(11)(a) A person who knowingly fails to ~~((register or who moves within the state without notifying the county sheriff as required by))~~ comply with any of the requirements of this section is guilty of a class C felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (9)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (9)(b) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(12) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a peace officer, including a county sheriff, or law enforcement agency, for failing to release information authorized under this section.

Sec. 3 2006 c ... (SSB 6775) s 1 (uncodified) is amended to read as follows:

It is the intent of the legislature to give public and private entities that provide services to children the tools necessary to prevent convicted child sex offenders from contacting children when those children are within the legal ~~((boundaries))~~ premises of the covered public and private entities.

Sec. 4 RCW 9A.44.--- and 2006 c ... (SSB 6775) s 2 are each amended to read as follows:

As used in this section and RCW 9A.44.--- and 9A.44.--- (sections 3 and 4, chapter ... (SSB 6775), Laws of 2006):

(1) "Covered entity" means any public facility or private facility whose primary purpose, at any time, is to provide for the education, care, or recreation of a child or children, including but not limited to community and recreational centers, playgrounds, schools, swimming pools, and state or municipal parks.

(2) "Child" means a person under the age of eighteen, unless the context clearly indicates that the term is otherwise defined in statute.

(3) "Public facility" means a facility operated by a unit of local or state government, or by a nonprofit organization.

(4) "Schools" means public and private schools, but does not include home-based instruction as defined in RCW 28A.225.010.

(5) "Covered offender" means a person required to register under RCW 9A.44.130 who is eighteen years of age or older, who is not under the jurisdiction of the juvenile rehabilitation authority or currently serving a special sex offender disposition alternative, whose risk level classification has been assessed at a risk level II or a risk level III pursuant to RCW 72.09.345, and who, at any time, has been convicted of one or more of the following offenses:

(a) Rape of a child in the first, second, and third degree; child molestation in the first, second, and third degree; indecent liberties against a child under age fifteen; sexual misconduct with a minor in the first and second degree; incest in the first and second degree; luring with sexual motivation; possession of depictions of minors engaged in sexually explicit conduct; dealing in depictions of minors engaged in sexually explicit conduct; bringing into the state depictions of minors engaged in sexually explicit conduct; sexual exploitation of a minor;

communicating with a minor for immoral purposes; patronizing a juvenile prostitute;

(b) Any felony in effect at any time prior to the effective date of this act that is comparable to an offense listed in (a) of this subsection, including, but not limited to, statutory rape in the first and second degrees and carnal knowledge;

(c) Any felony offense for which:

(i) There was a finding that the offense was committed with sexual motivation; and

(ii) The victim of the offense was less than sixteen years of age at the time of the offense;

(d) An attempt, conspiracy, or solicitation to commit any of the offenses listed in (a) through (c) of this subsection;

(e) Any conviction from any other jurisdiction which is comparable to any of the offenses listed in (a) through (d) of this subsection.

Sec. 5 RCW 9A.44.--- and 2006 c ... (SSB 6775) s 3 are each amended to read as follows:

(1) An owner, ~~((employee, or agent))~~ manager, or operator of a covered entity may order a covered offender from the legal premises of a covered entity as provided under this section. To do this, the owner, ~~((employee, or agent))~~ manager, or operator of a covered entity must first ~~((personally serve on))~~ provide the covered offender, or cause the covered offender to be provided, personal service of a written notice that informs the covered offender that:

(a) The covered offender must leave the legal premises of the covered entity and may not return without the written permission of the covered entity; and

(b) If the covered offender refuses to leave the legal ~~((boundaries))~~ premises of the covered entity, or thereafter returns and enters within the legal ((boundaries)) premises of the covered entity without written permission, the offender may be charged and prosecuted for a felony offense as provided in RCW 9A.44.--- (section 4, chapter ... (SSB 6775), Laws of 2006).

(2) A covered entity may give written permission of entry and use to a covered offender to enter and remain on the legal premises of the covered entity at particular times and for lawful purposes, including, but not limited to, conducting business, voting, or participating in educational or recreational activities. Any written permission of entry and use of the legal premises of a covered entity must be clearly stated in a written document and must be personally served on the covered offender. If the covered offender violates the conditions of entry and use contained in a written document personally served on the offender by the covered entity, the covered offender may be charged and prosecuted for a felony offense as provided in RCW 9A.44.--- (section 4, chapter ... (SSB 6775), Laws of 2006).

(3) An owner, employee, or agent of a covered entity shall be immune from civil liability for damages arising from ~~((ejecting a covered offender from a covered entity or from failing to eject a covered offender from a covered entity))~~ excluding or failing to exclude a covered offender from a covered entity or from imposing or failing to impose conditions of entry and use on a covered offender.

(4) A person provided with written notice from a covered entity under this section may file a petition with the district court alleging that he or she does not meet the definition of "covered offender" in RCW 9A.44.--- (section 2, chapter ... (SSB 6775), Laws of 2006). The district court must conduct a hearing on the petition within thirty days of the petition being filed. In the hearing on the petition, the person has the burden of proving that he or she is not a covered offender. If the court finds, by a preponderance of the evidence, that the person is not a covered offender, the court shall order the covered entity to rescind the written notice and shall order the covered entity to pay the person's costs and reasonable attorneys' fees.

Sec. 6 RCW 9A.44.--- and 2006 c ... (SSB 6775) s 4 are each amended to read as follows:

FIFTY-EIGHTH DAY, MARCH 7, 2006

(1) A person is guilty of the crime of criminal trespass against children if he or she:

(a) Is a covered offender as defined in RCW 9A.44.--- (section 2, chapter ... (SSB 6775), Laws of 2006); and

(b) ~~((Receives written notice that complies with the requirements of section 3 of this act that he or she is not permitted to remain upon or reenter the legal boundaries of the covered entity; and~~

~~---(c) Remains upon or reenters the legal boundaries of the covered entity without the written permission of the covered entity)) (i) Is personally served with written notice complying with the requirements of RCW 9A.44.--- (section 3, chapter ... (SSB 6775), Laws of 2006) that excludes the covered offender from the legal premises of the covered entity and remains upon or reenters the legal premises of the covered entity; or~~

~~(ii) Is personally served with written notice complying with the requirements of RCW 9A.44.--- (section 3, chapter ... (SSB 6775), Laws of 2006) that imposes conditions of entry and use on the covered offender and violates the conditions of entry and use.~~

(2) Criminal trespass against children is a class C felony.

NEW SECTION. Sec. 7 2006 c ... (SSB 6775) s 5 is hereby repealed.

NEW SECTION. Sec. 8 Section 1 of this act expires September 1, 2006.

NEW SECTION. Sec. 9 Sections 1 and 3 through 7 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. Sec. 10 Section 2 of this act takes effect September 1, 2006.

NEW SECTION. Sec. 11 Section 3 of this act is null and void if section 1 of Substitute Senate Bill No. 6775 is not enacted into law.

Section 4 of this act is null and void if section 2 of Substitute Senate Bill No. 6775 is not enacted into law.

Section 5 of this act is null and void if section 3 of Substitute Senate Bill No. 6775 is not enacted into law.

Section 6 of this act is null and void if section 4 of Substitute Senate Bill No. 6775 is not enacted into law.

Section 7 of this act is null and void if section 5 of Substitute Senate Bill No. 6775 is not enacted into law."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to House Bill No. 2409.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "regulating the conduct of registered sex offenders and kidnapping offenders; amending RCW 9A.44.130, 9A.44.---, 9A.44.---, and 9A.44.---; amending 2006 c ... s 1 (uncodified); reenacting and amending RCW 9A.44.130; creating a new section; repealing 2006 c ... s 5; providing an effective date; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Hargrove, the rules were suspended, House Bill No. 2409 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of House Bill No. 2409 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2409 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators McCaslin and Oke - 2

HOUSE BILL NO. 2409 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2006

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5179, with the following amendments{s} 5179.E AMH APP H5402.1.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A work group is created to study opportunities to improve the forest health issues enumerated in RCW 76.06.140 that are facing forest land in Washington and to help the commissioner of public lands develop a strategic plan under section 3, chapter 218, Laws of 2004. The work group may, if deemed necessary, identify and focus on regions of the state where forest health issues enumerated in section 1 of this act are the most critical.

(2)(a) The work group is comprised of individuals selected on the basis of their knowledge of forests, forest ecology, or forest health issues and, if determined by the commissioner of public lands to be necessary, should represent a mix of individuals with knowledge regarding specific regions of the state. Members of the work group shall be appointed by the commissioner of public lands, unless otherwise specified, and shall include:

(i) The commissioner of public lands or the commissioner's designee, who shall serve as chair;

(ii) A representative of a statewide industrial timber landowner's group;

(iii) A landowner representative from the small forest landowner advisory committee established in RCW 76.13.110;

(iv) A representative of a college within a state university that specializes in forestry or natural resources science;

(v) A representative of an environmental organization;

(vi) A representative of a county that has within its borders state-owned forest lands that are known to suffer from the forest health deficiencies enumerated in RCW 76.06.140;

(vii) A representative of the Washington state department of fish and wildlife;

(viii) A forest hydrologist, an entomologist, and a fire ecologist, if available;

(ix) A representative of the governor appointed by the governor; and

(x) A representative of a professional forestry organization.

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

MOTION

(b) In addition to the membership of the work group outlined in this section, the commissioner of public lands shall also invite the full and equal participation of:

(i) A representative of a tribal government located in a region of the state where the forest health issues enumerated in RCW 76.06.140 are present; and

(ii) A representative of both the United States forest service and the United States fish and wildlife service stationed to work primarily in Washington.

(3) The work group shall:

(a) Determine whether the goals and requirements of chapter 76.06 RCW are being met with regard to the identification, designation, and reduction of significant forest insect and disease threats to public and private forest resources, and whether the provisions of chapter 76.06 RCW are the most effective and appropriate way to address forest health issues;

(b) Study what incentives could be used to assist landowners with the costs of creating and maintaining forest health;

(c) Identify opportunities and barriers for improved prevention of losses of public and private resources to forest insects, diseases, wind, and fire;

(d) Assist the commissioner in developing a strategic plan under section 3, chapter 218, Laws of 2004 for increasing forest resistance and resilience to forest insects, disease, wind, and fire in Washington;

(e) Develop funding alternatives for consideration by the legislature;

(f) Explore possible opportunities for the state to enter into cooperative agreements with the federal government, or other avenues for the state to provide input on the management of federally owned land in Washington;

(g) Develop recommendations for the proper treatment of infested and fire and wind damaged forests on public and private lands within the context of working with interdisciplinary teams under the forest practices act to ensure that forest health is achieved with the protection of fish, wildlife, and other public resources;

(h) Analyze the state noxious weed control statutes and procedures (chapter 17.10 RCW) and the extreme hazard regulations adopted under the forest protection laws, to determine if the policies and procedures of these laws are applicable, or could serve as a model to support improved forest health; and

(i) Recommend whether the work group should be extended beyond the time that the required report has been submitted.

(4) The work group shall submit to the department of natural resources and the appropriate standing committees of the legislature, no later than December 30, 2006, its findings and recommendations for legislation that is necessary to implement the findings.

(5) The department of natural resources shall provide technical and staff support from existing staff for the work group created by this section.

(6) The work group is required to hold a minimum of five meetings, at diverse locations throughout the state, to gather public input regarding the group's proposed legislation.

(7) This section expires June 30, 2007.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2006, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same re herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5179.

Senator Jacobsen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5179.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5179 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5179, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5179, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Pridemore - 1

Excused: Senators McCaslin and Oke - 2

ENGROSSED SENATE BILL NO. 5179, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2006

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6175, with the following amendments{s} 6175-S2.E AMH SULB H5489.2.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 78.44.085 and 2001 1st sp.s. c 5 s 1 are each amended to read as follows:

(1) An applicant for ((a)) an expansion of a permitted surface mine, a new reclamation permit under RCW 78.44.081, or for combining existing public or private reclamation permits, shall pay a nonrefundable application fee to the department before being granted ((a surface mining)) the requested permit or permit expansion. The amount of the application fee shall be ((one)) two thousand five hundred dollars.

(2) Permit holders submitting a revision to an application for an existing reclamation plan that is not an expansion shall pay a nonrefundable reclamation plan revision fee of one thousand dollars.

(3) After June 30, ((2001)) 2006, each public or private permit holder shall pay an annual permit fee ((of one thousand dollars)) in an amount pursuant to this section. The annual permit fee shall be payable to the department prior to the reclamation permit being issued and on the ((first)) anniversary of the permit date ((and)) each year thereafter.

(4)(a) Except as otherwise provided in this subsection, each public or private permit holder must pay an annual fee under this section based on the categories of aggregate or mineral mined or extracted during the previous twelve months, as follows:

(i) Zero to fifty thousand tons: A fee of one thousand two hundred fifty dollars;

FIFTY-EIGHTH DAY, MARCH 7, 2006

(ii) More than fifty thousand tons to three hundred fifty thousand tons: A fee of two thousand five hundred dollars;

(iii) More than three hundred fifty thousand tons: A fee of three thousand five hundred dollars.

(b) Annual fees paid by a county for mines used exclusively for public works projects and having less than seven acres of disturbed area per mine shall not exceed one thousand dollars.

(c) Annual fees are waived for all mines used primarily for public works projects if the mines are owned and primarily operated by counties with 1993 populations of less than twenty thousand persons, and if each mine has less than seven acres of disturbed area.

~~((3))~~ (5) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department are to be held as confidential and not released as part of a public records request under chapter 42.56 RCW.

(6) Appeals from any determination of the department shall not stay the requirement to pay any annual permit fee. Failure to pay the annual fees may constitute grounds for an order to suspend surface mining, pay fines, or ~~((cancellation of))~~ cancel the reclamation permit as provided in this chapter.

~~((4))~~ (7) All fees collected by the department shall be deposited into the surface mining reclamation account created in RCW 78.44.045.

~~((5))~~ (8) If the department delegates enforcement responsibilities to a county, city, or town, the department may allocate funds collected under this section to the county, city, or town.

~~((6))~~ (9) Within sixty days after receipt of ~~((a permit application))~~ an application for a new or expanded permit, the department shall advise applicants of any information necessary to successfully complete the application.

(10) In addition to other enforcement authority, the department may refer matters to a collection agency licensed under chapter 19.16 RCW when permit fees or fines are past due. The collection agency may impose its own fees for collecting delinquent permit fees or fines.

Sec. 2. RCW 78.44.045 and 1993 c 518 s 10 are each amended to read as follows:

(1) The surface mining reclamation account is created in the state treasury. Annual mining fees, funds received by the department from state, local, or federal agencies for research purposes, as well as other mine-related funds and fines received by the department shall be deposited into this account. Except as otherwise provided in this section, the surface mine reclamation account may be used by the department only to:

~~((1))~~ (a) Administer its regulatory program pursuant to this chapter;

~~((2))~~ (b) Undertake research relating to surface mine regulation, reclamation of surface mine lands, and related issues; and

~~((3))~~ (c) Cover costs arising from appeals from determinations made under this chapter.

(2) At the end of each fiscal biennium, any money collected from fees charged under RCW 78.44.085 that was not used for the administration and enforcement of surface mining regulation under this chapter must be used by the department for surveying and mapping sand and gravel sites in the state.

(3) Fines, interest, and other penalties collected by the department under the provisions of this chapter shall be used to reclaim surface mines abandoned prior to 1971.

Sec. 3. RCW 78.44.087 and 1997 c 186 s 1 are each amended to read as follows:

(1) The department should ensure that a sufficient performance security is available to reclaim each surface mine permitted under this chapter. To ensure sufficient funds are available:

(a) The department shall not issue a reclamation permit, except to public or governmental agencies, until the applicant has either deposited with the department an acceptable

performance security on forms prescribed ~~((and furnished))~~ by the department that is deemed adequate by the department to cover reclamation costs or has complied with the blanket performance security option in section 4 of this act. A public or governmental agency shall not be required to post performance security.

(b) No person may create a disturbed area that meets or exceeds the minimum threshold for a reclamation permit without first submitting an adequate and acceptable performance security to the department and complying with all requirements of this chapter.

~~((2))~~ ~~((This performance security may be))~~ The department may refuse to accept any performance security that the department, for any reason, deems to be inadequate to cover reclamation costs or is not in a form that is acceptable to the department.

(3) Acceptable forms of performance security are:

(a) Bank letters of credit acceptable to the department or irrevocable bank letters of credit from a bank or financial institution or organization authorized to transact business in the United States;

(b) A cash deposit;

(c) ~~((Negotiable))~~ Other forms of performance securities acceptable to the department as determined by rule;

(d) An assignment of a savings account;

(e) A savings certificate in a Washington bank on an assignment form prescribed by the department;

~~((Assignments of interests in real property within the state of Washington))~~ Approved participants in a state security pool if one is established; or

(g) A corporate surety bond executed in favor of the department by a corporation authorized to do business in the state of Washington under Title 48 RCW and authorized by the department.

~~((3))~~ (4) The performance security shall be conditioned upon the faithful performance of the requirements set forth in this chapter ~~((and of)),~~ the rules adopted under it, and the reclamation permit.

~~((4))~~ (5)(a) The department ~~((shall have the authority to determine the amount of the performance security using a standardized performance security formula developed by the department. The amount of the security shall be determined by the department and based on the estimated costs of completing reclamation according to the approved reclamation plan or minimum standards and related administrative overhead for the area to be surface mined during (a) the next twelve-month period, (b) the following twenty-four months, and (c) any previously disturbed areas on which the reclamation has not been satisfactorily completed and approved))~~ must determine the amount of the performance security as prescribed by this subsection.

(b) The department may determine the amount of the performance security based on the estimated cost of: (i) Completing reclamation according to the requirements of this chapter; or (ii) the reclamation permit for the area to be surface mined during the upcoming thirty-six months and any previously disturbed areas that have not been reclaimed.

(c) The department may determine the amount of the performance security based on an engineering cost estimate for reclamation that is provided by the permit holder. The engineering cost estimate must be prepared using engineering principles and methods that are acceptable to the department. If the department does not approve the engineering cost estimate, the department shall determine the amount of the performance security using a standardized performance security formula developed by the department by rule.

~~((5))~~ (6) The department may ~~((increase or decrease the amount of the performance security at any time to compensate for a change in the disturbed area, the depth of excavation, a modification of the reclamation plan, or any other alteration in the conditions of the mine that affects the cost of reclamation.~~

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

~~The department may, for any reason, refuse any performance security not deemed adequate) recalculate a surface mine's performance security based on subsection (5) of this section. When the department recalculates a performance security, the new calculation will not be prejudiced by the existence of any previous calculation. A new performance security must be submitted to the department within thirty days of the department's written request.~~

~~((6)) (7) Liability under the performance security and the permit holder's obligation to maintain the calculated performance security amount shall be maintained until (reclamation is completed according to the approved reclamation plan to the satisfaction of the department) the surface mine is reclaimed, unless released as hereinafter provided. Partial drawings will proportionately reduce the value of a performance security but will not extinguish the remaining value. Liability under the performance security may be released only (upon written notification by the department. Notification shall be given upon completion of compliance or acceptance by the department of a substitute performance security) when the surface mine is reclaimed as evidenced by the department in writing or after the department receives and approves a substitute performance security. The department will notify the permit holder, and surety if applicable, when reclamation is accepted by the department as complete or upon the department's acceptance of an alternate security. The liability of the surety shall not exceed the amount of security required by this section and the department's reasonable legal fees to recover the security.~~

~~((7)) (8) Any interest or appreciation on the performance security shall be held by the department until (reclamation is completed to its satisfaction. At such time, the interest shall be remitted to the permit holder, except that such interest or appreciation may be used by the department to effect reclamation in the event that the permit holder fails to comply with the provisions of this chapter and the costs of reclamation exceed the face value of the performance security) the surface mine is reclaimed. The department may collect and use appreciation or interest accrued on a performance security to the same extent as for the underlying performance security. If the permit holder meets its obligations under this chapter, rules adopted under this chapter, and its approved reclamation permit and plan by completing reclamation, the department will return any unused performance security and accrued interest or appreciation.~~

~~((8)) (9) No other state agency or local government other than the department shall require performance security for the purposes of surface mine reclamation. However, nothing in this section prohibits a state agency or local government from requiring a performance security when the state agency or local government is acting in its capacity as a landowner and contracting for extraction-related activities on state or local government property.~~

~~(10) The department may enter into written agreements with federal agencies in order to avoid redundant bonding of any surface (mines straddling boundaries between federally controlled and other lands within) mine that is located on both federal and nonfederal lands in Washington state.~~

~~((9) When acting in its capacity as a regulator, no other state agency or local government may require a surface mining operation regulated under this chapter to post performance security unless that state agency or local government has express statutory authority to do so. A state agency's or local government's general authority to protect the public health, safety, and welfare does not constitute express statutory authority to require a performance security. However, nothing in this section prohibits a state agency or local government from requiring a performance security when the state agency or local government is acting in its capacity as a landowner and contracting for extraction-related activities on state or local government property.)~~

NEW SECTION. Sec. 4. A new section is added to chapter 78.44 RCW to read as follows:

(1) A permit holder, in lieu of an individual performance security for each mining site, may file a blanket performance security with the department for their group of permits.

(2) The department may reduce the required performance security calculated from its standard method prescribed in RCW 78.44.087, to an amount not to exceed the sum of reclamation security calculated by the department for the two surface mines with the largest performance security obligations, for nonmetal and nonfuel surface mines that meet the following conditions:

(a) The permit holder has had a valid reclamation permit for more than ten years and can demonstrate exemplary mining and reclamation practices that have been accepted by the department;

(b) The landowner agrees to allow the permit holder to hold a blanket security. The department must include, on forms to be signed by the landowner, notice of the risk of a lien on the landowner's lands; and

(c) The permit holder can demonstrate substantial financial ability to perform the reclamation in the approved reclamation plan and permit.

(3) Permit holders are not eligible for blanket securities if they are in violation of a final order of the department.

(4) The department must consider the compliance history and the state of the existing surface mines of the permit holder before approving any blanket performance security.

(5) Lands covered by a blanket performance security are subject to a lien placed by the department in the event of abandonment.

(6) In lieu of the performance security required of the permit holder, the department may accept a similar security from the landowner, equal to the estimated cost of reclamation as determined by the department.

NEW SECTION. Sec. 5. A new section is added to chapter 78.44 RCW to read as follows:

(1) To the extent a performance security is insufficient to cover the cost of reclamation performed by the department, a lien shall be established in favor of the department upon all of the permit holder's real and personal property.

(2) The lien attaches upon the filing of a notice of claim of lien with the county clerk of the county in which the property is located. The notice of lien claim must contain a true statement of the demand, the insufficiency of the performance security to compensate the department, and the failure of the permit holder to perform the reclamation required.

(3) The lien becomes effective when filed.

(4) The lien created by this section may be foreclosed by a suit in the superior court in the manner provided by law for the foreclosure of other liens on real or personal property.

Sec. 6. RCW 42.56.270 and 2005 c 274 s 407 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160,

FIFTY-EIGHTH DAY, MARCH 7, 2006

43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011; ~~(and)~~

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter; and

(13) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085.

NEW SECTION. Sec. 7. Section 6 of this act takes effect July 1, 2006.

NEW SECTION. Sec. 8. The department of natural resources shall establish a surface mining advisory committee that will recommend effective methods of accomplishing

2006 REGULAR SESSION

reclamation and address other issues deemed appropriate by the committee for the effective administration of chapter 78.44 RCW. The committee is comprised of but not limited to representatives of mining interests, state and local government, environmental groups, and private landowners. The state geologist will select the members of the committee. The department of natural resources must submit a report to the appropriate committees of the legislature containing the committee's findings by September 1, 2006."

On page 1, line 3 of the title, after "program;" strike the remainder of the title and insert "amending RCW 78.44.085, 78.44.045, 78.44.087, and 42.56.270; adding new sections to chapter 78.44 RCW; creating a new section; and providing an effective date."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6175.

Senators Jacobsen and Morton spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6175.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6175 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6175, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6175, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators McCaslin and Oke - 2

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6175, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 28, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6528, with the following amendments{s} 6528-S AMH TR H5249.1, 6528-S AMH TR H5354.1.

On page 1, line 19, after "fee" insert "no greater than fifty dollars"

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

On page 1, line 19, after "traffic." insert "In issuing the permits, the department shall insure that the maximum practicable number of different individuals and entities receive permits, and that no one entity, to the extent practicable, is the sole permit holder for a particular location." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Mulliken moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6528. Senator Mulliken spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Mulliken that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6528.

The motion by Senator Mulliken carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6528 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6528, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6528, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Hargrove - 1

Excused: Senators McCaslin and Oke - 2

SUBSTITUTE SENATE BILL NO. 6528, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senator Doumit was excused.

MESSAGE FROM THE HOUSE

February 28, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6552, with the following amendments{s} 6552-S AMH TR H5351.1

On page 7, beginning on line 11, after "(1)" strike all material through line 14 and insert "Drivers of commercial motor vehicles shall obtain a commercial driver's license as required under this chapter ((by April 1, 1992. The director shall establish a program to convert all qualified commercial motor vehicle drivers by that date. After April 1, 1992;))."

On page 8, after line 18, insert the following:

"(3) The department shall to the extent possible enter into reciprocity agreements with adjoining states to allow the

waivers described in subsection (1) of this section to apply to drivers holding commercial driver's licenses from those adjoining states."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Benson moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6552. Senator Benson spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Benson that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6552.

The motion by Senator Benson carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6552 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6552, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6552, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senators Hargrove and Roach - 2

Excused: Senators Doumit, McCaslin and Oke - 3

SUBSTITUTE SENATE BILL NO. 6552, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6597, with the following amendments{s} 6597-S AMH JUDI PERR 095.

On page 9, line 27 strike "terminal" and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6597. Senator Kline spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6597.

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6597 by voice vote.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6597, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6597, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Doumit, Fairley, McCaslin and Oke - 4

SUBSTITUTE SENATE BILL NO. 6597, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 2006

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6630, with the following amendments{s} 6630-S2.E AMH ROBE H5491.2.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The department of social and health services is providing a structured, therapeutic environment for persons who are eligible for placement in the community protection program in order for them to live safely and successfully in the community while minimizing the risk to public safety.

The legislature approves of steps already taken by the department to create a community protection program within the division of developmental disabilities.

NEW SECTION. Sec. 2. Sections 3 through 9 of this act apply to a person:

(1)(a) Who has been charged with or convicted of a crime and meets the following criteria:

(i) Has been convicted of one of the following:

(A) A crime of sexual violence as defined in chapter 9A.44 or 71.09 RCW including, but not limited to, rape, rape of a child, and child molestation;

(B) Sexual acts directed toward strangers, individuals with whom a relationship has been established or promoted for the primary purpose of victimization, or persons of casual acquaintance with whom no substantial personal relationship exists; or

(C) One or more violent offenses, as defined by RCW 9.94A.030; and

(ii) Constitutes a current risk to others as determined by a qualified professional. Charges or crimes that resulted in acquittal must be excluded; or

(b) Who has not been charged with and/or convicted of a crime, but meets the following criteria:

(i) Has a history of stalking, violent, sexually violent, predatory, and/or opportunistic behavior which demonstrates a likelihood to commit a violent, sexually violent, and/or predatory act; and

(ii) Constitutes a current risk to others as determined by a qualified professional; and

(2) Who has been determined to have a developmental disability as defined by RCW 71A.10.020(3).

NEW SECTION. Sec. 3. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assessment" means the written opinion of a qualified professional stating, at a minimum:

(a) Whether a person meets the criteria established in section 2 of this act;

(b) What restrictions are necessary.

(2) "Certified community protection program intensive supported living services" means access to twenty-four-hour supervision, instruction, and support services as identified in the person's plan of care.

(3) "Community protection program" means services specifically designed to support persons who meet the criteria of section 2 of this act.

(4) "Constitutes a risk to others" means a determination of a person's risk and/or dangerousness based upon a thorough assessment by a qualified professional.

(5) "Department" means the department of social and health services.

(6) "Developmental disability" means that condition defined in RCW 71A.10.020(3).

(7) "Disclosure" means providing copies of professional assessments, incident reports, legal documents, and other information pertaining to community protection issues to ensure the provider has all relevant information. Polygraph and plethysmograph reports are excluded from disclosure.

(8) "Division" means the division of developmental disabilities.

(9) "Managed successfully" means that a person supported by a community protection program does not engage in the behavior identified in section 2 of this act.

(10) "Opportunistic behavior" means an act committed on impulse, which is not premeditated.

(11) "Predatory" means acts directed toward strangers, individuals with whom a relationship has been established or promoted for the primary purpose of victimization, or casual acquaintances with whom no substantial personal relationship exists. Predatory behavior may be characterized by planning and/or rehearsing the act, stalking, and/or grooming the victim.

(12) "Qualified professional" means a person with at least three years' prior experience working with individuals with developmental disabilities, and: (a) If the person being assessed has demonstrated sexually aggressive or sexually violent behavior, that person must be assessed by a qualified professional who is a certified sex offender treatment provider, or affiliate sex offender treatment provider working under the supervision of a certified sex offender treatment provider; or (b) If the person being assessed has demonstrated violent, dangerous, or aggressive behavior, that person must be assessed by a licensed psychologist or psychiatrist who has received specialized training in the treatment of or has at least three years' prior experience treating violent or aggressive behavior.

(13) "Treatment team" means the program participant and the group of people responsible for the development, implementation, and monitoring of the person's individualized supports and services. This group may include, but is not limited to, the case resource manager, therapist, residential provider, employment/day program provider, and the person's legal representative and/or family, provided the person consents to the family member's involvement.

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

(14) "Violent offense" means any felony defined as a violent offense in RCW 9.94A.030.

(15) "Waiver" means the community-based funding under section 1915 of Title XIX of the federal social security act.

NEW SECTION. Sec. 4. (1) Prior to receiving services through the community protection program, a person must first receive an assessment of risk and/or dangerousness by a qualified professional. The assessment must be consistent with the guidelines for risk assessments and psychosexual evaluations developed by the department. The person requesting services and the person's legal representative have the right to choose the qualified professional who will perform the assessment from a list of state contracted qualified professionals. The assessment must contain, at a minimum, a determination by the qualified professional whether the person can be managed successfully in the community with reasonably available safeguards and that lesser restrictive residential placement alternatives have been considered and would not be reasonable for the person seeking services. The department may request an additional evaluation by a qualified professional evaluator who is contracted with the state.

(2) Any person being considered for placement in the community protection program and his or her legal representative must be informed in writing of the following: (a) Limitations regarding the services that will be available due to the person's community protection issues; (b) disclosure requirements as a condition of receiving services other than case management; (c) the requirement to engage in therapeutic treatment may be a condition of receiving certain services; (d) anticipated restrictions that may be provided including, but not limited to intensive supervision, limited access to television viewing, reading material, videos; (e) the right to accept or decline services; (f) the anticipated consequences of declining services such as the loss of existing services and removal from waiver services; (g) the right to an administrative fair hearing in accordance with department and division policy; (h) the requirement to sign a preplacement agreement as a condition of receiving community protection intensive supported living services; (i) the right to retain current services during the pendency of any challenge to the department's decision; (j) the right to refuse to participate in the program.

(3)(a) If the department determines that a person is appropriate for placement in the community protection program, the individual and his or her legal representative shall receive in writing a determination by the department that the person meets the criteria for placement within the community protection program.

(b) If the department determines that a person cannot be managed successfully in the community protection program with reasonably available safeguards, the department must notify the person and his or her legal representative in writing.

NEW SECTION. Sec. 5. (1) Individuals receiving services through the department's community protection waiver retain all appeal rights provided for in RCW 71A.10.050. In addition, such individuals have a right to an administrative hearing pursuant to chapter 34.05 RCW to appeal the following decisions by the department:

(a) Termination of community protection waiver eligibility;

(b) Assignment of the applicant to the community protection waiver;

(c) Denial of a request for less restrictive community residential placement.

(2) Final administrative decisions may be appealed pursuant to the provisions of RCW 34.05.510.

(3) The secretary shall adopt rules concerning the procedure applicable to requests for hearings under this section and governing the conduct thereof.

(4) When the department takes any action described in subsection (1) of this section it shall give notice as provided by RCW 71A.10.060. The notice must include a statement advising the person enrolled on the community protection waiver of the

right to an adjudicative proceeding and the time limits for filing an application for an adjudicative proceeding. Notice must also include a statement advising the recipient of the right to file a petition for judicial review of a final administrative decision as provided in chapter 34.05 RCW.

(5) Nothing in this section creates an entitlement to placement on the community protection waiver nor does it create a right to an administrative hearing on department decisions denying placement on the community protection waiver.

NEW SECTION. Sec. 6. (1) Community protection program participants shall have appropriate opportunities to receive services in the least restrictive manner and in the least restrictive environments possible.

(2) There must be a review by the treatment team every ninety days to assess each participant's progress, evaluate use of less restrictive measures, and make changes in the participant's program as necessary. The team must review all restrictions and recommend reductions if appropriate. The therapist must write a report annually evaluating the participant's risk of offense and/or risk of behaviors that are dangerous to self or others. The department shall have rules in place describing this process. If a treatment team member has reason to be concerned that circumstances have changed significantly, the team member may request that a complete reassessment be conducted at any time.

NEW SECTION. Sec. 7. A participant who demonstrates success in complying with reduced restrictions and remains free of offenses that may indicate a relapse for at least twelve months, may be considered for placement in a less restrictive community residential setting.

The process to move a participant to a less restrictive residential placement shall include, at a minimum:

(1) Written verification of the person's treatment progress, compliance with reduced restrictions, an assessment of low risk of reoffense, and a recommendation as to suitable placement by the treatment team;

(2) Development of a gradual phase out plan by the treatment team, projected over a reasonable period of time and includes specific criteria for evaluating reductions in restrictions, especially supervision;

(3) The absence of any incidents that may indicate relapse for a minimum of twelve months;

(4) A written plan that details what supports and services, including the level of supervision the person will receive from the division upon exiting the community protection program;

(5) An assessment consistent with the guidelines for risk assessments and psychosexual evaluations developed by the division, conducted by a qualified professional. At a minimum, the assessment shall include:

(a) An evaluation of the participant's risk of reoffense and/or dangerousness; and

(b) An opinion as to whether or not the person can be managed successfully in a less restrictive community residential setting;

(6) Recommendation by the treatment team that the participant is ready to move to a less restrictive community residential placement.

NEW SECTION. Sec. 8. (1) The department is authorized to take one or more of the enforcement actions listed in subsection (2) of this section when the department finds that a provider of residential services and support with whom the department entered into an agreement under this chapter has:

(a) Failed or refused to comply with the requirements of this chapter or the rules adopted under it;

(b) Failed or refused to cooperate with the certification process;

(c) Prevented or interfered with a certification, inspection, or investigation by the department;

(d) Failed to comply with any applicable requirements regarding vulnerable adults under chapter 74.34 RCW; or

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

(e) Knowingly, or with reason to know, made a false statement of material fact related to certification or contracting with the department, or in any matter under investigation by the department.

(2) The department may:

(a) Decertify or refuse to renew the certification of a provider;

(b) Impose conditions on a provider's certification status;

(c) Suspend department referrals to the provider; or

(d) Require a provider to implement a plan of correction developed by the department and to cooperate with subsequent monitoring of the provider's progress. In the event a provider fails to implement the plan of correction or fails to cooperate with subsequent monitoring, the department may impose civil penalties of not more than one hundred fifty dollars per day per violation. Each day during which the same or similar action or inaction occurs constitutes a separate violation.

(3) When determining the appropriate enforcement action or actions under subsection (2) of this section, the department must select actions commensurate with the seriousness of the harm or threat of harm to the persons being served by the provider. Further, the department may take enforcement actions that are more severe for violations that are uncorrected, repeated, pervasive, or which present a serious threat of harm to the health, safety, or welfare of persons served by the provider. The department shall by rule develop criteria for the selection and implementation of enforcement actions authorized in subsection (2) of this section. Rules adopted under this section shall include a process for an informal review upon request by a provider.

(4) The provisions of chapter 34.05 RCW apply to enforcement actions under this section. Except for the imposition of civil penalties, the effective date of enforcement actions shall not be delayed or suspended pending any hearing or informal review.

(5) The enforcement actions and penalties authorized in this section are not exclusive or exhaustive and nothing in this section prohibits the department from taking any other action authorized in statute or rule or under the terms of a contract with the provider.

NEW SECTION. Sec. 9. The department shall develop and maintain rules, guidelines, or policy manuals, as appropriate, for implementing and maintaining the community protection program under this chapter.

Sec. 10. RCW 71.09.020 and 2003 c 216 s 2 and 2003 c 50 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of social and health services.

(2) "Health care facility" means any hospital, hospice care center, licensed or certified health care facility, health maintenance organization regulated under chapter 48.46 RCW, federally qualified health maintenance organization, federally approved renal dialysis center or facility, or federally approved blood bank.

(3) "Health care practitioner" means an individual or firm licensed or certified to engage actively in a regulated health profession.

(4) "Health care services" means those services provided by health professionals licensed pursuant to RCW 18.120.020(4).

(5) "Health profession" means those licensed or regulated professions set forth in RCW 18.120.020(4).

(6) "Less restrictive alternative" means court-ordered treatment in a setting less restrictive than total confinement which satisfies the conditions set forth in RCW 71.09.092. A less restrictive alternative may not include placement in the community protection program as pursuant to section 4 of this act.

(7) "Likely to engage in predatory acts of sexual violence if not confined in a secure facility" means that the person more

probably than not will engage in such acts if released unconditionally from detention on the sexually violent predator petition. Such likelihood must be evidenced by a recent overt act if the person is not totally confined at the time the petition is filed under RCW 71.09.030.

(8) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.

(9) "Predatory" means acts directed towards: (a) Strangers; (b) individuals with whom a relationship has been established or promoted for the primary purpose of victimization; or (c) persons of casual acquaintance with whom no substantial personal relationship exists.

(10) "Recent overt act" means any act or threat that has either caused harm of a sexually violent nature or creates a reasonable apprehension of such harm in the mind of an objective person who knows of the history and mental condition of the person engaging in the act.

(11) "Risk potential activity" or "risk potential facility" means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: Public and private schools, school bus stops, licensed day care and licensed preschool facilities, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, public libraries, public and private youth camps, and others identified by the department following the hearings on a potential site required in RCW 71.09.315. For purposes of this chapter, "school bus stops" does not include bus stops established primarily for public transit.

(12) "Secretary" means the secretary of social and health services or the secretary's designee.

(13) "Secure facility" means a residential facility for persons civilly confined under the provisions of this chapter that includes security measures sufficient to protect the community. Such facilities include total confinement facilities, secure community transition facilities, and any residence used as a court-ordered placement under RCW 71.09.096.

(14) "Secure community transition facility" means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under this chapter. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facility established pursuant to RCW 71.09.250(1)(a)(i) and any community-based facilities established under this chapter and operated by the secretary or under contract with the secretary.

(15) "Sexually violent offense" means an act committed on, before, or after July 1, 1990, that is: (a) An act defined in Title 9A RCW as rape in the first degree, rape in the second degree by forcible compulsion, rape of a child in the first or second degree, statutory rape in the first or second degree, indecent liberties by forcible compulsion, indecent liberties against a child under age fourteen, incest against a child under age fourteen, or child molestation in the first or second degree; (b) a felony offense in effect at any time prior to July 1, 1990, that is comparable to a sexually violent offense as defined in (a) of this subsection, or any federal or out-of-state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this subsection; (c) an act of murder in the first or second degree, assault in the first or second degree, assault of a child in the first or second degree, kidnapping in the first or second degree, burglary in the first degree, residential burglary, or unlawful imprisonment, which act, either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to this chapter, has been determined beyond a reasonable doubt to

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

have been sexually motivated, as that term is defined in RCW 9.94A.030; or (d) an act as described in chapter 9A.28 RCW, that is an attempt, criminal solicitation, or criminal conspiracy to commit one of the felonies designated in (a), (b), or (c) of this subsection.

(16) "Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.

(17) "Total confinement facility" means a secure facility that provides supervision and sex offender treatment services in a total confinement setting. Total confinement facilities include the special commitment center and any similar facility designated as a total confinement facility by the secretary.

Sec. 11. RCW 71.09.060 and 2001 c 286 s 7 are each amended to read as follows:

(1) The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. In determining whether or not the person would be likely to engage in predatory acts of sexual violence if not confined in a secure facility, the fact finder may consider only placement conditions and voluntary treatment options that would exist for the person if unconditionally released from detention on the sexually violent predator petition. The community protection program under section 4 of this act may not be considered as a placement condition or treatment option available to the person if unconditionally released from detention on a sexually violent predator petition. When the determination is made by a jury, the verdict must be unanimous.

If, on the date that the petition is filed, the person was living in the community after release from custody, the state must also prove beyond a reasonable doubt that the person had committed a recent overt act. If the state alleges that the prior sexually violent offense that forms the basis for the petition for commitment was an act that was sexually motivated as provided in RCW 71.09.020(~~((6))~~) (15)(c), the state must prove beyond a reasonable doubt that the alleged sexually violent act was sexually motivated as defined in RCW 9.94A.030.

If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the department of social and health services for placement in a secure facility operated by the department of social and health services for control, care, and treatment until such time as: (a) The person's condition has so changed that the person no longer meets the definition of a sexually violent predator; or (b) conditional release to a less restrictive alternative as set forth in RCW 71.09.092 is in the best interest of the person and conditions can be imposed that would adequately protect the community.

If the court or unanimous jury decides that the state has not met its burden of proving that the person is a sexually violent predator, the court shall direct the person's release.

If the jury is unable to reach a unanimous verdict, the court shall declare a mistrial and set a retrial within forty-five days of the date of the mistrial unless the prosecuting agency earlier moves to dismiss the petition. The retrial may be continued upon the request of either party accompanied by a showing of good cause, or by the court on its own motion in the due administration of justice provided that the respondent will not be substantially prejudiced. In no event may the person be released from confinement prior to retrial or dismissal of the case.

(2) If the person charged with a sexually violent offense has been found incompetent to stand trial, and is about to or has been released pursuant to RCW 10.77.090(4), and his or her commitment is sought pursuant to subsection (1) of this section, the court shall first hear evidence and determine whether the person did commit the act or acts charged if the court did not enter a finding prior to dismissal under RCW 10.77.090(4) that the person committed the act or acts charged. The hearing on this issue must comply with all the procedures specified in this

section. In addition, the rules of evidence applicable in criminal cases shall apply, and all constitutional rights available to defendants at criminal trials, other than the right not to be tried while incompetent, shall apply. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act or acts charged, the extent to which the person's incompetence or developmental disability affected the outcome of the hearing, including its effect on the person's ability to consult with and assist counsel and to testify on his or her own behalf, the extent to which the evidence could be reconstructed without the assistance of the person, and the strength of the prosecution's case. If, after the conclusion of the hearing on this issue, the court finds, beyond a reasonable doubt, that the person did commit the act or acts charged, it shall enter a final order, appealable by the person, on that issue, and may proceed to consider whether the person should be committed pursuant to this section.

(3) The state shall comply with RCW 10.77.220 while confining the person pursuant to this chapter, except that during all court proceedings the person shall be detained in a secure facility. The department shall not place the person, even temporarily, in a facility on the grounds of any state mental facility or regional habilitation center because these institutions are insufficiently secure for this population.

(4) A court has jurisdiction to order a less restrictive alternative placement only after a hearing ordered pursuant to RCW 71.09.090 following initial commitment under this section and in accord with the provisions of this chapter.

NEW SECTION. Sec. 12. Sections 2 through 9 of this act are each added to chapter 71A.12 RCW."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6630.

Senator Kline spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6630.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6630 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6630, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6630, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Doumit, McCaslin and Oke - 3

FIFTY-EIGHTH DAY, MARCH 7, 2006

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6630, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2006

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6800, with the following amendments{s} 6800-S.E AMH TR H5409.1.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.01.031 and 1988 c 167 s 11 are each amended to read as follows:

(1) There is created a department of state government to be known as the department of transportation.

(2) All powers, duties, and functions vested by law in the department of highways, the state highway commission, the transportation commission, the director of highways, the Washington toll bridge authority, the aeronautics commission, the director of aeronautics, and the canal commission, and the transportation related powers, duties, and functions of the ~~((planning and community affairs agency))~~ department of community, trade, and economic development, are transferred to the jurisdiction of the department, except those powers, duties, and functions which are expressly retained or directed elsewhere ~~((in this or in any other act of the 1977 legislature))~~.

(3) The board of pilotage commissioners is transferred to the jurisdiction of the department for its staff support and administration ~~((PROVIDED, That))~~. Nothing in this section shall be construed as transferring any policy making powers of the board of pilotage commissioners to the transportation commission or the department of transportation.

Sec. 2. RCW 47.01.051 and 1977 ex.s. c 151 s 5 are each amended to read as follows:

There is hereby created a transportation commission, which shall consist of seven members appointed by the governor, with the consent of the senate. ~~((The present five members of the highway commission shall serve as five initial members of the transportation commission until their terms of office as highway commission members would have expired. The additional two members provided herein for the transportation commission shall be appointed for initial terms to expire on June 30, 1982, and June 30, 1983. Thereafter))~~ All terms for commission members appointed after the effective date of this act shall be for ~~((six))~~ four years. No elective state official or state officer ~~((or state employee))~~ shall be a member of the commission, and not more than four members of the commission shall at the time of appointment or thereafter during their respective terms of office be members of the same major political party. At the time of appointment or thereafter during their respective terms of office, four members of the commission shall reside in the western part of the state and three members shall reside in the eastern part of the state as divided north and south by the summit of the Cascade mountains. No more than two members of the commission shall reside in the same county. Commissioners ~~((shall not))~~ may be removed from office by the governor before the expiration of their terms ~~((unless for a disqualifying change of residence or for cause based upon a determination of incapacity, incompetence, neglect of duty, or malfeasance in office by the superior court of the state of Washington in and for Thurston county upon petition and show cause proceedings duly brought therefor in said court and directed to the commissioner in question. No member shall be appointed for more than two consecutive terms))~~ for cause.

Sec. 3. RCW 47.01.061 and 2005 c 319 s 4 are each amended to read as follows:

(1) The commission shall meet at such times as it deems advisable ~~((but at least once every month. It may adopt its own rules and regulations and may establish its own procedure))~~. It shall act collectively in harmony with recorded resolutions or motions adopted by majority vote of at least four members. The commission may appoint an administrative secretary ~~((and shall elect one of its members chairman for a term of one year))~~. The governor shall appoint the chair of the commission. ~~The~~ ~~((chairman shall be able to))~~ chair may vote on all matters before the commission. The commission may ~~((from time to time))~~ retain planners, consultants, and other technical personnel to advise it in the performance of its duties.

(2) The commission shall submit to each regular session of the legislature held in an odd-numbered year and to the office of financial management its own budget proposal necessary for the commission's operations ~~((separate from that proposed for the department))~~.

(3) Each member of the commission shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the commission, and actual and necessary traveling and other expenses incurred in the discharge of such duties as may be requested by a majority vote of the commission or by the ~~((secretary of transportation))~~ chair, but in no event shall a commissioner be compensated in any year for more than one hundred twenty days, except the ~~((chairman of the commission))~~ chair who may be paid compensation for not more than one hundred fifty days. Service on the commission shall not be considered as service credit for the purposes of any public retirement system.

(4) Each member of the commission shall disclose any actual or potential conflict of interest, if applicable under the circumstance, regarding any commission business.

Sec. 4. RCW 47.01.071 and 2005 c 319 s 5 are each amended to read as follows:

The transportation commission shall have the following functions, powers, and duties:

(1) ~~((To propose policies to be adopted by the governor and the legislature designed to assure the development and maintenance of a comprehensive and balanced statewide transportation system which will meet the needs of the people of this state for safe and efficient transportation services. Wherever appropriate the policies shall provide for the use of integrated, intermodal transportation systems to implement the social, economic, and environmental policies, goals, and objectives of the people of the state, and especially to conserve nonrenewable natural resources including land and energy. To this end the commission shall:~~

~~—(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws;~~

~~—(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in transportation planning, and in implementing the state transportation plan;~~

~~—(c) Propose a transportation policy for the state;~~

~~—(d) Establish a procedure for review and revision of the state transportation policy and for submission of proposed changes to the governor and the legislature;~~

~~—(e) To integrate the statewide transportation plan with the needs of the elderly and handicapped, and to coordinate federal and state programs directed at assisting local governments to answer such needs;~~

~~—(2) To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;~~

~~—(3))~~ In conjunction with the provisions under RCW 47.01.075, to provide for public involvement in transportation designed to elicit the public's views both with respect to

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;

~~((4)) (2) To ((prepare a)) review, consider, and gather public input on the statewide comprehensive and balanced transportation plan ((which shall be based on the transportation policy adopted by the governor and the legislature and applicable state and federal laws. The plan shall be reviewed and revised, and submitted to the governor and the house of representatives and senate standing committees on transportation, prior to each regular session of the legislature during an even-numbered year thereafter.~~

~~The plan shall take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities)) prepared by the department as provided in RCW 47.01.101(12);~~

~~((5)) (3) To propose to the governor and the legislature prior to the convening of each regular session held in an odd-numbered year a recommended budget for the operations of the commission as required by RCW 47.01.061;~~

~~((6) To approve the issuance and sale of all bonds authorized by the legislature for capital construction of state highways, toll facilities, Columbia Basin county roads (for which reimbursement to the motor vehicle fund has been provided), urban arterial projects, and aviation facilities;~~

~~((7)) (4) To adopt such rules((, regulations, and policy directives)) as may be necessary to carry out reasonably and properly those functions expressly vested in the commission by statute;~~

~~((8)) (5) To contract with the office of financial management or other appropriate state agencies for administrative support, accounting services, computer services, and other support services necessary to carry out its other statutory duties;~~

~~((9)) (6) To exercise such other specific powers and duties as may be vested in the transportation commission by this or any other provision of law.~~

Sec. 5. RCW 47.01.075 and 2005 c 319 s 6 are each amended to read as follows:

(1) The transportation commission shall provide a forum ~~((for the development of))~~ to gather public input regarding transportation policy in Washington state, including input on the statewide comprehensive transportation plan. It may recommend to the secretary of transportation, the governor, and the legislature means for obtaining appropriate citizen ~~((and professional))~~ involvement in ~~((the))~~ transportation policy formulation ~~((and other matters related to the powers and duties of the department))~~. It may ~~((further))~~ hold hearings and explore ways to improve the mobility of the citizenry. ~~((At least every five years, the commission shall convene regional forums to gather citizen input on transportation issues.~~

~~(2) Every two years, in coordination with the development of the state biennial budget, the commission shall prepare the statewide multimodal transportation progress report that outlines the transportation priorities of the ensuing biennium. The report must:~~

- ~~(a) Consider the citizen input gathered at the forums;~~
- ~~(b) Be developed with the assistance of state transportation-related agencies and organizations;~~
- ~~(c) Be developed with the input from state, local, and regional jurisdictions, transportation service providers, and key transportation stakeholders;~~
- ~~(d) Be considered by the secretary of transportation and other state transportation-related agencies in preparing proposed agency budgets and executive request legislation;~~
- ~~(e) Be submitted by the commission to the governor by October 1st of each even-numbered year for consideration by the governor.~~

~~(3) In fulfilling its responsibilities under this section, the commission may create ad hoc committees or other such committees of limited duration as necessary.~~

~~((4)) (2) In order to promote a better transportation system, the commission ((shall offer policy guidance and)) may make recommendations to the governor and the legislature in key issue areas, including but not limited to:~~

- ~~(a) Transportation finance;~~
- ~~(b) Preserving, maintaining, and operating the statewide transportation system;~~
- ~~(c) Transportation infrastructure needs;~~
- ~~(d) Promoting best practices for adoption and use by transportation-related agencies and programs;~~
- ~~(e) Transportation efficiencies that will improve service delivery and/or coordination;~~
- ~~(f) Improved planning and coordination among transportation agencies and providers; and~~
- ~~(g) Use of intelligent transportation systems and other technology-based solutions.~~

Sec. 6. RCW 47.01.091 and 1977 ex.s. c 151 s 9 are each amended to read as follows:

The secretary shall establish such advisory councils as are necessary to carry out the purposes of this ~~((1977 amendatory act))~~ title, and to insure adequate public participation in the planning and development of transportation facilities. Members of such councils shall serve at the pleasure of the secretary and may receive per diem and necessary expenses, in accordance with RCW 43.03.050 and 43.03.060, as now or hereafter amended.

Sec. 7. RCW 47.01.101 and 2005 c 319 s 7 are each amended to read as follows:

The secretary shall have the authority and it shall be his or her duty:

- (1) To serve as chief executive officer of the department with full administrative authority to direct all its activities;
- (2) To organize the department as he or she may deem necessary to carry out the work and responsibilities of the department effectively;
- (3) To designate and establish such transportation district, region, or branch offices as may be necessary or convenient, and to appoint assistants and delegate any powers, duties, and functions to them or any officer or employee of the department as deemed necessary to administer the department efficiently;
- (4) To direct and coordinate the programs of the various divisions of the department to assure that they achieve the greatest possible mutual benefit, produce a balanced overall effort, and eliminate unnecessary duplication of activity;
- (5) To adopt all department rules that are subject to the adoption procedures contained in the state administrative procedure act ~~((, except rules subject to adoption by the commission pursuant to statute))~~;
- (6) To maintain and safeguard the official records of the department, including the commission's recorded resolutions and orders;
- (7) To provide, under contract or interagency agreement, ~~((full))~~ staff support on a reimbursable basis to the commission to assist it in carrying out its functions, powers, and duties;
- (8) To execute and implement the biennial operating budget for the operation of the department in accordance with chapter 43.88 RCW and with legislative appropriation;
- (9) To advise the governor, the office of financial management, and the legislature with respect to matters under the jurisdiction of the department; ~~((and))~~
- (10) To exercise all other powers and perform all other duties as are now or hereafter provided by law;
- (11) To integrate government performance and accountability tools in the planning, coordination, and performance of its duties, including, but not limited to, performance reviews, performance-based budgeting, and quality assessments; and
- (12) To prepare a comprehensive and balanced statewide transportation plan which shall be based on the transportation policy adopted by the legislature, applicable state and federal laws, and the biennial priorities of government as adopted by the

FIFTY-EIGHTH DAY, MARCH 7, 2006

governor. The plan shall take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities. The secretary shall ensure that local and regional transportation issues are integrated and considered in the plan. The plan shall be submitted to the commission for its review and for it to gather public input.

Sec. 8. RCW 47.01.250 and 1998 c 245 s 92 are each amended to read as follows:

~~((The chief of the Washington state patrol, the director of the traffic safety commission, the executive director of the county road administration board, and the director of licensing are designated as official consultants to the transportation commission so that the goals and activities of their respective agencies which relate to transportation are fully coordinated with other related responsibilities of the department of transportation. In this capacity, the chief of the Washington state patrol, the director of the traffic safety commission, the executive director of the county road administration board, and the director of licensing shall consult with the transportation commission and the secretary of transportation on the implications and impacts on the transportation related functions and duties of their respective agencies of any proposed comprehensive transportation plan, program, or policy.))~~

In order to develop fully integrated, balanced, and coordinated transportation plans, programs, and budgets the chief of the Washington state patrol, the director of the traffic safety commission, the executive director of the county road administration board, and the director of licensing shall consult with the secretary of transportation on the matter of relative priorities during the development of their respective agencies' plans, programs, and budgets as they pertain to transportation activities.

Sec. 9. RCW 47.01.280 and 2005 c 319 s 121 are each amended to read as follows:

(1) Upon receiving an application for improvements to an existing state highway or highways pursuant to RCW 43.160.074 from the community economic revitalization board, the ~~((transportation commission))~~ department shall, in a timely manner, determine whether or not the proposed state highway improvements:

(a) Meet the safety and design criteria of the department of transportation;

(b) Will impair the operational integrity of the existing highway system; and

(c) Will affect any other improvements planned by the department ~~(; and~~

~~(d) Will be consistent with its policies developed pursuant to RCW 47.01.071).~~

(2) Upon completion of its determination of the factors contained in subsection (1) of this section and any other factors it deems pertinent, the ~~((transportation commission))~~ department shall forward its approval, as submitted or amended or disapproval of the proposed improvements to the board, along with any recommendation it may wish to make concerning the desirability and feasibility of the proposed development. If the ~~((transportation commission))~~ department disapproves any proposed improvements, it shall specify its reasons for disapproval.

(3) Upon notification from the board of an application's approval pursuant to RCW 43.160.074, the ~~((transportation commission))~~ department shall ~~((direct the department of transportation to))~~ carry out the improvements in coordination with the applicant.

Sec. 10. RCW 47.05.021 and 2005 c 319 s 8 are each amended to read as follows:

(1) The department shall conduct periodic analyses of the entire state highway system ~~(;) and~~ report to the ~~((commission))~~ office of financial management and the chairs of the transportation committees of the senate and house of representatives, any subsequent recommendations to subdivide,

classify, and subclassify all designated state highways into the following three functional classes:

(a) The "principal arterial system" shall consist of a connected network of rural arterial routes with appropriate extensions into and through urban areas, including all routes designated as part of the interstate system, which serve corridor movements having travel characteristics indicative of substantial statewide and interstate travel;

(b) The "minor arterial system" shall, in conjunction with the principal arterial system, form a rural network of arterial routes linking cities and other activity centers which generate long distance travel, and, with appropriate extensions into and through urban areas, form an integrated network providing interstate and interregional service; and

(c) The "collector system" shall consist of routes which primarily serve the more important intercounty, intracounty, and intraurban travel corridors, collect traffic from the system of local access roads and convey it to the arterial system, and on which, regardless of traffic volume, the predominant travel distances are shorter than on arterial routes.

(2) The ~~((transportation commission))~~ department shall adopt a functional classification of highways. The ~~((commission))~~ department shall consider ~~((the recommendations of the department and testimony))~~ comments from the public and local municipalities. The ~~((commission))~~ department shall give consideration to criteria consistent with this section and federal regulations relating to the functional classification of highways, including but not limited to the following:

(a) Urban population centers within and without the state stratified and ranked according to size;

(b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business, and industry;

(c) Feasibility of the route, including availability of alternate routes within and without the state;

(d) Directness of travel and distance between points of economic importance;

(e) Length of trips;

(f) Character and volume of traffic;

(g) Preferential consideration for multiple service which shall include public transportation;

(h) Reasonable spacing depending upon population density; and

(i) System continuity.

(3) The ~~((transportation commission))~~ department or the legislature shall designate state highways of statewide significance under RCW 47.06.140. If the ~~((commission))~~ department designates a state highway of statewide significance, it shall submit a list of such facilities for adoption by the legislature. This statewide system shall include at a minimum interstate highways and other statewide principal arterials that are needed to connect major communities across the state and support the state's economy.

(4) The ~~((transportation commission))~~ department shall designate a freight and goods transportation system. This statewide system shall include state highways, county roads, and city streets. The ~~((commission))~~ department, in cooperation with cities and counties, shall review and make recommendations to the legislature regarding policies governing weight restrictions and road closures which affect the transportation of freight and goods.

Sec. 11. RCW 47.05.030 and 2005 c 319 s 9 are each amended to read as follows:

The ~~((transportation commission))~~ department, in consultation with the office of financial management, shall ~~((adopt))~~ develop a comprehensive ~~((ten-year))~~ sixteen-year investment program specifying program objectives and performance measures for the preservation and improvement programs defined in this section. The ~~((adopted ten-year))~~ sixteen-year investment program must be forwarded as a

FIFTY-EIGHTH DAY, MARCH 7, 2006

recommendation to the governor and the legislature. In the specification of investment program objectives and performance measures, the ~~((transportation commission, in consultation with the Washington state))~~ department ~~((of transportation;))~~ shall define and adopt standards for effective programming and prioritization practices including a needs analysis process. The analysis process must ensure the identification of problems and deficiencies, the evaluation of alternative solutions and trade-offs, and estimations of the costs and benefits of prospective projects. ~~((The investment program must be revised based on directions by the office of financial management.))~~ The investment program must be based upon the needs identified in the state-owned highway component of the statewide comprehensive transportation plan ~~((as defined in RCW 47.01.071(3))).~~

(1) The preservation program consists of those investments necessary to preserve the existing state highway system and to restore existing safety features, giving consideration to lowest life-cycle costing. The preservation program must require use of the most cost-effective pavement surfaces, considering:

- (a) Life-cycle cost analysis;
- (b) Traffic volume;
- (c) Subgrade soil conditions;
- (d) Environmental and weather conditions;
- (e) Materials available; and
- (f) Construction factors.

The comprehensive ~~((ten-year))~~ sixteen-year investment program for preservation must identify projects for two years and an investment plan for the remaining eight years.

(2) The improvement program consists of investments needed to address identified deficiencies on the state highway system to increase mobility, address congestion, and improve safety, support for the economy, and protection of the environment. The ~~((ten-year))~~ sixteen-year investment program for improvements must identify projects for two years and major deficiencies proposed to be addressed in the ~~((ten-year))~~ sixteen-year period giving consideration to relative benefits and life-cycle costing. The ~~((transportation commission))~~ program shall give higher priority for correcting identified deficiencies on those facilities classified as facilities of statewide significance as defined in RCW 47.06.140. Project prioritization must be based primarily upon cost-benefit analysis, where appropriate.

The ~~((transportation commission))~~ department shall ~~((approve and present))~~ submit the comprehensive ~~((ten-year))~~ sixteen-year investment program to the governor and the legislature as directed by the office of financial management.

Sec. 12. RCW 47.05.035 and 2005 c 319 s 10 are each amended to read as follows:

(1) The department shall use the transportation demand modeling tools developed under subsection (2) of this section to evaluate investments based on the best mode or improvement, or mix of modes and improvements, to meet current and future long-term demand within a corridor or system for the lowest cost. The end result of these demand modeling tools is to provide a cost-benefit analysis by which the department can determine the relative mobility improvement and congestion relief each mode or improvement under consideration will provide and the relative investment each mode or improvement under consideration will need to achieve that relief.

(2) The department will participate in the refinement, enhancement, and application of existing transportation demand modeling tools to be used to evaluate investments. This participation and use of transportation demand modeling tools will be phased in.

(3) In developing program objectives and performance measures, the department shall evaluate investment trade-offs between the preservation and improvement programs. In making these investment trade-offs, the department shall evaluate, using cost-benefit techniques, roadway and bridge maintenance activities as compared to roadway and bridge

2006 REGULAR SESSION

preservation program activities and adjust those programs accordingly.

(4) The department shall allocate the estimated revenue between preservation and improvement programs giving primary consideration to the following factors:

(a) The relative needs in each of the programs and the system performance levels that can be achieved by meeting these needs;

(b) The need to provide adequate funding for preservation to protect the state's investment in its existing highway system;

(c) The continuity of future transportation development with those improvements previously programmed; and

(d) The availability of dedicated funds for a specific type of work.

(5) The ~~((commission))~~ office of financial management shall review the results of the department's findings and shall consider those findings in the development of the ~~((ten-year))~~ sixteen-year program.

Sec. 13. RCW 47.05.051 and 2005 c 319 s 11 are each amended to read as follows:

~~((+))~~ (1) The comprehensive ~~((ten-year))~~ sixteen-year investment program shall be based upon the needs identified in the state-owned highway component of the statewide ~~((multimodal))~~ comprehensive transportation plan ~~((as defined in RCW 47.01.071(4)))~~ and priority selection systems that incorporate the following criteria:

~~((+))~~ (1) Priority programming for the preservation program shall take into account the following, not necessarily in order of importance:

~~((+))~~ (a) Extending the service life of the existing highway system, including using the most cost-effective pavement surfaces, considering:

- ~~((A))~~ (i) Life-cycle cost analysis;
- ~~((B))~~ (ii) Traffic volume;
- ~~((C))~~ (iii) Subgrade soil conditions;
- ~~((D))~~ (iv) Environmental and weather conditions;
- ~~((E))~~ (v) Materials available; and
- ~~((F))~~ (vi) Construction factors;

~~((+))~~ (b) Ensuring the structural ability to carry loads imposed upon highways and bridges; and

~~((+))~~ (c) Minimizing life-cycle costs. ~~((The transportation commission in carrying out the provisions of this section may delegate to the department of transportation the authority to select preservation projects to be included in the ten-year program.~~

~~((+))~~ (2) Priority programming for the improvement program must be based primarily upon the following, not necessarily in order of importance:

~~((+))~~ (a) Traffic congestion, delay, and accidents;

~~((+))~~ (b) Location within a heavily traveled transportation corridor;

~~((+))~~ (c) Except for projects in cities having a population of less than five thousand persons, synchronization with other potential transportation projects, including transit and multimodal projects, within the heavily traveled corridor; and

~~((+))~~ (d) Use of benefit/cost analysis wherever feasible to determine the value of the proposed project.

~~((+))~~ (3) Priority programming for the improvement program may also take into account:

~~((+))~~ (a) Support for the state's economy, including job creation and job preservation;

~~((+))~~ (b) The cost-effective movement of people and goods;

~~((+))~~ (c) Accident and accident risk reduction;

~~((+))~~ (d) Protection of the state's natural environment;

~~((+))~~ (e) Continuity and systematic development of the highway transportation network;

~~((+))~~ (f) Consistency with local comprehensive plans developed under chapter 36.70A RCW including the following if they have been included in the comprehensive plan:

FIFTY-EIGHTH DAY, MARCH 7, 2006

~~((A))~~ (i) Support for development in and revitalization of existing downtowns;

~~((B))~~ (ii) Extent that development implements local comprehensive plans for rural and urban residential and nonresidential densities;

~~((C))~~ (iii) Extent of compact, transit-oriented development for rural and urban residential and nonresidential densities;

~~((D))~~ (iv) Opportunities for multimodal transportation; and

~~((E))~~ (v) Extent to which the project accommodates planned growth and economic development;

~~((vi))~~ (g) Consistency with regional transportation plans developed under chapter 47.80 RCW;

~~((viii))~~ (h) Public views concerning proposed improvements;

~~((ix))~~ (i) The conservation of energy resources;

~~((x))~~ (j) Feasibility of financing the full proposed improvement;

~~((xi))~~ (k) Commitments established in previous legislative sessions;

~~((xii))~~ (l) Relative costs and benefits of candidate programs.

~~((d)) Major projects addressing capacity deficiencies which prioritize allowing for preliminary engineering shall be reprioritized during the succeeding biennium, based upon updated project data. Reprioritized projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding.~~

~~(c) Major project approvals which significantly increase a project's scope or cost from original prioritization estimates shall include a review of the project's estimated revised priority rank and the level of funding provided. Projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding.~~

~~(2) The commission may depart from the priority programming established under subsection (1) of this section: (a) To the extent that otherwise funds cannot be utilized feasibly within the program; (b) as may be required by a court judgment, legally binding agreement, or state and federal laws and regulations; (c) as may be required to coordinate with federal, local, or other state agency construction projects; (d) to take advantage of some substantial financial benefit that may be available; (e) for continuity of route development; or (f) because of changed financial or physical conditions of an unforeseen or emergent nature. The commission or secretary of transportation shall maintain in its files information sufficient to show the extent to which the commission has departed from the established priority.~~

~~(3) The commission shall identify those projects that yield freight mobility benefits or that alleviate the impacts of freight mobility upon affected communities.)~~

Sec. 14. RCW 36.57A.191 and 2003 c 363 s 304 are each amended to read as follows:

As a condition of receiving state funding, a public transportation benefit area authority shall submit a maintenance and preservation management plan for certification by the ~~((transportation commission or its successor entity))~~ department of transportation's office of transit mobility. The plan must inventory all transportation system assets within the direction and control of the authority, and provide a preservation plan based on lowest life-cycle cost methodologies.

Sec. 15. RCW 36.78.121 and 2003 c 363 s 307 are each amended to read as follows:

The county road administration board, or its successor entity, shall establish a standard of good practice for maintenance of transportation system assets. This standard must be implemented by all counties no later than December 31, 2007. The board shall develop a model maintenance management system for use by counties. The board shall develop rules to assist the counties in the implementation of this system. Counties shall annually submit their maintenance plans to the board. The board shall compile the county data regarding

2006 REGULAR SESSION

maintenance management and annually submit it to the ~~((transportation commission or its successor entity))~~ department of transportation's office of transit mobility.

Sec. 16. RCW 36.79.120 and 1988 c 26 s 6 are each amended to read as follows:

Counties receiving funds from the rural arterial trust account for construction of arterials and the construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas shall provide such matching funds as established by rules recommended by the board, subject to review, revision, and final approval by the ~~((state))~~ department of transportation ~~((commission))~~. Matching requirements shall be established after appropriate studies by the board, taking into account financial resources available to counties to meet arterial needs.

Sec. 17. RCW 36.79.130 and 1983 1st ex.s. c 49 s 13 are each amended to read as follows:

Not later than November 1st of each even-numbered year the board shall prepare and present to the ~~((state))~~ department of transportation ~~((commission))~~ a recommended budget for expenditures from the rural arterial trust account during the ensuing biennium. The budget shall contain an estimate of the revenues to be credited to the rural arterial trust account.

The ~~((state transportation commission))~~ department shall review the budget as recommended, revise the budget as it deems proper, and include the budget as revised as a separate section of the transportation budget which it shall submit to the governor pursuant to chapter 43.88 RCW.

Sec. 18. RCW 36.120.020 and 2002 c 56 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the governing body of a regional transportation investment district.

(2) "Department" means the Washington state department of transportation.

(3) "Highway of statewide significance" means an existing or proposed state route or federal interstate designated as a highway of statewide significance by the transportation commission, ~~((its successor entity))~~ the department, or the legislature.

(4) "Lead agency" means a public agency that by law can plan, design, and build a transportation project and has been so designated by the district.

(5) "Regional transportation investment district" or "district" means a municipal corporation whose boundaries are coextensive with two or more contiguous counties and that has been created by county legislative authorities and a vote of the people under this chapter to implement a regional transportation investment plan.

(6) "Regional transportation investment district planning committee" or "planning committee" means the advisory committee created under RCW 36.120.030 to create and propose to county legislative authorities a regional transportation investment plan to develop, finance, and construct transportation projects.

(7) "Regional transportation investment plan" or "plan" means a plan to develop, construct, and finance a transportation project or projects.

(8) "Transportation project" means:

(a) A capital improvement or improvements to a highway that has been designated, in whole or in part, as a highway of statewide significance, including an extension, that:

(i) Adds a lane or new lanes to an existing state or federal highway; or

(ii) Repairs or replaces a lane or lanes damaged by an event declared an emergency by the governor before January 1, 2002.

(b) A capital improvement or improvements to all or a portion of a highway of statewide significance, including an extension, and may include the following associated multimodal capital improvements:

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

(i) Approaches to highways of statewide significance;
 (ii) High-occupancy vehicle lanes;
 (iii) Flyover ramps;
 (iv) Park and ride lots;
 (v) Bus pullouts;
 (vi) Vans for vanpools;
 (vii) Buses; and
 (viii) Signalization, ramp metering, and other transportation system management improvements.

(c) A capital improvement or improvements to all or a portion of a city street, county road, or existing highway or the creation of a new highway that intersects with a highway of statewide significance, if all of the following conditions are met:

(i) The project is included in a plan that makes highway improvement projects that add capacity to a highway or highways of statewide significance;

(ii) The secretary of transportation determines that the project would better relieve traffic congestion than investing that same money in adding capacity to a highway of statewide significance;

(iii) Matching money equal to one-third of the total cost of the project is provided by local entities, including but not limited to a metropolitan planning organization, county, city, port, or private entity in which a county participating in a plan is located. Local entities may use federal grants to meet this matching requirement;

(iv) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed ten percent of the revenues generated by the district;

(v) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed one billion dollars; and

(vi) The specific projects are included within the plan and submitted as part of the plan to a vote of the people.

(d) Operations, preservation, and maintenance are excluded from this definition and may not be included in a regional transportation investment plan.

(9) "Weighted vote" means a vote that reflects the population each board or planning committee member represents relative to the population represented by the total membership of the board or planning committee. Population will be determined using the federal 2000 census or subsequent federal census data.

Sec. 19. RCW 36.120.060 and 2002 c 56 s 106 are each amended to read as follows:

(1) The planning committee shall consider the following criteria for selecting transportation projects to improve corridor performance:

- (a) Reduced level of congestion and improved safety;
- (b) Improved travel time;
- (c) Improved air quality;
- (d) Increases in daily and peak period person and vehicle trip capacity;
- (e) Reductions in person and vehicle delay;
- (f) Improved freight mobility; and
- (g) Cost-effectiveness of the investment.

(2) These criteria represent only minimum standards that must be considered in selecting transportation improvement projects. The board shall also consider rules and standards for benchmarks adopted by the ~~((transportation commission or its successor))~~ department as approved by the office of financial management.

Sec. 20. RCW 43.10.101 and 2005 c 319 s 104 are each amended to read as follows:

The attorney general shall prepare annually a report to the transportation committees of the legislature, ~~((the transportation commission))~~ the governor, the office of financial management, and ~~((the transportation performance audit board))~~ the Washington state department of transportation comprising a comprehensive summary of all cases involving tort claims

against the department of transportation involving highways which were concluded and closed in the previous calendar year. The report shall include for each case closed:

- (1) A summary of the factual background of the case;
- (2) Identification of the attorneys representing the state and the opposing parties;
- (3) A synopsis of the legal theories asserted and the defenses presented;
- (4) Whether the case was tried, settled, or dismissed, and in whose favor;
- (5) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefore; and

(6) Such other matters relating to the case as the attorney general deems relevant or appropriate, especially including any comments or recommendations for changes in statute law or agency practice that might effectively reduce the exposure of the state to such tort claims.

Sec. 21. RCW 46.44.042 and 1996 c 116 s 1 are each amended to read as follows:

Subject to the maximum gross weights specified in RCW 46.44.041, it is unlawful to operate any vehicle upon the public highways with a gross weight, including load, upon any tire concentrated upon the surface of the highway in excess of six hundred pounds per inch width of such tire. An axle manufactured after July 31, 1993, carrying more than ten thousand pounds gross weight must be equipped with four or more tires. ~~((Effective January 1, 1997,))~~ An axle carrying more than ten thousand pounds gross weight must have four or more tires, regardless of date of manufacture. Instead of the four or more tires per axle requirements of this section, an axle may be equipped with two tires limited to five hundred pounds per inch width of tire. This section does not apply to vehicles operating under oversize or overweight permits, or both, issued under RCW 46.44.090, while carrying a nonreducible load.

The following equipment may operate at six hundred pounds per inch width of tire: (1) A nonliftable steering axle or axles on the power unit; (2) a tiller axle on fire fighting apparatus; (3) a rear booster trailing axle equipped with two tires on a ready-mix concrete transit truck; and (4) a straddle trailer manufactured before January 1, 1996, equipped with single-tire axles or a single axle using a walking beam supported by two in-line single tires and used exclusively for the transport of fruit bins between field, storage, and processing. A straddle trailer manufactured after January 1, 1996, meeting this use criteria may carry five hundred fifteen pounds per inch width of tire on sixteen and one-half inch wide tires.

For the purpose of this section, the width of tire in case of solid rubber or hollow center cushion tires, so long as the use thereof may be permitted by the law, shall be measured between the flanges of the rim. For the purpose of this section, the width of tires in case of pneumatic tires shall be the maximum overall normal inflated width as stipulated by the manufacturer when inflated to the pressure specified and without load thereon.

The department of transportation, ~~((under rules adopted by the transportation commission))~~ by rule with respect to state highways, and a local authority, with respect to a public highway under its jurisdiction, may extend the weight table in RCW 46.44.041 to one hundred fifteen thousand pounds. However, the extension must be in compliance with federal law, and vehicles operating under the extension must be in full compliance with the 1997 axle and tire requirements under this section.

Sec. 22. RCW 46.44.080 and 1977 ex.s. c 151 s 29 are each amended to read as follows:

Local authorities with respect to public highways under their jurisdiction may prohibit the operation thereon of motor trucks or other vehicles or may impose limits as to the weight thereof, or any other restrictions as may be deemed necessary, whenever any such public highway by reason of rain, snow, climatic or other conditions, will be seriously damaged or

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

destroyed unless the operation of vehicles thereon be prohibited or restricted or the permissible weights thereof reduced: PROVIDED, That whenever a highway has been closed generally to vehicles or specified classes of vehicles, local authorities shall by general rule or by special permit authorize the operation thereon of school buses, emergency vehicles, and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under such weight and speed restrictions as the local authorities deem necessary to protect the highway from undue damage: PROVIDED FURTHER, That the governing authorities of incorporated cities and towns shall not prohibit the use of any city street designated ~~((by the transportation commission as forming))~~ a part of the route of any primary state highway through any such incorporated city or town by vehicles or any class of vehicles or impose any restrictions or reductions in permissible weights unless such restriction, limitation, or prohibition, or reduction in permissible weights be first approved in writing by the department of transportation.

The local authorities imposing any such restrictions or limitations, or prohibiting any use or reducing the permissible weights shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution in each end of the portion of any public highway affected thereby, and no such ordinance or resolution shall be effective unless and until such signs are erected and maintained.

The department shall have the same authority as hereinabove granted to local authorities to prohibit or restrict the operation of vehicles upon state highways. The department shall give public notice of closure or restriction. The department may issue special permits for the operation of school buses and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under specified weight and speed restrictions as may be necessary to protect any state highway from undue damage.

Sec. 23. RCW 46.44.090 and 2001 c 262 s 1 are each amended to read as follows:

The department of transportation, pursuant to its rules ~~((adopted by the transportation commission))~~ with respect to state highways, and local authorities, with respect to public highways under their jurisdiction, may, upon application in writing and good cause being shown therefor, issue a special permit in writing, or electronically, authorizing the applicant to operate or move a vehicle or combination of vehicles of a size, weight of vehicle, or load exceeding the maximum set forth in RCW 46.44.010, 46.44.020, 46.44.030, 46.44.034, and 46.44.041 upon any public highway under the jurisdiction of the authority granting such permit and for the maintenance of which such authority is responsible.

Sec. 24. RCW 46.44.092 and 1989 c 398 s 2 are each amended to read as follows:

Special permits may not be issued for movements on any state highway outside the limits of any city or town in excess of the following widths:

On two-lane highways, fourteen feet;

On multiple-lane highways where a physical barrier serving as a median divider separates opposing traffic lanes, twenty feet;

On multiple-lane highways without a physical barrier serving as a median divider, thirty-two feet.

These limits apply except under the following conditions:

(1) In the case of buildings, the limitations referred to in this section for movement on any two lane state highway other than the national system of interstate and defense highways may be exceeded under the following conditions: (a) Controlled vehicular traffic shall be maintained in one direction at all times; (b) the maximum distance of movement shall not exceed five miles; additional contiguous permits shall not be issued to exceed the five-mile limit: PROVIDED, That when the department of transportation ~~((pursuant to general rules adopted by the transportation commission))~~ determines a hardship

would result, this limitation may be exceeded upon approval of the department of transportation; (c) prior to issuing a permit a qualified transportation department employee shall make a visual inspection of the building and route involved determining that the conditions listed herein shall be complied with and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement of the building; (d) special escort or other precautions may be imposed to assure movement is made under the safest possible conditions, and the Washington state patrol shall be advised when and where the movement is to be made;

(2) Permits may be issued for widths of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for width in excess of such limitations;

(3) Permits may be issued for vehicles with a total outside width, including the load, of nine feet or less when the vehicle is equipped with a mechanism designed to cover the load pursuant to RCW 46.61.655;

(4) These limitations may be rescinded when certification is made by military officials, or by officials of public or private power facilities, or when in the opinion of the department of transportation the movement or action is a necessary movement or action: PROVIDED FURTHER, That in the judgment of the department of transportation the structures and highway surfaces on the routes involved are capable of sustaining widths in excess of such limitation;

(5) These limitations shall not apply to movement during daylight hours on any two lane state highway where the gross weight, including load, does not exceed eighty thousand pounds and the overall width of load does not exceed sixteen feet: PROVIDED, That the minimum and maximum speed of such movements, prescribed routes of such movements, the times of such movements, limitation upon frequency of trips (which limitation shall be not less than one per week), and conditions to assure safety of traffic may be prescribed by the department of transportation or local authority issuing such special permit.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

Sec. 25. RCW 46.44.096 and 1996 c 92 s 1 are each amended to read as follows:

In determining fees according to RCW 46.44.0941, mileage on state primary and secondary highways shall be determined from the planning survey records of the department of transportation, and the gross weight of the vehicle or vehicles, including load, shall be declared by the applicant. Overweight on which fees shall be paid will be gross loadings in excess of loadings authorized by law or axle loadings in excess of loadings authorized by law, whichever is the greater. Loads which are overweight and oversize shall be charged the fee for the overweight permit without additional fees being assessed for the oversize features.

Special permits issued under RCW 46.44.047, 46.44.0941, or 46.44.095, may be obtained from offices of the department of transportation, ports of entry, or other agents appointed by the department.

The department may appoint agents for the purposes of selling special motor vehicle permits, temporary additional tonnage permits, and log tolerance permits. Agents so appointed may retain three dollars and fifty cents for each permit sold to defray expenses incurred in handling and selling the permits. If the fee is collected by the department of transportation, the department shall certify the fee so collected to the state treasurer for deposit to the credit of the motor vehicle fund.

The department may select a third party contractor, by means of competitive bid, to perform the department's permit issuance function, as provided under RCW 46.44.090. Factors

FIFTY-EIGHTH DAY, MARCH 7, 2006

the department shall consider, but is not limited to, in the selection of a third party contractor are economic benefit to both the department and the motor carrier industry, and enhancement of the overall level of permit service. For purposes of this section, "third party contractor" means a business entity that is authorized by the department to issue special permits. The department of transportation (~~(commission)~~) may adopt rules specifying the criteria that a business entity must meet in order to qualify as a third party contractor under this section.

Fees established in RCW 46.44.0941 shall be paid to the political body issuing the permit if the entire movement is to be confined to roads, streets, or highways for which that political body is responsible. When a movement involves a combination of state highways, county roads, and/or city streets the fee shall be paid to the ~~(state)~~ department of transportation. When a movement is confined within the city limits of a city or town upon city streets, including routes of state highways on city streets, all fees shall be paid to the city or town involved. A permit will not be required from city or town authorities for a move involving a combination of city or town streets and state highways when the move through a city or town is being confined to the route of the state highway. When a move involves a combination of county roads and city streets the fee shall be paid to the county authorities, but the fee shall not be collected nor the county permit issued until valid permits are presented showing that the city or town authorities approve of the move in question. When the movement involves only county roads the fees collected shall be paid to the county involved. Fees established shall be paid to the political body issuing the permit if the entire use of the vehicle during the period covered by the permit shall be confined to the roads, streets, or highways for which that political body is responsible.

Sec. 26. RCW 46.61.450 and 1977 ex.s. c 151 s 39 are each amended to read as follows:

It shall be unlawful for any person to operate a vehicle or any combination of vehicles over any bridge or other elevated structure or through any tunnel or underpass constituting a part of any public highway at a rate of speed or with a gross weight or of a size which is greater at any time than the maximum speed or maximum weight or size which can be maintained or carried with safety over any such bridge or structure or through any such tunnel or underpass when such bridge, structure, tunnel, or underpass is sign posted as hereinafter provided. The secretary of transportation, if it be a bridge, structure, tunnel, or underpass upon a state highway, or the governing body or authorities of any county, city, or town, if it be upon roads or streets under their jurisdiction, may restrict the speed which may be maintained or the gross weight or size which may be operated upon or over any such bridge or elevated structure or through any such tunnel or underpass with safety thereto. The secretary or the governing body or authorities of any county, city, or town having jurisdiction shall determine and declare the maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate and shall cause suitable signs stating such maximum speed or maximum gross weight, or size, or either, to be erected and maintained on the right hand side of such highway, road, or street and at a distance of not less than one hundred feet from each end of such bridge, structure, tunnel, or underpass and on the approach thereto: PROVIDED, That in the event that any such bridge, elevated structure, tunnel, or underpass is upon a city street designated by the department of transportation (~~(commission)~~) as forming a part of the route of any state highway through any such incorporated city or town the determination of any maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate shall not be enforceable at any speed, weight, or size less than the maximum allowed by law, unless with the approval in writing of the secretary. Upon the trial of any person charged with a violation of this section, proof of either violation of maximum speed or

2006 REGULAR SESSION

maximum weight, or size, or either, and the distance and location of such signs as are required, shall constitute conclusive evidence of the maximum speed or maximum weight, or size, or either, which can be maintained or carried with safety over such bridge or elevated structure or through such tunnel or underpass.

Sec. 27. RCW 46.68.113 and 2003 c 363 s 305 are each amended to read as follows:

During the 2003-2005 biennium, cities and towns shall provide to the transportation commission, or its successor entity, preservation rating information on at least seventy percent of the total city and town arterial network. Thereafter, the preservation rating information requirement shall increase in five percent increments in subsequent biennia. The rating system used by cities and towns must be based upon the Washington state pavement rating method or an equivalent standard approved by the department of transportation (~~(commission or its successor entity)~~). Beginning January 1, 2007, the preservation rating information shall be submitted to the department.

Sec. 28. RCW 47.68.410 and 2005 c 316 s 3 are each amended to read as follows:

(1) Upon completion of both the statewide assessment and analysis required under RCW 47.68.390 and 47.68.400, and to the extent funds are appropriated to the department for this purpose, the governor shall appoint an aviation planning council to consist of the following members: (a) The director of the aviation division of the department of transportation, or a designee; (b) the director of the department of community, trade, and economic development, or a designee; (c) ~~(a member of the transportation commission)~~ an at large who shall be the chair of the council; (d) two members of the general public familiar with airport issues, including the impacts of airports on communities, one of whom must be from western Washington and one of whom must be from eastern Washington; (e) a technical expert familiar with federal aviation administration airspace and control issues; (f) a commercial airport operator; (g) a member of a growth management hearings board; (h) a representative of the Washington airport management association; and (i) an airline representative. The chair of the council may designate another councilmember to serve as the acting chair in the absence of the chair. The department of transportation shall provide all administrative and staff support for the council.

(2) The purpose of the council is to make recommendations, based on the findings of the assessment and analysis completed under RCW 47.68.390 and 47.68.400, regarding how best to meet the statewide commercial and general aviation capacity needs, as determined by the council. The council shall determine which regions of the state are in need of improvement regarding the matching of existing, or projected, airport facilities, and the long-range capacity needs at airports within the region expected to reach capacity before the year 2030. After determining these areas, the council shall make recommendations regarding the placement of future commercial and general aviation airport facilities designed to meet the need for improved aviation planning in the region. The council shall include public input in making final recommendations.

(3) The council shall submit its recommendations to the appropriate standing committees of the legislature, the governor, ~~(the transportation commission)~~ and applicable regional transportation planning organizations.

(4) This section expires July 1, 2009.

Sec. 29. RCW 47.28.010 and 1977 ex.s. c 151 s 59 are each amended to read as follows:

Whenever the general route of any state highway shall be designated and laid out as running to or by way of certain designated points, without specifying the particular route to be followed to or by way of such points, the ~~(transportation commission)~~ department shall determine the particular route to be followed by said state highway to or by way of said designated points, and shall be at liberty to select and adopt as a

FIFTY-EIGHTH DAY, MARCH 7, 2006

part of such state highway, the whole or any part of any existing public highway previously designated as a county road, primary road, or secondary road or now or hereafter classified as a county road. The ~~((commission))~~ department need not select and adopt the entire routes for such state highways at one time, but may select and adopt parts of such routes from time to time as it deems advisable. Where a state highway is designated as passing by way of a certain point, this shall not require the ~~((commission))~~ department to cause such state highway to pass through or touch such point but such designation is directional only and may be complied with by location in the general vicinity. The department ~~((of transportation))~~ is empowered to construct as a part of any state highway as designated and in addition to any portion meeting the limits of any incorporated city or town a bypass section either through or around any such incorporated city or town.

Sec. 30. RCW 47.28.170 and 1990 c 265 s 1 are each amended to read as follows:

(1) Whenever the department finds that as a consequence of accident, natural disaster, or other emergency, an existing state highway is in jeopardy or is rendered impassible in one or both directions and the department further finds that prompt reconstruction, repair, or other work is needed to preserve or restore the highway for public travel, the department may obtain at least three written bids for the work without publishing a call for bids, and the secretary of transportation may award a contract forthwith to the lowest responsible bidder.

The department shall notify any association or organization of contractors filing a request to regularly receive notification. Notification to an association or organization of contractors shall include: (a) The location of the work to be done; (b) the general anticipated nature of the work to be done; and (c) the date determined by the department as reasonable in view of the nature of the work and emergent nature of the problem after which the department will not receive bids.

(2) Whenever the department finds it necessary to protect a highway facility from imminent damage or to perform emergency work to reopen a highway facility, the department may contract for such work on a negotiated basis not to exceed force account rates for a period not to exceed thirty working days.

(3) The secretary shall review any contract exceeding ~~((two))~~ seven hundred thousand dollars awarded under subsection (1) or (2) of this section with the ~~((transportation commission at its next regularly scheduled meeting))~~ office of financial management within thirty days of the contract award.

(4) Any person, firm, or corporation awarded a contract for work must be prequalified pursuant to RCW 47.28.070 and may be required to furnish a bid deposit or performance bond.

Sec. 31. RCW 47.38.060 and 1996 c 172 s 1 are each amended to read as follows:

The ~~((transportation commission))~~ department may designate interstate safety rest areas, as appropriate, as locations for memorial signs to prisoners of war and those missing in action. The ~~((commission))~~ department shall adopt policies for the placement of memorial signs on interstate safety rest areas and may disapprove any memorial sign that it determines to be inappropriate or inconsistent with the policies. The policies shall include, but are not limited to, guidelines for the size and location of and inscriptions on memorial signs. The secretary shall adopt rules for administering this program. Nonprofit associations may have their name identified on a memorial sign if the association bears the cost of supplying and maintaining the memorial sign.

Sec. 32. RCW 47.52.133 and 1987 c 200 s 2 are each amended to read as follows:

Except as provided in RCW 47.52.134, the ~~((transportation commission))~~ department and the highway authorities of the counties and incorporated cities and towns, with regard to facilities under their respective jurisdictions, prior to the establishment of any limited access facility, shall hold a public

2006 REGULAR SESSION

hearing within the county, city, or town wherein the limited access facility is to be established to determine the desirability of the plan proposed by such authority. Notice of such hearing shall be given to the owners of property abutting the section of any existing highway, road, or street being established as a limited access facility, as indicated in the tax rolls of the county, and in the case of a state limited access facility, to the county and/or city or town. Such notice shall be by United States mail in writing, setting forth a time for the hearing, which time shall be not less than fifteen days after mailing of such notice. Notice of such hearing also shall be given by publication not less than fifteen days prior to such hearing in one or more newspapers of general circulation within the county, city, or town. Such notice by publication shall be deemed sufficient as to any owner or reputed owner or any unknown owner or owner who cannot be located. Such notice shall indicate a suitable location where plans for such proposal may be inspected.

Sec. 33. RCW 47.52.145 and 1981 c 95 s 2 are each amended to read as follows:

~~((Whenever))~~ After ~~((the))~~ final adoption of a ~~((plan for a))~~ limited access highway by the ~~((transportation commission))~~ department, an additional design public hearing with respect to the facility or any portion thereof is conducted pursuant to federal law resulting in a revision of the design of the limited access plan, the ~~((commission))~~ department may modify the previously adopted limited access plan to conform to the revised design without further public hearings providing the following conditions are met:

(1) As compared with the previously adopted limited access plan, the revised plan will not require additional or different right of way with respect to that section of highway for which the design has been revised, in excess of five percent by area; and

(2) If the previously adopted limited access plan was modified by a board of review convened at the request of a county, city, or town, the legislative authority of the county, city, or town shall approve any revisions of the plan which conflict with modifications ordered by the board of review.

Sec. 34. RCW 47.52.210 and 1981 c 95 s 3 are each amended to read as follows:

(1) Whenever the ~~((transportation commission))~~ department adopts a plan for a limited access highway to be constructed within the corporate limits of a city or town which incorporates existing city or town streets, title to such streets shall remain in the city or town, and the provisions of RCW 47.24.020 as now or hereafter amended shall continue to apply to such streets until such time that the highway is operated as either a partially or fully controlled access highway. Title to and full control over that portion of the city or town street incorporated into the limited access highway shall be vested in the state upon a declaration by the secretary of transportation that such highway is operational as a limited access facility, but in no event prior to the acquisition of right of way for such highway including access rights, and not later than the final completion of construction of such highway.

(2) Upon the completion of construction of a state limited access highway within a city or town, the department of transportation may relinquish to the city or town streets constructed or improved as a functional part of the limited access highway, slope easements, landscaping areas, and other related improvements to be maintained and operated by the city or town in accordance with the limited access plan. Title to such property relinquished to a city or town shall be conveyed by a deed executed by the secretary of transportation and duly acknowledged. Relinquishment of such property to the city or town may be expressly conditioned upon the maintenance of access control acquired by the state and the continued operation of such property as a functional part of the limited access highway.

Sec. 35. RCW 47.60.330 and 2003 c 374 s 5 are each amended to read as follows:

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

(1) Before a substantial expansion or curtailment in the level of service provided to ferry users, or a revision in the schedule of ferry tolls or charges, the department ~~((of transportation))~~ shall consult with affected ferry users. The consultation shall be: (a) By public hearing in affected local communities; (b) by review with the affected ferry advisory committees pursuant to RCW 47.60.310; (c) by conducting a survey of affected ferry users; or (d) by any combination of (a) through (c). Promotional, discount, and special event fares that are not part of the published schedule of ferry charges or tolls are exempt. The department shall report an accounting of all exempt revenues to the transportation commission and the office of financial management each fiscal year.

(2) There is created a ferry system productivity council consisting of a representative of each ferry advisory committee empanelled under RCW 47.60.310, elected by the members thereof, and two representatives of employees of the ferry system appointed by mutual agreement of all of the unions representing ferry employees, which shall meet from time to time with ferry system management to discuss means of improving ferry system productivity.

(3) Before increasing ferry tolls the department of transportation shall consider ~~((all possible))~~ cost reductions with full public participation as provided in subsection (1) of this section and, consistent with public policy, shall consider adapting service levels equitably on a route-by-route basis to reflect trends in and forecasts of traffic usage. ~~((Forecasts of traffic levels shall be developed by the bond covenant traffic engineering firm appointed under the provisions of RCW 47.60.450. Provisions of this section shall not alter obligations under RCW 47.60.450.))~~ Before including any toll increase in a budget proposal ~~((by the commission))~~, the department ~~((of transportation))~~ shall consult with affected ferry users in the manner prescribed in (1)(b) of this section plus the procedure of either (1)(a) or (c) of this section.

Sec. 36. RCW 47.68.390 and 2005 c 316 s 1 are each amended to read as follows:

(1) The aviation division of the department of transportation shall conduct a statewide airport capacity and facilities assessment. The assessment must include a statewide analysis of existing airport facilities, and passenger and air cargo transportation capacity, regarding both commercial aviation and general aviation; however, the primary focus of the assessment must be on commercial aviation. The assessment must at a minimum address the following issues:

(a) Existing airport facilities, both commercial and general aviation, including air side, land side, and airport service facilities;

(b) Existing air and airport capacity, including the number of annual passengers and air cargo operations;

(c) Existing airport services, including fixed based operator services, fuel services, and ground services; and

(d) Existing airspace capacity.

(2) The department shall consider existing information, technical analyses, and other research the department deems appropriate. The department may contract and consult with private independent professional and technical experts regarding the assessment.

(3) The department shall submit the assessment to the appropriate standing committees of the legislature, the governor, ~~((the transportation commission))~~ and regional transportation planning organizations by July 1, 2006.

Sec. 37. RCW 47.68.400 and 2005 c 316 s 2 are each amended to read as follows:

(1) After submitting the assessment under RCW 47.68.390, the aviation division of the department of transportation shall conduct a statewide airport capacity and facilities market analysis. The analysis must include a statewide needs analysis of airport facilities, passenger and air cargo transportation capacity, and demand and forecast market needs over the next twenty-five years with a more detailed analysis of the Puget

Sound, southwest Washington, Spokane, and Tri-Cities regions. The analysis must address the forecasted needs of both commercial aviation and general aviation; however, the primary focus of the analysis must be on commercial aviation. The analysis must at a minimum address the following issues:

(a) A forecast of future airport facility needs based on passenger and air cargo operations and demand, airline planning, and a determination of aviation trends, demographic, geographic, and market factors that may affect future air travel demand;

(b) A determination of when the state's existing commercial service airports will reach their capacity;

(c) The factors that may affect future air travel and when capacity may be reached and in which location;

(d) The role of the state, metropolitan planning organizations, regional transportation planning organizations, the federal aviation administration, and airport sponsors in addressing statewide airport facilities and capacity needs; and

(e) Whether the state, metropolitan planning organizations, regional transportation planning organizations, the federal aviation administration, or airport sponsors have identified options for addressing long-range capacity needs at airports, or in regions, that will reach capacity before the year 2030.

(2) The department shall consider existing information, technical analyses, and other research the department deems appropriate. The department may contract and consult with private independent professional and technical experts regarding the analysis.

(3) The department shall submit the analysis to the appropriate standing committees of the legislature, the governor, ~~((the transportation commission))~~ and regional transportation planning organizations by July 1, 2007.

Sec. 38. RCW 81.112.086 and 2003 c 363 s 306 are each amended to read as follows:

As a condition of receiving state funding, a regional transit authority shall submit a maintenance and preservation management plan for certification by the ~~((transportation commission or its successor entity))~~ department of transportation's office of transit mobility. The plan must inventory all transportation system assets within the direction and control of the transit authority, and provide a plan for preservation of assets based on lowest life-cycle cost methodologies.

Sec. 39. RCW 35.58.2795 and 1994 c 158 s 6 are each amended to read as follows:

By April 1st of each year, the legislative authority of each municipality, as defined in RCW 35.58.272, and each regional transit authority shall prepare a six-year transit development plan for that calendar year and the ensuing five years. The program shall be consistent with the comprehensive plans adopted by counties, cities, and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, the inherent authority of a first class city or charter county derived from its charter, or chapter 36.70A RCW. The program shall contain information as to how the municipality intends to meet state and local long-range priorities for public transportation, capital improvements, significant operating changes planned for the system, and how the municipality intends to fund program needs. The six-year plan for each municipality and regional transit authority shall specifically set forth those projects of regional significance for inclusion in the transportation improvement program within that region. Each municipality and regional transit authority shall file the six-year program with the state department of transportation's office of transit mobility, the state auditor, the transportation improvement board, and cities, counties, and regional planning councils within which the municipality is located.

In developing its program, the municipality and the regional transit authority shall consider those policy recommendations affecting public transportation contained in the state transportation policy plan ~~((approved by the state transportation~~

FIFTY-EIGHTH DAY, MARCH 7, 2006

~~commission~~) and, where appropriate, adopted by the legislature. The municipality shall conduct one or more public hearings while developing its program and for each annual update.

Sec. 40. RCW 36.56.121 and 2003 c 363 s 303 are each amended to read as follows:

As a condition of receiving state funding, a county that has assumed the transportation functions of a metropolitan municipal corporation shall submit a maintenance and preservation management plan for certification by the ~~((transportation commission or its successor entity))~~ department of transportation's office of transit mobility. The plan must inventory all transportation system assets within the direction and control of the county, and provide a preservation plan based on lowest life-cycle cost methodologies.

Sec. 41. RCW 36.57A.070 and 1985 c 6 s 5 are each amended to read as follows:

The comprehensive transit plan adopted by the authority shall be reviewed by the state ~~((transportation commission to))~~ department of transportation's office of transit mobility and the state auditor. Upon reviewing the plan, the office of transit mobility shall determine:

(1) The completeness of service to be offered and the economic viability of the transit system proposed in such comprehensive transit plan;

(2) Whether such plan integrates the proposed transportation system with existing transportation modes and systems that serve the benefit area;

(3) Whether such plan coordinates that area's system and service with nearby public transportation systems;

(4) Whether such plan is eligible for matching state or federal funds;

~~After reviewing the comprehensive transit plan, the state transportation commission shall have sixty days in which to approve such plan and to certify to the state treasurer that such public transportation benefit area shall be eligible to receive the motor vehicle excise tax proceeds authorized pursuant to RCW 35.58.273, as now or hereafter amended in the manner prescribed by chapter 82.44 RCW, as now or hereafter amended. To be approved a plan shall provide for coordinated transportation planning, the integration of such proposed transportation program with other transportation systems operating in areas adjacent to, or in the vicinity of the proposed public transportation benefit area, and be consistent with the public transportation coordination criteria adopted pursuant to the urban mass transportation act of 1964 as amended as of July 1, 1975. In the event such comprehensive plan is disapproved and ruled ineligible to receive motor vehicle tax proceeds, the state transportation commission shall provide written notice to the authority within thirty days as to the reasons for such plan's disapproval and such ineligibility. The authority may resubmit such plan upon reconsideration and correction of such deficiencies in the plan cited in such notice of disapproval).~~

Sec. 42. RCW 47.29.010 and 2005 c 317 s 1 are each amended to read as follows:

(1) The legislature finds that the public-private ~~((transportation))~~ transportation initiatives act created under chapter 47.46 RCW has not met the needs and expectations of the public or private sectors for the development of transportation projects. The legislature intends to phase out chapter 47.46 RCW coincident with the completion of the Tacoma Narrows Bridge - SR 16 public-private partnership. From July 24, 2005, this chapter will provide a more desirable and effective approach to developing transportation projects in partnership with the private sector by applying lessons learned from other states and from this state's ten-year experience with chapter 47.46 RCW.

(2) It is the legislature's intent to achieve the following goals through the creation of this new approach to public-private partnerships:

2006 REGULAR SESSION

(a) To provide a well-defined mechanism to facilitate the collaboration between public and private entities in transportation;

(b) To bring innovative thinking from the private sector and other states to bear on public projects within the state;

(c) To provide greater flexibility in achieving the transportation projects; and

(d) To allow for creative cost and risk sharing between the public and private partners.

(3) The legislature intends that the powers granted in this chapter to the commission or department are in addition to any powers granted under chapter 47.56 RCW.

(4) It is further the intent of the legislature that ~~((the commission shall be responsible for receiving, reviewing, and approving proposals with technical support of the department; rule making, and for oversight of contract execution. The department shall be responsible for evaluating proposals and negotiating contracts))~~ an expert review panel be established for each project developed under this act. Expert review panels shall be responsible for reviewing selected proposals, analyzing and reviewing tentative agreements, and making recommendations to the governor on the advisability of executing agreements under this act.

Sec. 43. RCW 47.29.020 and 2005 c 317 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) ~~((("Authority" means the transportation commission.~~

~~((2))~~ "Commission" means the transportation commission.

~~((3))~~ "Department" means the department of transportation.

~~((4))~~ (2) "Eligible project" means any project eligible for development under RCW 47.29.050.

~~((5))~~ (3) "Eligible public works project" means only a project that meets the criteria of either RCW 47.29.060 (3) or (4).

~~((6))~~ (4) "Expert review panel" means a panel established by the governor to review tentative agreements and make recommendations to the governor for approval, rejection, or continued negotiations on a proposed project agreement.

~~((7))~~ (5) "Private sector partner" and "private partner" ((means)) mean a person, entity, or organization that is not the federal government, a state, or a political subdivision of a state.

~~((8))~~ (6) "Public funds" means all moneys derived from taxes, fees, charges, tolls, etc.

~~((9))~~ (7) "Public sector partner" and "public partner" ((means)) mean any federal or state unit of government, bistate transportation organization, or any other political subdivision of any state.

~~((10))~~ (8) "Transportation innovative partnership program" or "program" means the program as outlined in RCW 47.29.040.

~~((11))~~ (9) "Transportation project" means a project, whether capital or operating, where the state's primary purpose for the project is to preserve or facilitate the safe transport of people or goods via any mode of travel. However, this does not include projects that are primarily for recreational purposes, such as parks, hiking trails, off-road vehicle trails, etc.

~~((12))~~ (10) "Unit of government" means any department or agency of the federal government, any state or agency, office, or department of a state, any city, county, district, commission, authority, entity, port, or other public corporation organized and existing under statutory law or under a voter-approved charter or initiative, and any intergovernmental entity created under chapter 39.34 RCW or this chapter.

Sec. 44. RCW 47.29.030 and 2005 c 317 s 3 are each amended to read as follows:

In addition to the powers it now possesses, the ~~((commission))~~ department shall:

(1) ~~((Approve or review contracts or agreements authorized in this chapter;~~

~~((2))~~ Adopt rules to carry out this chapter and govern the program, which at a minimum must address the following issues:

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

(a) The types of projects allowed; however, all allowed projects must be included in the Washington transportation plan or identified by the authority as being a priority need for the state;

(b) The types of contracts allowed, with consideration given to the best practices available;

(c) The composition of the team responsible for the evaluation of proposals to include:

(i) ~~((Washington state)) Department ((of transportation)) staff;~~

(ii) An independent representative of a consulting or contracting field with no interests in the project that is prohibited from becoming a project manager for the project and bidding on any part of the project;

(iii) An observer from the state auditor's office or the joint legislative audit and review committee;

(iv) A person ~~((appointed by the commission, if the secretary of transportation is a cabinet member, or))~~ appointed by the governor ~~((if the secretary of transportation is not a cabinet member));~~ and

(v) A financial expert;

(d) Minimum standards and criteria required of all proposals;

(e) Procedures for the proper solicitation, acceptance, review, and evaluation of projects;

(f) Criteria to be considered in the evaluation and selection of proposals that includes:

(i) Comparison with the department's internal ability to complete the project that documents the advantages of completing the project as a partnership versus solely as a public venture; and

(ii) Factors such as, but not limited to: Priority, cost, risk sharing, scheduling, and management conditions;

(g) The protection of confidential proprietary information while still meeting the need for public disclosure that is consistent with RCW 47.29.190;

(h) Protection for local contractors to participate in subcontracting opportunities;

(i) Specifying that maintenance issues must be resolved in a manner consistent with the personnel system reform act, chapter 41.80 RCW;

(j) Specifying that provisions regarding patrolling and law enforcement on a public facility are subject to approval by the Washington state patrol;

~~((3))~~ (2) Adopt guidelines to address security and performance issues.

Preliminary rules and guidelines developed under this section must be submitted to the chairs and ranking members of both transportation committees by November 30, 2005, for review and comment. All final rules and guidelines must be submitted to the full legislature during the 2006 session for review.

Sec. 45. RCW 47.29.090 and 2005 c 317 s 9 are each amended to read as follows:

(1) Subject to subsection (2) of this section, the ~~((commission))~~ department may:

(a) Solicit concepts or proposals for eligible projects from private entities and units of government;

(b) On or after January 1, 2007, accept unsolicited concepts or proposals for eligible projects from private entities and units of government, subject to RCW 47.29.170;

(c) ~~((Direct the department to))~~ Evaluate projects for inclusion in the transportation innovative partnerships program that are already programmed or identified for traditional development by the state;

(d) ~~((Direct the department to))~~ Evaluate the concepts or proposals received under this section; and

(e) Select potential projects based on the concepts or proposals. The evaluation under this subsection must include consultation with any appropriate unit of government.

(2) Before undertaking any of the activities contained in subsection (1) of this section, the ~~((commission))~~ department must ~~((have))~~:

(a) ~~((Completed))~~ Wait for completion of the tolling feasibility study before proceeding with any projects that might utilize tolls; and

(b) ~~((Adopted))~~ Adopt rules specifying procedures for the proper solicitation, acceptance, review, and evaluation of projects, which procedures must include:

(i) A comparison with the department's internal ability to complete the project that documents the advantages of completing the project as a partnership versus solely as a public venture; and

(ii) Factors such as priority, cost, risk sharing, scheduling, and management conditions.

Sec. 46. RCW 47.29.100 and 2005 c 317 s 10 are each amended to read as follows:

The department may charge a reasonable administrative fee for the evaluation of an unsolicited project proposal. The amount of the fee will be established in rules ~~((of the commission)).~~

Sec. 47. RCW 47.29.120 and 2005 c 317 s 12 are each amended to read as follows:

The ~~((commission and))~~ department may consult with legal, financial, and other experts inside and outside the public sector in the evaluation, negotiation, and development of projects under this chapter, consistent with RCW 43.10.040 where applicable.

Sec. 48. RCW 47.29.160 and 2005 c 317 s 16 are each amended to read as follows:

(1) Before ~~((approving an))~~ approval of any agreement under subsection (2) of this section, ~~((the commission, with the technical assistance of))~~ the department~~((s))~~ must:

(a) Prepare a financial analysis that fully discloses all project costs, direct and indirect, including costs of any financing;

(b) Publish notice and make available the contents of the agreement, with the exception of patent information, at least twenty days before the public hearing required in (c) of this subsection; and

(c) Hold a public hearing on the proposed agreement, with proper notice provided at least twenty days before the hearing. The public hearing must be held within the boundaries of the county seat of the county containing the project.

(2) The ~~((commission))~~ department must allow at least twenty days from the public hearing on the proposed agreement required under subsection (1)(c) of this section before approving and executing any agreements authorized under this chapter.

NEW SECTION. Sec. 49. A new section is added to chapter 47.29 RCW to read as follows:

(1) The department shall establish an expert review panel to review, analyze, and make recommendations to the governor on whether to approve, reject, or continue negotiations on a proposed project agreement. The department shall provide staff to support the expert review panel, if requested by the panel. The expert review panel may utilize any of the consultants under contract for the department, and the expert review panel may contract for consulting expertise in specific areas as it deems necessary to ensure a thorough and critical review of any proposed project agreement.

(2) The governor shall appoint members of an expert review panel that have experience in large capital project delivery, public private partnerships, public financing of infrastructure improvements, or other areas of expertise that will benefit the panel. The panel shall consist of no less than three but no more than five members, as determined by the governor.

NEW SECTION. Sec. 50. A new section is added to chapter 47.29 RCW to read as follows:

Upon receiving the recommendations of the expert review panel as provided in section 49 of this act, the governor shall execute the proposed project agreement, reject the proposed

FIFTY-EIGHTH DAY, MARCH 7, 2006

agreement, or return the agreement for continued negotiations between the state and a private partner. The execution of any agreement or the rejection of any agreement shall constitute a final action for legal or administrative purposes.

Sec. 51. RCW 47.29.170 and 2005 c 317 s 17 are each amended to read as follows:

Before accepting any unsolicited project proposals, the ~~((commission))~~ department must adopt rules to facilitate the acceptance, review, evaluation, and selection of unsolicited project proposals. These rules must include the following:

(1) Provisions that specify unsolicited proposals must meet predetermined criteria;

(2) Provisions governing procedures for the cessation of negotiations and consideration;

(3) Provisions outlining that unsolicited proposals are subject to a two-step process that begins with concept proposals and would only advance to the second step, which are fully detailed proposals, if the ~~((commission))~~ department so directed;

(4) Provisions that require concept proposals to include at least the following information: Proposers' qualifications and experience; description of the proposed project and impact; proposed project financing; and known public benefits and opposition; and

(5) Provisions that specify the process to be followed if the ~~((commission))~~ department is interested in the concept proposal, which must include provisions:

(a) Requiring that information regarding the potential project would be published for a period of not less than thirty days, during which time entities could express interest in submitting a proposal;

(b) Specifying that if letters of interest were received during the thirty days, then an additional sixty days for submission of the fully detailed proposal would be allowed; and

(c) Procedures for what will happen if there are insufficient proposals submitted or if there are no letters of interest submitted in the appropriate time frame.

The ~~((commission))~~ department may adopt other rules as necessary to avoid conflicts with existing laws, statutes, or contractual obligations of the state.

The ~~((commission))~~ department may not accept or consider any unsolicited proposals before January 1, 2007.

Sec. 52. RCW 47.29.180 and 2005 c 317 s 18 are each amended to read as follows:

For projects with costs, including financing costs, of three hundred million dollars or greater, advisory committees are required.

(1) The ~~((commission))~~ department must ~~((establish))~~ support an advisory committee to advise with respect to eligible projects. An advisory committee must consist of not fewer than five and not more than nine members, as determined by the public partners. Members must be appointed by the ~~((commission))~~ governor, or for projects with joint public sector participation, in a manner agreed to by the ~~((commission))~~ governor and any participating unit of government. In making appointments to the committee, the ~~((commission))~~ department shall consider persons or organizations offering a diversity of viewpoints on the project.

(2) An advisory committee shall review concepts or proposals for eligible projects and submit comments to the public sector partners.

(3) An advisory committee shall meet as necessary at times and places fixed by the department, but not less than twice per year. The state shall provide personnel services to assist the advisory committee within the limits of available funds. An advisory committee may adopt rules to govern its proceedings and may select officers.

(4) An advisory committee must be dissolved once the project has been fully constructed and debt issued to pay for the project has been fully retired.

Sec. 53. RCW 47.29.250 and 2005 c 317 s 25 are each amended to read as follows:

(1) In addition to any authority the commission or department has to issue and sell bonds and other similar obligations, this section establishes continuing authority for the issuance and sale of bonds and other similar obligations in a manner consistent with this section. To finance a project in whole or in part, the ~~((commission))~~ secretary of the department of transportation may request that the state treasurer issue revenue bonds on behalf of the public sector partner. The bonds must be secured by a pledge of, and a lien on, and be payable only from moneys in the transportation innovative partnership account established in RCW 47.29.230, and any other revenues specifically pledged to repayment of the bonds. Such a pledge by the public partner creates a lien that is valid and binding from the time the pledge is made. Revenue bonds issued under this section are not general obligations of the state or local government and are not secured by or payable from any funds or assets of the state other than the moneys and revenues specifically pledged to the repayment of such revenue bonds.

(2) Moneys received from the issuance of revenue bonds or other debt obligations, including any investment earnings thereon, may be spent:

(a) For the purpose of financing the costs of the project for which the bonds are issued;

(b) To pay the costs and other administrative expenses of the bonds;

(c) To pay the costs of credit enhancement or to fund any reserves determined to be necessary or advantageous in connection with the revenue bonds; and

(d) To reimburse the public sector partners for any costs related to carrying out the projects authorized under this chapter.

Sec. 54. RCW 47.10.861 and 2003 c 147 s 1 are each amended to read as follows:

In order to provide funds necessary for the location, design, right of way, and construction of selected projects or improvements that are identified as transportation 2003 projects or improvements in the omnibus transportation budget, there shall be issued and sold upon the request of the secretary of the department of transportation ~~((commission))~~ a total of two billion six hundred million dollars of general obligation bonds of the state of Washington.

Sec. 55. RCW 47.10.862 and 2003 c 147 s 2 are each amended to read as follows:

Upon the request of the secretary of the department of transportation ~~((commission))~~, as appropriate, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds in RCW 47.10.861 through 47.10.866 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.861 through 47.10.866 shall be sold in the manner, at time or times, in amounts, and at the price as the state finance committee shall determine. No bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 56. RCW 47.10.843 and 1998 c 321 s 16 are each amended to read as follows:

In order to provide funds necessary for the location, design, right of way, and construction of state and local highway improvements, there shall be issued and sold upon the request of the ~~((Washington state))~~ secretary of the department of transportation ~~((commission))~~ a maximum of one billion nine hundred million dollars of general obligation bonds of the state of Washington.

Sec. 57. RCW 47.10.844 and 1998 c 321 s 17 are each amended to read as follows:

Upon the request of the secretary of the department of transportation ~~((commission))~~, the state finance committee shall

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.843 through 47.10.848 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.843 through 47.10.848 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 58. RCW 47.10.834 and 1995 2nd sp.s. c 15 s 2 are each amended to read as follows:

In order to provide funds necessary to implement the public-private transportation initiatives authorized by chapter 47.46 RCW, there shall be issued and sold upon the request of the ~~((Washington state))~~ secretary of the department of transportation ((commission)) a total of twenty-five million six hundred twenty-five thousand dollars of general obligation bonds of the state of Washington.

Sec. 59. RCW 47.10.835 and 1994 c 183 s 3 are each amended to read as follows:

Upon the request of the secretary of the department of transportation ((commission)), the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.834 through 47.10.841 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.834 through 47.10.841 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. In making such appropriation of the net proceeds of the sale of the bonds, the legislature shall specify what portion of the appropriation is provided for possible loans and what portion of the appropriation is provided for other forms of cash contributions to projects.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 60. RCW 47.10.819 and 1993 c 432 s 1 are each amended to read as follows:

In order to provide funds necessary for the location, design, right of way, and construction of selected interstate and other highway improvements, there shall be issued and sold upon the request of the ~~((Washington state))~~ secretary of the department of transportation ((commission)) a total of one hundred million dollars of general obligation bonds of the state of Washington for the following purposes and specified sums:

(1) Not to exceed twenty-five million dollars to pay the state's and local governments' share of matching funds for the ten demonstration projects identified in the Intermodal Surface Transportation Efficiency Act of 1991.

(2) Not to exceed fifty million dollars to temporarily pay the regular federal share of construction in advance of federal-aid apportionments as authorized by this section.

(3) Not to exceed twenty-five million dollars for loans to local governments to provide the required matching funds to take advantage of available federal funds. These loans shall be on such terms and conditions as determined by the ~~((Washington state))~~ secretary of the department of transportation ((commission)), but in no event may the loans be for a period of more than ten years. The interest rate on the loans authorized under this subsection shall be equal to the interest rate on the bonds sold for such purposes.

Sec. 61. RCW 47.10.820 and 1993 c 432 s 2 are each amended to read as follows:

Upon the request of the secretary of the department of transportation ((commission)), the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.819 through 47.10.824 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.819 through 47.10.824 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 62. RCW 47.02.120 and 1990 c 293 s 1 are each amended to read as follows:

For the purpose of providing funds for the acquisition of headquarters facilities for district 1 of the department of transportation and costs incidental thereto, together with all improvements and equipment required to make the facilities suitable for the department's use, there shall be issued and sold upon the request of the ~~((Washington transportation commission))~~ secretary of the department of transportation a total of fifteen million dollars of general obligation bonds of the state of Washington.

Sec. 63. RCW 47.02.140 and 1990 c 293 s 3 are each amended to read as follows:

Upon the request of the secretary of the department of transportation ((commission)), the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.02.120 through 47.02.190 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.02.120 through 47.02.190 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. Except for the purpose of repaying the loan from the motor vehicle fund, no such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 64. RCW 44.75.030 and 2005 c 319 s 17 are each amended to read as follows:

(1) The transportation performance audit board is created.

(2) The board will consist of four legislative members, three citizen members with transportation-related expertise, two citizen members with performance measurement expertise, ~~((one member of the transportation commission,))~~ the director of financial management or the director's designee, one ex officio nonvoting member, and one at large member. ~~((The legislative auditor is the ex officio nonvoting member.))~~ The majority and minority leaders of the house and senate transportation committees, or their designees, are the legislative members. The governor shall appoint the at large member to serve for a term of four years. The citizen members must be appointed by the governor for terms of four years, except that at least half the initial appointments will be for terms of two years. The citizen members may not be currently, or within one year, employed by the Washington state department of transportation. The governor, when appointing the citizen members with transportation-related expertise, may consult with appropriate professional associations and shall consider the following transportation-related experiences:

FIFTY-EIGHTH DAY, MARCH 7, 2006

(a) Construction project planning, including permitting and assuring regulatory compliance;

(b) Construction means and methods and construction management, crafting and implementing environmental mitigation plans, and administration;

(c) Construction engineering services, including construction management, materials testing, materials documentation, contractor payments, inspection, surveying, and project oversight;

(d) Project management, including design estimating, contract packaging, and procurement; and

(e) Transportation planning and congestion management.

(3) The governor may not remove members from the board before the expiration of their terms unless for cause based upon a determination of incapacity, incompetence, neglect of duty, of malfeasance in office by the Thurston county superior court, upon petition and show cause proceedings brought for that purpose in that court and directed to the board member in question.

(4) No member may be appointed for more than three consecutive terms.

Sec. 65. RCW 44.75.040 and 2005 c 319 s 18 are each amended to read as follows:

(1) The board shall meet periodically. It may adopt its own rules and may establish its own procedures. It shall act collectively in harmony with recorded resolutions or motions adopted by a majority vote of the members.

(2) Each member of the transportation performance audit board will be compensated ~~((from the general appropriation for the transportation commission in accordance with RCW 43.03.250 and))~~ in an amount not to exceed one hundred dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson. A person shall not receive compensation for a day of service under this section if the person (a) occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government, and (b) receives any compensation from such government for working that day. A member shall be reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the board or that are incurred in the discharge of duties requested by the chair. However, in no event may a board member be compensated in any year for more than one hundred twenty days, except the chair may be compensated for not more than one hundred fifty days. Service on the board does not qualify as a service credit for the purposes of a public retirement system.

(3) The transportation performance audit board shall keep proper records and is subject to audit by the state auditor or other auditing entities.

(4) Staff support to the transportation performance audit board must be provided by the transportation commission, which shall provide professional support for the duties, functions, responsibilities, and activities of the board, including but not limited to information technology systems; data collection, processing, analysis, and reporting; project management; and office space, equipment, and secretarial support. Additionally, the commission shall designate, subject to board approval, a staff person to serve as the board administrator. The board administrator serves as an exempt employee and at the pleasure of the board.

(5) Each member of the transportation performance audit board shall disclose any actual or potential conflict of interest, if applicable under the circumstance, regarding all performance reviews and performance audits conducted under this chapter.

NEW SECTION. Sec. 66. A new section is added to chapter 44.75 RCW to read as follows:

(1) The office of financial management shall assume all powers and functions of the transportation performance audit board to review the performance and outcome measures of

2006 REGULAR SESSION

transportation-related agencies under RCW 44.75.050 through 44.75.090. Effective July 1, 2007: (a) Any appropriations made to the transportation performance audit board for carrying out the powers, functions, and duties transferred under this subsection shall be transferred and credited to the office of financial management; (b) all rules and all pending business before the transportation performance audit board pertaining to the powers, functions, and duties transferred under this subsection shall be continued and acted upon by the office of financial management; and (c) all existing contracts and obligations pertaining to the powers, functions, and duties transferred under this subsection shall remain in full force and shall be performed by the office of financial management.

(2) The state auditor shall assume all powers and functions of the transportation performance audit board to conduct performance audits of transportation-related agencies under RCW 44.75.080 through 44.75.800. Effective July 1, 2007: (a) Any appropriations made to the transportation performance audit board for carrying out the powers, functions, and duties transferred under this subsection shall be transferred and credited to the state auditor; (b) all rules and all pending business before the transportation performance audit board pertaining to the powers, functions, and duties transferred under this subsection shall be continued and acted upon by the state auditor; and (c) all existing contracts and obligations pertaining to the powers, functions, and duties transferred under this subsection shall remain in full force and shall be performed by the state auditor.

(3) By June 30, 2007, the transportation performance audit board shall: (a) Assist the office of financial management as needed to transfer all performance measure review functions under RCW 44.75.050 through 44.75.090 to the office of financial management; and (b) assist the state auditor as needed to transfer all performance audit functions under RCW 44.75.080 through 44.75.800 to the state auditor.

NEW SECTION. Sec. 67. A new section is added to chapter 43.88 RCW to read as follows:

The office of financial management shall, after reviewing the performance or outcome measures and benchmarks of a transportation agency or department under chapter 44.75 RCW, create a report on the results of such review, including a recommendation of whether a full performance or functional audit of the agency or department is warranted, and submit the report annually to the state auditor and to the standing committees on transportation of the house of representatives and senate.

NEW SECTION. Sec. 68. A new section is added to chapter 43.09 RCW to read as follows:

After reviewing the report of the office of financial management on the performance or outcome measures and benchmarks of a transportation-related agency or department, the state auditor may conduct a full performance or functional audit of the agency or department reviewed, or a specific program within the agency or department.

Sec. 69. RCW 47.10.873 and 2005 c 315 s 1 are each amended to read as follows:

In order to provide funds necessary for the location, design, right of way, and construction of selected projects or improvements that are identified as 2005 transportation partnership projects or improvements in the omnibus transportation budget ~~((2005 c 313))~~ (2005 c 313), there shall be issued and sold upon the request of the secretary of the department of transportation a total of five billion one hundred million dollars of general obligation bonds of the state of Washington.

Sec. 70. RCW 47.10.874 and 2005 c 315 s 2 are each amended to read as follows:

Upon the request of the secretary of the department of transportation, as appropriate, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds in RCW 47.10.873 through 47.10.878 in accordance

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

with chapter 39.42 RCW. Bonds authorized by RCW 47.10.873 through 47.10.878 shall be sold in the manner, at time or times, in amounts, and at the price as the state finance committee shall determine. No bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

NEW SECTION. Sec. 71. The following acts or parts of acts, as now existing or hereafter amended, are each repealed effective June 30, 2007:

(1) RCW 44.75.030 (Board created--Membership) and 2006 c ... s 64 (section 64 of this act), 2005 c 319 s 17, & 2003 c 362 s 3; and

(2) RCW 44.75.040 (Procedures, compensation, support) and 2006 c ... s 65 (section 65 of this act), 2005 c 319 s 18, & 2003 c 362 s 4.

NEW SECTION. Sec. 72. This act takes effect July 1, 2006."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Benson moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6800 and ask the House to recede therefrom.

Senator Benson spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Benson that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6800 and ask the House to recede therefrom.

The motion by Senator Benson carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6800 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 6, 2006

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1010 and asks the Senate for a conference thereon. Speaker has appointed the following members as Conferees:

Representatives Morris, Hudgins, Crouse
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Poulsen moved that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1010.

The President declared the question before the Senate to be motion by Senator Poulsen that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1010.

The motion by Senator Poulsen carried and the Senate receded from its amendments on Engrossed Substitute House Bill No. 1010.

MOTION

On motion of Senator Schoesler, Senator Benson was excused.

MOTION

On motion of Senator Poulsen, the rules were suspended and Engrossed Substitute House Bill No. 1010 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1010, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Hudgins, Morrell, Linville, B. Sullivan, McCoy and Chase)

Concerning energy efficiency and renewable energy standards.

The measure was read the second time.

MOTION

Senator Poulsen moved that the following striking amendment by Senators Poulsen and Morton be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to encourage the development of new safe, clean, and reliable energy resources to meet demand in Washington for affordable and reliable electricity. To achieve this end, the legislature finds it essential that electric utilities in Washington develop comprehensive resource plans that explain the mix of generation and demand-side resources they plan to use to meet their customers' electricity needs in both the short term and the long term. The legislature intends that information obtained from integrated resource planning under this chapter will be used to assist in identifying and developing new energy generation, conservation and efficiency resources, and related infrastructure to meet the state's electricity needs.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the utilities and transportation commission.

(2) "Conservation and efficiency resources" means any reduction in electric power consumption that results from increases in the efficiency of energy use, production, transmission, or distribution.

(3) "Consumer-owned utility" includes a municipal electric utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, a port district formed under Title 53 RCW, or a water-sewer district formed under Title 57 RCW, that is engaged in the business of distributing electricity to one or more retail electric customers in the state.

(4) "Department" means the department of community, trade, and economic development.

(5) "Electric utility" means a consumer-owned or investor-owned utility.

(6) "Full requirements customer" means an electric utility that relies on the Bonneville power administration for all power needed to supply its total load requirement other than that served by nondispatchable generating resources totaling no more than six megawatts or renewable resources.

FIFTY-EIGHTH DAY, MARCH 7, 2006

(7) "Governing body" means the elected board of directors, city council, commissioners, or board of any consumer-owned utility.

(8) "High efficiency cogeneration" means the sequential production of electricity and useful thermal energy from a common fuel source, where, under normal operating conditions, the facility has a useful thermal energy output of no less than thirty-three percent of the total energy output.

(9) "Integrated resource plan" means an analysis describing the mix of generating resources and conservation and efficiency resources that will meet current and projected needs at the lowest reasonable cost to the utility and its ratepayers and that complies with the requirements specified in section 3(1) of this act.

(10) "Investor-owned utility" means a corporation owned by investors that meets the definition in RCW 80.04.010 and is engaged in distributing electricity to more than one retail electric customer in the state.

(11) "Lowest reasonable cost" means the lowest cost mix of generating resources and conservation and efficiency resources determined through a detailed and consistent analysis of a wide range of commercially available resources. At a minimum, this analysis must consider resource cost, market-volatility risks, demand-side resource uncertainties, resource dispatchability, resource effect on system operation, the risks imposed on the utility and its ratepayers, public policies regarding resource preference adopted by Washington state or the federal government, and the cost of risks associated with environmental effects including emissions of carbon dioxide.

(12) "Plan" means either an "integrated resource plan" or a "resource plan."

(13) "Renewable resources" means electricity generation facilities fueled by: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) landfill gas; (f) biomass energy utilizing animal waste, solid organic fuels from wood, forest, or field residues or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; (g) byproducts of pulping or wood manufacturing processes, including but not limited to bark, wood chips, sawdust, and lignin in spent pulping liquors; (h) ocean thermal, wave, or tidal power; or (i) gas from sewage treatment facilities.

(14) "Resource plan" means an assessment that estimates electricity loads and resources over a defined period of time and complies with the requirements in section 3(2) of this act.

NEW SECTION. Sec. 3. Each electric utility must develop a plan consistent with this section.

(1) Utilities with more than twenty-five thousand customers that are not full requirements customers shall develop or update an integrated resource plan by September 1, 2008. At a minimum, progress reports reflecting changing conditions and the progress of the integrated resource plan must be produced every two years thereafter. An updated integrated resource plan must be developed at least every four years subsequent to the 2008 integrated resource plan. The integrated resource plan, at a minimum, must include:

(a) A range of forecasts, for at least the next ten years, of projected customer demand which takes into account econometric data and customer usage;

(b) An assessment of commercially available conservation and efficiency resources. Such assessment may include, as appropriate, high efficiency cogeneration, demand response and load management programs, and currently employed and new policies and programs needed to obtain the conservation and efficiency resources;

(c) An assessment of commercially available, utility scale renewable and nonrenewable generating technologies;

(d) A comparative evaluation of renewable and nonrenewable generating resources, including transmission and distribution delivery costs, and conservation and efficiency resources using "lowest reasonable cost" as a criterion;

(e) The integration of the demand forecasts and resource evaluations into a long-range assessment describing the mix of supply side generating resources and conservation and efficiency resources that will meet current and projected needs at the lowest reasonable cost and risk to the utility and its ratepayers; and

(f) A short-term plan identifying the specific actions to be taken by the utility consistent with the long-range integrated resource plan.

(2) All other utilities may elect to develop a full integrated resource plan as set forth in subsection (1) of this section or, at a minimum, shall develop a resource plan that:

(a) Estimates loads for the next five and ten years;

(b) Enumerates the resources that will be maintained and/or acquired to serve those loads; and

(c) Explains why the resources in (b) of this subsection were chosen and, if the resources chosen are not renewable resources or conservation and efficiency resources, why such a decision was made.

(3) An electric utility that is required to develop a resource plan under this section must complete its initial plan by September 1, 2008.

(4) Resource plans developed under this section must be updated on a regular basis, at a minimum on intervals of two years.

(5) Plans shall not be a basis to bring legal action against electric utilities.

(6) Each electric utility shall publish its final plan either as part of an annual report or as a separate document available to the public. The report may be in an electronic form.

NEW SECTION. Sec. 4. (1) Investor-owned utilities shall submit integrated resource plans to the commission. The commission shall establish by rule the requirements for preparation and submission of integrated resource plans.

(2) The commission may adopt additional rules as necessary to clarify the requirements of section 3 of this act as they apply to investor-owned utilities.

NEW SECTION. Sec. 5. (1) The governing body of a consumer-owned utility that develops a plan under this chapter shall encourage participation of its consumers in development of the plans and progress reports and approve the plans and progress reports after it has provided public notice and hearing.

(2) Each consumer-owned utility shall transmit a copy of its plan to the department by September 1, 2008, and transmit subsequent progress reports or plans to the department at least every two years thereafter. The department shall develop, in consultation with utilities, a common cover sheet that summarizes the essential data in their plans or progress reports.

(3) Consumer-owned utilities may develop plans of a similar type jointly with other consumer-owned utilities. Data and assessments included in joint reports must be identifiable to each individual utility.

(4) To minimize duplication of effort and maximize efficient use of utility resources, in developing their plans under section 3 of this act, consumer-owned utilities are encouraged to use resource planning concepts, techniques, and information provided to and by organizations such as the United States department of energy, the Northwest planning and conservation council, Pacific Northwest utility conference committee, and other state, regional, national, and international entities, and, for the 2008 plan, as appropriate, are encouraged to use and be consistent with relevant determinations required under Title XII - Electricity; Subtitle E, Sections 1251 - 1254 of the federal energy policy act of 2005.

NEW SECTION. Sec. 6. The department shall review the plans of consumer-owned utilities and investor-owned utilities, and data available from other state, regional, and national sources, and prepare an electronic report to the legislature aggregating the data and assessing the overall adequacy of Washington's electricity supply. The report shall include a statewide summary of utility load forecasts, load/resource

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

balance, and utility plans for the development of thermal generation, renewable resources, and conservation and efficiency resources. The commission shall provide the department with data summarizing the plans of investor-owned utilities for use in the department's statewide summary. The department may submit its report within the biennial report required under RCW 43.21F.045.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act constitute a new chapter in Title 19 RCW."

Senators Poulsen and Morton spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Poulsen and Morton to Engrossed Substitute House Bill No. 1010.

The motion by Senator Poulsen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "electric utility planning; and adding a new chapter to Title 19 RCW."

MOTION

On motion of Senator Poulsen, the rules were suspended, Engrossed Substitute House Bill No. 1010 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1010 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1010 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Benson, McCaslin and Oke - 3

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1010 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:
ENGROSSED HOUSE BILL NO. 2716,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk
MESSAGE FROM THE HOUSE

March 6, 2006

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2507 and asks Senate to recede therefrom.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Schoesler moved that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 2507.

The President declared the question before the Senate to be motion by Senator Schoesler that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 2507.

The motion by Senator Schoesler carried and the Senate receded from its amendments to Engrossed Substitute House Bill No. 2507.

MOTION

On motion of Senator Schoesler, the rules were suspended and Engrossed Substitute House Bill No. 2507 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2507, by House Committee on Higher Education & Workforce Education (originally sponsored by Representatives Kenney, Shabro, Hasegawa, Morrell, Rodne, Lantz and Ormsby)

Prohibiting false or misleading college degrees.

The measure was read the second time.

MOTION

Senator Schoesler moved that the following striking amendment by Senators Schoesler and McAuliffe be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 28B.85 RCW to read as follows:

(1) It is unlawful for a person to:

(a) Grant or award a false academic credential or offer to grant or award a false academic credential in violation of this section;

(b) Represent that a credit earned or granted by the person, in violation of this section, can be applied toward a credential offered by another person; or

(c) Solicit another person to seek a credential or to earn a credit that is offered in violation of this section.

(2) The definitions in section 2 of this act apply to this section.

(3) A violation of this section constitutes an unfair or deceptive act or practice in the conduct of trade or commerce under chapter 19.86 RCW.

(4) In addition to any other venue authorized by law, venue for the prosecution of an offense under this section is in the county in which an element of the offense occurs.

NEW SECTION. Sec. 2. A new section is added to chapter 9A.60 RCW to read as follows:

(1) A person is guilty of issuing a false academic credential if the person knowingly:

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

(a) Grants or awards a false academic credential or offers to grant or award a false academic credential in violation of this section;

(b) Represents that a credit earned or granted by the person in violation of this section can be applied toward a credential offered by another person;

(c) Grants or offers to grant a credit for which a representation as described in (b) of this subsection is made; or

(d) Solicits another person to seek a credential or to earn a credit the person knows is offered in violation of this section.

(2) A person is guilty of knowingly using a false academic credential if the person knowingly uses a false academic credential or falsely claims to have a credential issued by an institution of higher education that is accredited by an accrediting association recognized as such by rule of the higher education coordinating board:

(a) In a written or oral advertisement or other promotion of a business; or

(b) With the intent to:

(i) Obtain employment;

(ii) Obtain a license or certificate to practice a trade, profession, or occupation;

(iii) Obtain a promotion, compensation or other benefit, or an increase in compensation or other benefit, in employment or in the practice of a trade, profession, or occupation;

(iv) Obtain admission to an educational program in this state; or

(v) Gain a position in government with authority over another person, regardless of whether the person receives compensation for the position.

(3) The definitions in this subsection apply throughout this section and section 1 of this act.

(a) "False academic credential" means a document that provides evidence or demonstrates completion of an academic or professional course of instruction beyond the secondary level that results in the attainment of an academic certificate, degree, or rank, and that is not issued by a person or entity that: (i) Is an entity accredited by an agency recognized as such by rule of the higher education coordinating board or has the international equivalents of such accreditation; or (ii) is an entity authorized as a degree-granting institution by the higher education coordinating board; or (iii) is an entity exempt from the requirements of authorization as a degree-granting institution by the higher education coordinating board; or (iv) is an entity that has been granted a waiver by the higher education coordinating board from the requirements of authorization by the board. Such documents include, but are not limited to, academic certificates, degrees, coursework, degree credits, transcripts, or certification of completion of a degree.

(b) "Grant" means award, bestow, confer, convey, sell, or give.

(c) "Offer," in addition to its usual meanings, means advertise, publicize, or solicit.

(d) "Operate" includes but is not limited to the following:

(i) Offering courses in person, by correspondence, or by electronic media at or to any Washington location for degree credit;

(ii) Granting or offering to grant degrees in Washington;

(iii) Maintaining or advertising a Washington location, mailing address, computer server, or telephone number, for any purpose, other than for contact with the institution's former students for any legitimate purpose related to the students having attended the institution.

(4) Issuing a false academic credential is a class C felony.

(5) Knowingly using a false academic credential is a gross misdemeanor.

Sec. 3. RCW 28B.85.020 and 2005 c 274 s 246 are each amended to read as follows:

(1) The board:

(a) Shall adopt by rule, in accordance with chapter 34.05 RCW, minimum standards for degree-granting institutions

concerning granting of degrees, quality of education, unfair business practices, financial stability, and other necessary measures to protect citizens of this state against substandard, fraudulent, or deceptive practices. The rules ~~((may))~~ shall require that an institution operating in Washington:

~~(i) Be accredited ((or be making progress toward accreditation by an accrediting agency recognized by the United States department of education. The board shall adopt the rules in accordance with chapter 34.05 RCW));~~

(ii) Have applied for accreditation and such application is pending before the accrediting agency;

(iii) Have been granted a waiver by the board waiving the requirement of accreditation; or

(iv) Have been granted an exemption by the board from the requirements of this subsection (1)(a);

(b) May investigate any entity the board reasonably believes to be subject to the jurisdiction of this chapter. In connection with the investigation, the board may administer oaths and affirmations, issue subpoenas and compel attendance, take evidence, and require the production of any books, papers, correspondence, memorandums, or other records which the board deems relevant or material to the investigation. The board, including its staff and any other authorized persons, may conduct site inspections, the cost of which shall be borne by the institution, and examine records of all institutions subject to this chapter;

(c) Shall develop an interagency agreement with the work force training and education coordinating board to regulate degree-granting private vocational schools with respect to degree and nondegree programs; and

(d) Shall develop and disseminate information to the public about entities that sell or award degrees without requiring appropriate academic achievement at the postsecondary level, including but not limited to, a description of the substandard and potentially fraudulent practices of these entities, and advice about how the public can recognize and avoid the entities. To the extent feasible, the information shall include links to additional resources that may assist the public in identifying specific institutions offering substandard or fraudulent degree programs.

(2) Financial disclosures provided to the board by degree-granting private vocational schools are not subject to public disclosure under chapter 42.56 RCW.

Sec. 4. RCW 28B.85.040 and 2004 c 96 s 2 are each amended to read as follows:

(1) An institution or person shall not advertise, offer, sell, or award a degree or any other type of educational credential unless the student has enrolled in and successfully completed a prescribed program of study, as outlined in the institution's publications. This prohibition shall not apply to honorary credentials clearly designated as such on the front side of the diploma or certificate and awarded by institutions offering other educational credentials in compliance with state law.

(2) No exemption or waiver granted under this chapter is permanent. The board shall periodically review exempted degree-granting institutions and degree-granting institutions granted a waiver, and continue exemptions or waivers only if an institution meets the statutory or board requirements for exemption or waiver in effect on the date of the review.

(3) Except as provided in subsection (1) of this section, this chapter shall not apply to:

(a) Any public college, university, community college, technical college, or institute operating as part of the public higher educational system of this state;

(b) Institutions that have been accredited by an accrediting association recognized by the agency for the purposes of this chapter: PROVIDED, That those institutions meet minimum exemption standards adopted by the agency; and PROVIDED FURTHER, That an institution, branch, extension, or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

accredited member institution of any such accrediting association to qualify for this exemption;

(c) Institutions of a religious character, but only as to those education programs devoted exclusively to religious or theological objectives if the programs are represented in an accurate manner in institutional catalogs and other official publications;

(d) Honorary credentials clearly designated as such on the front side of the diploma or certificate awarded by institutions offering other educational credentials in compliance with state law; or

(e) Institutions not otherwise exempt which offer only workshops or seminars and institutions offering only credit-bearing workshops or seminars lasting no longer than three calendar days.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.405 RCW to read as follows:

A person who issues or uses a false academic credential is subject to sections 1 and 2 of this act.

NEW SECTION. Sec. 6. A new section is added to chapter 28B.50 RCW to read as follows:

A person who issues or uses a false academic credential is subject to sections 1 and 2 of this act.

NEW SECTION. Sec. 7. A new section is added to chapter 41.06 RCW to read as follows:

A person who issues or uses a false academic credential is subject to sections 1 and 2 of this act."

Senator Schoesler spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Schoesler and McAuliffe to Engrossed Substitute House Bill No. 2507.

The motion by Senator Schoesler carried and the striking amendment was adopted by voice vote.

MOTION

On motion of Senator Schoesler, withdrew the amendment on page 3, line 17 by Senators Schoesler, Schmidt and McAuliffe to Engrossed Substitute House Bill No. 2507 was withdrawn.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.85.020 and 28B.85.040; adding a new section to chapter 28B.85 RCW; adding a new section to chapter 9A.60 RCW; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 41.06 RCW; and prescribing penalties."

MOTION

On motion of Senator Schoesler, the rules were suspended, Engrossed Substitute House Bill No. 2507 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2507 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2507 as amended by the

Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Benson, McCaslin and Oke - 3

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2507 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2871 and asks Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 2871.

The President declared the question before the Senate to be motion by Senator Haugen that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 2871.

The motion by Senator Haugen carried and the Senate receded from its amendments to Engrossed Substitute House Bill No. 2871.

MOTION

On motion of Senator Haugen, the rules were suspended and Engrossed Substitute House Bill No. 2871 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2871, by House Committee on Transportation (originally sponsored by Representatives Murray, Dickerson, Appleton and Simpson)

Creating a regional transportation commission. Revised for 1st Substitute: Creating a regional transportation commission. (REVISED FOR ENGROSSED: Modifying regional transportation governance provisions.)

The measure was read the second time.

MOTION

Senator Haugen moved that the following striking amendment by Senator Haugen be adopted:

Strike everything after the enacting clause and insert the following:

FIFTY-EIGHTH DAY, MARCH 7, 2006

"NEW SECTION. Sec. 1. The legislature finds that effective transportation planning in urbanized regions requires stronger and clearer lines of responsibility and accountability.

The legislature further finds that integrated, multimodal transportation planning will help reduce transportation congestion and improve safety, and that streamlined decision making will help reduce political congestion.

The legislature further finds that coordinated planning of, investment in, and operation of transportation systems will have significant benefit to the citizens of Washington, and that it is the will of the people to fund regional transportation solutions, including improving transit service in urbanized areas and among existing, fragmented transit agencies in the region. Although equity considerations must be respected, transportation problems are broader and deeper than the sum of geographic subareas.

It is therefore the policy of the state of Washington to create a regional transportation commission to develop a proposal for a regional transportation governing entity more directly accountable to the public, and to develop a comprehensive regional transportation finance plan for the citizens of the Puget Sound metropolitan region.

NEW SECTION. Sec. 2. (1) The regional transportation commission is established.

(2) The commission shall consist of nine voting commissioners. The commissioners shall be appointed by the governor by June 1, 2006. The governor shall appoint four commissioners from designated lists of three nominees submitted by each major party caucus of the legislature, with one commissioner to be appointed from each respective list of nominees. The governor shall appoint the additional five commissioners independent of the legislative caucus nominees. In addition, the secretary of transportation or the secretary's designee shall serve as a nonvoting member. Appointments of commissioners must reflect geographical balance and diversity of populations within the central Puget Sound region and, to the extent possible, include commissioners with special expertise in relevant fields such as funding, planning, and construction of transportation improvement projects, structural reorganizations, and operation of transportation systems. Appointees must be citizen members who do not hold public office. Vacancies for any appointed commission seat shall be filled in the same manner as the original appointments were made.

(3) The term of office for a commissioner begins seven days following appointment by the governor. A commissioner must be a qualified elector under the state Constitution when his or her term of office begins.

(4) The commission chair presides over the commission and sets the commission agenda subject to general rules established by the commission. Except as provided otherwise in this act, the commission chair appoints all members of the committees, councils, and boards created by the rules of the commission. The commission chair shall be designated by the governor from among the commissioners appointed under subsection (2) of this section.

(5) Each member of the commission is eligible to receive compensation in an amount not to exceed two hundred fifty dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chair. A commissioner may be compensated under this subsection only if the compensation is necessarily incurred in the course of authorized business, consistent with the responsibilities of the commission established by this act.

(6) The commission may be entitled to state funding, as appropriated by the legislature, to pay for expenses incurred by the commission and the department of transportation and through contracts in carrying out the duties authorized in this act.

(7) The department of transportation shall provide staff support to the commission and, upon request of the commission, contract with other parties for staff support to the commission.

2006 REGULAR SESSION

NEW SECTION. Sec. 3. The regional transportation commission has the following duties:

(1) Evaluate transportation governance in the central Puget Sound area within the jurisdiction of the Puget Sound regional council. This evaluation must include an assessment of the current roles of regional transportation agencies, including regional transportation and metropolitan planning organizations, the regional transit authority, regional transportation investment districts, county and municipal agencies operating transit services, and cities, counties, and other public agencies providing transportation services or facilities, including the state department of transportation. The commission shall assess and develop recommendations for what steps should be taken to:

(a) Consolidate governance among agencies, including changes in institutional powers, structures, and relationships and governance needed to improve accountability for transportation decisions, while enhancing the regional focus for transportation decisions and maintaining equity among citizens in the region;

(b) Improve coordination in the planning of transportation investments and services;

(c) Improve investment strategies;

(d) Coordinate transportation planning and investments with adopted land use policies within the region;

(e) Enhance efficiency and coordination in the delivery of services provided;

(f) Adjust boundaries for agencies or functions within the region to address existing and future transportation and land use issues; and

(g) Improve coordination between regional investments and federal funds, and state funding, including those administered by the transportation improvement board, the county road administration board, and the freight mobility strategic investment board;

(2) Develop options for a regional transportation governance proposal that include, at a minimum, an option providing for the formation of a regional transportation governing entity, of which all of its members must be directly elected, the revenue sources that will be available to such entity, and the scope of planning authority of such entity. The commission shall consult with affected jurisdictions when developing a proposal under this subsection;

(3) Develop a comprehensive financing strategy and recommended revenue options for improving transportation system performance within the region through investments in transportation projects, including, but not limited to, system-wide pricing policies and network value-pricing charges;

(4) Publicize the commission's proposal referenced in subsection (2) of this section, and the list of revenue options referenced in subsection (3) of this section, by November 15, 2006, and provide at least fifteen days for public comment;

(5) Adopt the proposal referenced in subsection (2) of this section, and the list of revenue options referenced in subsection (3) of this section, and submit them to the legislature by January 1, 2007, after which time the commission shall dissolve; and

(6) Conduct public meetings to assure active public participation in the development of the recommendations, proposal, and finance plan under this section.

Sec. 4. RCW 36.120.020 and 2002 c 56 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the governing body of a regional transportation investment district.

(2) "Department" means the Washington state department of transportation.

(3) "Highway of statewide significance" means an existing or proposed state route or federal interstate designated as a highway of statewide significance by the transportation commission, its successor entity, or the legislature.

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

(4) "Lead agency" means a public agency that by law can plan, design, and build a transportation project and has been so designated by the district.

(5) "Regional transportation investment district" or "district" means a municipal corporation (~~whose boundaries are coterminous with two or more contiguous counties and~~) that has been created by county legislative authorities and a vote of the people under this chapter to implement a regional transportation investment plan.

(6) "Regional transportation investment district planning committee" or "planning committee" means the advisory committee created under RCW 36.120.030 to create and propose to county legislative authorities a regional transportation investment plan to develop, finance, and construct transportation projects.

(7) "Regional transportation investment plan" or "plan" means a plan to develop, construct, and finance a transportation project or projects.

(8) "Transportation project" means:

(a) A capital improvement or improvements to a highway that has been designated, in whole or in part, as a highway of statewide significance, including an extension, that:

(i) Adds a lane or new lanes to an existing state or federal highway; or

(ii) Repairs or replaces a lane or lanes damaged by an event declared an emergency by the governor before January 1, 2002.

(b) A capital improvement or improvements to all or a portion of a highway of statewide significance, including an extension, and may include the following associated multimodal capital improvements:

(i) Approaches to highways of statewide significance;

(ii) High-occupancy vehicle lanes;

(iii) Flyover ramps;

(iv) Park and ride lots;

(v) Bus pullouts;

(vi) Vans for vanpools;

(vii) Buses; and

(viii) Signalization, ramp metering, and other transportation system management improvements.

(c) A capital improvement or improvements to all or a portion of a city street, county road, or existing highway or the creation of a new highway that intersects with a highway of statewide significance, if all of the following conditions are met:

(i) The project is included in a plan that makes highway improvement projects that add capacity to a highway or highways of statewide significance;

(ii) The secretary of transportation determines that the project would better relieve traffic congestion than investing that same money in adding capacity to a highway of statewide significance;

(iii) Matching money equal to ~~(one-third)~~ fifteen percent of the total cost of the project is provided by local entities, including but not limited to a metropolitan planning organization, county, city, port, or private entity in which a county participating in a plan is located. Local entities may use federal grants to meet this matching requirement;

(iv) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed ten percent of the revenues generated by the district;

(v) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed one billion dollars; and

(vi) The specific projects are included within the plan and submitted as part of the plan to a vote of the people.

(d) Except as otherwise provided in this subsection, operations, preservation, and maintenance are excluded from this definition and may not be included in a regional transportation investment plan. However, operations, preservation, and maintenance of tolled facilities where toll revenues have been pledged for the payment of contracts is

expressly authorized and may be included in a regional transportation investment plan. The authority under this subsection includes operational expenses for toll enforcement.

(e) Operational expenses for traffic mitigation provided solely for transportation project construction mitigation directly related to specific projects as outlined in the plan shall be included in a regional transportation investment plan. Construction mitigation strategies may include, but are not limited to, funding for increased transit service hours, trip reduction incentives, nonmotorized mode support, and ridematching services. Prior to construction of any project, corridor mitigation plans must be developed in conjunction with the department and partner transit agencies, including local transit agencies and the regional transit authority serving the counties, with the following goals: (i) Reducing drive alone trips in affected corridors; (ii) reducing delay per person and delay per unit of goods in affected corridors; and (iii) improving levels of service that improve system performance for all transportation users in affected corridors. The regional transportation commission established under section 2 of this act, or a successor regional governing entity, shall review transit investments according to these performance measures to determine whether to continue funding for successful and effective operations after the construction period is completed.

(9) "Weighted vote" means a vote that reflects the population each board or planning committee member represents relative to the population represented by the total membership of the board or planning committee. Population will be determined using the federal 2000 census or subsequent federal census data.

Sec. 5. RCW 36.120.030 and 2002 c 56 s 103 are each amended to read as follows:

Regional transportation investment district planning committees are advisory entities that are created, convened, and empowered as follows:

(1) A county with a population over one million five hundred thousand persons and any adjoining counties with a population over five hundred thousand persons may create a regional transportation investment district and shall convene a regional transportation investment district planning committee.

(a) The boundaries of the district should include at least the contiguous areas within the regional transit authority serving the counties. The boundaries must be proposed by the planning committee and approved by the county legislative authorities by ordinance before or in conjunction with approval of a regional transportation investment plan. Boundaries must follow complete parcels of land. However, any portion of a county that is located on a peninsula shall be exempt from a regional transportation investment district in which more than one county is included if (i) the portion of the county located on the peninsula is connected to the other portion of the county by a bridge improved under chapter 47.46 RCW, and (ii) the county has a national park and a population of more than five hundred thousand persons, but less than one million five hundred thousand persons.

(b) After voters within the district boundaries have approved a plan under RCW 36.120.070, elections to add areas to the district boundaries may be called by a resolution of the board, after consultation with the regional transportation planning organization and affected transit agencies and with the concurrence of the legislative authority of the city or town if the area is incorporated or with the concurrence of the county legislative authority if the area is unincorporated. The election may include a single ballot measure providing annexation to the district, approval of the plan, and approval of revenue sources necessary to finance the plan. The electorate are the voters voting within the proposed area to be annexed. A simple majority of the persons voting on the single ballot measure is required for approval of the measure.

(2) The members of the legislative authorities participating in planning under this chapter shall serve as the district planning

FIFTY-EIGHTH DAY, MARCH 7, 2006

committee. Members of the planning committee receive no compensation, but may be reimbursed for travel and incidental expenses as the planning committee deems appropriate.

The secretary of transportation, or the appropriate regional administrator of the department, as named by the secretary, shall serve on the committee as a nonvoting member.

(3) A regional transportation investment district planning committee may be entitled to state funding, as appropriated by the legislature, for start-up funding to pay for salaries, expenses, overhead, supplies, and similar expenses ordinarily and necessarily incurred in selecting transportation projects and funding for those transportation projects under this chapter. Upon creation of a regional transportation investment district, the district shall within one year reimburse the state for any sums advanced for these start-up costs from the state.

(4) The planning committee shall conduct its affairs and formulate a regional transportation investment plan as provided under RCW 36.120.040, except that it shall elect an executive board of seven members to discharge the duties of the planning committee and formulate a regional transportation investment plan, subject to the approval of the full committee.

(5) At its first meeting, a regional transportation investment district planning committee may elect officers and provide for the adoption of rules and other operating procedures.

(6) Governance of and decisions by a regional transportation investment district planning committee must be by a sixty-percent weighted majority vote of the total membership.

(7) The planning committee may dissolve itself at any time by a two-thirds weighted majority vote of the total membership of the planning committee.

(8) If a multicounty regional transportation investment district is not formed by December 1, 2007, through approval by the voters voting on a regional transportation investment plan, then the authority under this chapter to create a district, and to fund and construct transportation projects, shall be available to each of the eligible counties described in subsection (1) of this section on an individual and independent basis.

Sec. 6. RCW 36.120.040 and 2003 c 194 s 1 are each amended to read as follows:

(1) A regional transportation investment district planning committee shall adopt a regional transportation investment plan providing for the development, construction, and financing of transportation projects. The planning committee may consider the following factors in formulating its plan:

(a) Land use planning criteria;

(b) The input of cities located within a participating county; and

(c) The input of regional transportation planning organizations ~~((m))~~ of which a participating county is ~~((located))~~ a member. A regional transportation planning organization in which a participating county is located shall review its adopted regional transportation plan and submit, for the planning committee's consideration, its list of transportation improvement priorities.

(2) The planning committee may coordinate its activities with the department, which shall provide services, data, and personnel to assist in this planning as desired by the planning committee. In addition, the planning committee may coordinate its activities with affected cities, towns, and other local governments, including any regional transit authority existing within the participating counties' boundaries, that engage in transportation planning.

(3) The planning committee shall:

(a) Conduct public meetings that are needed to assure active public participation in the development of the plan;

(b) Adopt a plan proposing the:

(i) Creation of a regional transportation investment district, including district boundaries; and

(ii) Construction of transportation projects to improve mobility within each county and within the region. Operations, maintenance, and preservation of facilities or systems may not

be part of the plan, except for the limited purposes provided under RCW 36.120.020(8); and

(c) Recommend sources of revenue authorized by RCW 36.120.050 and a financing plan to fund selected transportation projects. The overall plan of the district must leverage the district's financial contributions so that the federal, state, local, and other revenue sources continue to fund major congestion relief and transportation capacity improvement projects in each county and the district. A combination of local, state, and federal revenues may be necessary to pay for transportation projects, and the planning committee shall consider all of these revenue sources in developing a plan.

(4) The plan must use tax revenues and related debt for projects that generally benefit a participating county in proportion to the general level of tax revenues generated within that participating county. This equity principle applies to all modifications to the plan, appropriation of contingency funds not identified within the project estimate, and future phases of the plan. Per agreement with a regional transit authority serving the counties participating in a district, the equity principle identified under this subsection may include using the combined district and regional transit authority revenues generated within a participating county to determine the distribution that proportionally benefits the county. For purposes of the transportation subarea equity principle established under this subsection, a district may use the five subareas within a regional transit authority's boundaries as identified in an authority's system plan adopted in May 1996. During implementation of the plan, the board shall retain the flexibility to manage distribution of revenues, debt, and project schedules so that the district may effectively implement the plan. Nothing in this section should be interpreted to prevent the district from pledging district-wide tax revenues for payment of any contract or debt entered into under RCW 36.120.130.

(5) Before adopting the plan, the planning committee, with assistance from the department, shall work with the lead agency to develop accurate cost forecasts for transportation projects. This project costing methodology must be integrated with revenue forecasts in developing the plan and must at a minimum include estimated project costs in constant dollars as well as year of expenditure dollars, the range of project costs reflected by the level of project design, project contingencies, identification of mitigation costs, the range of revenue forecasts, and project and plan cash flow and bond analysis. The plan submitted to the voters must provide cost estimates for each project, including reasonable contingency costs. Plans submitted to the voters must provide that the maximum amount possible of the funds raised will be used to fund projects in the plan, including environmental improvements and mitigation, and that administrative costs be minimized. If actual revenue exceeds actual plan costs, the excess revenues must be used to retire any outstanding debt associated with the plan.

(6) If a county opts not to adopt the plan or participate in the regional transportation investment district, but two or more contiguous counties do choose to continue to participate, then the planning committee may, within ninety days, redefine the regional transportation investment plan and the ballot measure to be submitted to the people to reflect elimination of the county, and submit the redefined plan to the legislative authorities of the remaining counties for their decision as to whether to continue to adopt the redefined plan and participate. This action must be completed within sixty days after receipt of the redefined plan.

(7) Once adopted by the planning committee, the plan must be forwarded to the participating county legislative authorities to initiate the election process under RCW 36.120.070. The planning committee shall at the same time provide notice to each city and town within the district, the governor, the chairs of the transportation committees of the legislature, the secretary of transportation, and each legislator whose legislative district is partially or wholly within the boundaries of the district.

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

(8) If the ballot measure is not approved, the planning committee may redefine the selected transportation projects, financing plan, and the ballot measure. The county legislative authorities may approve the new plan and ballot measure, and may then submit the revised proposition to the voters at the next election or a special election. If no ballot measure is approved by the voters by the third vote, the planning committee is dissolved.

NEW SECTION. Sec. 7. A new section is added to chapter 36.120 RCW to read as follows:

The planning committee must develop and include in the regional transportation investment plan a funding proposal for the state route number 520 bridge replacement and HOV project that assures full project funding for seismic safety and corridor connectivity on state route number 520 between Interstate 5 and Interstate 405.

Sec. 8. RCW 36.120.070 and 2002 c 56 s 107 are each amended to read as follows:

(1) Beginning no sooner than the 2007 general election, two or more contiguous county legislative authorities, or a single county legislative authority as provided under RCW 36.120.030(8), upon receipt of the regional transportation investment plan under RCW 36.120.040, may (certify the plan to the ballot, including identification of the tax options) submit to the voters of the proposed district a single ballot measure that approves formation of the district, approves the regional transportation investment plan, and approves the revenue sources necessary to (fund) finance the plan. ((County legislative authorities)) For a county to participate in the plan, the county legislative authority shall, within ninety days after receiving the plan, adopt an ordinance indicating the county's participation. The planning committee may draft ((a ballot title)) the ballot measure on behalf of the county legislative authorities, and the county legislative authorities may give notice as required by law for ballot measures, and perform other duties as required to ((put the plan before)) submit the measure to the voters of the proposed district for their approval or rejection ((as a single ballot measure that both approves formation of the district and approves the plan)). Counties may negotiate interlocal agreements necessary to implement the plan. The electorate will be the voters voting within the boundaries of the ((participating counties)) proposed district. A simple majority of the total persons voting on the single ballot measure ((to approve the plan, establish the district, and approve the taxes and fees)) is required for approval.

(2) In conjunction with RCW 81.112.030(10), at the 2007 general election the participating counties shall submit a regional transportation investment plan on the same ballot along with a proposition to support additional implementation phases of the authority's system and financing plan developed under chapter 81.112 RCW. The plan shall not be considered approved unless voters also approve the proposition to support additional implementation phases of the authority's system and financing plan.

Sec. 9. RCW 29A.36.071 and 2004 c 271 s 169 are each amended to read as follows:

(1) Except as provided to the contrary in RCW 82.14.036, 82.46.021, or 82.80.090, the ballot title of any referendum filed on an enactment or portion of an enactment of a local government and any other question submitted to the voters of a local government consists of three elements: (a) An identification of the enacting legislative body and a statement of the subject matter; (b) a concise description of the measure; and (c) a question. The ballot title must conform with the requirements and be displayed substantially as provided under RCW 29A.72.050, except that the concise description must not exceed seventy-five words; however, a concise description submitted on behalf of a proposed or existing regional transportation investment district may exceed seventy-five words. If the local governmental unit is a city or a town, the concise statement shall be prepared by the city or town attorney.

If the local governmental unit is a county, the concise statement shall be prepared by the prosecuting attorney of the county. If the unit is a unit of local government other than a city, town, or county, the concise statement shall be prepared by the prosecuting attorney of the county within which the majority area of the unit is located.

(2) A referendum measure on the enactment of a unit of local government shall be advertised in the manner provided for nominees for elective office.

(3) Subsection (1) of this section does not apply if another provision of law specifies the ballot title for a specific type of ballot question or proposition.

Sec. 10. RCW 36.120.080 and 2002 c 56 s 108 are each amended to read as follows:

If the voters approve the plan, including creation of a regional transportation investment district and imposition of taxes and fees, the district will be declared formed. The county election officials of participating counties shall, within fifteen days of the final certification of the election results, publish a notice in a newspaper or newspapers of general circulation in the district declaring the district formed, and mail copies of the notice to the governor, the secretary of transportation, the executive director of the regional transit authority in which any part of the district is located, and the executive director of the regional transportation planning organization in which any part of the district is located. A party challenging the procedure or the formation of a voter-approved district must file the challenge in writing by serving the prosecuting attorney of the participating counties and the attorney general within thirty days after the final certification of the election. Failure to challenge within that time forever bars further challenge of the district's valid formation.

Sec. 11. RCW 36.120.110 and 2002 c 56 s 111 are each amended to read as follows:

(1) The governing board of the district is responsible for the execution of the voter-approved plan. The board shall:

(a) Impose taxes and fees authorized by district voters;

(b) Enter into agreements with state, local, and regional agencies and departments as necessary to accomplish district purposes and protect the district's investment in transportation projects;

(c) Accept gifts, grants, or other contributions of funds that will support the purposes and programs of the district;

(d) Monitor and audit the progress and execution of transportation projects to protect the investment of the public and annually make public its findings;

(e) Pay for services and enter into leases and contracts, including professional service contracts;

(f) Hire no more than ten employees, including a director or executive officer, a treasurer or financial officer, a project manager or engineer, a project permit coordinator, and clerical staff; and

(g) Coordinate its activities with affected cities, towns, and other local governments, including any regional transit authority existing either partially or entirely within the district area, that engage in transportation planning; and

(h) Exercise other powers and duties as may be reasonable to carry out the purposes of the district.

(2) It is the intent of the legislature that existing staff resources of lead agencies be used in implementing this chapter. A district may coordinate its activities with the department, which shall provide services, data, and personnel to assist as desired by the regional transportation investment district. Lead agencies for transportation projects that are not state facilities shall also provide staff support for the board.

(3) A district may not acquire, hold, or dispose of real property.

(4) Except for the limited purposes provided under RCW 36.120.020(8), a district may not own, operate, or maintain an ongoing facility, road, or transportation system.

FIFTY-EIGHTH DAY, MARCH 7, 2006

(5) A district may accept and expend or use gifts, grants, or donations.

(6) It is the intent of the legislature that administrative and overhead costs of a regional transportation investment district be minimized. For transportation projects costing up to fifty million dollars, administrative and overhead costs may not exceed three percent of the total construction and design project costs per year. For transportation projects costing more than fifty million dollars, administrative and overhead costs may not exceed three percent of the first fifty million dollars in costs, plus an additional one-tenth of one percent of each additional dollar above fifty million. These limitations apply only to the district, and do not limit the administration or expenditures of the department.

(7) A district may use the design-build procedure for transportation projects developed by it. As used in this section "design-build procedure" means a method of contracting under which the district contracts with another party for that party to both design and build the structures, facilities, and other items specified in the contract. The requirements and limitations of RCW 47.20.780 and 47.20.785 do not apply to the transportation projects under this chapter.

Sec. 12. RCW 81.112.030 and 1994 c 44 s 1 are each amended to read as follows:

Two or more contiguous counties each having a population of four hundred thousand persons or more may establish a regional transit authority to develop and operate a high capacity transportation system as defined in chapter 81.104 RCW.

The authority shall be formed in the following manner:

(1) The joint regional policy committee created pursuant to RCW 81.104.040 shall adopt a system and financing plan, including the definition of the service area. This action shall be completed by September 1, 1992, contingent upon satisfactory completion of the planning process defined in RCW 81.104.100. The final system plan shall be adopted no later than June 30, 1993. In addition to the requirements of RCW 81.104.100, the plan for the proposed system shall provide explicitly for a minimum portion of new tax revenues to be allocated to local transit agencies for interim express services. Upon adoption the joint regional policy committee shall immediately transmit the plan to the county legislative authorities within the adopted service area.

(2) The legislative authorities of the counties within the service area shall decide by resolution whether to participate in the authority. This action shall be completed within forty-five days following receipt of the adopted plan or by August 13, 1993, whichever comes first.

(3) Each county that chooses to participate in the authority shall appoint its board members as set forth in RCW 81.112.040 and shall submit its list of members to the secretary of the Washington state department of transportation. These actions must be completed within thirty days following each county's decision to participate in the authority.

(4) The secretary shall call the first meeting of the authority, to be held within thirty days following receipt of the appointments. At its first meeting, the authority shall elect officers and provide for the adoption of rules and other operating procedures.

(5) The authority is formally constituted at its first meeting and the board shall begin taking steps toward implementation of the system and financing plan adopted by the joint regional policy committee. If the joint regional policy committee fails to adopt a plan by June 30, 1993, the authority shall proceed to do so based on the work completed by that date by the joint regional policy committee. Upon formation of the authority, the joint regional policy committee shall cease to exist. The authority may make minor modifications to the plan as deemed necessary and shall at a minimum review local transit agencies' plans to ensure feeder service/high capacity transit service integration, ensure fare integration, and ensure avoidance of

parallel competitive services. The authority shall also conduct a minimum thirty-day public comment period.

(6) If the authority determines that major modifications to the plan are necessary before the initial ballot proposition is submitted to the voters, the authority may make those modifications with a favorable vote of two-thirds of the entire membership. Any such modification shall be subject to the review process set forth in RCW 81.104.110. The modified plan shall be transmitted to the legislative authorities of the participating counties. The legislative authorities shall have forty-five days following receipt to act by motion or ordinance to confirm or rescind their continued participation in the authority.

(7) If any county opts to not participate in the authority, but two or more contiguous counties do choose to continue to participate, the authority's board shall be revised accordingly. The authority shall, within forty-five days, redefine the system and financing plan to reflect elimination of one or more counties, and submit the redefined plan to the legislative authorities of the remaining counties for their decision as to whether to continue to participate. This action shall be completed within forty-five days following receipt of the redefined plan.

(8) The authority shall place on the ballot within two years of the authority's formation, a single ballot proposition to authorize the imposition of taxes to support the implementation of an appropriate phase of the plan within its service area. In addition to the system plan requirements contained in RCW 81.104.100(2)(d), the system plan approved by the authority's board before the submittal of a proposition to the voters shall contain an equity element which:

(a) Identifies revenues anticipated to be generated by corridor and by county within the authority's boundaries;

(b) Identifies the phasing of construction and operation of high capacity system facilities, services, and benefits in each corridor. Phasing decisions should give priority to jurisdictions which have adopted transit-supportive land use plans; and

(c) Identifies the degree to which revenues generated within each county will benefit the residents of that county, and identifies when such benefits will accrue.

A simple majority of those voting within the boundaries of the authority is required for approval. If the vote is affirmative, the authority shall begin implementation of the projects identified in the proposition. However, the authority may not submit any authorizing proposition for voter-approved taxes prior to July 1, 1993; nor may the authority issue bonds or form any local improvement district prior to July 1, 1993.

(9) If the vote on a proposition fails, the board may redefine the proposition, make changes to the authority boundaries, and make corresponding changes to the composition of the board. If the composition of the board is changed, the participating counties shall revise the membership of the board accordingly. The board may then submit the revised proposition or a different proposition to the voters. No single proposition may be submitted to the voters more than twice. Beginning no sooner than the 2007 general election, the authority may place additional propositions on the ballot to impose taxes to support additional phases of plan implementation.

(10) In conjunction with RCW 36.120.070, at the 2007 general election the authority shall submit a proposition to support additional implementation phases of the authority's system and financing plan on the same ballot along with a regional transportation investment plan developed under chapter 36.120 RCW. The proposition shall not be considered approved unless voters also approve the regional transportation investment plan.

(11) Additional phases of plan implementation may include a transportation subarea equity element which (a) identifies the combined authority and regional transportation investment district revenues anticipated to be generated by corridor and by county within the authority's boundaries, and (b) identifies the degree to which the combined authority and regional

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

transportation investment district revenues generated within each county will benefit the residents of that county, and identifies when such benefits will accrue. For purposes of the transportation subarea equity principle established under this subsection, the authority may use the five subareas within the authority's boundaries as identified in the authority's system plan adopted in May 1996.

(12) If the authority is unable to achieve a positive vote on a proposition within two years from the date of the first election on a proposition, the board may, by resolution, reconstitute the authority as a single-county body. With a two-thirds vote of the entire membership of the voting members, the board may also dissolve the authority.

Sec. 13. RCW 36.120.050 and 2003 c 350 s 4 are each amended to read as follows:

(1) A regional transportation investment district planning committee may, as part of a regional transportation investment plan, recommend the imposition or authorization of some or all of the following revenue sources, which a regional transportation investment district may impose or authorize upon approval of the voters as provided in this chapter:

(a) A regional sales and use tax, as specified in RCW 82.14.430, of up to ~~((0.5))~~ 0.1 percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax, upon the occurrence of any taxable event in the regional transportation investment district;

(b) A local option vehicle license fee, as specified under RCW 82.80.100, of up to one hundred dollars per vehicle registered in the district. As used in this subsection, "vehicle" means motor vehicle as defined in RCW 46.04.320. Certain classes of vehicles, as defined under chapter 46.04 RCW, may be exempted from this fee;

(c) A parking tax under RCW 82.80.030;

(d) A local motor vehicle excise tax under RCW 81.100.060 ~~((and chapter 81.104 RCW))~~;

(e) A local option fuel tax under RCW 82.80.120;

(f) An employer excise tax under RCW 81.100.030; and

(g) Vehicle tolls on new or reconstructed ~~((facilities))~~ local or regional arterials or state or federal highways within the boundaries of the district, if the following conditions are met:

(i) Any such toll must be approved by the state transportation commission or its successor statewide tolling authority;

(ii) The regional transportation investment plan must identify the facilities that may be tolled; and

(iii) Unless otherwise specified by law, the department shall administer the collection of vehicle tolls on designated facilities, and the state transportation commission, or its successor, shall be the tolling authority.

(2) Taxes, fees, and tolls may not be imposed or authorized without an affirmative vote of the majority of the voters within the boundaries of the district voting on a ballot proposition as set forth in RCW 36.120.070. Revenues from these taxes and fees may be used only to implement the plan as set forth in this chapter. A district may contract with the state department of revenue or other appropriate entities for administration and collection of any of the taxes or fees authorized in this section.

(3) Existing statewide motor vehicle fuel and special fuel taxes, at the distribution rates in effect on January 1, 2001, are not intended to be altered by this chapter.

Sec. 14. RCW 81.100.080 and 1990 c 43 s 19 are each amended to read as follows:

(1) Funds collected under RCW 81.100.030 or 81.100.060 and any investment earnings accruing thereon shall be used by the county or the regional transportation investment district in a manner consistent with the regional transportation plan only for costs of collection, costs of preparing, adopting, and enforcing agreements under RCW 81.100.030(3), for construction of high occupancy vehicle lanes and related facilities, mitigation of environmental concerns that result from construction or use of high occupancy vehicle lanes and related facilities, payment of

principal and interest on bonds issued for the purposes of this section, for high occupancy vehicle programs as defined in RCW 81.100.020(5), ~~((and))~~ or for commuter rail projects in accordance with RCW 81.104.120. Except for funds raised by an investment district, no funds collected under RCW 81.100.030 or 81.100.060 after June 30, 2000, may be pledged for the payment or security of the principal or interest on any bonds issued for the purposes of this section. Not more than ten percent of the funds may be used for transit agency high occupancy vehicle programs.

(2) Notwithstanding the limitations in this chapter, a regional transportation investment district may use funds collected under RCW 81.100.030 or 81.100.060 and any investment earnings accruing thereon for projects contained in a plan developed under chapter 36.120 RCW. These expenditures shall not be limited to high occupancy vehicle systems.

(3) Priorities for construction of high occupancy vehicle lanes and related facilities shall be as follows:

~~((+))~~ (a)(i) To accelerate construction of high occupancy vehicle lanes on the interstate highway system, as well as related facilities;

~~((+))~~ (ii) To finance or accelerate construction of high occupancy vehicle lanes on the noninterstate state highway system, as well as related facilities.

~~((2))~~ (b) To finance construction of high occupancy vehicle lanes on local arterials, as well as related facilities.

(4) Moneys received by ~~((an agency))~~ a county under this chapter shall be used in addition to, and not as a substitute for, moneys currently used by the ~~((agency))~~ county for the purposes specified in this section.

(5) Counties and investment districts may contract with cities or the state department of transportation for construction of high occupancy vehicle lanes and related facilities, and may issue general obligation bonds to fund such construction and use funds received under this chapter to pay the principal and interest on such bonds.

Sec. 15. RCW 81.100.060 and 2002 c 56 s 411 are each amended to read as follows:

A county with a population of one million or more and a county with a population of from two hundred ten thousand to less than one million that is adjoining a county with a population of one million or more, having within their boundaries existing or planned high-occupancy vehicle lanes on the state highway system, or a regional transportation investment district ~~((for capital improvements))~~, but only to the extent that the surcharge has not already been imposed by the county, may, with voter approval, impose a local surcharge of not more than three-tenths of one percent in the case of a county, or eight-tenths of one percent in the case of a regional transportation investment district, of the value on vehicles registered to a person residing within the county or investment district and not more than 13.64 percent on the state sales and use taxes paid under the rate in RCW 82.08.020(2) on retail car rentals within the county or investment district. A county may impose the surcharge only to the extent that it has not been imposed by the district. No surcharge may be imposed on vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16.079, 46.16.085, or 46.16.090.

Counties or investment districts imposing a ~~((tax))~~ surcharge under this section shall contract, before the effective date of the resolution or ordinance imposing a surcharge, administration and collection to the state department of licensing, and department of revenue, as appropriate, which shall deduct ~~((am))~~ a percentage amount, as provided by contract, not to exceed two percent of the taxes, for administration and collection expenses incurred by the department. All administrative provisions in chapters 82.03, 82.32, and 82.44 RCW shall, insofar as they are applicable to motor vehicle excise taxes, be applicable to surcharges imposed under this section. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW

FIFTY-EIGHTH DAY, MARCH 7, 2006

shall, insofar as they are applicable to state sales and use taxes, be applicable to surcharges imposed under this section. A surcharge imposed under this section, or a change to the surcharge, shall take effect no sooner than seventy-five days after the department of licensing or the department of revenue receives notice of the surcharge or change to the surcharge, and shall take effect only on the first day of January, April, July, or October. Unless waived by the department of licensing or the department of revenue, notice includes providing the appropriate department with digital mapping and legal descriptions of areas in which the tax will be collected.

If the tax authorized in RCW 81.100.030 is also imposed, the total proceeds from tax sources imposed under this section and RCW 81.100.030 each year shall not exceed the maximum amount which could be collected under this section.

Sec. 16. RCW 82.14.0455 and 2005 c 336 s 15 are each amended to read as follows:

(1) Subject to the provisions in RCW 36.73.065, a transportation benefit district under chapter 36.73 RCW may fix and impose a sales and use tax in accordance with the terms of this chapter. The tax authorized in this section is in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the boundaries of the district. The rate of tax shall not exceed two-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax. The tax may not be imposed for a period exceeding ten years. This tax may be extended for a period not exceeding ten years with an affirmative vote of the voters voting at the election.

(2) Money received from the tax imposed under this section must be spent in accordance with the requirements of chapter 36.73 RCW.

~~((3) A district may only levy the tax under this section if the district is comprised of boundaries coextensive with the boundaries of a county, counties, city or cities, a county transportation authority or authorities, a public transportation benefit area or areas, or any combination of these jurisdictions:))~~

Sec. 17. RCW 82.14.430 and 2002 c 56 s 405 are each amended to read as follows:

(1) If approved by the majority of the voters within its boundaries voting on the ballot proposition, a regional transportation investment district may impose a sales and use tax of up to ~~((0-5))~~ 0.1 percent of the selling price or value of the article used in the case of a use tax. The tax authorized by this section is in addition to the tax authorized by RCW 82.14.030 and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district. Motor vehicles are exempt from the sales and use tax imposed under this subsection.

(2) If approved by the majority of the voters within its boundaries voting on the ballot proposition, a regional transportation investment district may impose a tax on the use of a motor vehicle within a regional transportation investment district. The tax applies to those persons who reside within the regional transportation investment district. The rate of the tax may not exceed ~~((0-5))~~ 0.1 percent of the value of the motor vehicle. The tax authorized by this subsection is in addition to the tax authorized under RCW 82.14.030 and must be imposed and collected at the time a taxable event under RCW 82.08.020(1) or 82.12.020 takes place. All revenue received under this subsection must be deposited in the local sales and use tax account and distributed to the regional transportation investment district according to RCW 82.14.050. The following provisions apply to the use tax in this subsection:

(a) Where persons are taxable under chapter 82.08 RCW, the seller shall collect the use tax from the buyer using the collection provisions of RCW 82.08.050.

2006 REGULAR SESSION

(b) Where persons are taxable under chapter 82.12 RCW, the use tax must be collected using the provisions of RCW 82.12.045.

(c) "Motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

(d) "Person" has the meaning given in RCW 82.04.030.

(e) The value of a motor vehicle must be determined under RCW 82.12.010.

(f) Except as specifically stated in this subsection (2), chapters 82.12 and 82.32 RCW apply to the use tax. The use tax is a local tax imposed under the authority of chapter 82.14 RCW, and chapter 82.14 RCW applies fully to the use tax.

(3) In addition to fulfilling the notice requirements under RCW 82.14.055(1), and unless waived by the department, a regional transportation investment district shall provide the department of revenue with digital mapping and legal descriptions of areas in which the tax will be collected.

Sec. 18. RCW 82.80.120 and 2003 c 350 s 3 are each amended to read as follows:

(1) For purposes of this section:

(a) "Distributor" means every person who imports, refines, manufactures, produces, or compounds motor vehicle fuel and special fuel as defined in RCW 82.36.010 and 82.38.020, respectively, and sells or distributes the fuel into a county;

(b) "Person" has the same meaning as in RCW 82.04.030;

(c) "District" means a regional transportation investment district under chapter 36.120 RCW.

(2) A regional transportation investment district under chapter 36.120 RCW, subject to the conditions of this section, may levy additional excise taxes equal to ten percent of the statewide motor vehicle fuel tax rate under RCW 82.36.025 on each gallon of motor vehicle fuel as defined in RCW 82.36.010 and on each gallon of special fuel as defined in RCW 82.38.020 sold within the boundaries of the district. The additional excise tax is subject to the approval of a majority of the voters within the district boundaries. Vehicles paying an annual license fee under RCW 82.38.075 are exempt from the district's fuel excise tax. The additional excise taxes are subject to the same exceptions and rights of refund as applicable to other motor vehicle fuel and special fuel excise taxes levied under chapters 82.36 and 82.38 RCW. The proposed tax may not be levied less than one month from the date the election results are certified. The commencement date for the levy of any tax under this section will be the first day of January, April, July, or October.

(3) The local option motor vehicle fuel tax on each gallon of motor vehicle fuel and on each gallon of special fuel is imposed upon the distributor of the fuel.

(4) A taxable event for the purposes of this section occurs upon the first distribution of the fuel within the boundaries of the district to a retail outlet, bulk fuel user, or ultimate user of the fuel.

(5) All administrative provisions in chapters 82.01, 82.03, and 82.32 RCW, insofar as they are applicable, apply to local option fuel taxes imposed under this section.

(6) Before the effective date of the imposition of the fuel taxes under this section, a district shall contract with the department of ~~((revenue))~~ licensing for the administration and collection of the taxes. The contract must provide that a percentage amount, not to exceed one percent of the taxes imposed under this section, will be deposited into the local tax administration account created in the custody of the state treasurer. The department of ~~((revenue))~~ licensing may spend money from this account, upon appropriation, for the administration of the local taxes imposed under this section.

(7) The state treasurer shall distribute monthly to the district levying the tax as part of the regional transportation investment district plan, after the deductions for payments and expenditures as provided in RCW 46.68.090(1) (a) and (b).

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

(8) The proceeds of the additional taxes levied by a district in this section, to be used as a part of a regional transportation investment district plan, must be used in accordance with chapter 36.120 RCW, but only for those areas that are considered "highway purposes" as that term is construed in Article II, section 40 of the state Constitution.

(9) A district may only levy the tax under this section if the district is comprised of boundaries identical to the boundaries of a county or counties. A district may not levy the tax in this section if a member county is levying the tax in RCW 82.80.010 or 82.80.110.

Sec. 19. RCW 47.56.076 and 2005 c 335 s 3 are each amended to read as follows:

Upon approval of a majority of the voters within its boundaries voting on the ballot proposition, and ~~((only for the purposes authorized in RCW 36.120.050(1)(g)))~~ with the approval of the state transportation commission or its successor statewide tolling authority, a regional transportation investment district may authorize vehicle tolls on a local or regional arterial or a state ~~((routes where improvements financed in whole or in part by a regional transportation investment district add additional lanes to, or reconstruct lanes on, a highway of statewide significance))~~ or federal highway within the boundaries of the district. The department shall administer the collection of vehicle tolls authorized on designated facilities unless otherwise specified in law or by contract, and the ~~((state transportation))~~ commission(¿) or its successor(¿) statewide tolling authority shall ((be the tolling authority)) set and impose the tolls in amounts sufficient to implement the regional transportation investment plan under RCW 36.120.020.

NEW SECTION. Sec. 20. A new section is added to chapter 47.56 RCW to read as follows:

Notwithstanding any provision to the contrary in this chapter, a regional transportation investment district may authorize vehicle tolls on either Lake Washington bridge within its boundaries to implement a regional transportation investment plan as authorized in chapter 36.120 RCW and RCW 47.56.076.

Sec. 21. RCW 43.79A.040 and 2005 c 424 s 18, 2005 c 402 s 8, 2005 c 215 s 10, and 2005 c 16 s 2 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the

Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and fire fighters' plan 2 expense fund, the local tourism promotion account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), and the life sciences discovery fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 22. RCW 43.84.092 and 2005 c 514 s 1105, 2005 c 353 s 3, 2005 c 339 s 22, 2005 c 314 s 109, 2005 c 312 s 7, and 2005 c 94 s 1 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer

FIFTY-EIGHTH DAY, MARCH 7, 2006

shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the Puyallup tribal settlement account, the real estate appraiser commission account, ~~((the regional transportation investment district account))~~ the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and

2006 REGULAR SESSION

the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 23. RCW 43.84.092 and 2005 c 514 s 1106, 2005 c 353 s 4, 2005 c 339 s 23, 2005 c 314 s 110, 2005 c 312 s 8, and 2005 c 94 s 2 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, ~~((the regional transportation investment district account,))~~ the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington

University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 24. RCW 36.73.015 and 2005 c 336 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "District" means a transportation benefit district created under this chapter.

(2) "City" means a city or town.

(3) "Transportation improvement" means a project contained in the transportation plan of the state or a regional transportation planning organization ~~((that is of statewide or regional significance))~~. A project may include investment in new or existing highways of statewide significance, principal arterials of regional significance, high-capacity transportation, public transportation, and other transportation projects and programs of regional or statewide significance including transportation demand management. Projects may also include the operation, preservation, and maintenance of these facilities or programs. ~~((Not more than forty percent of the revenues generated by a district may be expended on city streets, county roads, existing highways other than highways of statewide significance, and the creation of a new highway that intersects with a highway of statewide significance.))~~

Sec. 25. RCW 36.73.020 and 2005 c 336 s 3 are each amended to read as follows:

(1) The legislative authority of a county or city may establish a transportation benefit district within the county or city area or within the area specified in subsection (2) of this section, for the purpose of acquiring, constructing, improving, providing, and funding a transportation improvement within the district that is consistent with any existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels. The transportation improvements shall be owned by the county of jurisdiction if located in an unincorporated area, by the city of jurisdiction if located in an incorporated area, or by the state in cases where the transportation improvement is or becomes a state highway. However, if deemed appropriate by the governing body of the transportation benefit district, a transportation improvement may be owned by a participating port district or transit district, unless

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

otherwise prohibited by law. Transportation improvements shall be administered and maintained as other public streets, roads, highways, and transportation improvements. To the extent practicable, the district shall consider the following criteria when selecting transportation improvements:

- (a) Reduced risk of transportation facility failure and improved safety;
- (b) Improved travel time;
- (c) Improved air quality;
- (d) Increases in daily and peak period trip capacity;
- (e) Improved modal connectivity;
- (f) Improved freight mobility;
- (g) Cost-effectiveness of the investment;
- (h) Optimal performance of the system through time; and
- (i) Other criteria, as adopted by the governing body.

(2) Subject to subsection (6) of this section, the district may include area within more than one county, city, port district, county transportation authority, or public transportation benefit area, if the legislative authority of each participating jurisdiction has agreed to the inclusion as provided in an interlocal agreement adopted pursuant to chapter 39.34 RCW. However, the boundaries of the district (~~shall~~) need not include all territory within the boundaries of the participating jurisdictions comprising the district.

(3) The members of the legislative authority proposing to establish the district, acting ex officio and independently, shall constitute the governing body of the district: PROVIDED, That where a district includes area within more than one jurisdiction under subsection (2) of this section, the district shall be governed under an interlocal agreement adopted pursuant to chapter 39.34 RCW. However, the governing body shall be composed of at least five members including at least one elected official from the legislative authority of each participating jurisdiction.

(4) The treasurer of the jurisdiction proposing to establish the district shall act as the ex officio treasurer of the district, unless an interlocal agreement states otherwise.

(5) The electors of the district shall all be registered voters residing within the district.

(6) Prior to December 1, 2007, the authority under this section, regarding the establishment of or the participation in a district, shall not apply to:

- (a) Counties with a population greater than one million five hundred thousand persons and any adjoining counties with a population greater than five hundred thousand persons;
- (b) Cities with any area within the counties under (a) of this subsection; and
- (c) Other jurisdictions with any area within the counties under (a) of this subsection.

NEW SECTION. Sec. 26. A new section is added to chapter 47.01 RCW to read as follows:

The department shall not commence construction on any part of the state route number 520 bridge replacement and HOV project until a record of decision has been reached providing reasonable assurance that project impacts will be avoided, minimized, or mitigated as much as practicable to protect against further adverse impacts on neighborhood environmental quality as a result of repairs and improvements made to the state route number 520 bridge and its connecting roadways, and that any such impacts will be addressed through engineering design choices, mitigation measures, or a combination of both. The requirements of this section shall not apply to off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

NEW SECTION. Sec. 27. A new section is added to chapter 47.01 RCW to read as follows:

(1) Prior to commencing construction on either project, the department of transportation must complete all of the following requirements for both the Alaskan Way viaduct and Seattle Seawall replacement project, and the state route number 520 bridge replacement and HOV project: (a) In accordance with

the national environmental policy act, the department must designate the preferred alternative, prepare a substantial project mitigation plan, and complete a comprehensive cost estimate review using the department's cost estimate validation process, for each project; (b) in accordance with all applicable federal highway administration planning and project management requirements, the department must prepare a project finance plan for each project that clearly identifies secured and anticipated fund sources, cash flow timing requirements, and project staging and phasing plans if applicable; and (c) the department must report these results for each project to the joint transportation committee.

(2) The requirements of this section shall not apply to (a) utility relocation work, and related activities, on the Alaskan Way viaduct and Seattle Seawall replacement project and (b) off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

NEW SECTION. Sec. 28. A new section is added to chapter 47.01 RCW to read as follows:

The legislature recognizes that the finance and project implementation planning processes required for the Alaskan Way viaduct and Seattle Seawall replacement project and the state route number 520 bridge replacement and HOV project cannot guarantee appropriate decisions unless key study assumptions are reasonable with respect to each project.

To assure appropriate finance plan and project implementation plan assumptions, an expert review panel shall be appointed to provide independent financial and technical review for development of a finance plan and project implementation plan for the projects described in this section.

(1) The expert review panel shall consist of five to ten members who are recognized experts in relevant fields, such as planning, engineering, finance, law, the environment, emerging transportation technologies, geography, and economics.

(2) The expert review panel shall be selected cooperatively by the chairs of the senate and house transportation committees, the secretary of the department of transportation, and the governor to assure a balance of disciplines.

(3) The chair of the expert review panel shall be designated by the governor.

(4) The expert review panel shall, with respect to completion of the project alternatives as described in the draft environmental impact statement of each project:

(a) Review the finance plan for the project to ensure that it clearly identifies secured and anticipated funding sources and is feasible and sufficient;

(b) Review the project implementation plan covering all state and local permitting and mitigation approvals that ensure the most expeditious and cost-effective delivery of the project; and

(c) Report its findings and recommendations on the items described in (a) and (b) of this subsection to the joint transportation committee, the office of financial management, and the governor by September 1, 2006.

(5) Upon receipt of the expert review panel's findings and recommendations under subsection (4)(c) of this section, the governor must make a finding of whether each finance plan is feasible and sufficient to complete the project as described in the draft environmental impact statement.

(6) Nothing in this section shall be interpreted to delay construction of any of the projects referenced in this section.

NEW SECTION. Sec. 29. A new section is added to chapter 36.120 RCW to read as follows:

The most populous city, within the three-county region eligible to create a regional transportation investment district under this chapter, shall submit an advisory ballot to the city voters at the 2006 general election regarding voter preference of the tunnel and rebuild alternatives described in the environmental impact statement relative to the Alaskan Way viaduct project. The results of the election shall be advisory

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

only and not binding regarding the final project to be constructed.

NEW SECTION. Sec. 30. Section 22 of this act expires July 1, 2006.

NEW SECTION. Sec. 31. Section 23 of this act takes effect July 1, 2006."

Senator Haugen spoke in favor of adoption of the amendment.

PARLIAMENTARY INQUIRY

Senator Jacobsen: "As I read this, I ask if new section 29 is properly within the scope and object of this bill?"

Senator Jacobsen spoke in favor of the point of order.

Senator Haugen spoke against the point of order.

The President Pro Tempore assumed the chair.

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2884, by House Committee on Economic Development, Agriculture & Trade (originally sponsored by Representatives Linville and McCoy)

Concerning the use of reclaimed water.

The measure was read the second time.

MOTION

Senator Fraser moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 90.46 RCW to read as follows:

(1) The department of ecology shall, in coordination with the department of health, adopt rules for reclaimed water use consistent with this chapter. The rules must address all aspects of reclaimed water use, including commercial and industrial uses, land applications, direct recharge, wetland discharge, surface percolation, constructed wetlands, and stream flow augmentation. The department of health shall, in coordination with the department of ecology, adopt rules for greywater reuse. The rules must also designate whether the department of ecology or the department of health will be the lead permitting or regulatory agency responsible for a particular aspect of reclaimed water use. In developing the rules, the departments of health and ecology shall amend or rescind any existing rules on reclaimed water in conflict with the new rules.

(2) All rules required to be adopted pursuant to this section must be completed no later than December 31, 2010, although the department of ecology is encouraged to adopt the final rules as soon as possible.

(3) The department of ecology must consult with the advisory committee created under RCW 90.46.050 in all aspects of rule development required under this section.

Sec. 2. RCW 90.46.050 and 1995 c 342 s 9 are each amended to read as follows:

The department of (~~health~~) ecology shall, before July 1, (~~1995~~) 2006, form an advisory committee, in coordination with the department of (~~ecology~~) health and the department of agriculture, which will provide technical assistance in the

development of standards, procedures, and guidelines required by this chapter. (~~Such~~) The advisory committee shall be composed of (~~individuals from the public water and wastewater utilities, landscaping enhancement industry, commercial and industrial application community, and any other persons deemed technically helpful by the department of health~~) a broad range of interested individuals representing the various stakeholders that utilize or are potentially impacted by the use of reclaimed water. The advisory committee must also contain individuals with technical expertise and knowledge of new advancements in technology.

NEW SECTION. Sec. 3. The department of ecology must present interim reports to the appropriate committees of the legislature by January 1, 2008, and January 1, 2009, that summarize the steps taken to that date towards the final rule making required by section 1 of this act. The reports must include, at a minimum, a summary of participation in the advisory group and the topics considered by the department.

Sec. 4. RCW 90.46.010 and 2002 c 329 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Greywater" means wastewater having the consistency and strength of residential domestic type wastewater. Greywater includes wastewater from sinks, showers, and laundry fixtures, but does not include toilet or urinal waters.

(2) "Land application" means (~~application of treated effluent for purposes of~~) use of reclaimed water as permitted under this chapter for irrigation or landscape enhancement for residential, business, and governmental purposes.

(3) "Person" means any state, individual, public or private corporation, political subdivision, governmental subdivision, governmental agency, municipality, copartnership, association, firm, trust estate, or any other legal entity whatever.

(4) "Reclaimed water" means effluent derived in any part from sewage from a wastewater treatment system that has been adequately and reliably treated, so that as a result of that treatment, it is suitable for a beneficial use or a controlled use that would not otherwise occur and is no longer considered wastewater.

(5) "Sewage" means water-carried human wastes from residences, buildings, industrial and commercial establishments, or other places, together with such ground water infiltration, surface waters, or industrial wastewater as may be present.

(6) "User" means any person who uses reclaimed water.

(7) "Wastewater" means water and wastes discharged from homes, businesses, and industry to the sewer system.

(8) "Beneficial use" means the use of reclaimed water, that has been transported from the point of production to the point of use without an intervening discharge to the waters of the state, for a beneficial purpose.

(9) "Direct recharge" means the controlled subsurface addition of water directly to the ground water basin that results in the replenishment of ground water.

(10) "Ground water recharge criteria" means the contaminant criteria found in the drinking water quality standards adopted by the state board of health pursuant to chapter 43.20 RCW and the department of health pursuant to chapter 70.119A RCW.

(11) "Planned ground water recharge project" means any reclaimed water project designed for the purpose of recharging ground water, via direct recharge or surface percolation.

(12) "Reclamation criteria" means the criteria set forth in the water reclamation and reuse interim standards and subsequent revisions adopted by the department of ecology and the department of health.

(13) "Streamflow augmentation" means the discharge of reclaimed water to rivers and streams of the state or other surface water bodies, but not wetlands.

FIFTY-EIGHTH DAY, MARCH 7, 2006

(14) "Surface percolation" means the controlled application of water to the ground surface for the purpose of replenishing ground water.

(15) "Wetland or wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands regulated under this chapter shall be delineated in accordance with the manual adopted by the department of ecology pursuant to RCW 90.58.380.

(16) "Constructed beneficial use wetlands" means those wetlands intentionally constructed on nonwetland sites to produce or replace natural wetland functions and values. Constructed beneficial use wetlands are considered "waters of the state."

(17) "Constructed treatment wetlands" means those wetlands intentionally constructed on nonwetland sites and managed for the primary purpose of ~~((wastewater or storm water treatment))~~ polishing reclaimed water or aesthetics. Constructed treatment wetlands are considered part of the collection and treatment system and are not considered "waters of the state."

(18) "Agricultural industrial process water" means water that has been used for the purpose of agricultural processing and has been adequately and reliably treated, so that as a result of that treatment, it is suitable for other agricultural water use.

(19) "Agricultural processing" means the processing of crops or milk to produce a product primarily for wholesale or retail sale for human or animal consumption, including but not limited to potato, fruit, vegetable, and grain processing.

(20) "Agricultural water use" means the use of water for irrigation and other uses related to the production of agricultural products. These uses include, but are not limited to, construction, operation, and maintenance of agricultural facilities and livestock operations at farms, ranches, dairies, and nurseries. Examples of these uses include, but are not limited to, dust control, temperature control, and fire control.

(21) "Industrial reuse water" means water that has been used for the purpose of industrial processing and has been adequately and reliably treated so that, as a result of that treatment, it is suitable for other uses.

Sec. 5. RCW 90.46.030 and 2005 c 59 s 1 are each amended to read as follows:

(1)(a) The department of health shall, in coordination with the department of ecology, adopt a single set of standards, procedures, and guidelines on or before August 1, 1993, for the industrial and commercial use of reclaimed water.

(b) Standards adopted under this section are superseded by any rules adopted by the department of ecology pursuant to section 1 of this act as they relate to the industrial and commercial use of reclaimed water.

(2) Unless the department of ecology adopts rules pursuant to section 1 of this act that relate to the industrial and commercial use of reclaimed water specifying otherwise, the department of health may issue a reclaimed water permit for industrial and commercial uses of reclaimed water to the generator of reclaimed water who may then distribute the water, subject to provisions in the permit governing the location, rate, water quality, and purposes of use. Permits issued after the adoption of rules under section 1 of this act must be consistent with the adopted rules.

(3) The department of health in consultation with the advisory committee established in RCW 90.46.050, shall develop recommendations for a fee structure for permits issued under subsection (2) of this section. Fees shall be established in amounts to fully recover, and not exceed, expenses incurred by the department of health in processing permit applications and modifications, monitoring and evaluating compliance with permits, and conducting inspections and supporting the reasonable overhead expenses that are directly related to these

activities. Permit fees may not be used for research or enforcement activities. The department of health shall not issue permits under this section until a fee structure has been established.

(4) A permit under this section for use of reclaimed water may be issued only to:

(a) A municipal, quasi-municipal, or other governmental entity;

(b) A private utility as defined in RCW 36.94.010; or

(c) The holder of a waste discharge permit issued under chapter 90.48 RCW.

(5) The authority and duties created in this section are in addition to any authority and duties already provided in law with regard to sewage and wastewater collection, treatment, and disposal for the protection of health and safety of the state's waters. Nothing in this section limits the powers of the state or any political subdivision to exercise such authority.

(6) Unless the department of ecology adopts rules pursuant to section 1 of this act that relate to the industrial and commercial use of reclaimed water specifying otherwise, the department of health may implement the requirements of this section through the department of ecology by execution of a formal agreement between the departments. Upon execution of such an agreement, the department of ecology may issue reclaimed water permits for industrial and commercial uses of reclaimed water by issuance of permits under chapter 90.48 RCW, and may establish and collect fees as required for permits issued under chapter 90.48 RCW.

(7) Unless the department of ecology adopts rules pursuant to section 1 of this act that relate to the industrial and commercial use of reclaimed water specifying otherwise, and before deciding whether to issue a permit under this section to a private utility, the department of health may require information that is reasonable and necessary to determine whether the private utility has the financial and other resources to ((assure)) ensure the reliability, continuity, and supervision of the reclaimed water facility.

Sec. 6. RCW 90.46.040 and 2005 c 59 s 2 are each amended to read as follows:

(1)(a) The department of ecology shall, in coordination with the department of health, adopt a single set of standards, procedures, and guidelines, on or before August 1, 1993, for land applications of reclaimed water.

(b) Standards adopted under this section are superseded by any rules adopted by the department of ecology pursuant to section 1 of this act as they relate to the land application of reclaimed water.

(2) A permit is required for any land application of reclaimed water. The department of ecology may issue a reclaimed water permit under chapter 90.48 RCW to the generator of reclaimed water who may then distribute the water, subject to provisions in the permit governing the location, rate, water quality, and purpose of use. The department of ecology shall not issue more than one permit for any individual land application of reclaimed water to a single generator.

(3) In cases where the department of ecology determines, in land applications of reclaimed water, that a significant risk to the public health exists, the department shall refer the application to the department of health for review and consultation and the department of health may require fees appropriate for review and consultation from the applicant pursuant to RCW 43.70.250.

(4) A permit under this section for use of reclaimed water may be issued only to:

(a) A municipal, quasi-municipal, or other governmental entity;

(b) A private utility as defined under RCW 36.94.010; or

(c) The holder of a waste discharge permit issued under chapter 90.48 RCW.

(5) The authority and duties created in this section are in addition to any authority and duties already provided in law.

FIFTY-EIGHTH DAY, MARCH 7, 2006

Nothing in this section limits the powers of the state or any political subdivision to exercise such authority.

(6) Before deciding whether to issue a permit under this section to a private utility, the department of ecology may require information that is reasonable and necessary to determine whether the private utility has the financial and other resources to ~~((assure))~~ ensure the reliability, continuity, and supervision of the reclaimed water facility.

Sec. 7. RCW 90.46.042 and 1995 c 342 s 6 are each amended to read as follows:

(1) The department of ecology shall, in consultation with the department of health, adopt a single set of standards, procedures, and guidelines, on or before December 31, 1996, for direct recharge using reclaimed water. The standards shall address both water quality considerations and avoidance of property damage from excessive recharge.

(2) Standards adopted under this section are superseded by any rules adopted by the department of ecology pursuant to section 1 of this act as they relate to direct recharge using reclaimed water.

Sec. 8. RCW 90.46.044 and 1995 c 342 s 7 are each amended to read as follows:

(1) The department of ecology shall, in consultation with the department of health, adopt a single set of standards, procedures, and guidelines, on or before June 30, 1996, for discharge of reclaimed water to wetlands.

(2) Standards adopted under this section are superseded by any rules adopted by the department of ecology pursuant to section 1 of this act as they relate to discharge of reclaimed water to wetlands.

Sec. 9. RCW 90.46.080 and 1997 c 444 s 6 are each amended to read as follows:

(1) Except as otherwise provided in this section, reclaimed water may be beneficially used for surface percolation provided the reclaimed water meets the ground water recharge criteria as measured in ground water beneath or down gradient of the recharge project site, and has been incorporated into a sewer or water comprehensive plan, as applicable, adopted by the applicable local government and approved by the department of health or department of ecology as applicable.

(2) If the state ground water recharge criteria as defined by RCW 90.46.010 do not contain a standard for a constituent or contaminant, the department of ecology shall establish a discharge limit consistent with the goals of this chapter, except as otherwise provided in this section.

(3) Except as otherwise provided in this section, reclaimed water that does not meet the ground water recharge criteria may be beneficially used for surface percolation where the department of ecology, in consultation with the department of health, has specifically authorized such use at such lower standard.

(4) The provisions of this section are superseded by any rules adopted by the department of ecology pursuant to section 1 of this act as they relate to surface percolation.

Sec. 10. RCW 90.46.090 and 1997 c 444 s 7 are each amended to read as follows:

(1) Reclaimed water may be beneficially used for discharge into constructed beneficial use wetlands and constructed treatment wetlands provided the reclaimed water meets the class A or B reclaimed water standards as defined in the reclamation criteria, and the discharge is incorporated into a sewer or water comprehensive plan, as applicable, adopted by the applicable local government and approved by the department of health or department of ecology as applicable.

(2) Reclaimed water that does not meet the class A or B reclaimed water standards may be beneficially used for discharge into constructed treatment wetlands where the department of ecology, in consultation with the department of health, has specifically authorized such use at such lower standards.

2006 REGULAR SESSION

(3)(a) The department of ecology and the department of health must develop appropriate standards for discharging reclaimed water into constructed beneficial use wetlands and constructed treatment wetlands. These standards must be considered as part of the approval process under subsections (1) and (2) of this section.

(b) Standards adopted under this section are superseded by any rules adopted by the department of ecology pursuant to section 1 of this act as they relate to discharge into constructed beneficial use wetlands and constructed treatment wetlands.

Sec. 11. RCW 90.46.100 and 1995 c 342 s 5 are each amended to read as follows:

(1) Reclaimed water intended for beneficial reuse may be discharged for streamflow augmentation provided the reclaimed water meets the requirements of the federal water pollution control act, chapter 90.48 RCW, and is incorporated into a sewer or water comprehensive plan, as applicable, adopted by the applicable local government and approved by the department of health or department of ecology as applicable.

(2) Standards adopted under this section are superseded by any rules adopted by the department of ecology pursuant to section 1 of this act as they relate to discharge of reclaimed water for streamflow augmentation.

NEW SECTION. **Sec. 12.** The code reviser shall alphabetize and renumber the definitions in RCW 90.46.010."

Senator Fraser spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2884.

The motion by Senator Fraser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "water;" strike the remainder of the title and insert "amending RCW 90.46.050, 90.46.010, 90.46.030, 90.46.040, 90.46.042, 90.46.044, 90.46.080, 90.46.090, and 90.46.100; adding a new section to chapter 90.46 RCW; and creating new sections."

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 2884 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Morton spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Honeyford: "Would the Senator from the Seventh District yield to a question? Senator, may we use brasso or a blitz cloth to polish this water?"

Senator Morton: "That certainly I think would sharpen it considerably and be of benefit too. Thank you Senator."

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2884 as amended by the Senate

ROLL CALL

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2884 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Benson, McCaslin and Oke - 3

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2884 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2673, by House Committee on Finance (originally sponsored by Representatives Linville, Ericksen, P. Sullivan, Buck, Ericks, Kilmer, Kessler, Grant, Walsh, B. Sullivan, Lantz, Morris, O'Brien, Conway, Morrell and Wallace)

Providing tools for local infrastructure financing. Revised for 2nd Substitute: Authorizing additional alternatives for local infrastructure financing.

The measure was read the second time.

MOTION

Senator Brown moved that the following committee striking amendment by the Committee on Ways & Means be not adopted.

Strike everything after the enacting clause and insert the following:

"PART I LOCAL INFRASTRUCTURE IMPROVEMENT FINANCING--GENERAL PROVISIONS

NEW SECTION. Sec. 101. The legislature recognizes that the state as a whole benefits from investment in public infrastructure because it promotes community and economic development. Public investment stimulates business activity and helps create jobs; stimulates the redevelopment of brownfields and blighted areas in the inner city; lowers the cost of housing; and promotes efficient land use. The legislature finds that these activities generate revenue for the state and that it is in the public interest to invest in these projects through a credit against the state sales and use tax and an allocation of property tax revenue to those sponsoring local governments that can demonstrate the expected returns to the state.

NEW SECTION. Sec. 102. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Base year" means the first calendar year following the creation of an infrastructure improvement area.

(2) "Department" means the department of revenue.

(3) "Excess state excise taxes" means the amount of excise taxes received by the state during the measurement year from taxable activity within the infrastructure improvement area over and above the amount of excise taxes received by the state during the base year from taxable activity within the infrastructure improvement area. However, if a local government creates an infrastructure improvement area and

reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred in the twelve months immediately preceding the creation of the infrastructure improvement area within the boundaries of the area that became the infrastructure improvement area, "excess state excise taxes" means the entire amount of excise taxes received by the state during a calendar year period beginning with the calendar year immediately following the creation of the infrastructure improvement area and continuing with each measurement year thereafter.

(4) "Excise taxes" means the state retail sales and use taxes imposed under chapters 82.08 and 82.12 RCW.

(5) "Fiscal year" has the same meaning as in section 104(3) of this act.

(6) "Infrastructure improvement area" means the geographic area from which taxes are to be used to finance public improvements authorized under this chapter.

(7) "Local government" means any city, town, county, port district, or any combination thereof.

(8) "Local infrastructure improvement financing" means the sales and use tax authorized in section 201 of this act and the tax allocation revenues authorized in section 204 of this act.

(9) "Measurement year" means a calendar year, beginning with the calendar year following the base year and each calendar year thereafter, that is used annually to measure the amount of excess excise taxes required to be used to finance public improvement costs associated with public improvements financed in whole or in part by local infrastructure improvement financing.

(10) "Ordinance" means any appropriate method of taking legislative action by a local government.

(11) "Participating taxing authority" means a taxing authority that has entered into a written agreement with a local government for the use of local infrastructure improvement financing to the extent of allocating excess excise taxes to the local government for the purpose of financing all or a portion of the costs of designated public improvements.

(12) "Public improvements" means:

(a) Infrastructure improvements within the infrastructure improvement area that include:

(i) Street and road construction and maintenance, including highway interchange construction;

(ii) Water and sewer system construction and improvements, including wastewater reuse facilities;

(iii) Sidewalks and streetlights;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities of a transit authority;

(vi) Park facilities and recreational areas, including trails; and

(vii) Storm water and drainage management systems; and

(b) Expenditures for any of the following purposes:

(i) Providing environmental analysis, professional management, planning, and promotion within the infrastructure improvement area, including the management and promotion of retail trade activities in the infrastructure improvement area;

(ii) Providing maintenance and security for common or public areas in the infrastructure improvement area; or

(iii) Historic preservation activities authorized under RCW 35.21.395.

(13) "Public improvement costs" means the costs of: (a) Design, planning, acquisition, including land acquisition, site preparation including land clearing, construction, reconstruction, rehabilitation, improvement, and installation of public improvements; (b) demolishing, relocating, maintaining, and operating property pending construction of public improvements; (c) relocating utilities as a result of public improvements; (d) financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; and (e)

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

administrative expenses and feasibility studies reasonably necessary and related to these costs, including related costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of local infrastructure improvement financing to fund the costs of the public improvements.

(14) "Tax allocation revenues" means those tax revenues derived from the receipt of excess excise taxes under section 204 of this act.

(15) "Taxing authority" means a governmental entity that imposes a sales or use tax under chapter 82.14 RCW upon the occurrence of any taxable event within a proposed or approved infrastructure improvement area.

NEW SECTION. Sec. 103. A local government may finance public improvements using local infrastructure improvement financing subject to the following conditions:

(1) The local government adopts an ordinance designating an infrastructure improvement area within its boundaries and the ordinance specifies the public improvements proposed to be financed in whole or in part with the use of local infrastructure improvement financing. An infrastructure improvement area shall be geographically restricted to the location of the public improvement and adjacent locations that the local government finds to have a high likelihood of receiving direct positive business and economic impacts due to the public improvement, such as a neighborhood or a block. An infrastructure improvement area shall not encompass any one political jurisdiction in its entirety;

(2) The public improvements proposed to be financed in whole or in part using local infrastructure improvement financing are expected to encourage private development within the infrastructure improvement area;

(3) The local government has entered or expects to enter into a contract with a private developer relating to the development of private improvements within the infrastructure improvement area or has received a letter of intent from a private developer relating to the developer's plans for the development of private improvements within the infrastructure improvement area;

(4) Private development that is anticipated to occur within the infrastructure improvement area, as a result of the public improvements, will be consistent with the countywide planning policy adopted by the county under RCW 36.70A.210 and the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW;

(5) The local government may not use local infrastructure improvement financing to finance the costs associated with the financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, and reequipping of public facilities funded with taxes collected under RCW 82.14.048;

(6) The governing body of the local government must make a finding that local infrastructure improvement financing: (a) Will not be used for the purpose of relocating a business from outside the infrastructure improvement area, but within this state, into the infrastructure improvement area; (b) will improve the viability of existing business entities within the infrastructure improvement area; and (c) will be used exclusively in areas within the jurisdiction of the local government deemed in need of economic development and/or redevelopment, and absent the financing available under this act the proposed economic development and/or redevelopment would more than likely not occur;

(7) The governing body of the local government finds that the public improvements proposed to be financed in whole or in part using local infrastructure improvement financing are reasonably likely to:

(a) Increase private investment within the infrastructure improvement area;

(b) Increase employment within the infrastructure improvement area; and

(c) Generate, over the period of time that the local sales and use tax will be imposed under section 201 of this act, state and local sales and use tax revenues that are equal to or greater than the respective state and local contributions made under this chapter.

NEW SECTION. Sec. 104. (1) Before adopting an ordinance creating the infrastructure improvement area, a local government must hold a public hearing on the proposed financing of the public improvement in whole or in part with local infrastructure improvement financing.

(a) Notice of the public hearing must be published in a legal newspaper of general circulation within the proposed infrastructure improvement area at least ten days before the public hearing and posted in at least six conspicuous public places located in the proposed infrastructure improvement area.

(b) Notice must also be sent by United States mail to the property owners and the business enterprises located within the proposed infrastructure improvement area at least thirty days prior to the hearing. In implementing provisions under this act, the local governing body may also consult with business organizations, including the local chamber of commerce, and the office of minority and women's business enterprises to assist with providing appropriate notice to business enterprises and property owners for whom English is a second language.

(c) Notices must describe the contemplated public improvements, estimate the costs of the public improvements, describe the portion of the costs of the public improvements to be borne by local infrastructure improvement financing, describe any other sources of revenue to finance the public improvements, describe the boundaries of the proposed infrastructure improvement area, and estimate the period during which local infrastructure improvement financing is contemplated to be used. The public hearing may be held by either the governing body of the local government, or a committee of the governing body that includes at least a majority of the whole governing body.

(2) In order to create an infrastructure improvement area, a local government must adopt an ordinance establishing the infrastructure improvement area that:

(a) Describes the public improvements;

(b) Describes the boundaries of the infrastructure improvement area;

(c) Estimates the cost of the public improvements and the portion of these costs to be financed by local infrastructure improvement financing;

(d) Estimates the time during which tax allocation revenue is to be used to finance public improvement costs associated with the public improvements financed in whole or in part by local infrastructure improvement financing;

(e) Estimates the average amount of tax allocation revenue to be received in all fiscal years through the imposition of a sales and use tax under section 201 of this act;

(f) Provides the date when the apportionment of tax allocation will commence; and

(g) Finds that the conditions of section 103 of this act are met.

(3) For purposes of this section, "fiscal year" means the year beginning July 1st and ending the following June 30th.

NEW SECTION. Sec. 105. The local government shall:

(1) Publish notice in a legal newspaper of general circulation within the infrastructure improvement area that describes the public improvement, describes the boundaries of the infrastructure improvement area, and identifies the location and times where the ordinance and other public information concerning the public improvement may be inspected; and

(2) Deliver a certified copy of the ordinance to the county treasurer and the governing body of each participating taxing authority within which the infrastructure improvement area is located.

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

**LOCAL INFRASTRUCTURE IMPROVEMENT
FINANCING--
SALES AND USE TAX REVENUE**

NEW SECTION. Sec. 201. A new section is added to chapter 82.14 RCW to read as follows:

(1) A city, town, or county that creates an infrastructure improvement area and finances public improvements pursuant to chapter 82.-- RCW (the new chapter created in section 404 of this act) may impose a sales and use tax in accordance with the terms of this chapter and subject to the criteria set forth in this section. Except as provided in this section, the tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing jurisdiction of the city, town, or county. The rate of tax shall be calculated as provided in subsection (6) of this section, but shall not exceed the rate provided in RCW 82.08.020(1) in the case of a sales tax or the rate provided in RCW 82.12.020(5) in the case of a use tax, less the aggregate rates of any other taxes imposed on the same events that are credited against the state taxes imposed under chapters 82.08 and 82.12 RCW.

(2) The tax imposed under subsection (1) of this section shall be credited against the amount of tax otherwise required to be deposited in the general fund under chapter 82.08 or 82.12 RCW. The department shall perform the collection of such taxes on behalf of the city, town, or county at no cost to the city, town, or county.

(3) No tax may be imposed under this section before July 1, 2008. The tax imposed under this section shall expire when the bonds issued under the authority of chapter 82.-- RCW (the new chapter created in section 404 of this act) are retired, but not more than twenty-five years after the tax is first imposed.

(4) An ordinance adopted by the legislative authority of a city, town, or county imposing a tax under this section shall provide that:

(a) The tax shall first be imposed on the first day of a fiscal year.

(b) The amount of tax received by the local government in any fiscal year shall not exceed the amount of the state contribution.

(5) If both a county and a city or town impose a tax under this section, the tax imposed by the city, town, or county shall be credited as follows:

(a) If the county has created an infrastructure improvement area before the city or town, the tax imposed by the county shall be credited against the tax imposed by the city or town, the purpose of such credit is to give priority to the county tax; and

(b) If the city or town has created an infrastructure improvement area before the county, the tax imposed by the city or town shall be credited against the tax imposed by the county, the purpose of such credit is to give priority to the city or town tax.

(6) The rate of tax shall be calculated to equal the excess state excise taxes in the infrastructure improvement area, except that the rate shall be an amount that will not exceed one million five hundred dollars per fiscal year. If the rate of tax produces an amount that is in excess of one million five hundred thousand dollars per fiscal year, the following year's tax rate shall be adjusted downward, and the amount over one million five hundred thousand dollars shall be a debt from the local government to the state until paid to the state.

(7) The definitions in section 102 of this act and in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "State contribution" means the lesser of one million five hundred thousand dollars or excess state excise taxes received by the state during the preceding calendar year.

(b) "Tax allocation revenues" has the same meaning as in section 102 of this act.

NEW SECTION. Sec. 202. A new section is added to chapter 82.14 RCW to read as follows:

(1) Moneys collected from the taxes imposed under section 201 of this act shall be used only for the purpose of principal and interest payments on bonds issued under the authority of section 301 of this act and must be matched, dollar for dollar, with an amount from local public sources dedicated through December 31st of the previous calendar year to finance public improvements authorized under chapter 82.-- RCW (the new chapter created in section 404 of this act). Such local public sources include, but are not limited to, private monetary contributions and tax revenues other than the taxes imposed under section 201 of this act. Local public sources are dedicated to finance public improvements if they are actually expended to pay public improvement costs or are required by law or an agreement to be used exclusively to pay public improvement costs.

(2) A local government shall inform the department by the first day of March of the amount of local public sources dedicated in the preceding calendar year to finance public improvements authorized under chapter 82.-- RCW (the new chapter created in section 404 of this act).

(3) If a local government fails to comply with subsection (2) of this section, no tax may be imposed under section 201 of this act in the subsequent fiscal year.

(4) A local government shall provide a report to the department by March 1st of each year. The report shall contain the following information:

(a) The amount of tax allocation revenues, taxes under section 201 of this act, and local public sources received by the local government during the preceding calendar year, and a summary of how these revenues were expended;

(b) The names of any businesses locating within the infrastructure improvement area as a result of the public improvements undertaken by the local government and financed in whole or in part with local infrastructure improvement financing;

(c) The total number of permanent jobs created as a result of the public improvements undertaken by the local government and financed in whole or in part with local infrastructure improvement financing;

(d) The average wages and benefits received by all employees of businesses locating within the infrastructure improvement area as a result of the public improvements undertaken by the local government and financed in whole or in part with local infrastructure improvement financing; and

(e) That the local government is in compliance with section 103(6)(c) of this act.

(5) The department shall make a report available to the public and the legislature by June 1st of each year. The report shall include a list of public improvements undertaken by local governments and financed in whole or in part with local infrastructure improvement financing, and it shall also include a summary of the information provided to the department by local governments under subsection (4) of this section.

(6) The definitions in section 102 of this act apply to this section.

NEW SECTION. Sec. 203. A new section is added to chapter 82.32 RCW to read as follows:

(1) As a condition to imposing a sales and use tax under section 201 of this act, a city, town, or county must apply to the department at least seventy-five days before the effective date of any such tax. The application shall be in a form and manner prescribed by the department and shall include but is not limited to information establishing that the applicant is eligible to impose such a tax, the anticipated effective date for imposing the tax, the estimated number of years that the tax will be imposed, and the estimated amount of tax revenue to be received in each fiscal year that the tax will be imposed. For purposes of this section, "fiscal year" means the year beginning July 1st and ending the following June 30th. The department

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

shall make available forms to be used for this purpose. As part of the application, a city, town, or county must provide to the department a copy of the ordinance creating the infrastructure improvement area as required in section 103 of this act. The department shall rule on completed applications within sixty days of receipt. The department may begin accepting and approving applications August 1, 2006. No new applications shall be considered by the department after the thirtieth day of September of the third year following the year in which the first application was received by the department.

(2) The authority to impose the local option sales and use taxes under section 201 of this act is on a first-come basis. Priority for collecting the taxes authorized under section 201 of this act among approved applicants shall be based on the date that the approved application was received by the department. As a part of the approval of applications under this section, the department shall approve the amount of tax under section 201 of this act that an applicant may impose. The amount of tax approved by the department shall not exceed the average amount of tax revenue that the applicant estimates that it will receive in all fiscal years through the imposition of a sales and use tax under section 201 of this act up to a maximum of one million five hundred dollars. A city, town, or county shall not receive, in any fiscal year, more revenues from taxes imposed under section 201 of this act than the amount approved by the department. The department shall not approve the receipt of more credit against the state sales and use tax than is authorized under subsection (3) of this section.

(3) The amount of credit against the state sales and use tax is limited to no more than five million dollars of credit against the state sales and use tax received by all cities, towns, and counties imposing a tax under section 201 of this act. This amount shall be adjusted annually, beginning in the fiscal year beginning July 1, 2008, by an amount representing the fiscal growth factor as defined in RCW 43.135.025.

(4) The credit against the state sales and use tax shall be available to any city, town, or county imposing a tax under section 201 of this act only as long as the city, town, or county has outstanding indebtedness under RCW 39.89.080.

(5) The department may adopt rules under chapter 34.05 RCW necessary for the administration of sections 201 through 204 of this act.

NEW SECTION. Sec. 204. (1) A local government that creates an infrastructure improvement area and has received approval from the department under section 203 of this act to impose the local option sales and use tax authorized in section 201 of this act may use annually any excess excise taxes received by it from taxable activity within the infrastructure improvement area to finance public improvement costs associated with the public improvements financed in whole or in part by local infrastructure improvement financing. The use of excess excise taxes must cease when tax allocation revenues are no longer necessary or obligated to pay the costs of the public improvements.

(2) A local government consisting solely of a port district may use excess excise taxes as provided in this section only to the extent that any participating taxing authority allocates excess excise taxes to the local government.

(3) A local government shall provide the department accurate information describing the geographical boundaries of the infrastructure improvement area at least seventy-five days before the effective date of the ordinance creating the infrastructure improvement area. The local government shall ensure that the boundary information provided to the department is kept current.

(4) The department shall provide each local government that has provided boundary information to the department as provided in this section and that has received approval from the department under section 203 of this act to impose the local option sales and use tax authorized in section 201 of this act with the necessary information to calculate excess excise taxes.

PART III BOND AUTHORIZATION

NEW SECTION. Sec. 301. (1) A local government designating an infrastructure improvement area and authorizing the use of local infrastructure improvement financing may incur general indebtedness, and issue general obligation bonds, to finance the public improvements and retire the indebtedness in whole or in part from tax allocation revenues and from the sales and use tax authorized in section 201 of this act it receives, subject to the following requirements:

(a) The ordinance adopted by the local government creating the infrastructure improvement area and authorizing the use of local infrastructure improvement financing indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated; and

(b) The local government includes this statement of the intent in all notices required by section 104 of this act.

(2) The general indebtedness incurred under subsection (1) of this section may be payable from other tax revenues, the full faith and credit of the local government, and nontax income, revenues, fees, and rents from the public improvements, as well as contributions, grants, and nontax money available to the local government for payment of costs of the public improvements or associated debt service on the general indebtedness.

(3) In addition to the requirements in subsection (1) of this section, a local government designating an infrastructure improvement area and authorizing the use of local infrastructure improvement financing may require the nonpublic participant to provide adequate security to protect the public investment in the public improvement within the infrastructure improvement area.

(4) Bonds issued under this section shall be authorized by ordinance of the local governing body and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either coupon or registered as provided in RCW 39.46.030, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption with or without premium, be secured in such manner, and have such other characteristics, as may be provided by such ordinance or trust indenture or mortgage issued pursuant thereto.

(5) The local government may annually pay into a fund to be established for the benefit of bonds issued under this section a fixed proportion or a fixed amount of any tax allocation revenues derived from property or business activity within the infrastructure improvement area containing the public improvements funded by the bonds, such payment to continue until all bonds payable from the fund are paid in full. The local government may also annually pay into the fund established in this section a fixed proportion or a fixed amount of any revenues derived from taxes imposed under section 201 of this act, such payment to continue until all bonds payable from the fund are paid in full. Revenues derived from taxes imposed under section 201 of this act are subject to the use restriction in section 202 of this act.

(6) In case any of the public officials of the local government whose signatures appear on any bonds or any coupons issued under this chapter shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued under this chapter are fully negotiable.

(7) Notwithstanding subsections (4) through (6) of this section, bonds issued under this section may be issued and sold in accordance with chapter 39.46 RCW.

NEW SECTION. Sec. 302. A local government that issues bonds under section 301 of this act to finance public

FIFTY-EIGHTH DAY, MARCH 7, 2006

improvements may pledge for the payment of such bonds all or part of any tax allocation revenues derived from the public improvements. All of such tax revenues are subject to the use restriction in section 202 of this act.

NEW SECTION. Sec. 303. The bonds issued by a local government under section 301 of this act to finance public improvements shall not constitute an obligation of the state of Washington, either general or special.

PART IV MISCELLANEOUS

NEW SECTION. Sec. 401. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 402. Part headings used in this act do not constitute any part of the law.

NEW SECTION. Sec. 403. Nothing in this act shall be construed to give port districts the authority to impose a sales or use tax under chapter 82.14 RCW.

NEW SECTION. Sec. 404. Sections 101 through 105, 204, 301 through 303, and 403 of this act constitute a new chapter in Title 82 RCW."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 82 RCW; and creating a new section."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Brown to not adopt the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 2673.

The motion by Senator Brown carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Brown moved that the following striking amendment by Senators Brown and Zarelli be adopted:

Strike everything after the enacting clause and insert the following:

"PART I INTENT AND DEFINITIONS

NEW SECTION. Sec. 101. INTENT. The legislature recognizes that the state as a whole benefits from investment in public infrastructure because it promotes community and economic development. Public investment stimulates business activity and helps create jobs; stimulates the redevelopment of brownfields and blighted areas in the inner city; lowers the cost of housing; and promotes efficient land use. The legislature finds that these activities generate revenue for the state and that it is in the public interest to invest in these projects through a credit against the state sales and use tax and an allocation of property tax revenue to those sponsoring local governments that can demonstrate the expected returns to the state.

NEW SECTION. Sec. 102. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Annual state contribution limit" means five million dollars statewide per fiscal year.

(2) "Assessed value" means the valuation of taxable real property as placed on the last completed assessment roll.

(3) "Base year" means the first calendar year following the creation of a revenue development area. For a local government that meets the requirements of section 202(2) of this act, "base year" is the calendar year in which it amends its ordinance as provided in section 202(2) of this act.

(4) "Board" means the community economic revitalization board under chapter 43.160 RCW.

(5) "Demonstration project" means one of the following projects:

- (a) Bellingham waterfront redevelopment project;
- (b) Spokane river district project at Liberty Lake; and
- (c) Vancouver riverwest project.

(6) "Department" means the department of revenue.

(7) "Fiscal year" means the twelve-month period beginning July 1st and ending the following June 30th.

(8) "Local excise taxes" means local revenues derived from the imposition of sales and use taxes authorized in RCW 82.14.030 at the tax rate that was in effect at the time the revenue development area was created, except that if a local government reduces the rate of such tax after the revenue development area was created, "local excise taxes" means the local revenues derived from the imposition of the sales and use taxes authorized in RCW 82.14.030 at the lower tax rate.

(9) "Local excise tax allocation revenue" means the amount of local excise taxes received by the local government during the measurement year from taxable activity within the revenue development area over and above the amount of local excise taxes received by the local government during the base year from taxable activity within the revenue development area, except that:

(a) If a sponsoring local government creates a revenue development area and reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred in the twelve months immediately preceding the creation of the revenue development area within the boundaries of the area that became the revenue development area, "local excise tax allocation revenue" means the entire amount of local excise taxes received by the sponsoring local government during a calendar year period beginning with the calendar year immediately following the creation of the revenue development area and continuing with each measurement year thereafter; and

(b) For revenue development areas created in calendar year 2006 that do not meet the requirements in (a) of this subsection and if legislation is enacted in this state by July 1, 2006, that adopts the sourcing provisions of the streamlined sales and use tax agreement, "local excise tax allocation revenue" means the amount of local excise taxes received by the sponsoring local government during the measurement year from taxable activity within the revenue development area over and above an amount of local excise taxes received by the sponsoring local government during the 2007 base year adjusted by the department for any estimated impacts from retail sales and use tax sourcing changes effective July 1, 2007. The amount of base year adjustment determined by the department is final.

(10) "Local government" means any city, town, county, port district, and any federally recognized Indian tribe.

(11) "Local infrastructure financing" means the use of revenues received from local excise tax allocation revenues, local property tax allocation revenues, dedicated revenues from local public sources, and revenues received from the local option sales and use tax authorized in section 401 of this act to pay the principal and interest on bonds authorized under section 501 of this act.

(12) "Local property tax allocation revenue" means those tax revenues derived from the receipt of regular property taxes levied on the property tax allocation revenue value and used for local infrastructure financing.

(13) "Revenues from local public sources" means federal and private monetary contributions, amounts of local excise tax allocation revenues, and amounts of local property tax allocation revenues dedicated by participating taxing districts and participating local governments for local infrastructure financing.

(14) "Low-income housing" means residential housing for low-income persons or families who lack the means which is necessary to enable them, without financial assistance, to live in

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

decent, safe, and sanitary dwellings, without overcrowding. For the purposes of this subsection, "low income" means income that does not exceed eighty percent of the median family income for the standard metropolitan statistical area in which the revenue development area is located.

(15) "Measurement year" means a calendar year, beginning with the calendar year following the base year and each calendar year thereafter, that is used annually to measure state and local excise tax allocation revenues.

(16) "Ordinance" means any appropriate method of taking legislative action by a local government.

(17) "Participating local government" means a local government having a revenue development area within its geographic boundaries that has entered into a written agreement with a sponsoring local government as provided in section 206 of this act to allow the use of all or some of its local excise tax allocation revenues or other revenues from local public sources dedicated for local infrastructure financing.

(18) "Participating taxing district" means a local government having a revenue development area within its geographic boundaries that has entered into a written agreement with a sponsoring local government as provided in section 206 of this act to allow the use of some or all of its local property tax allocation revenues or other revenues from local public sources dedicated for local infrastructure financing.

(19)(a) "Property tax allocation revenue value" means seventy-five percent of any increase in the assessed value of real property in a revenue development area resulting from the placement of new construction, improvements, or both to property on the assessment rolls after the revenue development area is created, where the new construction or improvements occur entirely after the revenue development area is created.

(b) If any new construction added to the assessment rolls consists of entire buildings, "property tax allocation revenue value" includes seventy-five percent of any increase in the assessed value of the buildings in the years following their initial placement on the assessment rolls.

(c) "Property tax allocation revenue value" does not include any increase in the assessed value of improvements to property or new construction that do not consist of an entire building, occurring after their initial placement on the assessment rolls.

(d) There is no property tax allocation revenue value if the assessed value of real property in a revenue development area has not increased due to new construction or improvements to property occurring after the revenue development area is created.

(20) "Taxing district" means a government entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved revenue development area.

(21) "Public improvements" means:

(a) Infrastructure improvements within the revenue development area that include:

(i) Street, bridge, and road construction and maintenance, including highway interchange construction;

(ii) Water and sewer system construction and improvements, including wastewater reuse facilities;

(iii) Sidewalks, traffic controls, and streetlights;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities of a transit authority;

(vi) Park facilities and recreational areas, including trails; and

(vii) Storm water and drainage management systems;

(b) Expenditures for facilities and improvements that support affordable housing as defined in RCW 43.63A.510.

(22) "Public improvement costs" means the cost of: (a) Design, planning, acquisition including land acquisition, site preparation including land clearing, construction, reconstruction, rehabilitation, improvement, and installation of public improvements; (b) demolishing, relocating, maintaining, and operating property pending construction of public

improvements; (c) the local government's portion of relocating utilities as a result of public improvements; (d) financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; (e) assessments incurred in revaluing real property for the purpose of determining the property tax allocation revenue base value that are in excess of costs incurred by the assessor in accordance with the revaluation plan under chapter 84.41 RCW, and the costs of apportioning the taxes and complying with this chapter and other applicable law; and (f) administrative expenses and feasibility studies reasonably necessary and related to these costs, including related costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of local infrastructure financing to fund the costs of the public improvements.

(23) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; (b) regular property taxes levied by the state for the support of the common schools under RCW 84.52.065; and (c) regular property taxes authorized by RCW 84.55.050 that are limited to a specific purpose. "Regular property taxes" do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043.

(24) "Property tax allocation revenue base value" means the assessed value of real property located within a revenue development area for taxes levied in the year in which the revenue development area is created for collection in the following year, plus one hundred percent of any increase in the assessed value of real property located within a revenue development area that is placed on the assessment rolls after the revenue development area is created, less the property tax allocation revenue value.

(25) "Relocating a business" means the closing of a business and the reopening of that business, or the opening of a new business that engages in the same activities as the previous business, in a different location within a one-year period, when an individual or entity has an ownership interest in the business at the time of closure and at the time of opening or reopening. "Relocating a business" does not include the closing and reopening of a business in a new location where the business has been acquired and is under entirely new ownership at the new location, or the closing and reopening of a business in a new location as a result of the exercise of the power of eminent domain.

(26) "Revenue development area" means the geographic area created by a sponsoring local government from which local excise and property tax allocation revenues are derived for local infrastructure financing.

(27) "Small business" has the same meaning as provided in RCW 19.85.020.

(28) "Sponsoring local government" means a city, town, or county, and for the purpose of this chapter a federally recognized Indian tribe or any combination thereof, that creates a revenue development area and applies to the board to use local infrastructure financing.

(29) "State contribution" means the lesser of:

(a) One million dollars;

(b) The state excise tax allocation revenue and state property tax allocation revenue received by the state during the preceding calendar year;

(c) The amount of local excise tax allocation revenues, local property tax allocation revenues, and revenues from local public sources, that are dedicated by a sponsoring local government in the preceding calendar year to the payment of principal and interest on bonds issued under section 501 of this act; or

FIFTY-EIGHTH DAY, MARCH 7, 2006

(d) The amount of project award granted by the board in the notice of approval to use local infrastructure financing under section 202 of this act.

(30) "State excise taxes" means revenues derived from state retail sales and use taxes under chapters 82.08 and 82.12 RCW, less the amount of tax distributions from all local retail sales and use taxes imposed on the same taxable events that are credited against the state retail sales and use taxes under chapters 82.08 and 82.12 RCW.

(31) "State excise tax allocation revenue" means the amount of state excise taxes received by the state during the measurement year from taxable activity within the revenue development area over and above the amount of state excise taxes received by the state during the base year from taxable activity within the revenue development area, except that:

(a) If a sponsoring local government creates a revenue development area and reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred in the twelve months immediately preceding the creation of the revenue development area within the boundaries of the area that became the revenue development area, "state excise tax allocation revenue" means the entire amount of state excise taxes received by the state during a calendar year period beginning with the calendar year immediately following the creation of the revenue development area and continuing with each measurement year thereafter; and

(b) For revenue development areas created in calendar year 2006 that do not meet the requirements in (a) of this subsection and if legislation is enacted in this state by July 1, 2006, that adopts the sourcing provisions of the streamlined sales and use tax agreement, "state excise tax allocation revenue" means the amount of state excise taxes received by the state during the measurement year from taxable activity within the revenue development area over and above an amount of state excise taxes received by the state during the 2007 base year adjusted by the department for any estimated impacts from retail sales and use tax sourcing changes effective July 1, 2007. The amount of base year adjustment determined by the department is final.

(32) "State property tax allocation revenue" means those tax revenues derived from the imposition of property taxes levied by the state for the support of common schools under RCW 84.52.065 on the property tax allocation revenue value.

PART II

LOCAL INFRASTRUCTURE FINANCING TOOL

NEW SECTION. Sec. 201. CREATION OF THE LOCAL INFRASTRUCTURE FINANCING TOOL PROGRAM. The local infrastructure financing tool program is created to assist local governments in financing authorized public infrastructure projects designed to promote economic development in the jurisdiction. The local infrastructure financing tool program is not created to enable existing Washington-based businesses from outside a revenue development area to relocate into a revenue development area.

NEW SECTION. Sec. 202. LOCAL INFRASTRUCTURE FINANCING TOOL PROGRAM APPLICATION. (1) Prior to applying to the board to use local infrastructure financing, a sponsoring local government shall:

(a) Designate a revenue development area within the limitations in section 204 of this act;

(b) Certify that the conditions in section 205 of this act are met;

(c) Complete the process in section 206 of this act;

(d) Provide public notice as required in section 208 of this act; and

(e) Pass an ordinance adopting the revenue development area as required in section 207 of this act.

(2) Any local government that has created an increment area under chapter 39.89 RCW that has not issued bonds to finance any public improvement shall be considered a revenue

development area under this chapter without creating a new increment area under sections 207 and 208 of this act if it amends its ordinance to comply with section 207(1) of this act and otherwise meets the conditions and limitations under this chapter.

(3) As a condition to imposing a sales and use tax under section 401 of this act, a sponsoring local government, including any cosponsoring local government seeking authority to impose a sales and use tax under section 401 of this act, must apply to the board and be approved for a project award amount. The application shall be in a form and manner prescribed by the board and include but not be limited to information establishing that the applicant is an eligible candidate to impose the local sales and use tax under section 401 of this act, the anticipated effective date for imposing the tax, the estimated number of years that the tax will be imposed, and the estimated amount of tax revenue to be received in each fiscal year that the tax will be imposed. The board shall make available forms to be used for this purpose. As part of the application, each applicant must provide to the board a copy of the ordinance or ordinances creating the revenue development area as required in section 207 of this act. A notice of approval to use local infrastructure financing shall contain a project award that represents the maximum amount of state contribution that the applicant, including any cosponsoring local governments, can earn each year that local infrastructure financing is used. The total of all project awards shall not exceed the annual state contribution limit. The determination of a project award shall be made based on information contained in the application and the remaining amount of annual state contribution limit to be awarded. Determination of a project award by the board is final.

(4) Sponsoring local governments, and any cosponsoring local governments, must submit completed applications to the board no later than July 1, 2007. By September 15, 2007, in consultation with the department of revenue and the department of community, trade, and economic development, the board shall approve qualified projects, up to the annual state contribution limit. Except as provided in section 203 of this act, approvals shall be based on the following criteria:

(a) The project potential to enhance the sponsoring local government's regional and/or international competitiveness;

(b) The project's ability to encourage mixed use development and the redevelopment of a geographic area;

(c) Achieving an overall distribution of projects statewide that reflect geographic diversity;

(d) The estimated wages and benefits for the project is greater than the average labor market area;

(e) The estimated state and local net employment change over the life of the project;

(f) The estimated state and local net property tax change over the life of the project; and

(g) The estimated state and local sales and use tax increase over the life of the project.

(5) A revenue development area is considered created when the sponsoring local government, including any cosponsoring local government, has adopted an ordinance creating the revenue development area and the board has approved the sponsoring local government to use local infrastructure financing. If a sponsoring local government receives approval from the board after the fifteenth day of October to use local infrastructure financing, the revenue development area is considered created in the calendar year following the approval. Once the board has approved the sponsoring local government, and any cosponsoring local governments, to use local infrastructure financing, notification shall be sent to the sponsoring local government, and any cosponsoring local governments, authorizing the sponsoring local government, and any cosponsoring local governments, to impose the local sales and use tax authorized under section 401 of this act, subject to the conditions in section 401 of this act.

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

NEW SECTION. Sec. 203. In addition to a competitive process, demonstration projects are provided to determine the feasibility of the local infrastructure financing tool. Notwithstanding section 202 of this act, the board shall approve each demonstration project before approving any other application. The Bellingham waterfront redevelopment project award shall not exceed one million dollars per year, the Spokane river district project award shall not exceed one million dollars per year, and the Vancouver riverwest project award shall not exceed five hundred thousand dollars per year.

NEW SECTION. Sec. 204. LIMITATIONS ON REVENUE DEVELOPMENT AREAS. The designation of a revenue development area is subject to the following limitations:

(1) The taxable real property within the revenue development area boundaries may not exceed one billion dollars in assessed value at the time the revenue development area is designated;

(2) The average assessed value per square foot of taxable land within the revenue development area boundaries may not exceed seventy dollars at the time the revenue development area is designated;

(3) No more than one revenue development area may be created in a county;

(4) A revenue development area is limited to contiguous tracts, lots, pieces, or parcels of land without the creation of islands of property not included in the revenue development area;

(5) The boundaries may not be drawn to purposely exclude parcels where economic growth is unlikely to occur;

(6) The public improvements financed through local infrastructure financing must be located in the revenue development area;

(7) A revenue development area cannot comprise an area containing more than twenty-five percent of the total assessed value of the taxable real property within the boundaries of the sponsoring local government, including any cosponsoring local government, at the time the revenue development area is designated;

(8) The boundaries of the revenue development area shall not be changed for the time period that local infrastructure financing is used; and

(9) A revenue development area cannot include any part of an increment area created under chapter 39.89 RCW, except those increment areas created prior to January 1, 2006.

NEW SECTION. Sec. 205. CONDITIONS. The use of local infrastructure financing under this chapter is subject to the following conditions:

(1) No funds may be used to finance, design, acquire, construct, equip, operate, maintain, remodel, repair, or reequip public facilities funded with taxes collected under RCW 82.14.048;

(2)(a) Except as provided in (b) of this subsection no funds may be used for public improvements other than projects identified within the capital facilities, utilities, housing, or transportation element of a comprehensive plan required under chapter 36.70A RCW;

(b) Funds may be used for public improvements that are historical preservation activities as defined in RCW 39.89.020;

(3) The public improvements proposed to be financed in whole or in part using local infrastructure financing are expected to encourage private development within the revenue development area and to increase the fair market value of real property within the revenue development area;

(4) A sponsoring local government, participating local government, or participating taxing district has entered or expects to enter into a contract with a private developer relating to the development of private improvements within the revenue development area or has received a letter of intent from a private developer relating to the developer's plans for the

development of private improvements within the revenue development area;

(5) Private development that is anticipated to occur within the revenue development area, as a result of the public improvements, will be consistent with the countywide planning policy adopted by the county under RCW 36.70A.210 and the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW;

(6) The governing body of the sponsoring local government, and any cosponsoring local government, must make a finding that local infrastructure financing:

(a) Is not expected to be used for the purpose of relocating a business from outside the revenue development area, but within this state, into the revenue development area; and

(b) Will improve the viability of existing business entities within the revenue development area;

(7) The governing body of the sponsoring local government, and any cosponsoring local government, finds that the public improvements proposed to be financed in whole or in part using local infrastructure financing are reasonably likely to:

(a) Increase private residential and commercial investment within the revenue development area;

(b) Increase employment within the revenue development area;

(c) Improve the viability of any existing communities that are based on mixed-use development within the revenue development area; and

(d) Generate, over the period of time that the local option sales and use tax will be imposed under section 401 of this act, state excise tax allocation revenues and state property tax allocation revenues derived from the revenue development area that are equal to or greater than the respective state contributions made under this chapter;

(8) The sponsoring local government may only use local infrastructure financing in areas deemed in need of economic development or redevelopment within boundaries of the sponsoring local government.

NEW SECTION. Sec. 206. PROCESS. Before adopting an ordinance creating the revenue development area, a sponsoring local government must:

(1) Obtain written agreement from any participating local government and participating taxing district to use dedicated amounts of local excise tax allocation revenues, local property tax allocation revenues, and other revenues from local public sources in whole or in part, for local infrastructure financing authorized under this chapter. The agreement to opt into the local infrastructure financing public improvement project must be authorized by the governing body of such participating local government and participating taxing district;

(2) Estimate the impact of the revenue development area on small business and low-income housing and develop a mitigation plan for the impacted businesses and housing. In analyzing the impact of the revenue development area, the sponsoring local government must develop:

(a) An inventory of existing low-income housing units, and businesses and retail activity within the revenue development area;

(b) A reasonable estimate of the number of low-income housing units, small businesses, and other commercial activity that may be vulnerable to displacement within the revenue development area;

(c) A reasonable estimate of projected net job growth and net housing growth caused by creation of the revenue development area when compared to the existing jobs or housing balance for the area; and

(d) A reasonable estimate of the impact of net housing growth on the current housing price mix.

NEW SECTION. Sec. 207. ORDINANCE. (1) To create a revenue development area, a sponsoring local government, and any cosponsoring local government, must adopt an ordinance establishing the revenue development area that:

FIFTY-EIGHTH DAY, MARCH 7, 2006

(a) Describes the public improvements proposed to be made in the revenue development area;

(b) Describes the boundaries of the revenue development area, subject to the limitations in section 204 of this act;

(c) Estimates the cost of the proposed public improvements and the portion of these costs to be financed by local infrastructure financing;

(d) Estimates the time during which local excise tax allocation revenues, local property tax allocation revenues, and other revenues from local public sources are to be used for local infrastructure financing;

(e) Provides the date when the use of local excise tax allocation revenues and local property tax allocation revenues will commence; and

(f) Finds that the conditions in section 205 of this act are met and the findings in section 206 of this act are complete.

(2) The sponsoring local government, and any cosponsoring local government, must hold a public hearing on the proposed financing of the public improvements in whole or in part with local infrastructure financing at least thirty days before passage of the ordinance establishing the revenue development area. The public hearing may be held by either the governing body of the sponsoring local government and the governing body of any cosponsoring local government, or by a committee of those governing bodies that includes at least a majority of the whole governing body or bodies. The public hearing is subject to the notice requirements in section 208 of this act.

(3) The sponsoring local government, and any cosponsoring local government, shall deliver a certified copy of the adopted ordinance to the county treasurer, the governing body of each participating local government and participating taxing district within which the revenue development area is located, the board, and the department.

NEW SECTION. Sec. 208. NOTICE REQUIREMENTS. Prior to adopting the ordinance creating the revenue development area and to meet the requirements of section 501(1)(b) of this act, a sponsoring local government and any cosponsoring local government must provide public notice.

(1) Notice of the public hearing must be published in a legal newspaper of general circulation within the proposed revenue development area at least ten days before the public hearing and posted in at least six conspicuous public places located in the proposed revenue development area.

(2) Notice must also be sent by United States mail to the property owners, all identifiable community-based organizations with involvement in the proposed revenue development area, and the business enterprises located within the proposed revenue development area at least thirty days prior to the hearing. In implementing provisions under this chapter, the local governing body may also consult with community-based groups, business organizations, including the local chamber of commerce, and the office of minority and women's business enterprises to assist with providing appropriate notice to business enterprises and property owners for whom English is a second language.

(3) Notices must describe the contemplated public improvements, estimate the public improvement costs, describe the portion of the public improvement costs to be borne by local infrastructure financing, describe any other sources of revenue to finance the public improvements, describe the boundaries of the proposed revenue development area, estimate the impact that the public improvements will have on small businesses and low-income housing, and estimate the period during which local infrastructure financing is contemplated to be used.

(4) Notices must inform the public where to obtain the information that shows how the limitations, conditions, and findings required in sections 204 through 206 of this act are met.

(5) The sponsoring local government and any cosponsoring local government shall deliver a certified copy of the proposed ordinance to the county treasurer, the governing body of each participating local government and participating taxing district

within which the revenue development area is located, the board, and the department.

PART III TAX ALLOCATION REVENUES

NEW SECTION. Sec. 301. LOCAL EXCISE TAX ALLOCATION REVENUES. (1) A sponsoring local government or participating local government that has received approval by the board to use local infrastructure financing may use annually its local excise tax allocation revenues to finance public improvements in the revenue development area financed in whole or in part by local infrastructure financing. The use of local excise tax allocation revenues dedicated by participating local governments must cease when such allocation revenues are no longer necessary or obligated to pay bonds issued to finance the public improvements in the revenue development area. Any participating local government is authorized to dedicate local excise tax allocation revenues to the sponsoring local government as authorized in section 206(1) of this act.

(2) A sponsoring local government shall provide the board accurate information describing the geographical boundaries of the revenue development area at the time of application. The information shall be provided in an electronic format or manner as prescribed by the department. The sponsoring local government shall ensure that the boundary information provided to the board and department is kept current.

(3) In the event a city annexes a county area located within a county-sponsored revenue development area, the city shall remit to the county the portion of the local excise tax allocation revenue that the county would have received had the area not been annexed to the county. The city shall remit such revenues until such time as the bonds issued under section 501 of this act are retired.

NEW SECTION. Sec. 302. LOCAL PROPERTY TAX ALLOCATION REVENUES. (1) Commencing in the second calendar year following the passage of the ordinance creating a revenue development area and authorizing the use of local infrastructure financing, the county treasurer shall distribute receipts from regular taxes imposed on real property located in the revenue development area as follows:

(a) Each participating taxing district and the sponsoring local government shall receive that portion of its regular property taxes produced by the rate of tax levied by or for the taxing district on the property tax allocation revenue base value for that local infrastructure financing project in the taxing district, or upon the total assessed value of real property in the taxing district, whichever is smaller; and

(b) The sponsoring local government shall receive an additional portion of the regular property taxes levied by it and by or for each participating taxing district upon the property tax allocation revenue value within the revenue development area. However, if there is no property tax allocation revenue value, the sponsoring local government shall not receive any additional regular property taxes under this subsection (1)(b). The sponsoring local government may agree to receive less than the full amount of the additional portion of regular property taxes under this subsection (1)(b) as long as bond debt service, reserve, and other bond covenant requirements are satisfied, in which case the balance of these tax receipts shall be allocated to the participating taxing districts that levied regular property taxes, or have regular property taxes levied for them, in the revenue development area for collection that year in proportion to their regular tax levy rates for collection that year. The sponsoring local government may request that the treasurer transfer this additional portion of the property taxes to its designated agent. The portion of the tax receipts distributed to the sponsoring local government or its agent under this subsection (1)(b) may only be expended to finance public improvement costs associated with the public improvements financed in whole or in part by local infrastructure financing.

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

(2) The county assessor shall allocate any increase in the assessed value of real property occurring in the revenue development area to the property tax allocation revenue value and property tax allocation revenue base value as appropriate. This section does not authorize revaluations of real property by the assessor for property taxation that are not made in accordance with the assessor's revaluation plan under chapter 84.41 RCW or under other authorized revaluation procedures.

(3) The apportionment of increases in assessed valuation in a revenue development area, and the associated distribution to the sponsoring local government of receipts from regular property taxes that are imposed on the property tax allocation revenue value, must cease when property tax allocation revenues are no longer necessary or obligated to pay the costs of the public improvements. Any excess local property tax allocation revenues derived from regular property taxes and earnings on these tax allocation revenues, remaining at the time the allocation of tax receipts terminates, must be returned to the county treasurer and distributed to the participating taxing districts that imposed regular property taxes, or had regular property taxes imposed for it, in the revenue development area for collection that year, in proportion to the rates of their regular property tax levies for collection that year.

(4) The allocation to the revenue development area of portions of the local regular property taxes levied by or for each taxing district upon the property tax allocation revenue value within that revenue development area is declared to be a public purpose of and benefit to each such taxing district.

(5) The allocation of local property tax allocation revenues pursuant to this section shall not affect or be deemed to affect the rate of taxes levied by or within any taxing district or the consistency of any such levies with the uniformity requirement of Article VII, section 1 of the state Constitution.

(6) This section does not apply to those revenue development areas that include any part of an increment area created under chapter 39.89 RCW.

**PART IV
STATE CONTRIBUTIONS**

NEW SECTION. Sec. 401. A new section is added to chapter 82.14 RCW to read as follows:

SALES AND USE TAX. (1) A sponsoring local government, and any cosponsoring local government, that has been approved by the board to use local infrastructure financing may impose a sales and use tax in accordance with the terms of this chapter and subject to the criteria set forth in this section. Except as provided in this section, the tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing jurisdiction of the sponsoring local government or cosponsoring local government. The rate of tax shall not exceed the rate provided in RCW 82.08.020(1), less the aggregate rates of any other local sales and use taxes imposed on the same taxable events that are credited against the state sales and use taxes imposed under chapters 82.08 and 82.12 RCW. The rate of tax may be changed only on the first day of a fiscal year as needed. Notice of rate changes must be provided to the department on the first day of March to be effective on July 1st of the next fiscal year.

(2) The tax authorized under subsection (1) of this section shall be credited against the state taxes imposed under chapter 82.08 or 82.12 RCW. The department shall perform the collection of such taxes on behalf of the sponsoring local government or cosponsoring local government at no cost to the sponsoring local government or cosponsoring local government and shall remit the taxes as provided in RCW 82.14.060.

(3)(a) No tax may be imposed under this section:

(i) Before July 1, 2008;

(ii) Before approval by the board under section 202 of this act; and

(iii) Except as provided in (b) of this subsection, unless the sponsoring local government has received and dedicated to the payment of bonds authorized in section 501 of this act, in whole or in part, both local excise tax allocation revenues and local property tax allocation revenues during the preceding calendar year.

(b) The requirement to receive local property tax allocation revenues under (a) of this subsection is waived if the revenue development area coincides with or is contained entirely within the boundaries of an increment area adopted by a local government under the authority of chapter 39.89 RCW for the purposes of utilizing community revitalization financing.

(c) The tax imposed under this section shall expire when the bonds issued under the authority of section 501 of this act are retired, but not more than twenty-five years after the tax is first imposed.

(4) An ordinance adopted by the legislative authority of a sponsoring local government or cosponsoring local government imposing a tax under this section shall provide that:

(a) The tax shall first be imposed on the first day of a fiscal year;

(b) The cumulative amount of tax received by the sponsoring local government, and any cosponsoring local government, in any fiscal year shall not exceed the amount of the state contribution;

(c) The tax shall cease to be distributed for the remainder of any fiscal year in which either:

(i) The amount of tax received by the sponsoring local government, and any cosponsoring local government, equals the amount of the state contribution;

(ii) The amount of revenue from taxes imposed under this section by all sponsoring and cosponsoring local governments equals the annual state contribution limit; or

(iii) The amount of tax received by the sponsoring local government equals the amount of project award granted in the approval notice described in section 202 of this act;

(d) Except when the requirement to receive local property tax allocation revenues is waived as provided in subsection (3)(b) of this section, neither the local excise tax allocation revenues nor the local property tax allocation revenues can be more than eighty percent of the total local funds as described in section 102(29)(c) of this act;

(e) The tax shall be distributed again, should it cease to be distributed for any of the reasons provided in (c) of this subsection, at the beginning of the next fiscal year, subject to the restrictions in this section; and

(f) Any revenue generated by the tax in excess of the amounts specified in (c) of this subsection shall belong to the state of Washington.

(5) If a county and city cosponsor a revenue development area, the combined rates of the city and county tax shall not exceed the rate provided in RCW 82.08.020(1), less the aggregate rates of any other local sales and use taxes imposed on the same taxable events that are credited against the state sales and use taxes imposed under chapters 82.08 and 82.12 RCW. The combined amount of distributions received by both the city and county may not exceed the state contribution.

(6) The department shall determine the amount of tax receipts distributed to each sponsoring local government, and any cosponsoring local government, imposing sales and use tax under this section and shall advise a sponsoring or cosponsoring local government when tax distributions for the fiscal year equal the amount of state contribution for that fiscal year as provided in subsection (8) of this section. Determinations by the department of the amount of tax distributions attributable to each sponsoring or cosponsoring local government are final and shall not be used to challenge the validity of any tax imposed under this section. The department shall remit any tax receipts in excess of the amounts specified in subsection (4)(c) of this

FIFTY-EIGHTH DAY, MARCH 7, 2006

section to the state treasurer who shall deposit the money in the general fund.

(7) If a sponsoring or cosponsoring local government fails to comply with section 403 of this act, no tax may be distributed in the subsequent fiscal year until such time as the sponsoring or cosponsoring local government complies and the department calculates the state contribution amount for such fiscal year.

(8) Each year, the amount of taxes approved by the department for distribution to a sponsoring or cosponsoring local government in the next fiscal year shall be equal to the state contribution and shall be no more than the total local funds as described in section 102(29)(c) of this act. The department shall consider information from reports described in section 403 of this act when determining the amount of state contributions for each fiscal year. A sponsoring or cosponsoring local government shall not receive, in any fiscal year, more revenues from taxes imposed under the authority of this section than the amount approved annually by the department. The department shall not approve the receipt of more distributions of sales and use tax under this section to a sponsoring or cosponsoring local government than is authorized under subsection (4) of this section.

(9) The amount of tax distributions received from taxes imposed under the authority of this section by all sponsoring and cosponsoring local governments is limited annually to not more than five million dollars. The tax distributions shall be available to the sponsoring local government, and any cosponsoring local government, imposing a tax under this section only as long as the sponsoring local government has outstanding indebtedness under section 501 of this act.

(10) The definitions in section 102 of this act apply to this section unless the context clearly requires otherwise.

(11) If a sponsoring local government is a federally recognized Indian tribe, the distribution of the sales and use tax authorized under this section shall be authorized through an interlocal agreement pursuant to chapter 39.34 RCW.

NEW SECTION. Sec. 402. USE OF FUNDS. Money collected from the taxes imposed under section 401 of this act shall be used only for the purpose of principal and interest payments on bonds issued under the authority of section 501 of this act.

NEW SECTION. Sec. 403. REPORTING REQUIREMENTS. (1) A sponsoring local government shall provide a report to the board and the department by March 1st of each year. The report shall contain the following information:

(a) The amount of local excise tax allocation revenues, and local property tax allocation revenues, taxes under section 401 of this act, and revenues from local public sources received by the sponsoring local government during the preceding calendar year that were dedicated to pay the public improvements financed in whole or in part with local infrastructure financing, and a summary of how these revenues were expended;

(b) The names of any businesses locating within the revenue development area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local infrastructure financing;

(c) The total number of permanent jobs created in the revenue development area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local infrastructure financing;

(d) The average wages and benefits received by all employees of businesses locating within the revenue development area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local infrastructure financing; and

(e) That the sponsoring local government is in compliance with section 205 of this act.

(2) The board shall make a report available to the public and the legislature by June 1st of each year. The report shall include

2006 REGULAR SESSION

a list of public improvements undertaken by sponsoring local governments and financed in whole or in part with local infrastructure financing and it shall also include a summary of the information provided to the department by sponsoring local governments under subsection (1) of this section.

PART V BOND AUTHORIZATION

NEW SECTION. Sec. 501. BOND ISSUANCE. (1) A sponsoring local government that has designated a revenue development area and been authorized the use of local infrastructure financing may incur general indebtedness, and issue general obligation bonds, to finance the public improvements and retire the indebtedness in whole or in part from tax allocation revenues it receives, subject to the following requirements:

(a) The ordinance adopted by the sponsoring local government and authorizing the use of local infrastructure financing indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated; and

(b) The sponsoring local government includes this statement of the intent in all notices required by section 207 of this act.

(2)(a) Except as provided in (b) of this subsection, the general indebtedness incurred under subsection (1) of this section may be payable from other tax revenues, the full faith and credit of the local government, and nontax income, revenues, fees, and rents from the public improvements, as well as contributions, grants, and nontax money available to the local government for payment of costs of the public improvements or associated debt service on the general indebtedness.

(b) A sponsoring local government that issues bonds under this section shall not pledge any money received from the state of Washington for the payment of such bonds, other than the local sales and use taxes imposed under the authority of section 401 of this act and collected by the department.

(3) In addition to the requirements in subsection (1) of this section, a sponsoring local government designating a revenue development area and authorizing the use of local infrastructure financing may require the nonpublic participant to provide adequate security to protect the public investment in the public improvement within the revenue development area.

(4) Bonds issued under this section shall be authorized by ordinance of the governing body of the sponsoring local government and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either coupon or registered as provided in RCW 39.46.030, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption with or without premium, be secured in such manner, and have such other characteristics, as may be provided by such ordinance or trust indenture or mortgage issued pursuant thereto.

(5) The sponsoring local government may annually pay into a fund to be established for the benefit of bonds issued under this section a fixed proportion or a fixed amount of any local excise tax allocation revenues and local property tax allocation revenues derived from property or business activity within the revenue development area containing the public improvements funded by the bonds, such payment to continue until all bonds payable from the fund are paid in full. The local government may also annually pay into the fund established in this section a fixed proportion or a fixed amount of any revenues derived from taxes imposed under section 401 of this act, such payment to continue until all bonds payable from the fund are paid in full. Revenues derived from taxes imposed under section 401 of this act are subject to the use restriction in section 402 of this act.

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

(6) In case any of the public officials of the sponsoring local government whose signatures appear on any bonds or any coupons issued under this chapter shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued under this chapter are fully negotiable.

(7) Notwithstanding subsections (4) through (6) of this section, bonds issued under this section may be issued and sold in accordance with chapter 39.46 RCW.

NEW SECTION. Sec. 502. USE OF TAX REVENUE FOR BOND REPAYMENT. A sponsoring local government that issues bonds under section 501 of this act to finance public improvements may pledge for the payment of such bonds all or part of any local excise tax allocation revenues and all or part of any local property tax allocation revenues dedicated by the sponsoring local government, any participating local government, or participating taxing district. The sponsoring local government may also pledge all or part of any revenues derived from taxes imposed under section 401 of this act and held in connection with the public improvements. All of such tax revenues are subject to the use restrictions in sections 202 through 205 of this act, and the process requirements in section 206(1) of this act.

NEW SECTION. Sec. 503. BONDS ISSUED NOT AN OBLIGATION OF THE STATE OF WASHINGTON. The bonds issued by a sponsoring local government under section 501 of this act to finance public improvements shall not constitute an obligation of the state of Washington, either general or special.

NEW SECTION. Sec. 504. GENERAL INDEBTEDNESS--SECURITY. (1) A sponsoring local government designating a revenue development area and authorizing the use of local infrastructure financing may incur general indebtedness, and issue general obligation bonds, to finance the public improvements and retire the indebtedness in whole or in part from local excise tax allocation revenues and local property tax allocation revenues it receives, subject to the following requirements:

(a) The ordinance adopted by the sponsoring local government creating the revenue development area and authorizing the use of local infrastructure financing indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated; and

(b) The sponsoring local government includes this statement of the intent in all notices required by sections 205 and 206 of this act.

(2) The general indebtedness incurred under subsection (1) of this section may be payable from other tax revenues, the full faith and credit of the sponsoring local government, and nontax income, revenues, fees, and rents from the public improvements, as well as contributions, grants, and nontax money available to the sponsoring local government for payment of costs of the public improvements or associated debt service on the general indebtedness.

(3) In addition to the requirements in subsection (1) of this section, a sponsoring local government designating a revenue development area and authorizing the use of local infrastructure financing may require the nonpublic participant to provide adequate security to protect the public investment in the public improvement within the revenue development area.

NEW SECTION. Sec. 505. REVENUE BONDS. (1) A sponsoring local government may issue revenue bonds to fund revenue-generating public improvements, or portions of public improvements, that are located within a revenue development area. Whenever revenue bonds are to be issued, the legislative authority of the sponsoring local government shall create or have created a special fund or funds from which, along with any reserves created pursuant to RCW 39.44.140, the principal and interest on these revenue bonds shall exclusively be payable.

The legislative authority of the sponsoring local government may obligate the sponsoring local government to set aside and pay into the special fund or funds a fixed proportion or a fixed amount of the revenues from the public improvements that are funded by the revenue bonds. This amount or proportion is a lien and charge against these revenues, subject only to operating and maintenance expenses. The sponsoring local government shall have due regard for the cost of operation and maintenance of the public improvements that are funded by the revenue bonds, and shall not set aside into the special fund or funds a greater amount or proportion of the revenues that in its judgment will be available over and above the cost of maintenance and operation and the amount or proportion, if any, of the revenue previously pledged. The sponsoring local government may also provide that revenue bonds payable out of the same source or sources of revenue may later be issued on a parity with any revenue bonds being issued and sold.

(2) Revenue bonds issued pursuant to this section are not an indebtedness of the sponsoring local government issuing the bonds, and the interest and principal on the bonds shall only be payable from the revenues lawfully pledged to meet the principal and interest requirements and any reserves created pursuant to RCW 39.44.140. The owner or bearer of a revenue bond or any interest coupon issued pursuant to this section shall not have any claim against the sponsoring local government arising from the bond or coupon except for payment from the revenues lawfully pledged to meet the principal and interest requirements and any reserves created pursuant to RCW 39.44.140. The substance of the limitations included in this subsection shall be plainly printed, written, or engraved on each bond issued pursuant to this section.

(3) Revenue bonds with a maturity in excess of twenty-five years shall not be issued. The legislative authority of the sponsoring local government shall by resolution determine for each revenue bond issue the amount, date, form, terms, conditions, denominations, maximum fixed or variable interest rate or rates, maturity or maturities, redemption rights, registration privileges, manner of execution, manner of sale, callable provisions, if any, and covenants including the refunding of existing revenue bonds. Facsimile signatures may be used on the bonds and any coupons. Refunding revenue bonds may be issued in the same manner as revenue bonds are issued.

(4) Notwithstanding subsections (1) through (3) of this section, bonds issued under this section may be issued and sold in accordance with chapter 39.46 RCW.

PART VI JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE REPORTS

NEW SECTION. Sec. 601. JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE REPORTS. Beginning September 1, 2013, and continuing every five years thereafter, the joint legislative audit and review committee shall submit a report to the appropriate committees of the legislature.

(1) The report shall, at a minimum, evaluate the effectiveness of the local infrastructure financing tool program, including a project-by-project review. The report shall evaluate the project's interim results based on the selection criteria. The report shall also measure:

- (a) Employment changes in the revenue development area;
- (b) Property tax changes in the revenue development area;
- (c) Sales and use tax changes in the revenue development area;
- (d) Property value changes in the revenue development area; and
- (e) Changes in housing and existing commercial activities based on the impact analysis and mitigation plan required in section 206(2) of this act.

FIFTY-EIGHTH DAY, MARCH 7, 2006

(2) The report that is due September 1, 2028, should also include any recommendations regarding whether or not the program should be expanded statewide and what impact the expansion would have on economic development in Washington.

**PART VII
MISCELLANEOUS**

NEW SECTION. Sec. 701. PERIODIC EVALUATION. The department of revenue and the community economic revitalization board shall evaluate and periodically report on the implementation of the local infrastructure financing program to the governor and legislature as the department and the board deems appropriate and recommend such amendments, changes in, and modifications of this act as seem proper.

NEW SECTION. Sec. 702. GOVERNANCE AND SELECTION CRITERIA STUDY. The office of financial management shall contract with the appropriate vendor to study and report on similar programs in other states. The report shall include an overview of the programs in other states, including project selection criteria and program governance. The report shall include recommendations regarding project selection and governance that address Washington's unique needs. The report shall also include recommendations for reporting information on future projects. The report is due to the governor and the legislature by December 1, 2006.

NEW SECTION. Sec. 703. CAPTIONS. Captions and part headings used in this act are not any part of the law.

NEW SECTION. Sec. 704. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 705. PORT DISTRICTS. Nothing in this act shall be construed to give port districts the authority to impose a sales or use tax under chapter 82.14 RCW.

NEW SECTION. Sec. 706. EFFECTIVE DATE. This act takes effect July 1, 2006.

NEW SECTION. Sec. 707. EXPIRATION DATE. This act expires June 30, 2039.

NEW SECTION. Sec. 708. NEW CHAPTER. Sections 101 through 302 and 402 through 601 of this act constitute a new chapter in Title 39 RCW."

MOTION

Senator Brown moved that the following amendment by Senator Brown to the striking amendment be adopted.

On page 1 of the amendment, line 26, strike "in which" and insert "after"

Senator Brown spoke in favor of adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Brown on page 1, line 26 to the striking amendment to Engrossed Second Substitute House Bill No. 2673.

The motion by Senator Brown carried and the amendment to the striking amendment was adopted by voice vote.

Senators Brown, Zarelli and Shin spoke in favor of adoption of the striking amendment as amended.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Brown and Zarelli as amended to Engrossed Second Substitute House Bill No. 2673.

The motion by Senator Brown carried and the striking

amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "adding a new section to chapter 82.14 RCW; adding a new chapter to Title 39 RCW; creating new sections; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Brown, the rules were suspended, Engrossed Second Substitute House Bill No. 2673 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brown spoke in favor of passage of the bill.

MOTION

On motion of Senator Hewitt, Senator Deccio was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2673 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2673 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 41

Voting nay: Senators Finkbeiner, Honeyford, Mulliken and Pflug - 4

Excused: Senators Benson, Deccio, McCaslin and Oke - 4

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2673 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President assumed the chair.

PARLIAMENTARY INQUIRY

Senator Jacobsen: "I understand under Senate Rules, we only work until 10 o'clock and that rule hasn't been suspended. What time is now by your watch?"

REPLY BY THE PRESIDENT

President Owen: "Eight minutes after ten, Senator Jacobsen."

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

PARLIAMENTARY INQUIRY

Senator Jacobsen: "The previous bill that was passed after 10:00 before the rules were suspended, is that properly passed?"

REPLY BY THE PRESIDENT

President Owen: "Senator Jacobsen, it is necessary, the President believes that it would be necessary for you to raise your point of order at the time the bill was being considered for it to be out of order. Therefore, since nobody in the body raised the question or challenged the question then it was in order."

MOTION

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

MESSAGE FROM THE HOUSE

March 4, 2006

MR. PRESIDENT:
The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2576 and asks Senate to recede therefrom.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kline moved that the Senate recede from its position to the Senate amendments to Substitute House Bill No. 2576.

The President declared the question before the Senate to be motion by Senator Kline that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 2576.

The motion by Senator Kline carried and the Senate receded from its amendments on Substitute House Bill No. 2576.

MOTION

On motion of Senator Kline, the rules were suspended and Substitute House Bill No. 2576 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2576, by House Committee on Judiciary (originally sponsored by Representatives Williams, Green, O'Brien, Kirby, Hunt, Ericks, Simpson, Lovick, McCoy, Lantz, Ormsby, Springer and Conway)

Creating sexual assault protection orders.

The measure was read the second time.

MOTION

Senator Kline moved that the following striking amendment by Senators Kline and Johnson be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Sexual assault is the most heinous crime against another person short of murder. Sexual assault inflicts humiliation, degradation, and terror on victims. According to the FBI, a woman is raped every six minutes in the United States. Rape is recognized as the most underreported crime; estimates suggest that only one in seven rapes is reported to authorities. Victims who do not report the crime still desire safety and protection from future interactions with the offender. Some cases in which the rape is reported are not prosecuted. In these situations, the victim should be able to seek a civil remedy requiring that the offender stay away from the victim.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Nonconsensual" means a lack of freely given agreement.

(2) "Petitioner" means any named petitioner for the sexual assault protection order or any named victim of nonconsensual sexual conduct or nonconsensual sexual penetration on whose behalf the petition is brought.

(3) "Sexual assault protection order" means an ex parte temporary order or a final order granted under this chapter, which includes a remedy authorized by section 10 of this act.

(4) "Sexual conduct" means any of the following:

(a) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing;

(b) Any intentional or knowing display of the genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent;

(c) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing, that the petitioner is forced to perform by another person or the respondent;

(d) Any forced display of the petitioner's genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent or others;

(e) Any intentional or knowing touching of the clothed or unclothed body of a child under the age of thirteen, if done for the purpose of sexual gratification or arousal of the respondent or others; and

(f) Any coerced or forced touching or fondling by a child under the age of thirteen, directly or indirectly, including through clothing, of the genitals, anus, or breasts of the respondent or others.

(5) "Sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

(6) "Nonphysical contact" includes, but is not limited to, telephone calls, mail, e-mail, fax, and written notes.

NEW SECTION. Sec. 3. A petition for a sexual assault protection order may be filed by a person:

(1) Who is a victim of nonconsensual sexual conduct or nonconsensual sexual penetration, including a single incident of nonconsensual sexual conduct or nonconsensual sexual penetration; or

(2) On behalf of any of the following persons who is a victim of nonconsensual sexual conduct or nonconsensual sexual penetration:

(a) A minor child;

(b) A vulnerable adult as defined in RCW 74.34.020 or 74.34.021; or

(c) Any other adult who, because of age, disability, health, or inaccessibility, cannot file the petition.

FIFTY-EIGHTH DAY, MARCH 7, 2006

NEW SECTION. Sec. 4. (1) Any person may seek relief under this chapter by filing a petition with a court alleging that the person has been the victim of nonconsensual sexual conduct or nonconsensual sexual penetration committed by the respondent.

(2) A person under eighteen years of age who is sixteen years of age or older may seek relief under this chapter and is not required to seek relief by a guardian or next friend.

(3) No guardian or guardian ad litem need be appointed on behalf of a respondent to an action under this chapter who is under eighteen years of age if such respondent is sixteen years of age or older.

(4) The court may, if it deems necessary, appoint a guardian ad litem for a petitioner or respondent who is a party to an action under this chapter.

(5) Jurisdiction of the courts over proceedings under this chapter shall be the same as jurisdiction over domestic violence protection orders under RCW 26.50.020(5).

(6) An action under this chapter shall be filed in the county or the municipality where the petitioner resides.

NEW SECTION. Sec. 5. There shall exist an action known as a petition for a sexual assault protection order.

(1) A petition for relief shall allege the existence of nonconsensual sexual conduct or nonconsensual sexual penetration, and shall be accompanied by an affidavit made under oath stating the specific statements or actions made at the same time of the sexual assault or subsequently thereafter, which give rise to a reasonable fear of future dangerous acts, for which relief is sought. Petitioner and respondent shall disclose the existence of any other litigation or of any other restraining, protection, or no-contact orders between the parties.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

(3) Within ninety days of receipt of the master copy from the administrative office of the courts, all court clerk's offices shall make available the standardized forms, instructions, and informational brochures required by section 19 of this act and shall fill in and keep current specific program names and telephone numbers for community resources. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) No filing fee may be charged for proceedings under this chapter. Forms and instructional brochures and the necessary number of certified copies shall be provided free of charge.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

(6) If the petition states that disclosure of the petitioner's address would risk abuse of the petitioner or any member of the petitioner's family or household, that address may be omitted from all documents filed with the court. If the petitioner has not disclosed an address under this subsection, the petitioner shall designate an alternative address at which the respondent may serve notice of any motions.

NEW SECTION. Sec. 6. Upon receipt of the petition, the court shall order a hearing which shall be held not later than fourteen days from the date of the order. The court may schedule a hearing by telephone pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further nonconsensual sexual conduct or nonconsensual sexual penetration. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing. Except as provided in section 12 of this act, personal service shall be made upon the respondent not less than five court days prior to the hearing. If timely personal service cannot be made, the court shall set a new hearing date and shall require additional attempts at obtaining personal service. The court may issue an ex parte temporary sexual assault order pending the hearing as provided in section 12 of this act.

2006 REGULAR SESSION

NEW SECTION. Sec. 7. Sexual assault advocates, as defined in RCW 5.60.060, shall be allowed to accompany the victim and confer with the victim, unless otherwise directed by the court. Court administrators shall allow sexual assault advocates to assist victims of nonconsensual sexual conduct or nonconsensual sexual penetration in the preparation of petitions for sexual assault protection orders. Sexual assault advocates are not engaged in the unauthorized practice of law when providing assistance of the types specified in this section. Communications between the petitioner and a sexual assault advocate are protected as provided by RCW 5.60.060.

NEW SECTION. Sec. 8. The court may appoint counsel to represent the petitioner if the respondent is represented by counsel.

NEW SECTION. Sec. 9. (1) In proceedings for a sexual assault protection order and prosecutions for violating a sexual assault protection order, the prior sexual activity or the reputation of the petitioner is inadmissible except:

(a) As evidence concerning the past sexual conduct of the petitioner with the respondent when this evidence is offered by the respondent upon the issue of whether the petitioner consented to the sexual conduct with respect to which the offense is alleged; or

(b) When constitutionally required to be admitted.

(2) No evidence admissible under this section may be introduced unless ruled admissible by the court after an offer of proof has been made at a hearing held in camera to determine whether the respondent has evidence to impeach the witness in the event that prior sexual activity with the respondent is denied. The offer of proof shall include reasonably specific information as to the date, time, and place of the past sexual conduct between the petitioner and the respondent. Unless the court finds that reasonably specific information as to date, time, or place, or some combination thereof, has been offered as to prior sexual activity with the respondent, counsel for the respondent shall be ordered to refrain from inquiring into prior sexual activity between the petitioner and the respondent. The court may not admit evidence under this section unless it determines at the hearing that the evidence is relevant and the probative value of the evidence outweighs the danger of unfair prejudice. The evidence shall be admissible at trial to the extent an order made by the court specifies the evidence that may be admitted and areas with respect to which the petitioner may be examined or cross-examined.

NEW SECTION. Sec. 10. (1)(a) If the court finds by a preponderance of the evidence that the petitioner has been a victim of nonconsensual sexual conduct or nonconsensual sexual penetration by the respondent, the court shall issue a sexual assault protection order; provided that the petitioner must also satisfy the requirements of section 12 of this act for ex parte temporary orders or section 13 of this act for final orders.

(b) The petitioner shall not be denied a sexual assault protection order because the petitioner or the respondent is a minor or because the petitioner did not report the assault to law enforcement. The court, when determining whether or not to issue a sexual assault protection order, may not require proof of physical injury on the person of the victim or proof that the petitioner has reported the sexual assault to law enforcement. Modification and extension of prior sexual assault protection orders shall be in accordance with this chapter.

(2) The court may provide relief as follows:

(a) Restrain the respondent from having any contact, including nonphysical contact, with the petitioner directly, indirectly, or through third parties regardless of whether those third parties know of the order;

(b) Exclude the respondent from the petitioner's residence, workplace, or school, or from the day care or school of a child, if the victim is a child;

(c) Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location; and

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

(d) Order any other injunctive relief as necessary or appropriate for the protection of the petitioner.

(3) In cases where the petitioner and the respondent are under the age of eighteen and attend the same public or private elementary, middle, or high school, the court, when issuing a protection order and providing relief, shall consider, among the other facts of the case, the severity of the act, any continuing physical danger or emotional distress to the petitioner, and the expense difficulty, and educational disruption that would be caused by a transfer of the respondent to another school. The court may order that the person restrained in the order not attend the public or approved private elementary, middle, or high school attended by the person under the age of eighteen protected by the order. In the event the court orders a transfer of the restrained person to another school, the parents or legal guardians of the person restrained in the order are responsible for transportation and other costs associated with the change of school by the person restrained in the order. The court shall send notice of the restriction on attending the same school as the person protected by the order to the public or approved private school the person restrained by the order will attend and to the school the person protected by the order attends.

(4) Denial of a remedy may not be based, in whole or in part, on evidence that:

- (a) The respondent was voluntarily intoxicated;
- (b) The petitioner was voluntarily intoxicated; or
- (c) The petitioner engaged in limited consensual sexual touching.

(5) Monetary damages are not recoverable as a remedy.

(6) A knowing violation of a court order issued under this section is punishable under RCW 26.50.110.

NEW SECTION. Sec. 11. For the purposes of issuing a sexual assault protection order, deciding what relief should be included in the order, and enforcing the order, RCW 9A.08.020 shall govern whether the respondent is legally accountable for the conduct of another person.

NEW SECTION. Sec. 12. (1) An ex parte temporary sexual assault protection order shall issue if the petitioner satisfies the requirements of this subsection by a preponderance of the evidence. The petitioner shall establish that:

(a) The petitioner has been a victim of nonconsensual sexual conduct or nonconsensual sexual penetration by the respondent; and

(b) There is good cause to grant the remedy, regardless of prior service of process or of notice upon the respondent, because the harm which that remedy is intended to prevent would be likely to occur if the respondent were given any prior notice, or greater notice than was actually given, of the petitioner's efforts to obtain judicial relief.

(2) If the respondent appears in court for this hearing for an ex parte temporary order, he or she may elect to file a general appearance and testify. Any resulting order may be an ex parte temporary order, governed by this section.

(3) If the court declines to issue an ex parte temporary sexual assault protection order, the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte order shall be filed with the court.

(4) A knowing violation of a court order issued under this section is punishable under RCW 26.50.110.

NEW SECTION. Sec. 13. (1)(a) An ex parte temporary sexual assault protection order shall be effective for a fixed period not to exceed fourteen days. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order. Except as provided in section 6 of this act, the respondent shall be personally served with a copy of the ex parte temporary sexual assault protection order along with a copy of the petition and notice of the date set for the hearing.

(b) Any ex parte temporary order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a statewide judicial information

system by the clerk of the court within one judicial day after issuance.

(2) Except as otherwise provided in this section or section 16 of this act, a final sexual assault protection order shall be effective for a fixed period of time, not to exceed two years.

(3) Any ex parte temporary or final sexual assault protection order may be renewed one or more times, as required. The petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. If the motion for renewal is uncontested and the petitioner seeks no modification of the order, the order may be renewed on the basis of the petitioner's motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested renewal. Renewals may be granted only in open court.

(4) Any sexual assault protection order which would expire on a court holiday shall instead expire at the close of the next court business day.

(5) The practice of dismissing or suspending a criminal prosecution in exchange for the issuance of a sexual assault protection order undermines the purposes of this chapter. This section shall not be construed as encouraging that practice.

NEW SECTION. Sec. 14. (1) Any sexual assault protection order shall describe each remedy granted by the court, in reasonable detail and not by reference to any other document, so that the respondent may clearly understand what he or she must do or refrain from doing.

(2) A sexual assault protection order shall further state the following:

(a) The name of each petitioner that the court finds was the victim of nonconsensual sexual conduct or nonconsensual sexual penetration by the respondent;

(b) The date and time the sexual assault protection order was issued, whether it is an ex parte temporary or final order, and the duration of the order;

(c) The date, time, and place for any scheduled hearing for renewal of that sexual assault protection order or for another order of greater duration or scope;

(d) For each remedy in an ex parte temporary sexual assault protection order, the reason for entering that remedy without prior notice to the respondent or greater notice than was actually given;

(e) For ex parte temporary sexual assault protection orders, that the respondent may petition the court, to reopen the order if he or she did not receive actual prior notice of the hearing and if the respondent alleges that he or she had a meritorious defense to the order or that the order or its remedy is not authorized by this chapter.

(3) A sexual assault protection order shall include the following notice, printed in conspicuous type: "A knowing violation of this sexual assault protection order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

NEW SECTION. Sec. 15. (1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsection (6) of this section.

(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party.

(3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued

FIFTY-EIGHTH DAY, MARCH 7, 2006

under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.

(4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification.

(5) Returns of service under this chapter shall be made in accordance with the applicable court rules.

(6) If an order entered by the court recites that the respondent appeared in person before the court, the necessity for further service is waived and proof of service of that order is not necessary.

NEW SECTION. Sec. 16. (1)(a) When any person charged with or arrested for a sex offense as defined in RCW 9.94A.030, a violation of RCW 9A.44.096, a violation of RCW 9.68A.090, or a gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030, is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a sexual assault protection order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(b) In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(c) The sexual assault protection order shall also be issued in writing as soon as possible.

(2)(a) At the time of arraignment or whenever a motion is brought to modify the conditions of the defendant's release, the court shall determine whether a sexual assault protection order shall be issued or extended. If a sexual assault protection order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring.

(b) A sexual assault protection order issued by the court in conjunction with criminal charges shall terminate if the defendant is acquitted or the charges are dismissed, unless the victim files an independent action for a sexual assault protection order. If the victim files an independent action for a sexual assault protection order, the order may be continued by the court until a full hearing is conducted pursuant to section 6 of this act.

(3)(a) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(b) A certified copy of the order shall be provided to the victim at no charge.

(4) If a sexual assault protection order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed. Such orders need not be entered into the computer-based criminal intelligence information system in this state which is used by law enforcement agencies to list outstanding warrants.

(5) Whenever an order prohibiting contact is issued pursuant to subsection (2) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

(6)(a) When a defendant is found guilty of a sex offense as defined in RCW 9.94A.030, any violation of RCW 9A.44.096, or any violation of RCW 9.68A.090, or any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030, and a condition of the sentence restricts the defendant's ability to have contact with the victim, the condition shall be recorded as a sexual assault protection order.

(b) The written order entered as a condition of sentencing shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(c) A final sexual assault protection order entered in conjunction with a criminal prosecution shall remain in effect for a period of two years following the expiration of any sentence of imprisonment and subsequent period of community supervision, conditional release, probation, or parole.

(d) A certified copy of the order shall be provided to the victim at no charge.

(7) A knowing violation of a court order issued under subsection (1), (2), or (6) of this section is punishable under RCW 26.50.110.

(8) Whenever a sexual assault protection order is issued, modified, or terminated under subsection (1), (2), or (6) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated under subsection (2) of this section, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

NEW SECTION. Sec. 17. (1) A copy of a sexual assault protection order granted under this chapter shall be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall immediately enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order shall remain in the computer for one year or until the expiration date specified on the order. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system. The law enforcement agency shall only expunge from the computer-based criminal

FIFTY-EIGHTH DAY, MARCH 7, 2006

intelligence information system orders that are expired, vacated, terminated, or superseded. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(2) The information entered into the computer-based criminal intelligence information system shall include notice to law enforcement whether the order was personally served, served by publication, or served by mail.

NEW SECTION. Sec. 18. Upon application with notice to all parties and after a hearing, the court may modify the terms of an existing sexual assault protection order. In any situation where an order is terminated or modified before its expiration date, the clerk of the court shall forward on or before the next judicial day a true copy of the modified order or the termination order to the appropriate law enforcement agency specified in the modified or termination order. Upon receipt of the order, the law enforcement agency shall promptly enter it in the computer-based criminal intelligence information system, or if the order is terminated, remove the order from the computer-based criminal intelligence information system.

NEW SECTION. Sec. 19. (1) The administrative office of the courts shall develop and prepare instructions and informational brochures required under section 5 of this act, standard petition and order for protection forms, and a court staff handbook on sexual assault, and the protection order process. The standard petition and order for protection forms must be used after September 1, 2006, for all petitions filed and orders issued under this chapter. The instructions, brochures, forms, and handbook shall be prepared in consultation with interested persons, including a representative of the state sexual assault coalition, judges, and law enforcement personnel.

(a) The instructions shall be designed to assist petitioners in completing the petition, and shall include a sample of standard petition and order for protection forms.

(b) The informational brochure shall describe the use of and the process for obtaining, modifying, and terminating a protection order as provided under this chapter.

(c) The order for protection form shall include, in a conspicuous location, notice of criminal penalties resulting from violation of the order, and the following statement: "You can be arrested even if the person or persons who obtained the order invite or allow you to violate the order's prohibitions. The respondent has the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application."

(d) The court staff handbook shall allow for the addition of a community resource list by the court clerk.

(2) All court clerks shall obtain a community resource list from a sexual assault program serving the county in which the court is located. The community resource list shall include the names and telephone numbers of sexual assault programs serving the community in which the court is located, including law enforcement agencies, domestic violence agencies, sexual assault agencies, legal assistance programs, interpreters, multicultural programs, and batterers' treatment programs. The court shall make the community resource list available as part of or in addition to the informational brochures described in subsection (1) of this section.

(3) The administrative office of the courts shall distribute a master copy of the petition and order forms, instructions, and informational brochures to all court clerks and shall distribute a master copy of the petition and order forms to all superior, district, and municipal courts.

(4) For purposes of this section, "court clerks" means court administrators in courts of limited jurisdiction and elected court clerks.

(5) The administrative office of the courts shall determine the significant non-English-speaking or limited English-speaking populations in the state. The administrator shall then arrange for translation of the instructions and informational

2006 REGULAR SESSION

brochures required by this section, which shall contain a sample of the standard petition and order for protection forms, into the languages spoken by those significant non-English-speaking populations and shall distribute a master copy of the translated instructions and informational brochures to all court clerks by December 1, 2006.

(6) The administrative office of the courts shall update the instructions, brochures, standard petition and order for protection forms, and court staff handbook when changes in the law make an update necessary.

NEW SECTION. Sec. 20. An ex parte temporary order issued under this chapter shall not be admissible as evidence in any subsequent civil action for damages arising from the conduct alleged in the petition or the order.

Sec. 21. RCW 9A.46.060 and 2004 c 94 s 4 are each amended to read as follows:

As used in this chapter, "harassment" may include but is not limited to any of the following crimes:

- (1) Harassment (RCW 9A.46.020);
- (2) Malicious harassment (RCW 9A.36.080);
- (3) Telephone harassment (RCW 9.61.230);
- (4) Assault in the first degree (RCW 9A.36.011);
- (5) Assault of a child in the first degree (RCW 9A.36.120);
- (6) Assault in the second degree (RCW 9A.36.021);
- (7) Assault of a child in the second degree (RCW 9A.36.130);
- (8) Assault in the fourth degree (RCW 9A.36.041);
- (9) Reckless endangerment (RCW 9A.36.050);
- (10) Extortion in the first degree (RCW 9A.56.120);
- (11) Extortion in the second degree (RCW 9A.56.130);
- (12) Coercion (RCW 9A.36.070);
- (13) Burglary in the first degree (RCW 9A.52.020);
- (14) Burglary in the second degree (RCW 9A.52.030);
- (15) Criminal trespass in the first degree (RCW 9A.52.070);
- (16) Criminal trespass in the second degree (RCW 9A.52.080);
- (17) Malicious mischief in the first degree (RCW 9A.48.070);
- (18) Malicious mischief in the second degree (RCW 9A.48.080);
- (19) Malicious mischief in the third degree (RCW 9A.48.090);
- (20) Kidnapping in the first degree (RCW 9A.40.020);
- (21) Kidnapping in the second degree (RCW 9A.40.030);
- (22) Unlawful imprisonment (RCW 9A.40.040);
- (23) Rape in the first degree (RCW 9A.44.040);
- (24) Rape in the second degree (RCW 9A.44.050);
- (25) Rape in the third degree (RCW 9A.44.060);
- (26) Indecent liberties (RCW 9A.44.100);
- (27) Rape of a child in the first degree (RCW 9A.44.073);
- (28) Rape of a child in the second degree (RCW 9A.44.076);
- (29) Rape of a child in the third degree (RCW 9A.44.079);
- (30) Child molestation in the first degree (RCW 9A.44.083);
- (31) Child molestation in the second degree (RCW 9A.44.086);
- (32) Child molestation in the third degree (RCW 9A.44.089);
- (33) Stalking (RCW 9A.46.110);
- (34) Cyberstalking (RCW 9.61.260);
- (35) Residential burglary (RCW 9A.52.025);
- (36) Violation of a temporary ~~(or)~~, permanent, or final protective order issued pursuant to chapter 7-- (sections 1 through 20 of this act), 9A.46, 10.14, 10.99, 26.09, or 26.50 RCW;
- (37) Unlawful discharge of a laser in the first degree (RCW 9A.49.020); and
- (38) Unlawful discharge of a laser in the second degree (RCW 9A.49.030).

Sec. 22. RCW 10.14.130 and 1987 c 280 s 13 are each amended to read as follows:

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

Protection orders authorized under this chapter shall not be issued for any action specifically covered by chapter 7.-- (sections 1 through 20 of this act), 10.99, or 26.50 RCW.

Sec. 23. RCW 10.31.100 and 2000 c 119 s 4 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (10) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 26.44.063, or chapter 7.-- (sections 1 through 20 of this act), 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

(c) The person is sixteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes:

(i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of

the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

(6) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(7) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(8) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(9) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(10) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(11) Except as specifically provided in subsections (2), (3), (4), and (6) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(12) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police officer acts in good faith and without malice.

Sec. 24. RCW 19.220.010 and 2003 c 268 s 1 are each amended to read as follows:

(1) Each international matchmaking organization doing business in Washington state shall disseminate to a recruit, upon request, state background check information and personal history information relating to any Washington state resident about whom any information is provided to the recruit, in the recruit's native language. The organization shall notify all recruits that background check and personal history information is available upon request. The notice that background check and personal history information is available upon request shall be in the recruit's native language and shall be displayed in a manner that separates it from other information, is highly

FIFTY-EIGHTH DAY, MARCH 7, 2006

noticeable, and in lettering not less than one-quarter of an inch high.

(2) If an international matchmaking organization receives a request for information from a recruit pursuant to subsection (1) of this section, the organization shall notify the Washington state resident of the request. Upon receiving notification, the Washington state resident shall obtain from the state patrol and provide to the organization the complete transcript of any background check information provided pursuant to RCW 43.43.760 based on a submission of fingerprint impressions and provided pursuant to RCW 43.43.838 and shall provide to the organization his or her personal history information. The organization shall require the resident to affirm that personal history information is complete and accurate. The organization shall refrain from knowingly providing any further services to the recruit or the Washington state resident in regards to facilitating future interaction between the recruit and the Washington state resident until the organization has obtained the requested information and provided it to the recruit.

(3) This section does not apply to a traditional matchmaking organization of a religious nature that otherwise operates in compliance with the laws of the countries of the recruits of such organization and the laws of the United States nor to any organization that does not charge a fee to any party for the service provided.

(4) As used in this section:

(a) "International matchmaking organization" means a corporation, partnership, business, or other legal entity, whether or not organized under the laws of the United States or any state, that does business in the United States and for profit offers to Washington state residents, including aliens lawfully admitted for permanent residence and residing in Washington state, dating, matrimonial, or social referral services involving citizens of a foreign country or countries who are not residing in the United States, by: (i) An exchange of names, telephone numbers, addresses, or statistics; (ii) selection of photographs; or (iii) a social environment provided by the organization in a country other than the United States.

(b) "Personal history information" means a declaration of the person's current marital status, the number of previous marriages, annulments, and dissolutions for the person, and whether any previous marriages occurred as a result of receiving services from an international matchmaking organization; founded allegations of child abuse or neglect; and any existing orders under chapter 7.-- (sections 1 through 20 of this act), 10.14, 10.99, or 26.50 RCW. Personal history information shall include information from the state of Washington and any information from other states or countries.

(c) "Recruit" means a noncitizen, nonresident person, recruited by an international matchmaking organization for the purpose of providing dating, matrimonial, or social referral services.

Sec. 25. RCW 26.50.110 and 2000 c 119 s 24 are each amended to read as follows:

(1) Whenever an order is granted under this chapter, chapter 7.--(sections 1 through 20 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, and the respondent or person to be restrained knows of the order, a violation of the restraint provisions, or of a provision excluding the person from a residence, workplace, school, or day care, or of a provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or of a provision of a foreign protection order specifically indicating that a violation will be a crime, for which an arrest is required under RCW 10.31.100(2) (a) or (b), is a gross misdemeanor except as provided in subsections (4) and (5) of this section. Upon conviction, and in addition to any other penalties provided by law, the court may require that the respondent submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services,

2006 REGULAR SESSION

and the terms under which the monitoring shall be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter, chapter 7.-- (sections 1 through 20 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of an order issued under this chapter, chapter 7.--(sections 1 through 20 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of an order issued under this chapter, chapter 7.-- (sections 1 through 20 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a court order issued under this chapter, chapter 7.-- (sections 1 through 20 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, is a class C felony if the offender has at least two previous convictions for violating the provisions of an order issued under this chapter, chapter 7.-- (sections 1 through 20 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

(6) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order granted under this chapter, chapter 7.-- (sections 1 through 20 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, the court may issue an order to the respondent, requiring the respondent to appear and show cause within fourteen days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

Sec. 26. RCW 26.50.160 and 2000 c 119 s 25 and 2000 c 51 s 1 are each reenacted and amended to read as follows:

To prevent the issuance of competing protection orders in different courts and to give courts needed information for issuance of orders, the judicial information system shall be available in each district, municipal, and superior court by July 1, 1997, and shall include a data base containing the following information:

(1) The names of the parties and the cause number for every order of protection issued under this title, every sexual assault protection order issued under chapter 7.-- RCW (sections 1 through 20 of this act), every criminal no-contact order issued under chapters 9A.46 and 10.99 RCW, every antiharassment order issued under chapter 10.14 RCW, every dissolution action under chapter 26.09 RCW, every third-party custody action under chapter 26.10 RCW, every parentage action under chapter 26.26 RCW, every restraining order issued on behalf of an

FIFTY-EIGHTH DAY, MARCH 7, 2006

abused child or adult dependent person under chapter 26.44 RCW, every foreign protection order filed under chapter 26.52 RCW, and every order for protection of a vulnerable adult under chapter 74.34 RCW. When a guardian or the department of social and health services has petitioned for relief on behalf of an abused child, adult dependent person, or vulnerable adult, the name of the person on whose behalf relief was sought shall be included in the data base as a party rather than the guardian or department;

(2) A criminal history of the parties; and

(3) Other relevant information necessary to assist courts in issuing orders under this chapter as determined by the judicial information system committee.

Sec. 27. RCW 59.18.575 and 2004 c 17 s 3 are each amended to read as follows:

(1)(a) If a tenant notifies the landlord in writing that he or she or a household member was a victim of an act that constitutes a crime of domestic violence, sexual assault, or stalking, and either (a)(i) or (ii) of this subsection applies, then subsection (2) of this section applies:

(i) The tenant or the household member has a valid order for protection under one or more of the following: Chapter 7.-- (sections 1 through 20 of this act), 26.50, or 26.26 RCW or RCW 9A.46.040, 9A.46.050, 10.14.080, 10.99.040 (2) or (3), or 26.09.050; or

(ii) The tenant or the household member has reported the domestic violence, sexual assault, or stalking to a qualified third party acting in his or her official capacity and the qualified third party has provided the tenant or the household member a written record of the report signed by the qualified third party.

(b) When a copy of a valid order for protection or a written record of a report signed by a qualified third party, as required under (a) of this subsection, is made available to the landlord, the tenant may terminate the rental agreement and quit the premises without further obligation under the rental agreement or under chapter 59.12 RCW. However, the request to terminate the rental agreement must occur within ninety days of the reported act, event, or circumstance that gave rise to the protective order or report to a qualified third party. A record of the report to a qualified third party that is provided to the tenant or household member shall consist of a document signed and dated by the qualified third party stating: (i) That the tenant or the household member notified him or her that he or she was a victim of an act or acts that constitute a crime of domestic violence, sexual assault, or stalking; (ii) the time and date the act or acts occurred; (iii) the location where the act or acts occurred; (iv) a brief description of the act or acts of domestic violence, sexual assault, or stalking; and (v) that the tenant or household member informed him or her of the name of the alleged perpetrator of the act or acts. The record of the report provided to the tenant or household member shall not include the name of the alleged perpetrator of the act or acts of domestic violence, sexual assault, or stalking. The qualified third party shall keep a copy of the record of the report and shall note on the retained copy the name of the alleged perpetrator of the act or acts of domestic violence, sexual assault, or stalking. The record of the report to a qualified third party may be accomplished by completion of a form provided by the qualified third party, in substantially the following form:

[Name of organization, agency, clinic, professional service provider]

I and/or my (household member) am/is a victim of

. . . domestic violence as defined by RCW 26.50.010.

. . . sexual assault as defined by RCW 70.125.030.

. . . stalking as defined by RCW 9A.46.110.

Briefly describe the incident of domestic violence, sexual assault, or stalking:

The incident(s) that I rely on in support of this declaration occurred on the following date(s) and time(s) and at the following location(s):

The incident(s) that I rely on in support of this declaration were committed by the following person(s):

I state under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct. Dated at (city) . . , Washington, this . . . day of . . . , 20. . .

Signature of Tenant or Household Member

I verify that I have provided to the person whose signature appears above the statutes cited in RCW 59.18.575 and that the individual was a victim of an act that constitutes a crime of domestic violence, sexual assault, or stalking, and that the individual informed me of the name of the alleged perpetrator of the act. Dated this . . . day of . . . , 20. . .

Signature of authorized officer/employee of (Organization, agency, clinic, professional service provider)

(2) A tenant who terminates a rental agreement under this section is discharged from the payment of rent for any period following the last day of the month of the quitting date. The tenant shall remain liable for the rent for the month in which he or she terminated the rental agreement unless the termination is in accordance with RCW 59.18.200(1). Notwithstanding lease provisions that allow for forfeiture of a deposit for early termination, a tenant who terminates under this section is entitled to the return of the full deposit, subject to RCW 59.18.020 and 59.18.280. Other tenants who are parties to the rental agreement, except household members who are the victims of sexual assault, stalking, or domestic violence, are not released from their obligations under the rental agreement or other obligations under this chapter.

(3) The provision of verification of a report under subsection (1)(b) of this section does not waive the confidential or privileged nature of the communication between a victim of domestic violence, sexual assault, or stalking with a qualified third party pursuant to RCW 5.60.060, 70.123.075, or 70.125.065. No record or evidence obtained from such disclosure may be used in any civil, administrative, or criminal proceeding against the victim unless a written waiver of

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

applicable evidentiary privilege is obtained, except that the verification itself, and no other privileged information, under subsection (1)(b) of this section may be used in civil proceedings brought under this section.

NEW SECTION. Sec. 28. This act may be cited as the sexual assault protection order act.

NEW SECTION. Sec. 29. Sections 1 through 20 of this act constitute a new chapter in Title 7 RCW."

Senator Kline spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kline and Johnson to Substitute House Bill No. 2576.

The motion by Senator Kline carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "victims;" strike the remainder of the title and insert "amending RCW 9A.46.060, 10.14.130, 10.31.100, 19.220.010, 26.50.110, and 59.18.575; reenacting and amending RCW 26.50.160; adding a new chapter to Title 7 RCW; creating a new section; and prescribing penalties."

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 2576 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2576 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2576 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Benson, Deccio, McCaslin and Oke - 4

SUBSTITUTE HOUSE BILL NO. 2576 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Jacobsen that Section 29 of Amendment 412 is outside the scope and object of the underlying bill, the President finds and rules as follows.

The scope and object of this measure for our purposes is the bill as it was read into the Senate for the first time. In that version, the measure included multiple qualifications for consideration of the Alaskan Way Viaduct project. Section 29

of the striking amendment includes an advisory vote on this same project. Because both the underlying bill and this section of the amendment both relate to conditions under which this project may be considered, the amendment is properly within the scope and object of the bill, and the point of order is not well-taken."

The Senate resumed consideration of Substitute House Bill No. 2871 deferred earlier in the day.

PARLIAMENTARY INQUIRY

Senator Jacobsen: "Mr. President, when we set this bill down, it did not hold its place on the calendar. Is it now properly before us?"

REPLY BY THE PRESIDENT

President Owen: "Senator Jacobsen, the consideration was deferred, but the body did not send this bill anywhere else but where it was, so, it's still in the order that it was on."

MOTION

Senator Jacobsen moved that the following amendment by Senator Jacobsen to the striking amendment be adopted.

On page 12, line 10 of the amendment, after "than the" insert "2006 or"

Senator Jacobsen spoke in favor of adoption of the amendment to the striking amendment.

Senators Haugen and Finkbeiner spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Jacobsen on page 12, line 10 to the striking amendment to Engrossed Substitute House Bill No. 2871.

A division was demanded.

The motion by Senator Jacobsen failed and the amendment to the striking amendment was not adopted by a rising vote.

MOTION

Senator Jacobsen moved that the following amendment by Senator Jacobsen to the striking amendment be adopted.

On page 12, after line 34, strike all material down through page 13, line 5.

On page 18, after line 20, strike all material down through page 18, line 27.

Renumber the sections consecutively and correct any internal references accordingly.

Senators Jacobsen and Kohl-Welles spoke in favor of adoption of the amendment to the striking amendment.

Senators Haugen and Finkbeiner spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Jacobsen on page 12, line 34 to the striking amendment to Engrossed Substitute House Bill No. 2871.

The motion by Senator Jacobsen failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

Senator Jacobsen moved that the following amendment by Senator Jacobsen to the striking amendment be adopted.

On page 18, line 21 of the amendment, after "at the" insert "2006 or"

Senator Jacobsen spoke in favor of adoption of the amendment to the striking amendment.

Senator Haugen spoke against adoption of the amendment to the striking amendment.

POINT OF INQUIRY

Senator Jacobsen: "Would Senator Haugen yield to a question? I have one question. If they have been working very well together and they want to go to ballot together, how come the Sound Transit Board took a position today against this bill and mandating that they both be on the same ballot?"

Senator Haugen: "Thank you Senator Jacobsen. Actually I did have a conversation today with one member of the Sound Transit Board that did not agree with that decision. I think, like many of you on this floor, this is the first opportunity they've had to see this. I think that you will find that they will not find this offensive. I think, in the long run, they are going to work together because they have a goal to get to a vote in '07 which is something there has not been there before. We've actually saying now, 'Do it folks,' and if they don't do it, they don't have to do it then but we do say you must try to get there."

President declared the question before the Senate to be the adoption of the amendment by Senator Jacobsen on page 18, line 21 to the striking amendment Engrossed Substitute House Bill No. 2871.

The motion by Senator Jacobsen failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Haugen moved that the following amendment by Senators Haugen and Kline to the striking amendment be adopted.

On page 39, at the beginning of line 36 of the amendment, insert "(1)"

On page 40, after line 6 of the amendment, insert the following:

"(2) In the alternative to the provisions of subsection (1) of this section, following the report of the expert review panel's findings and recommendations completed under section 28(4)(c) of this act, the city legislative authority shall hold public hearings on the findings and recommendations. After such time, and by November 1, 2006, the city legislative authority shall adopt by ordinance a preferred alternative for the Alaskan Way viaduct and Seattle Seawall replacement project. The preferred alternative must, at a minimum, be based on a substantial project mitigation plan and a comprehensive cost estimate review using the department's cost estimate validation process."

Senators Haugen and Finkbeiner spoke in favor of adoption of the amendment to the striking amendment.

POINT OF INQUIRY

Senator Thibaudeau: "Would Senator Haugen yield to a question? Can't the city council do this now without this particular amendment?"

Senator Haugen: "Actually they don't have the information they'll have as the result of this expert panel."

Senator Thibaudeau: "They don't have the information but they could create an expert panel if they so chose."

Senator Haugen: "Actually they really couldn't because they couldn't afford to. We pay for this expert panel. We're paying for this. The city would not have the funding to do this."

Senator Thibaudeau: "In this legislation we're paying for it?"

Senator Haugen: "We're paying for it in our budget."

Senator Jacobsen spoke against the amendment to the striking amendment

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Kline on page 39, line 36 to the striking amendment to Engrossed Substitute House Bill No. 2871.

The motion by Senator Haugen carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment as amended by Senator Haugen to Engrossed Substitute House Bill No. 2871.

Senator Haugen spoke in favor of adoption of the striking amendment as amended.

The motion by Senator Haugen carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment were adopted.

On page 1, line 1 of the title, after "governance;" strike the remainder of the title and insert "amending RCW 36.120.020, 36.120.030, 36.120.040, 36.120.070, 29A.36.071, 36.120.080, 36.120.110, 81.112.030, 36.120.050, 81.100.080, 81.100.060, 82.14.0455, 82.14.430, 82.80.120, 47.56.076, 36.73.015, and 36.73.020; reenacting and amending RCW 43.79A.040, 43.84.092, and 43.84.092; adding a new section to chapter 36.120 RCW; adding a new section to chapter 47.56 RCW; adding new sections to chapter 47.01 RCW; creating new sections; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 2871 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Finkbeiner, Esser and Pflug spoke in favor of passage of the bill.

Senators Kohl-Welles and Jacobsen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2871 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2871 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 38; Nays, 7; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser,

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, McAuliffe, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Weinstein and Zarelli - 38

Voting nay: Senators Carrell, Fairley, Jacobsen, Kohl-Welles, Morton, Stevens and Thibaudeau - 7

Excused: Senators Benson, Deccio, McCaslin and Oke - 4

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2871 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2006

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 3115 and asks Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate recede from its position on the Senate amendments to Second Substitute House Bill No. 3115.

The President declared the question before the Senate to be motion by Senator Hargrove that the Senate recede from its position on the Senate amendments to Second Substitute House Bill No. 3115.

The motion by Senator Hargrove carried and the Senate receded from its amendments to Second Substitute House Bill No. 3115.

MOTION

On motion of Senator Hargrove, the rules were suspended and Second Substitute House Bill No. 3115 was returned to second reading for the purposes of amendment.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 3115, by House Committee on Appropriations (originally sponsored by Representatives Darneille, Talcott, Morrell, Green, McDonald, Ormsby, Simpson and Roberts)

Establishing a foster parent critical support and retention program.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove, Stevens and Carrell be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that:

(1) Foster parents are able to successfully maintain placements of sexually reactive children, physically assaultive children, or children with other high-risk behaviors when they are provided with proper training and support. Lack of support

contributes to placement disruptions and multiple moves between foster homes.

(2) Young children who have experienced repeated early abuse and trauma are at high risk for behavior later in life that is sexually deviant, if left untreated. Placement with a well-trained, prepared, and supported foster family can break this cycle.

NEW SECTION. Sec. 2. A foster parent critical support and retention program is established to retain foster parents who care for sexually reactive children, physically assaultive children, or children with other high-risk behaviors. Services shall consist of short-term therapeutic and educational interventions to support the stability of the placement. The foster parent critical support and retention program is to be implemented under the division of children and family services' contract and supervision. A contractor must demonstrate experience providing in-home case management, as well as experience working with caregivers of children with significant behavioral issues that pose a threat to others or themselves or the stability of the placement.

NEW SECTION. Sec. 3. Under the foster parent critical support and retention program, foster parents who care for sexually reactive children, physically assaultive children, or children with other high-risk behaviors shall receive:

(1) Availability at any time of the day or night to address specific concerns related to the identified child;

(2) Assessment of risk and development of a safety and supervision plan;

(3) Home-based foster parent training utilizing evidence-based models; and

(4) Referral to relevant community services and training provided by the local children's administration office or community agencies.

NEW SECTION. Sec. 4. The department of social and health services shall prepare and provide to the legislature, by December 1, 2006, a comprehensive report regarding the department's policies and practices relating to referrals, investigations, and records of child abuse and neglect allegations. At a minimum, the report shall include recommendations for improvement of the department's current practice to:

(1) Define terms relating to referrals and investigative findings;

(2) Provide guidelines for determining whether a referral is to be assigned and investigated;

(3) Manage records of calls which are received but not investigated;

(4) Establish a timeline for the destruction of records regarding investigations which resulted in no investigation, an inconclusive finding, or an unfounded finding;

(5) Disclose to foster parents information regarding sexually reactive and physically aggressive tendencies of children placed in their homes;

(6) Respond to allegations of abuse, neglect, or failure to supervise against foster parents when the allegations arise from the conduct of a child who is sexually reactive or has physically aggressive tendencies and the foster parent did not have prior knowledge of those tendencies or the child was not in the reasonable control of the foster parent; and

(7) Protect the due process rights of individuals who are not afforded the protection of the child abuse and prevention and treatment act.

Sec. 5. RCW 74.13.280 and 2001 c 318 s 3 are each amended to read as follows:

(1) Except as provided in RCW 70.24.105, whenever a child is placed in out-of-home care by the department or a child-placing agency, the department or agency shall share information about the child and the child's family with the care provider and shall consult with the care provider regarding the child's case plan. If the child is dependent pursuant to a proceeding under chapter 13.34 RCW, the department or agency

FIFTY-EIGHTH DAY, MARCH 7, 2006

shall keep the care provider informed regarding the dates and location of dependency review and permanency planning hearings pertaining to the child.

(2) Information about the child shall include information about behavioral and emotional problems of the child and whether the child is a sexually reactive child.

(3) Any person who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information except as authorized by law.

~~((3))~~ (4) Disclosure of any relevant health care information shall be consistent with RCW 70.24.105 and any guidelines or recommendations established by the department of health concerning disclosure of such information, including testing for and disclosure of information related to blood-borne pathogens.

(5) Nothing in this section shall be construed to limit the authority of the department or child-placing agencies to disclose client information or to maintain client confidentiality as provided by law."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Stevens and Carrell to Second Substitute House Bill No. 3115.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 74.13.280; and creating new sections."

MOTION

On motion of Senator Hargrove, the rules were suspended, Second Substitute House Bill No. 3115 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 3115 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 3115 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Benson, Deccio, McCaslin and Oke - 4

SECOND SUBSTITUTE HOUSE BILL NO. 3115 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth

order of business.

SECOND READING

HOUSE BILL NO. 3317, by Representatives Ahern, Lantz, Lovick, Darneille, Chase, Williams, Hunter, Clibborn, Kilmer, Hudgins, Ericks, Simpson, Conway, Takko and Morrell

Changing provisions relating to driving under the influence of intoxicating liquor or any drug.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.61.502 and 1998 c 213 s 3 are each amended to read as follows:

(1) A person is guilty of driving while under the influence of intoxicating liquor or any drug if the person drives a vehicle within this state:

(a) And the person has, within two hours after driving, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(c) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state shall not constitute a defense against a charge of violating this section.

(3) It is an affirmative defense to a violation of subsection (1)(a) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of driving and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4) Analyses of blood or breath samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(b) or (c) of this section.

(5) Except as provided in subsection (6) of this section, a violation of this section is a gross misdemeanor.

(6) It is a class C felony punishable under chapter 9.94A RCW, or chapter 13.40 RCW if the person is a juvenile, if: (a) The person has four or more prior offenses within seven years as defined in RCW 46.61.5055; or (b) the person has ever previously been convicted of vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), or vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b).

Sec. 2. RCW 46.61.504 and 1998 c 213 s 5 are each amended to read as follows:

(1) A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if the person has actual physical control of a vehicle within this state:

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

(a) And the person has, within two hours after being in actual physical control of the vehicle, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(c) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state does not constitute a defense against any charge of violating this section. No person may be convicted under this section if, prior to being pursued by a law enforcement officer, the person has moved the vehicle safely off the roadway.

(3) It is an affirmative defense to a violation of subsection (1)(a) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of being in actual physical control of the vehicle and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after being in such control. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4) Analyses of blood or breath samples obtained more than two hours after the alleged being in actual physical control of a vehicle may be used as evidence that within two hours of the alleged being in such control, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(b) or (c) of this section.

(5) Except as provided in subsection (6) of this section, a violation of this section is a gross misdemeanor.

(6) It is a class C felony punishable under chapter 9.94A RCW, or chapter 13.40 RCW if the person is a juvenile, if: (a) The person has four or more prior offenses within seven years as defined in RCW 46.61.5055; or (b) the person has ever previously been convicted of vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), or vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b).

Sec. 3. RCW 46.61.5055 and 2004 c 95 s 13 are each amended to read as follows:

(1) Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than one year. Twenty-four consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court may order not less than fifteen days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer,

and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than one year. Two consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court may order not less than thirty days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent.

(2) Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than one year and sixty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than one year and ninety days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(i) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent.

(3) Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or ~~((more))~~ three prior offenses within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than one year and one hundred twenty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than one year and one hundred fifty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five

hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent.

(4) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has four or more prior offenses within seven years, or who has ever previously been convicted of a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug or RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, shall be punished in accordance with chapter 9.94A RCW.

(5) If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while a passenger under the age of sixteen was in the vehicle, the court shall:

(a) In any case in which the installation and use of an interlock or other device is not mandatory under RCW 46.20.720 or other law, order the use of such a device for not less than sixty days following the restoration of the person's license, permit, or nonresident driving privileges; and

(b) In any case in which the installation and use of such a device is otherwise mandatory, order the use of such a device for an additional sixty days.

~~((5))~~ (6) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property; and

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers.

~~((6))~~ (7) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

~~((7))~~ (8) The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(a) If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for two years; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(b) If the person's alcohol concentration was at least 0.15:

(i) Where there has been no prior offense within seven years, be revoked or denied by the department for one year;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

(c) If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(i) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(iii) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under this subsection for a suspension, revocation, or denial

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

imposed under RCW 46.20.3101 arising out of the same incident.

For purposes of this subsection ~~((7))~~ (8), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

~~((8))~~ (9) After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

~~((9))~~ (10)(a) In addition to any nonsuspendable and nondeferable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i), (ii), or (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

~~((10))~~ (11) A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty- five days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-five days.

~~((11))~~ (12) An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail

administrator subject to the standards and limitations set forth in RCW 9.94A.728(4).

~~((12))~~ (13) For purposes of this section and RCW 46.61.502 and 46.61.504:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(iv) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(v) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(vi) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (iii), (iv), or (v) of this subsection if committed in this state;

(vii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance; or

(viii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522; and

(b) "Within seven years" means that the arrest for a prior offense occurred within seven years of the arrest for the current offense.

NEW SECTION. Sec. 4. A new section is added to chapter 9.94A RCW to read as follows:

(1) When sentencing an offender convicted of a violation of RCW 46.61.502(6) or 46.61.504(6), the court, in addition to imposing the provisions of this chapter, shall order the offender to undergo alcohol or chemical dependency treatment services during incarceration. The offender shall be liable for the cost of treatment unless the court finds the offender indigent and no third-party insurance coverage is available.

(2) The provisions under RCW 46.61.5055 (8) and (9) regarding the suspension, revocation, or denial of the offender's license, permit, or nonresident privilege to drive shall apply to an offender convicted of a violation of RCW 46.61.502(6) or 46.61.504(6).

(3) The provisions under RCW 46.20.720 and 46.61.5055(5) regarding ignition interlock devices shall apply to an offender convicted of a violation of RCW 46.61.502(6) or 46.61.504(6).

Sec. 5. RCW 9.94A.030 and 2005 c 436 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific

FIFTY-EIGHTH DAY, MARCH 7, 2006

duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670, 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(6) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.850, for crimes committed on or after July 1, 2000.

(7) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(8) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(9) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(10) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(11) "Confinement" means total or partial confinement.

(12) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(13) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(14) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated

pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(21) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(22) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(23) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(24) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), ~~((or))~~ felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

(25) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(26) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(27) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(28) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(29) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.

(30) "Nonviolent offense" means an offense which is not a violent offense.

(31) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(32) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

(33) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (33)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(34) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(35) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(36) "Public school" has the same meaning as in RCW 28A.150.010.

(37) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

FIFTY-EIGHTH DAY, MARCH 7, 2006

(38) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

(39) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(40) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(41) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(11);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.070 or 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(42) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(43) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(44) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(45) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(46) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition

training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(47) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(48) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(49) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(50) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(51) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 6. RCW 9.94A.030 and 2003 c 53 s 55 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670, 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(6) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.850, for crimes committed on or after July 1, 2000.

(7) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(8) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(9) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(10) "Confinement" means total or partial confinement.

(11) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(12) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(13) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(14) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily

income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(15) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(16) "Department" means the department of corrections.

(17) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(18) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(19) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(20) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(21) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(22) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(23) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), ~~(or)~~ felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(24) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

FIFTY-EIGHTH DAY, MARCH 7, 2006

(25) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(26) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(27) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(28) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under

2006 REGULAR SESSION

the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.

(29) "Nonviolent offense" means an offense which is not a violent offense.

(30) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(31) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

(32) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (32)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(33) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(34) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(35) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

(36) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(37) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(38) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(11);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.070 or 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(39) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(40) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(41) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(42) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(43) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(44) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(45) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(46) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(47) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(48) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 7. RCW 9.94A.505 and 2002 c 290 s 17, 2002 c 289 s 6, and 2002 c 175 s 6 are each reenacted and amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, the court shall impose a sentence within the standard sentence range established in RCW 9.94A.510 or 9.94A.517;

(ii) RCW 9.94A.700 and 9.94A.705, relating to community placement;

(iii) RCW 9.94A.710 and 9.94A.715, relating to community custody;

(iv) RCW 9.94A.545, relating to community custody for offenders whose term of confinement is one year or less;

(v) RCW 9.94A.570, relating to persistent offenders;

(vi) RCW 9.94A.540, relating to mandatory minimum terms;

(vii) RCW 9.94A.650, relating to the first-time offender waiver;

(viii) RCW 9.94A.660, relating to the drug offender sentencing alternative;

(ix) RCW 9.94A.670, relating to the special sex offender sentencing alternative;

(x) RCW 9.94A.712, relating to certain sex offenses;

(xi) RCW 9.94A.535, relating to exceptional sentences;

FIFTY-EIGHTH DAY, MARCH 7, 2006

(xii) RCW 9.94A.589, relating to consecutive and concurrent sentences;

(xiii) Section 4 of this act, relating to felony driving while under the influence of intoxicating liquor or any drug and felony physical control of a vehicle while under the influence of intoxicating liquor or any drug.

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community restitution work; until July 1, 2000, a term of community supervision not to exceed one year and on and after July 1, 2000, a term of community custody not to exceed one year, subject to conditions and sanctions as authorized in RCW 9.94A.710 (2) and (3); and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.535.

(3) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it shall be imposed as provided in RCW 9.94A.750, 9.94A.753, 9.94A.760, and 43.43.7541.

(5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a court may not impose a sentence providing for a term of confinement or community supervision, community placement, or community custody which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The court shall order restitution as provided in RCW 9.94A.750 and 9.94A.753.

(8) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter.

(9) The court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment, if the court finds that reasonable grounds exist to believe that the offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. An order requiring mental status evaluation or treatment must be based on a presentence report and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity. The court may order additional evaluations at a later date if deemed appropriate.

(10) In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(11) In sentencing an offender convicted of a crime of domestic violence, as defined in RCW 10.99.020, if the offender has a minor child, or if the victim of the offense for which the offender was convicted has a minor child, the court may, as part of any term of community supervision, community placement, or community custody, order the offender to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

Sec. 8. RCW 9.94A.525 and 2002 c 290 s 3 and 2002 c 107 s 3 are each reenacted and amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.589.

(2)(a) Class A and sex prior felony convictions shall always be included in the offender score.

(b) Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(c) Except as provided in (e) of this subsection, class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction.

(d) Except as provided in (e) of this subsection, serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction.

(e) If the present conviction is felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)), prior convictions of felony driving while under the influence of intoxicating liquor or any drug, felony physical control of a vehicle while under the influence of intoxicating liquor or any drug, and serious traffic offenses shall be included in the offender score if: (i) The prior convictions were committed within five years since the last date of release from confinement (including full-time residential treatment) or entry of judgment and sentence; or (ii) the prior convictions would be considered "prior offenses within seven years" as defined in RCW 46.61.5055.

(f) This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11) or (12) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and ½ point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), or (12) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and ½ point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult and juvenile convictions for crimes in this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and ½ point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult and ½ point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and ½ point for each juvenile prior conviction.

(12) If the present conviction is for manufacture of methamphetamine count three points for each adult prior manufacture of methamphetamine conviction and two points for each juvenile manufacture of methamphetamine offense. If the present conviction is for a drug offense and the offender has a criminal history that includes a sex offense or serious violent offense, count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(13) If the present conviction is for Escape from Community Custody, RCW 72.09.310, count only prior escape convictions

in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as ½ point.

(14) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as ½ point.

(15) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(16) If the present conviction is for a sex offense, count priors as in subsections (7) through (15) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(17) If the present conviction is for an offense committed while the offender was under community placement, add one point.

(18) The fact that a prior conviction was not included in an offender's offender score or criminal history at a previous sentencing shall have no bearing on whether it is included in the criminal history or offender score for the current offense. Accordingly, prior convictions that were not counted in the offender score or included in criminal history under repealed or previous versions of the sentencing reform act shall be included in criminal history and shall count in the offender score if the current version of the sentencing reform act requires including or counting those convictions.

Sec. 9. RCW 9.94A.640 and 1987 c 486 s 7 are each amended to read as follows:

(1) Every offender who has been discharged under RCW 9.94A.637 may apply to the sentencing court for a vacation of the offender's record of conviction. If the court finds the offender meets the tests prescribed in subsection (2) of this section, the court may clear the record of conviction by: (a) Permitting the offender to withdraw the offender's plea of guilty and to enter a plea of not guilty; or (b) if the offender has been convicted after a plea of not guilty, by the court setting aside the verdict of guilty; and (c) by the court dismissing the information or indictment against the offender.

(2) An offender may not have the record of conviction cleared if: (a) There are any criminal charges against the offender pending in any court of this state or another state, or in any federal court; (b) the offense was a violent offense as defined in RCW 9.94A.030; (c) the offense was a crime against persons as defined in RCW 43.43.830; (d) the offender has been convicted of a new crime in this state, another state, or federal court since the date of the offender's discharge under RCW 9.94A.637; (e) the offense is a class B felony and less than ten years have passed since the date the applicant was discharged under RCW 9.94A.637; ~~((and))~~ (f) the offense was a class C felony, other than a class C felony described in RCW 46.61.502(6) or 46.61.504(6), and less than five years have passed since the date the applicant was discharged under RCW 9.94A.637; or (g) the offense was a class C felony described in RCW 46.61.502(6) or 46.61.504(6) and less than seven years have passed since the applicant was discharged under RCW 9.94A.637.

(3) Once the court vacates a record of conviction under subsection (1) of this section, the fact that the offender has been convicted of the offense shall not be included in the offender's criminal history for purposes of determining a sentence in any subsequent conviction, and the offender shall be released from all penalties and disabilities resulting from the offense. For all purposes, including responding to questions on employment applications, an offender whose conviction has been vacated may state that the offender has never been convicted of that crime. Nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

Sec. 10. RCW 9.94A.650 and 2002 c 175 s 9 are each amended to read as follows:

(1) This section applies to offenders who have never been previously convicted of a felony in this state, federal court, or another state, and who have never participated in a program of deferred prosecution for a felony, and who are convicted of a felony that is not:

(a) Classified as a violent offense or a sex offense under this chapter;

(b) Manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or flunitrazepam classified in Schedule IV;

(c) Manufacture, delivery, or possession with intent to deliver a methamphetamine, its salts, isomers, and salts of its isomers as defined in RCW 69.50.206(d)(2); ~~((or))~~

(d) The selling for profit of any controlled substance or counterfeit substance classified in Schedule I, RCW 69.50.204, except leaves and flowering tops of marijuana; or

(e) Felony driving while under the influence of intoxicating liquor or any drug or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug.

(2) In sentencing a first-time offender the court may waive the imposition of a sentence within the standard sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include a term of community supervision or community custody as specified in subsection (3) of this section, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(a) Devote time to a specific employment or occupation;

(b) Undergo available outpatient treatment for up to the period specified in subsection (3) of this section, or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the community corrections officer prior to any change in the offender's address or employment;

(e) Report as directed to a community corrections officer; or

(f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community restitution work.

(3) The terms and statuses applicable to sentences under subsection (2) of this section are:

(a) For sentences imposed on or after July 25, 1999, for crimes committed before July 1, 2000, up to one year of community supervision. If treatment is ordered, the period of community supervision may include up to the period of treatment, but shall not exceed two years; and

(b) For crimes committed on or after July 1, 2000, up to one year of community custody unless treatment is ordered, in which case the period of community custody may include up to the period of treatment, but shall not exceed two years. Any term of community custody imposed under this section is subject to conditions and sanctions as authorized in this section and in RCW 9.94A.715 (2) and (3).

(4) The department shall discharge from community supervision any offender sentenced under this section before July 25, 1999, who has served at least one year of community supervision and has completed any treatment ordered by the court.

Sec. 11. RCW 9.94A.660 and 2005 c 460 s 1 are each amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense or sex offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender is convicted of a felony that is not a felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6);

(c) The offender has no current or prior convictions for a sex offense at any time or violent offense within ten years before conviction of the current offense, in this state, another state, or the United States;

~~((e))~~ (d) For a violation of the Uniform Controlled Substances Act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

~~((d))~~ (e) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;

~~((e))~~ (f) The standard sentence range for the current offense is greater than one year; and

~~((f))~~ (g) The offender has not received a drug offender sentencing alternative more than once in the prior ten years before the current offense.

(2) A motion for a sentence under this section may be made by the court, the offender, or the state. If the sentencing court determines that the offender is eligible for this alternative, the court may order an examination of the offender. The examination shall, at a minimum, address the following issues:

(a) Whether the offender suffers from drug addiction;

(b) Whether the addiction is such that there is a probability that criminal behavior will occur in the future;

(c) Whether effective treatment for the offender's addiction is available from a provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services; and

(d) Whether the offender and the community will benefit from the use of the alternative.

(3) The examination report must contain:

(a) Information on the issues required to be addressed in subsection (2) of this section; and

(b) A proposed treatment plan that must, at a minimum, contain:

(i) A proposed treatment provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services;

(ii) The recommended frequency and length of treatment, including both residential chemical dependency treatment and treatment in the community;

(iii) A proposed monitoring plan, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others; and

(iv) Recommended crime-related prohibitions and affirmative conditions.

(4) After receipt of the examination report, if the court determines that a sentence under this section is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under subsection (5) of this section or a residential chemical dependency treatment-based alternative under subsection (6) of this section. The residential chemical dependency treatment-based alternative is only available if the midpoint of the standard range is twenty-four months or less.

(5) The prison-based alternative shall include:

(a) A period of total confinement in a state facility for one-half of the midpoint of the standard sentence range. During incarceration in the state facility, offenders sentenced under this

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections;

(b) The remainder of the midpoint of the standard range as a term of community custody which must include appropriate substance abuse treatment in a program that has been approved by the division of alcohol and substance abuse of the department of social and health services. If the department finds that conditions have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence. An offender who fails to complete the program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court;

(c) Crime-related prohibitions including a condition not to use illegal controlled substances;

(d) A requirement to submit to urinalysis or other testing to monitor that status; and

(e) A term of community custody pursuant to RCW 9.94A.715 to be imposed upon failure to complete or administrative termination from the special drug offender sentencing alternative program.

(6) The residential chemical dependency treatment-based alternative shall include:

(a) A term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, conditioned on the offender entering and remaining in residential chemical dependency treatment certified under chapter 70.96A RCW for a period set by the court between three and six months. If the court imposes a term of community custody, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the term of community custody. The court shall impose, as conditions of community custody, treatment and other conditions as proposed in the plan under subsection (3)(b) of this section. The department may impose conditions and sanctions as authorized in RCW 9.94A.715 (2), (3), (6), and (7), 9.94A.737, and 9.94A.740. The court shall schedule a progress hearing during the period of residential chemical dependency treatment, and schedule a treatment termination hearing for three months before the expiration of the term of community custody;

(b) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment. At the hearing, the court may:

(i) Authorize the department to terminate the offender's community custody status on the expiration date determined under (a) of this subsection; or

(ii) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of community custody; or

(iii) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.715;

(c) If the court imposes a term of total confinement under (b)(iii) of this subsection, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the terms of total confinement and community custody.

(7) If the court imposes a sentence under this section, the court may prohibit the offender from using alcohol or controlled substances and may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay

thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court may impose any of the following conditions:

(a) Devote time to a specific employment or training;

(b) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;

(c) Report as directed to a community corrections officer;

(d) Pay all court-ordered legal financial obligations;

(e) Perform community restitution work;

(f) Stay out of areas designated by the sentencing court;

(g) Such other conditions as the court may require such as affirmative conditions.

(8)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the terms of the community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody if the offender violates the conditions of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for any time previously served under this section.

(9) If an offender sentenced to the prison-based alternative under subsection (5) of this section is found by the United States attorney general to be subject to a deportation order, a hearing shall be held by the department unless waived by the offender, and, if the department finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence.

(10) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.

(11) Costs of examinations and preparing treatment plans under subsections (2) and (3) of this section may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 70.96A.350.

Sec. 12. RCW 9.94A.690 and 2000 c 28 s 21 are each amended to read as follows:

(1)(a) An offender is eligible to be sentenced to a work ethic camp if the offender:

(i) Is sentenced to a term of total confinement of not less than twelve months and one day or more than thirty-six months;

(ii) Has no current or prior convictions for any sex offenses or for violent offenses; and

(iii) Is not currently subject to a sentence for, or being prosecuted for, a violation of felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), a violation of physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)), a violation of the uniform controlled substances act, or a criminal solicitation to commit such a violation under chapter 9A.28 or 69.50 RCW.

(b) The length of the work ethic camp shall be at least one hundred twenty days and not more than one hundred eighty days.

(2) If the sentencing court determines that the offender is eligible for the work ethic camp and is likely to qualify under subsection (3) of this section, the judge shall impose a sentence within the standard sentence range and may recommend that the offender serve the sentence at a work ethic camp. In sentencing an offender to the work ethic camp, the court shall specify: (a) That upon completion of the work ethic camp the offender shall be released on community custody for any remaining time of total confinement; (b) the applicable conditions of supervision

FIFTY-EIGHTH DAY, MARCH 7, 2006

on community custody status as required by RCW 9.94A.700(4) and authorized by RCW 9.94A.700(5); and (c) that violation of the conditions may result in a return to total confinement for the balance of the offender's remaining time of confinement.

(3) The department shall place the offender in the work ethic camp program, subject to capacity, unless: (a) The department determines that the offender has physical or mental impairments that would prevent participation and completion of the program; (b) the department determines that the offender's custody level prevents placement in the program; (c) the offender refuses to agree to the terms and conditions of the program; (d) the offender has been found by the United States attorney general to be subject to a deportation detainer or order; or (e) the offender has participated in the work ethic camp program in the past.

(4) An offender who fails to complete the work ethic camp program, who is administratively terminated from the program, or who otherwise violates any conditions of supervision, as defined by the department, shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court and shall be subject to all rules relating to earned release time.

(5) During the last two weeks prior to release from the work ethic camp program the department shall provide the offender with comprehensive transition training.

Sec. 13. RCW 9.94A.515 and 2005 c 458 s 2 and 2005 c 183 s 9 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XVI Aggravated Murder 1 (RCW 10.95.020)
- XV Homicide by abuse (RCW 9A.32.055)
- Malicious explosion 1 (RCW 70.74.280(1))
- Murder 1 (RCW 9A.32.030)
- XIV Murder 2 (RCW 9A.32.050)
- Trafficking 1 (RCW 9A.40.100(1))
- XIII Malicious explosion 2 (RCW 70.74.280(2))
- Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
- Assault of a Child 1 (RCW 9A.36.120)
- Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
- Rape 1 (RCW 9A.44.040)
- Rape of a Child 1 (RCW 9A.44.073)
- Trafficking 2 (RCW 9A.40.100(2))
- XI Manslaughter 1 (RCW 9A.32.060)
- Rape 2 (RCW 9A.44.050)
- Rape of a Child 2 (RCW 9A.44.076)
- X Child Molestation 1 (RCW 9A.44.083)

- Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
- Kidnapping 1 (RCW 9A.40.020)
- Leading Organized Crime (RCW 9A.82.060(1)(a))
- Malicious explosion 3 (RCW 70.74.280(3))
- Sexually Violent Predator Escape (RCW 9A.76.115)
- IX Assault of a Child 2 (RCW 9A.36.130)
- Explosive devices prohibited (RCW 70.74.180)
- Hit and Run--Death (RCW 46.52.020(4)(a))
- Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
- Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
- Malicious placement of an explosive 2 (RCW 70.74.270(2))
- Robbery 1 (RCW 9A.56.200)
- Sexual Exploitation (RCW 9.68A.040)
- Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- VIII Arson 1 (RCW 9A.48.020)
- Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
- Manslaughter 2 (RCW 9A.32.070)
- Promoting Prostitution 1 (RCW 9A.88.070)
- Theft of Ammonia (RCW 69.55.010)
- Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)
- Child Molestation 2 (RCW 9A.44.086)
- Civil Disorder Training (RCW 9A.48.120)
- Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
- Drive-by Shooting (RCW 9A.36.045)

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

- Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))
- Introducing Contraband 1 (RCW 9A.76.140)
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
- Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
- Bribery (RCW 9A.68.010)
- Incest 1 (RCW 9A.64.020(1))
- Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of dependent person 1 (RCW 9A.42.060)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 1 (RCW 9A.42.020)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Driving While Under the Influence
(RCW 46.61.502(6))
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Endangerment with a Controlled Substance (RCW 9A.42.100)

- Escape 1 (RCW 9A.76.110)
- Hit and Run--Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Malicious Harassment (RCW 9A.36.080)
- Residential Burglary (RCW 9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(3))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Willful Failure to Return from Furlough (RCW 72.66.060)
- III Abandonment of dependent person 2 (RCW 9A.42.070)
- Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Criminal Gang Intimidation (RCW 9A.46.120)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Assault (RCW 9A.36.100)
- Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)
- Malicious Injury to Railroad Property (RCW 81.60.070)
- Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))

- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Computer Trespass 1 (RCW 9A.52.110)
- Counterfeiting (RCW 9.16.035(3))
- Escape from Community Custody (RCW 72.09.310)
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
- Unlawful Practice of Law (RCW 2.48.180)
- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- False Verification for Welfare (RCW 74.08.055)
- Forgery (RCW 9A.60.020)
- Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
- Malicious Mischief 2 (RCW 9A.48.080)
- Mineral Trespass (RCW 78.44.330)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Reckless Burning 1 (RCW 9A.48.040)
- Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)

- Theft 2 (RCW 9A.56.040)
- Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))
- Transaction of insurance business beyond the scope of licensure (RCW 48.17.063(4))
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
- Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
- Unlawful Possession of Payment Instruments (RCW 9A.56.320)
- Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)
- Unlawful Production of Payment Instruments (RCW 9A.56.320)
- Unlawful Trafficking in Food Stamps (RCW 9.91.142)
- Unlawful Use of Food Stamps (RCW 9.91.144)
- Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 14. RCW 9.94A.411 and 2000 c 119 s 28 and 2000 c 28 s 17 are each reenacted and amended to read as follows:

(1) Decision not to prosecute.

STANDARD: A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

(i) It has not been enforced for many years; and

(ii) Most members of society act as if it were no longer in existence; and

(iii) It serves no deterrent or protective purpose in today's society; and

(iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimis Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

FIFTY-EIGHTH DAY, MARCH 7, 2006

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

(i) Assault cases where the victim has suffered little or no injury;

(ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

(a) STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid pre-filing agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be provided pursuant to RCW 9.94A.670.

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would

convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table below for the crimes within these categories.

CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

CRIMES AGAINST PERSONS

- Aggravated Murder
- 1st Degree Murder
- 2nd Degree Murder
- 1st Degree Manslaughter
- 2nd Degree Manslaughter
- 1st Degree Kidnapping
- 2nd Degree Kidnapping
- 1st Degree Assault
- 2nd Degree Assault
- 3rd Degree Assault
- 1st Degree Assault of a Child
- 2nd Degree Assault of a Child
- 3rd Degree Assault of a Child
- 1st Degree Rape
- 2nd Degree Rape
- 3rd Degree Rape
- 1st Degree Rape of a Child
- 2nd Degree Rape of a Child
- 3rd Degree Rape of a Child
- 1st Degree Robbery
- 2nd Degree Robbery
- 1st Degree Arson
- 1st Degree Burglary
- 1st Degree Extortion
- 2nd Degree Extortion
- Indecent Liberties
- Incest
- Vehicular Homicide
- Vehicular Assault
- 1st Degree Child Molestation
- 2nd Degree Child Molestation
- 3rd Degree Child Molestation
- 1st Degree Promoting Prostitution
- Intimidating a Juror
- Communication with a Minor
- Intimidating a Witness
- Intimidating a Public Servant
- Bomb Threat (if against person)
- Unlawful Imprisonment
- Promoting a Suicide Attempt
- Riot (if against person)
- Stalking
- Custodial Assault
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)

Counterfeiting (if a violation of RCW 9.16.035(4))

Felony Driving a Motor Vehicle While Under the Influence of Intoxicating Liquor or Any Drug (RCW 46.61.502(6))

Felony Physical Control of a Motor Vehicle While Under the Influence of Intoxicating Liquor or Any Drug (RCW 46.61.504(6))

CRIMES AGAINST PROPERTY/OTHER CRIMES

- 2nd Degree Arson
- 1st Degree Escape
- 2nd Degree Escape
- 2nd Degree Burglary
- 1st Degree Theft
- 2nd Degree Theft
- 1st Degree Perjury
- 2nd Degree Perjury
- 1st Degree Introducing Contraband
- 2nd Degree Introducing Contraband
- 1st Degree Possession of Stolen Property
- 2nd Degree Possession of Stolen Property

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

- Bribery
- Bribing a Witness
- Bribe received by a Witness
- Bomb Threat (if against property)
- 1st Degree Malicious Mischief
- 2nd Degree Malicious Mischief
- 1st Degree Reckless Burning
- Taking a Motor Vehicle without Authorization
- Forgery
- 2nd Degree Promoting Prostitution
- Tampering with a Witness
- Trading in Public Office
- Trading in Special Influence
- Receiving/Granting Unlawful Compensation
- Bigamy
- Eluding a Pursuing Police Vehicle
- Willful Failure to Return from Furlough
- Escape from Community Custody
- Riot (if against property)
- 1st Degree Theft of Livestock
- 2nd Degree Theft of Livestock
- ALL OTHER UNCLASSIFIED FELONIES
- Selection of Charges/Degree of Charge

(i) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

- (A) Will significantly enhance the strength of the state's case at trial; or
- (B) Will result in restitution to all victims.
- (ii) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:
 - (A) Charging a higher degree;
 - (B) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

(b) GUIDELINES/COMMENTARY:

(i) Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

- (A) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;
- (B) The completion of necessary laboratory tests; and
- (C) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

(ii) Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

- (A) Probable cause exists to believe the suspect is guilty; and
- (B) The suspect presents a danger to the community or is likely to flee if not apprehended; or
- (C) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce

sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

(iii) Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

- (A) Polygraph testing;
- (B) Hypnosis;
- (C) Electronic surveillance;
- (D) Use of informants.
- (iv) Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

(v) Pre-Filing Discussions with Victim(s)

Discussions with the victim(s) or victims' representatives regarding the selection or disposition of charges may occur before the filing of charges. The discussions may be considered by the prosecutor in charging and disposition decisions, and should be considered before reaching any agreement with the defendant regarding these decisions.

Sec. 15. RCW 13.40.0357 and 2004 c 117 s 1 are each amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION N OFFENSE CATEGORY	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
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Arson and Malicious Mischief

A	Arson 1 (9A.48.020)	B +
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (9A.48.090(2) (a) and (c))	E
E	Malicious Mischief 3 (9A.48.090(2)(b))	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E
A	Possession of Incendiary Device (9.40.120)	B +

Assault and Other Crimes Involving Physical Harm

A	Assault 1 (9A.36.011)	B +
B +	Assault 2 (9A.36.021)	C +
C +	Assault 3 (9A.36.031)	D +
D +	Assault 4 (9A.36.041)	E
B +	Drive-By Shooting (9A.36.045)	C +

FIFTY-EIGHTH DAY, MARCH 7, 2006

D +	Reckless Endangerment (9A.36.050)	E	C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4012)	C
C +	Promoting Suicide Attempt (9A.36.060)	D +			
D +	Coercion (9A.36.070)	E		Firearms and Weapons	
C +	Custodial Assault (9A.36.100)	D +	B	Theft of Firearm (9A.56.300)	C
	Burglary and Trespass		B	Possession of Stolen Firearm (9A.56.310)	C
B +	Burglary 1 (9A.52.020)	C +	E	Carrying Loaded Pistol Without Permit (9.41.050)	E
B	Residential Burglary (9A.52.025)	C	C	Possession of Firearms by Minor (<18) (9.41.040(2)(a)(iii))	C
B	Burglary 2 (9A.52.030)	C	D +	Possession of Dangerous Weapon (9.41.250)	E
D	Burglary Tools (Possession of) (9A.52.060)	E	D	Intimidating Another Person by use of Weapon (9.41.270)	E
D	Criminal Trespass 1 (9A.52.070)	E		Homicide	
E	Criminal Trespass 2 (9A.52.080)	E	A +	Murder 1 (9A.32.030)	A
C	Mineral Trespass (78.44.330)	C	A +	Murder 2 (9A.32.050)	B +
C	Vehicle Prowling 1 (9A.52.095)	D	B +	Manslaughter 1 (9A.32.060)	C +
D	Vehicle Prowling 2 (9A.52.100)	E	C +	Manslaughter 2 (9A.32.070)	D +
	Drugs		B +	Vehicular Homicide (46.61.520)	C +
E	Possession/Consumption of Alcohol (66.44.270)	E		Kidnapping	
C	Illegally Obtaining Legend Drug (69.41.020)	D	A	Kidnap 1 (9A.40.020)	B +
C +	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030(2)(a))	D +	B +	Kidnap 2 (9A.40.030)	C +
E	Possession of Legend Drug (69.41.030(2)(b))	E	C +	Unlawful Imprisonment (9A.40.040)	D +
B +	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(2) (a) or (b))	B +		Obstructing Governmental Operation	
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(2)(c))	C	D	Obstructing a Law Enforcement Officer (9A.76.020)	E
E	Possession of Marihuana <40 grams (69.50.4014)	E	E	Resisting Arrest (9A.76.040)	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C	B	Introducing Contraband 1 (9A.76.140)	C
C +	Sale of Controlled Substance for Profit (69.50.410)	C +	C	Introducing Contraband 2 (9A.76.150)	D
E	Unlawful Inhalation (9.47A.020)	E	E	Introducing Contraband 3 (9A.76.160)	E
B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.4011(2) (a) or (b))	B	B +	Intimidating a Public Servant (9A.76.180)	C +
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.4011(2) (c), (d), or (e))	C	B +	Intimidating a Witness (9A.72.110)	C +
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4013)	C		Public Disturbance	
			C +	Riot with Weapon (9A.84.010(2)(b))	D +
			D +	Riot Without Weapon (9A.84.010(2)(a))	E
			E	Failure to Disperse (9A.84.020)	E
			E	Disorderly Conduct (9A.84.030)	E
				Sex Crimes	
			A	Rape 1 (9A.44.040)	B +
			A-	Rape 2 (9A.44.050)	B +
			C +	Rape 3 (9A.44.060)	D +

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

A-	Rape of a Child 1 (9A.44.073)	B +	C	Vehicular Assault (46.61.522)	D
B +	Rape of a Child 2 (9A.44.076)	C +	C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
B	Incest 1 (9A.64.020(1))	C	E	Reckless Driving (46.61.500)	E
C	Incest 2 (9A.64.020(2))	D	D	Driving While Under the Influence (46.61.502 and 46.61.504)	E
D +	Indecent Exposure (Victim <14) (9A.88.010)	E	<u>B+</u>	<u>Felony Driving While Under the Influence (46.61.502(6))</u>	<u>B</u>
E	Indecent Exposure (Victim 14 or over) (9A.88.010)	'E	<u>B+</u>	<u>Felony Physical Control of a Vehicle While Under the Influence (46.61.504(6))</u>	<u>B</u>
B +	Promoting Prostitution 1 (9A.88.070)	C +	Other		
C +	Promoting Prostitution 2 (9A.88.080)	D +	B	Animal Cruelty 1 (16.52.205)	C
E	O & A (Prostitution) (9A.88.030)	E	B	Bomb Threat (9.61.160)	C
B +	Indecent Liberties (9A.44.100)	C +	C	Escape 1 ¹ (9A.76.110)	C
A-	Child Molestation 1 (9A.44.083)	B +	C	Escape 2 ¹ (9A.76.120)	C
B	Child Molestation 2 (9A.44.086)	C +	D	Escape 3 (9A.76.130)	E
Theft, Robbery, Extortion, and Forgery					
B	Theft 1 (9A.56.030)	C	E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
C	Theft 2 (9A.56.040)	D	A	Other Offense Equivalent to an Adult Class A Felony	B +
D	Theft 3 (9A.56.050)	E	B	Other Offense Equivalent to an Adult Class B Felony	C
B	Theft of Livestock 1 and 2 (9A.56.080 and 9A.56.083)	C	C	Other Offense Equivalent to an Adult Class C Felony	D
C	Forgery (9A.60.020)	D	D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
A	Robbery 1 (9A.56.200)	B +	E	Other Offense Equivalent to an Adult Misdemeanor	E
B +	Robbery 2 (9A.56.210)	C +	V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) ²	V
B +	Extortion 1 (9A.56.120)	C +	¹ Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows: 1st escape or attempted escape during 12-month period - 4 weeks confinement 2nd escape or attempted escape during 12-month period - 8 weeks confinement 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement		
C +	Extortion 2 (9A.56.130)	D +	² If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.		
C	Identity Theft 1 (9.35.020(2))	D	JUVENILE SENTENCING STANDARDS		
D	Identity Theft 2 (9.35.020(3))	E	This schedule must be used for juvenile offenders. The court may select sentencing option A, B, C, D, or RCW 13.40.167.		
D	Improperly Obtaining Financial Information (9.35.010)	E			
B	Possession of Stolen Property 1 (9A.56.150)	C			
C	Possession of Stolen Property 2 (9A.56.160)	D			
D	Possession of Stolen Property 3 (9A.56.170)	E			
C	Taking Motor Vehicle Without Permission 1 and 2 (9A.56.070 and 9A.56.075)	D			
Motor Vehicle Related Crimes					
E	Driving Without a License (46.20.005)	E			
B +	Hit and Run - Death (46.52.020(4)(a))	C +			
C	Hit and Run - Injury (46.52.020(4)(b))	D			
D	Hit and Run-Attended (46.52.020(5))	E			
E	Hit and Run-Unattended (46.52.010)	E			

**OPTION A
 JUVENILE OFFENDER SENTENCING GRID
 STANDARD RANGE**

	A +	180 WEEKS TO AGE 21 YEARS			
	A	103 WEEKS TO 129 WEEKS			
	A-	15-36 WEEKS EXCEPT 30-40 WEEKS FOR 15-17 YEAR OLDS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS
Current Offense Category	B +	15-36 WEEKS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS
	B	LOCAL SANCTIONS (LS)	15-36 WEEKS		52-65 WEEKS
	C +	LS		15-36 WEEKS	
	C	LS			15-36 WEEKS
			Local Sanctions: 0 to 30 Days		
	D +	LS	0 to 12 Months Community Supervision 0 to 150 Hours Community Restitution		
	D	LS	\$0 to \$500 Fine		
	E	LS			
		0	1	2	3
					4 or more

PRIOR ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each

prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

**OR
OPTION B
SUSPENDED DISPOSITION ALTERNATIVE**

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender is:

(a) Adjudicated of an A + offense;

(b) Fourteen years of age or older and is adjudicated of one or more of the following offenses:

(i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;

(ii) Manslaughter in the first degree (RCW 9A.32.060); or

(iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential burglary (RCW 9A.52.025), burglary in the second degree (RCW 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a witness (RCW 9A.72.110), violation of the uniform controlled substances act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;

(c) Ordered to serve a disposition for a firearm violation under RCW 13.40.193; or

(d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

**OR
OPTION C
CHEMICAL DEPENDENCY DISPOSITION
ALTERNATIVE**

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

**OR
OPTION D
MANIFEST INJUSTICE**

If the court determines that a disposition under option A, B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

Sec. 16. RCW 46.20.311 and 2005 c 314 s 308 are each amended to read as follows:

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a

fixed period of more than one year, except as specifically permitted under RCW 46.20.267, 46.20.342, or other provision of law.

(b) Except for a suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(c) If the suspension is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the alcohol or drug dependency agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. If, based upon notification from the interlock provider or otherwise, the department determines that an interlock required under RCW 46.20.720 is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(d) Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW or a residential or visitation order, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

(e)(i) The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of seventy-five dollars.

(ii) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by

FIFTY-EIGHTH DAY, MARCH 7, 2006

law together with a reissue fee in the amount of seventy-five dollars.

(ii) If the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred fifty dollars. If the revocation is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the alcohol or drug dependency agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person applying for a new license. If, following issuance of a new license, the department determines, based upon notification from the interlock provider or otherwise, that an interlock required under RCW 46.20.720 is no longer functioning, the department shall suspend the person's license or privilege to drive until the department has received written verification from an interlock provider that a functioning interlock is installed.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of seventy-five dollars.

(b) If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred fifty dollars.

Sec. 17. RCW 46.61.524 and 2001 c 64 s 7 are each amended to read as follows:

(1) A person convicted under RCW 46.61.502(6), 46.61.504(6), 46.61.520(1)(a), or 46.61.522(1)(b) shall, as a condition of community custody imposed under RCW 9.94A.545 or community placement imposed under RCW 9.94A.660, complete a diagnostic evaluation by an alcohol or drug dependency agency approved by the department of social and health services or a qualified probation department, as defined under RCW 46.61.516 that has been approved by the department of social and health services. This report shall be forwarded to the department of licensing. If the person is found to have an alcohol or drug problem that requires treatment, the

person shall complete treatment in a program approved by the department of social and health services under chapter 70.96A RCW. If the person is found not to have an alcohol or drug problem that requires treatment, he or she shall complete a course in an information school approved by the department of social and health services under chapter 70.96A RCW. The convicted person shall pay all costs for any evaluation, education, or treatment required by this section, unless the person is eligible for an existing program offered or approved by the department of social and health services. Nothing in chapter 348, Laws of 1991 requires the addition of new treatment or assessment facilities nor affects the department of social and health services use of existing programs and facilities authorized by law.

(2) As provided for under RCW 46.20.285, the department shall revoke the license, permit to drive, or a nonresident privilege of a person convicted of vehicular homicide under RCW 46.61.520 or vehicular assault under RCW 46.61.522. The department shall determine the eligibility of a person convicted of vehicular homicide under RCW 46.61.520(1)(a) or vehicular assault under RCW 46.61.522(1)(b) to receive a license based upon the report provided by the designated alcoholism treatment facility or probation department, and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified.

Sec. 18. RCW 46.61.5152 and 1998 c 41 s 9 are each amended to read as follows:

In addition to penalties that may be imposed under RCW 46.61.5055, the court may require a person who is convicted of a nonfelony violation of RCW 46.61.502 or 46.61.504 or who enters a deferred prosecution program under RCW 10.05.020 based on a nonfelony violation of RCW 46.61.502 or 46.61.504, to attend an educational program focusing on the emotional, physical, and financial suffering of victims who were injured by persons convicted of driving while under the influence of intoxicants.

Sec. 19. RCW 46.61.5151 and 1995 c 332 s 15 are each amended to read as follows:

A sentencing court may allow ~~((persons))~~ a person convicted of ~~((violating))~~ a nonfelony violation of RCW 46.61.502 or 46.61.504 to fulfill the terms of the sentence provided in RCW 46.61.5055 in nonconsecutive or intermittent time periods. However, any mandatory minimum sentence under RCW 46.61.5055 shall be served consecutively unless suspended or deferred as otherwise provided by law.

NEW SECTION. Sec. 20. Section 5 of this act expires July 1, 2006.

NEW SECTION. Sec. 21. Section 6 of this act takes effect July 1, 2006."

Senator Kline spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Kline moved that the following amendment by Senator Kline to the committee striking amendment be adopted.

On page 2, line 11 of the amendment, after "within" strike "seven" and insert "ten"

On page 3, line 22 of the amendment, after "within" strike "seven" and insert "ten"

On page 7, line 35 of the amendment, after "within" strike "seven" and insert "ten"

Beginning on page 12, line 17 of the amendment, strike all of section 5

ReNUMBER the remaining sections consecutively and correct any internal references accordingly.

On page 36, line 29 of the amendment, after "within" strike "seven" and insert "ten"

On page 40, line 19 of the amendment, after "than" strike "seven" and insert "ten"

FIFTY-EIGHTH DAY, MARCH 7, 2006

2006 REGULAR SESSION

On page 78, beginning on line 1 of the amendment, strike all of sections 20 and 21, and insert the following:

"NEW SECTION. Sec. 20. This act takes effect July 1, 2007."

Senator Kline spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kline on page 2, line 11 to the committee striking amendment to House Bill No. 3117.

The motion by Senator Kline carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary as amended to House Bill No. 3317.

The motion by Senator Kline carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments was adopted:

On page 1, line 3 of the title, after "drug;" strike the remainder of the title and insert "amending RCW 46.61.502, 46.61.504, 46.61.5055, 9.94A.030, 9.94A.030, 9.94A.640, 9.94A.650, 9.94A.660, 9.94A.690, 13.40.0357, 46.20.311, 46.61.524, 46.61.5152, and 46.61.5151; reenacting and amending RCW 9.94A.505, 9.94A.525, 9.94A.515, and 9.94A.411; adding a new section to chapter 9.94A RCW; prescribing penalties; providing an effective date; and providing an expiration date."

On page 78, line 6 of the title amendment, strike "9.94A.030,"

On page 78, line 10 of the title amendment, after "penalties;" strike the remainder of the title and insert "and providing an effective date."

MOTION

On motion of Senator Esser, the rules were suspended, House Bill No. 3317 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carrell, Johnson, Brown and Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 3317 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3317 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Benson, Deccio, McCaslin and Oke - 4
HOUSE BILL NO. 3317 as amended by the Senate, having received the constitutional majority, was declared passed. There

being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, House Bill No. 3317 and Engrossed Substitute House Bill No. 2871 were immediately transmitted to the House of Representatives.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6900 by Senators Esser and Johnson

AN ACT Relating to making it a felony to drive or be in physical control of a vehicle while under the influence of intoxicating liquor or any drug; amending RCW 46.61.502, 46.61.504, 46.61.5055, 9.94A.030, 9.94A.030, 9.94A.640, 9.94A.650, 9.94A.660, 9.94A.690, 13.40.0357, 46.20.311, 46.61.524, 46.61.5152, and 46.61.5151; reenacting and amending RCW 9.94A.505, 9.94A.525, 9.94A.515, and 9.94A.411; adding a new section to chapter 9.94A RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

SB 6901 by Senator Roach

AN ACT Relating to the creation of a distinguished flying cross award license plate; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.16 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 6902 by Senators Rasmussen and Brandland

AN ACT Relating to immunity from liability for health care providers during an emergency or disaster; amending RCW 4.24.300; adding a new section to chapter 18.57A RCW; adding a new section to chapter 18.71A RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SCR 8423 by Senator Fairley

Creating a homeowners' association act committee.

SCR 8424 by Senators Esser and Johnson

Exempting a bill relating to driving under the influence of alcohol or drugs from the cutoff dates established in SCR 8414.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1672 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Hudgins, Green, Cody, Appleton, Morrell, Wood, McCoy, Kenney, Moeller and Chase)

FIFTY-EIGHTH DAY, MARCH 7, 2006

AN ACT Relating to reducing injuries among patients and health care workers; adding a new section to chapter 70.41 RCW; adding a new section to chapter 72.23 RCW; adding a new section to chapter 51.16 RCW; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Appropriations.

2SHB 2462 by House Committee on Appropriations (originally sponsored by Representatives Moeller, Wallace and Roberts)

AN ACT Relating to establishing work groups to periodically review and update the child support schedule; amending RCW 26.09.173, 26.10.195, 26.18.210, and 26.19.025; adding a new section to chapter 26.19 RCW; creating new sections; and providing an expiration date.

EHB 2716 by Representatives Fromhold, Kessler, Skinner, Haigh, Strow, Moeller, Armstrong, Conway, Curtis, Murray, Buri, Green, Ericksen, Serben, McDermott, Morrell, McIntire, Appleton, Kenney, P. Sullivan, Ormsby and Linville

AN ACT Relating to nursing facility medicaid payment systems; amending RCW 74.46.020, 74.46.431, 74.46.433, 74.46.496, 74.46.501, 74.46.506, and 74.46.521; and providing an effective date.

SHB 2880 by House Committee on Finance (originally sponsored by Representative McIntire)

AN ACT Relating to insurance premiums tax; amending RCW 48.14.080; creating new sections; and declaring an emergency.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exceptions of Senate Concurrent Resolution No. 8424 which was held at the desk, Senate Concurrent Resolution No. 8423, Engrossed Substitute House Bill No. 1672, Second Substitute House Bill No. 2462, Engrossed House Bill No. 2716 and Substitute House Bill No. 2880, which under suspension of the rules placed on the second reading calendar.

MOTION

At 11:30 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Wednesday, March 8, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 8, 2006

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with exception of Senator Oke.

The Sergeant at Arms Color Guard consisting of Pages Evan Kruschke and Drake Chandler, presented the Colors. Pastor Paul Stoot of the Greater Trinity Missionary Baptist Church offered the prayer.

MOTION

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

MOTION

On motion of Senator Eide, Senate Rule 20(2) was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 prohibits limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

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

MOTION

Senator Esser moved adoption of the following resolution:

SENATE RESOLUTION
8697

By Senators Esser, Kohl-Welles, Hewitt, Schmidt, Eide, Zarelli, Pflug and Brown

WHEREAS, The Seattle Seahawks capped the finest season in team history with their first-ever Super Bowl appearance last month; and

WHEREAS, The Seattle Seahawks sent seven players to the Pro Bowl game one week later; and

WHEREAS, The Seattle Seahawks finished the regular season with a franchise-best 13-3 regular season record, which included an 11-game winning streak and a perfect 8-0 home record; and

WHEREAS, The Seattle Seahawks completed seven out of eight fourth-down conversions during the 2005 regular season; and

WHEREAS, The Seattle Seahawks sacked the opposing team's quarterback an NFL-high 50 times during the 2005 regular season; and

WHEREAS, The Seattle Seahawks defense finished the 2005 regular season with 894 tackles, 241 assists, 20 fumble recoveries, and 16 interceptions, and gave up the fewest points in the league; and

WHEREAS, Seattle Seahawks Quarterback Matt Hasselbeck was the starting NFC quarterback at the Pro Bowl and finished the 2005 regular season with a quarterback rating of 98.2, completing 24 touchdown passes; and

WHEREAS, Seattle Seahawks Running Back Shaun Alexander was named the NFL's Most Valuable Player for the 2005 season, won the league's rushing crown with 1,880 rushing yards, and set an all-time NFL record with 28 touchdowns; and

WHEREAS, The Seattle Seahawks won the NFC West Division for the second straight year; and

WHEREAS, The Seattle Seahawks earned the top seed in the NFC Playoffs and defeated the Washington Redskins 20-10 for their first playoff win since 1984; and

WHEREAS, The Seattle Seahawks defeated the Carolina Panthers 34-14 in the NFC Championship Game to earn their first George Halas Trophy and their first trip to the Super Bowl in franchise history; and

WHEREAS, The mission of the Seattle Seahawks Charitable Foundation (SSCF, founded in 1995) is to promote the healthy social, emotional, intellectual, and physical development of youth by enhancing opportunities for participation in sports and fitness activities; and

WHEREAS, The SSCF is committed to supporting the Seahawks Leadership Academy, a Seattle public middle school serving 6th, 7th, and 8th grade at-risk students; and

WHEREAS, The Seattle Seahawks Literacy program, "Ready, Set, Goals," is designed to enhance reading comprehension, writing, and goal-setting skills for 3rd through 6th grade students; and

WHEREAS, The Seattle Seahawks partner with local sponsors to raise money with programs, including Winning For Your Community, Touchdowns For Charity, First Downs For Kids, Run For Their Future, and Special Kicks;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the Seattle Seahawks and congratulate the team and their players on their outstanding season, and thank them for giving so much back to the team's fans, known as the "12th Man," and to the community.

Senators Esser, Kohl-Welles, Deccio, Rasmussen, Eide and Finkbeiner spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8697.

The motion by Senator Esser carried and the resolution was adopted by voice vote.

REMARKS BY THE PRESIDENT

President Owen: "Before the President introduces these incredible individuals, he would like to note two things: One is, would, you please go back and remind the team that Bryce Fisher's father was the Sergeant at Arms of this August body? Richard Fisher, for a few years. He's an incredible football player. The other thing is, we're going to send a map of the United States to a guy named Jimmy Johnson so that he understands that Seattle is not in Alaska, as he said on television, but it's actually in the state of Washington which is in continental the United States so we're going to do that. If you ever see him, you might just point out to him where Seattle, Washington is."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Jim Zorn, Quarterback Coach and Mr. Seneca Wallace, Quarterback, of the National Football League Seattle Seahawks who were seated at the rostrum.

REMARKS BY JIM ZORN

Jim Zorn: "Thank you very much. During the football season, Seneca Wallace probably has the most difficult job in our program because he's our backup quarterback. That means that he has to prepare himself exactly the way that Matt Hasselbeck has to prepare. He doesn't get the kind of repetitions, the practice time that Matt gets, so when he's called upon, he virtually is coming out there with no reps, no practice, but he has to win games for us, basically without any preparation at all on the field, any practical preparation. All year long, we had a plan to try to get Seneca on the football field other than the quarterback position because he's very fast. He's one of our best athletes on our football team and other coaches are trying to infiltrate and steal him away from my position. So, as we started

FIFTY-NINTH DAY, MARCH 8, 2006

into different kinds of ideas of how Seneca could be involved, we had reverses for him, and we practiced these reverses out on the practice field during the week. Mike Holgrem would never call them. He just thought he would be the laughing stock of the league had he put Seneca on the field; we run the reverse; and then Seneca get injured; then Matt gets injured; then we're really in trouble. So, Mike had much more wisdom than I did. He let us practice those things but he kept Seneca off the football field. Once we got to the play offs, I went up to Mike and said, 'Listen, 'now's the time, because he can rehab in the off season if he get's injured.' So, we designed this play and the play that he ran was quite interesting. It was a play called, 'was it X-slugg C seam or just X-sluggo.' It was a play designed for Matt to drop back, pump to Seneca, try to get the corner-and the corner happened to be Ken Lucas, the guy who left the Seahawks, anyway and if Ken Lucas bit on the fake, we were going to throw to Seneca over the top. If he didn't, then we would come to other side of the field where we had tight end over the football and we had another running back and another wide receiver, so we could actually throw a zone type of pattern on the other side. So, of course as Matt dropped back and he pumped. It wasn't really a bite if you know what I mean. I mean Seneca really wasn't open, but I can guarantee you these two guys got together before the game and said, 'If that plays called, I'm coming to you regardless,' so I knew they had something other than what we had desired in store. When Matt dropped back and he pumped, Ken Lucas kind of read what was coming, but Matt threw it up anyway and then to see the heroic catch, it really was a heroic catch. For a quarterback, really an athlete to go up and steal the ball from an outstanding corner, and to come down with it. That kind of put the charge in the Seahawks during that football game. It boosted us through and then to enjoy such a dominating win for the NFC championship and have Seneca out there - both my guys out - there playing and contributing, was a special thrill for me. The biggest thrill for me as a former player and now a quarterback coach, was going to the Super Bowl was OK. Going to the Super Bowl was a real thrill. But it was the NFC championship game. What a football game, cause you could not hear. I was wearing headphones and I couldn't hear. I had to push on my headphones to make sure that I could hear what the plays, what plays were being called. It was so loud. We're here just representing the Seahawks, thank you for this resolution and thanking you for committing your support to the Seahawks organization, but also the whole Northwest. Our football stadium is one that other teams do not like to play in. When it comes to, we have all different kinds of snap counts. You go on 'one,' you go on 'set,' you go on hard counts, trying to get defenses to jump off sides, but when people come here to play, they have what they call the silent count. The silent count is the count you use when you cannot hear your voice. If you were at the or heard about what we did against the New York Giants, they jumped off sides nine or ten times because they could not hear. That's a direct result from having the best fans in National Football League, the loudest stadium and the most beautiful stadium in the National Football League. There's no question about it. When we travel we don't hear anything like teams coming into Seattle here as far as the crowd noise. It's deafening. It's a tremendous feeling to be on the good side of the National Football League and we're right here in the state of Washington. So, thank you for the resolution, nice to meet you all. I will tell Robby Tobeck that you wore his jersey today, Senator Esser, and you could send him a picture and autograph it. I'm sure he'll get a kick out of that. Thank you, Senator Rasmussen and believe me I do not look like that any longer, but I appreciate the support. Get that back up your wall. Thanks to everybody and thanks for your support."

REMARKS BY THE PRESIDENT

President Owen: "Well Seneca, I just want to say that you have joined some great receivers now, Steve Largent and Efren Herrera and I think you probably threw the pass to Efren those are some great catches and we really appreciate you taking the

time to come down here. I know you have busy schedules and lots of things to do. Also, want to thank you and the Seahawks for what they do for young people. That's incredibly important in this day and age. Keep up the good work. Thank you very, very much."

MOTION

Senator Kastama moved adoption of the following resolution:

SENATE RESOLUTION
8713

By Senators Kastama, Carrell, Franklin, Rasmussen, Regala and Roach

WHEREAS, The annual Daffodil Festival is a cherished tradition for the people of Pierce County and the Northwest; and

WHEREAS, The mission of the Daffodil Festival is to focus national and regional attention on our local area as a place to live and visit, to give citizens of Pierce County a civic endeavor where "Daffodils Delight," fostering civic pride, to give young people and organizations of the local area an opportunity to display their talents and abilities, to give vent to citizens' enthusiasm in parades, pageantry, and events, and to stimulate the business economy through expenditures by and for the Festival and by visitors attracted during Festival Week; and

WHEREAS, 2006 marks the Seventy-third annual Daffodil Festival; and

WHEREAS, The Festival began in 1926 as a modest garden party in Sumner and grew steadily each year until 1934, when flowers, which previously had been largely discarded in favor of daffodil bulbs, were used to decorate cars and bicycles for a short parade through Tacoma; and

WHEREAS, The Festival 2006 events are ongoing and will culminate in the April 22, 2006, Grand Floral Street Parade, winding its way from downtown Tacoma through the communities of Puyallup, Sumner, and Orting; and

WHEREAS, This year's Festival royalty includes princesses Jasmine Arabia, Chief Leschi High School; Amy Callaghan, Lincoln High School; Ali Ciarochi, Stadium High School; Corrina Czerwonka, Clover Park High School; Hollie Eads, Emerald Ridge High School; Shalae Eugley, Fife High School; Ann Hansen, Wilson High School; Amanda Kappelman, Lakes High School; Gina Maulupe, Spanaway Lake High School; Erin McFarland, Sumner High School; Ashley Miller, Bethel High School; Kaleigh Jo Murphy, Franklin Pierce High School; Hannah Parker, Henry Foss High School; Lauren Rine, Puyallup High School; Mollie Ruiz, Curtis High School; Sarra Schlegel, Eatonville High School; Heather Soto, Rogers High School; Arielle Valenzuela, Washington High School; Taylor Williams, Orting High School; and Ashley Woods, Mt. Tahoma High School;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor the many contributions made to our state by the Daffodil Festival and its organizers for the past Seventy-three years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the 2006 Daffodil Festival Officers and to the members of the Festival Royalty.

Senators Kastama, Rasmussen, Regala, Franklin and Roach spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8713.

The motion by Senator Kastama carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the

FIFTY-NINTH DAY, MARCH 8, 2006

Daffodil Festival Board Auxiliary and the Daffodil Court who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced third graders from Kingsway Christen School of Vancouver who were present at the bar of the Senate.

With permission of the Senate, business was suspended for the purpose of allowing the Kingsway Christian School Choir to perform for the Senate some songs for the Senators.

MOTION

At 10:32 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:14 a.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3098

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5236,
 SECOND ENGROSSED SENATE BILL NO. 5714,
 SENATE BILL NO. 6059,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6106,
 SUBSTITUTE SENATE BILL NO. 6141,
 SECOND SUBSTITUTE SENATE BILL NO. 6172,
 SUBSTITUTE SENATE BILL NO. 6188,
 SUBSTITUTE SENATE BILL NO. 6234,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6244,
 SUBSTITUTE SENATE BILL NO. 6246,
 SUBSTITUTE SENATE BILL NO. 6247,
 SENATE BILL NO. 6248,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6255,
 SENATE BILL NO. 6264,
 SENATE BILL NO. 6280,
 SUBSTITUTE SENATE BILL NO. 6308,
 SECOND SUBSTITUTE SENATE BILL NO. 6319,
 SUBSTITUTE SENATE BILL NO. 6320,
 SUBSTITUTE SENATE BILL NO. 6369,
 SENATE BILL NO. 6373,
 SUBSTITUTE SENATE BILL NO. 6377,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6396,
 SENATE BILL NO. 6412,
 SENATE BILL NO. 6418,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6427,
 SENATE BILL NO. 6429,
 SENATE BILL NO. 6453,

2006 REGULAR SESSION

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6459,
 SECOND SUBSTITUTE SENATE BILL NO. 6460,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6508,
 SUBSTITUTE SENATE BILL NO. 6527,
 SUBSTITUTE SENATE BILL NO. 6555,
 SENATE BILL NO. 6568,
 SUBSTITUTE SENATE BILL NO. 6613,
 SUBSTITUTE SENATE BILL NO. 6617,
 SENATE BILL NO. 6637,
 ENGROSSED SENATE BILL NO. 6661,
 SUBSTITUTE SENATE BILL NO. 6717,
 SUBSTITUTE SENATE BILL NO. 6781,
 SECOND SUBSTITUTE SENATE BILL NO. 6823,
 SUBSTITUTE SENATE BILL NO. 6840,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6896
 and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

The Speaker ruled the Senate amendment{s} to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2572 to be beyond scope & object of the bill. House refuses to concur in said amendment{s} and asks the Senate to recede therefrom.
 and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate recede from its position and pass Engrossed Second Substitute House Bill No. 2572 without the Senate amendment(s).

Senator Keiser spoke in favor of the motion.

Senators Esser, Pflug, Mulliken and Zarelli spoke against the motion.

MOTION

Senator Eide demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

MOTION

On motion of Senator Schoesler, Senator Oke was excused.

MOTION

Senator Eide demanded a division.

The motion by Senator Eide that the previous question be

FIFTY-NINTH DAY, MARCH 8, 2006

put was sustained by a rising vote.

The President declared the question before the Senate to be motion by Senator Keiser that the Senate recede from it's position on Engrossed Second Substitute House Bill No. 2572.

MOTION

Senator Esser demanded a division.

MOTION

Senator Esser demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate recede from it's position to Engrossed Second Substitute House Bill No. 2572 and pass the bill without the Senate amendments.

The Secretary called the roll on the motion by Senator Keiser and the motion carried by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 23

Excused: Senator Oke - 1

Senators Deccio, Sheldon, Finkbeiner, Pflug and Parlette spoke against passage of the bill.

Senators Kohl-Welles and Franklin spoke in favor of passage of the bill.

MOTION

Senator Eide demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

The motion by Senator Eide that the previous question be put was sustained by voice vote.

The President declared the question to be the final passage of Engrossed Second Substitute House Bill No. 2572 without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2572, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt,

2006 REGULAR SESSION

Schoesler, Sheldon, Stevens, Swecker and Zarelli - 23

Excused: Senator Oke - 1

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2572, without Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 3079 and asks Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate recede from its position and on Engrossed Substitute House Bill No. 3079.

The President declared the question before the Senate to be motion by Senator Keiser that the Senate recede from its position on Engrossed Substitute House Bill No. 3079.

The motion by Senator Keiser carried and the Senate receded from its position on Engrossed Substitute House Bill No. 3079.

MOTION

On motion of Senator Keiser, the rules were suspended and Engrossed Substitute House Bill No. 3079 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3079, by House Committee on Appropriations (originally sponsored by Representatives Conway, Cody, Sells, Dickerson, Morrell, Simpson, Schual-Berke, Hasegawa, Chase and Santos)

Reporting on the employment status of recipients of medicaid and the basic health plan.

The measure was read the second time.

MOTION

Senator Keiser moved that the following striking amendment by Senators Keiser and Deccio be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.47 RCW to read as follows:

(1) The health care authority, in coordination with the department of social and health services, shall by November 15th of each year report to the legislature:

(a) The number of basic health plan enrollees who: (i) Upon enrollment or recertification had reported being employed, and beginning with the 2008 report, the month and year they reported being hired; or (ii) upon enrollment or recertification had reported being the dependent of someone who was employed, and beginning with the 2008 report, the month and year they reported the employed person was hired; and (iii) the total cost to the state for these enrollees. The information shall be reported by employer for employers having more than fifty employees as enrollees or with dependents as enrollees. This

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

information shall be provided for the preceding January and June of that year.

MOTION

(b) The following aggregated information: (i) The number of employees who are enrollees or with dependents as enrollees by private and governmental employers; (ii) The number of employees who are enrollees or with dependents as enrollees by employer size for employers with 50 or fewer employees, 51 to 100 employees, 101 to 1000 employees, 1001 to 5,000 employees and more than 5,000 employees; and (iii) The number of employees who are enrollees or with dependents as enrollees by industry type.

For each aggregated classification, the report will include the number of hours worked and total cost to the state for these enrollees. This information shall be for each quarter of the preceding year.

NEW SECTION. Sec. 2. A new section is added to chapter 74.09 RCW to read as follows:

(1) The department of social and health services, in coordination with the health care authority, shall by November 15th of each year report to the legislature:

(a) The number of medical assistance recipients who: (i) Upon enrollment or recertification had reported being employed, and beginning with the 2008 report, the month and year they reported being hired; or (ii) upon enrollment or recertification had reported being the dependent of someone who was employed, and beginning with the 2008 report, the month and year they reported the employed person was hired. For recipients identified under (a)(i) and (ii) of this subsection, the department shall report the basis for their medical assistance eligibility, including but not limited to family medical coverage, transitional medical assistance, children's medical or aged or disabled coverage; member months; and the total cost to the state for these recipients, expressed as general fund-state, health services account and general fund-federal dollars. The information shall be reported by employer for employers having more than fifty employees as recipients or with dependents as recipients. This information shall be provided for the preceding January and June of that year.

(b) The following aggregated information: (i) The number of employees who are recipients or with dependents as recipients by private and governmental employers; (ii) The number of employees who are recipients or with dependents as recipients by employer size for employers with 50 or fewer employees, 51 to 100 employees, 101 to 1000 employees, 1001 to 5,000 employees and more than 5,000 employees; and (iii) The number of employees who are recipients or with dependents as recipients by industry type.

For each aggregated classification, the report will include the number of hours worked, the number of department of social and health services covered lives, and the total cost to the state for these recipients. This information shall be for each quarter of the preceding year.

NEW SECTION. Sec. 3. If specific funding for the purpose of this act, referencing this act by bill or chapter number, is not provided by June 30, 2006, in the omnibus appropriations act, this act is null and void."

Senator Keiser spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Keiser and Deccio to Engrossed Substitute House Bill No. 3079.

The motion by Senator Keiser carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "services;" strike all material through "section." on line 3 and insert "adding a new section to chapter 70.47 RCW; adding a new section to chapter 74.09 RCW; and creating a new section."

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 3079 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Deccio spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 3079 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 3079 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senator Roach - 1

Absent: Senator Benton - 1

Excused: Senator Oke - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3079 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2006

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 3127 and asks the Senate for a conference thereon. Speaker has appointed the following members as Conferees:

Representatives Quall, Santos and Rodne and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate recede from its position and on Engrossed Substitute House Bill No. 3127.

The President declared the question before the Senate to be motion by Senator McAuliffe that the Senate recede from its position on Engrossed Substitute House Bill No. 3127.

The motion by Senator McAuliffe carried and the Senate receded from its position on Engrossed Substitute House Bill No. 3127.

MOTION

On motion of Senator McAuliffe, the rules were suspended and Engrossed Substitute House Bill No. 3127 was returned to second reading for the purposes of amendment.

SECOND READING

FIFTY-NINTH DAY, MARCH 8, 2006

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3127, by House Committee on Appropriations (originally sponsored by Representatives Santos, Hasegawa, McCoy, P. Sullivan, McDermott, Upthegrove, Pettigrew and Morrell)

Regarding the center for the improvement of student learning.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following striking amendment by Senators McAuliffe and Schmidt be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that expanding activity in educational research, educational restructuring, and educational improvement initiatives has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible. The legislature further finds that students and schools benefit from increased parental, guardian, and community involvement in education and increased knowledge of and input regarding the delivery of public education. The legislature further finds that increased community involvement with, knowledge of, and input regarding the public education system is particularly needed in low-income and ethnic minority communities.

The legislature finds that the center for the improvement of student learning, created by the legislature in 1993 under the auspices of the superintendent of public instruction, has not been allocated funding since the 2001-2003 biennium, and in effect no longer exists. It is the intent of the legislature to reactivate the center for the improvement of student learning, and to create an educational ombudsman to increase parent, guardian, and community involvement in public education and to serve as a resource for parents and students and as an advocate for students in the public education system.

Sec. 2. RCW 28A.300.130 and 1999 c 388 s 401 are each amended to read as follows:

(1) ~~(Expanding activity in educational research, educational restructuring, and educational improvement initiatives has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible.)~~ To facilitate access to information and materials on educational improvement and research, the superintendent of public instruction, to the extent funds are appropriated, shall establish the center for the improvement of student learning. ~~(The primary purpose of the center is to provide assistance and advice to parents, school board members, educators, and the public regarding strategies for assisting students in learning the essential academic learning requirements pursuant to RCW 28A.630.885.)~~ The center shall work in conjunction with ~~(the academic achievement and accountability commission)~~ parents, educational service districts, institutions of higher education, and education, parent, community, and business organizations.

(2) The center, in conjunction with other staff in the office of the superintendent of public instruction, shall:

~~(a) (Serve as a clearinghouse for the completed work and activities of the academic achievement and accountability commission;~~

~~(b))~~ Serve as a clearinghouse for information regarding successful educational improvement and parental involvement programs in schools and districts, and information about efforts within institutions of higher education in the state to support educational improvement initiatives in Washington schools and districts;

~~((c))~~ (b) Provide best practices research ~~(and advice)~~ that can be used to help schools develop and implement: Programs

2006 REGULAR SESSION

and practices to improve instruction ~~((of the essential academic learning requirements under section 701 of this act));~~ systems to analyze student assessment data, with an emphasis on systems that will combine the use of state and local data to monitor the academic progress of each and every student in the school district; comprehensive, school-wide improvement plans; school-based shared decision-making models; programs to promote lifelong learning and community involvement in education; school-to-work transition programs; programs to meet the needs of highly capable students; programs and practices to meet the diverse needs of students based on gender, racial, ethnic, economic, and special needs status; research, information, and technology systems; and other programs and practices that will assist educators in helping students learn the essential academic learning requirements;

~~((d) Develop and distribute, in conjunction with the academic achievement and accountability commission, parental involvement materials, including instructional guides developed to inform parents of the essential academic learning requirements. The instructional guides also shall contain actions parents may take to assist their children in meeting the requirements, and should focus on reaching parents who have not previously been involved with their children's education;~~

~~(c) Identify obstacles to greater parent and community involvement in school shared decision-making processes and recommend strategies for helping parents and community members to participate effectively in school shared decision-making processes, including understanding and respecting the roles of school building administrators and staff;~~

~~(f))~~ (c) Develop and maintain an internet web site to increase the availability of information, research, and other materials;

~~((g) Take other actions to increase public awareness of the importance of parental and community involvement in education;~~

~~(h))~~ (d) Work with appropriate organizations to inform teachers, district and school administrators, and school directors about the waivers available and the broadened school board powers under RCW 28A.320.015;

~~((f))~~ (e) Provide training and consultation services, including conducting regional summer institutes;

~~((f) Address methods for improving the success rates of certain ethnic and racial student groups))~~ (f) Identify strategies for improving the success rates of ethnic and racial student groups with disproportionate academic achievement;

~~(g) Work with parents, teachers, and school districts in establishing a model absentee notification procedure that will properly notify parents when their student has not attended a class or has missed a school day. The office of the superintendent of public instruction shall consider various types of communication with parents including, but not limited to, electronic mail, phone, and postal mail; and~~

~~((h))~~ (h) Perform other functions consistent with the purpose of the center as prescribed in subsection (1) of this section.

(3) The superintendent of public instruction ~~(after consultation with the academic achievement and accountability commission,)~~ shall select and employ a director for the center.

(4) The superintendent may enter into contracts with individuals or organizations including but not limited to: School districts; educational service districts; educational organizations; teachers; higher education faculty; institutions of higher education; state agencies; business or community-based organizations; and other individuals and organizations to accomplish the duties and responsibilities of the center. In carrying out the duties and responsibilities of the center, the superintendent, whenever possible, shall use practitioners to assist agency staff as well as assist educators and others in schools and districts.

(5) The office of the superintendent of public instruction shall report to the legislature by September 1, 2007, and thereafter biennially, regarding the effectiveness of the center for improvement of student learning, how the services provided by

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

the center for improvement of student learning have been used and by whom, and recommendations to improve the accessibility and application of knowledge and information that leads to improved student learning and greater family and community involvement in the public education system.

NEW SECTION. Sec. 3. (1) There is hereby created the office of the education ombudsman within the office of the governor for the purposes of providing information to parents, students, and others regarding their rights and responsibilities with respect to the state's public elementary and secondary education system, and advocating on behalf of elementary and secondary students.

(2)(a) The governor shall appoint an ombudsman who shall be a person of recognized judgment, independence, objectivity, and integrity and shall be qualified by training or experience or both in the following areas:

- (i) Public education law and policy in this state;
 - (ii) Dispute resolution or problem resolution techniques, including mediation and negotiation; and
 - (iii) Community outreach.
- (b) The education ombudsman may not be an employee of any school district, the office of the superintendent of public instruction, or the state board of education while serving as an education ombudsman.

(3) Before the appointment of the education ombudsman, the governor shall share information regarding the appointment to a six-person legislative committee appointed and comprised as follows:

- (a) The committee shall consist of three senators and three members of the house of representatives from the legislature.
- (b) The senate members of the committee shall be appointed by the president of the senate. Two members shall represent the majority caucus and one member the minority caucus.
- (c) The house of representatives members of the committee shall be appointed by the speaker of the house of representatives. Two members shall represent the majority caucus and one member the minority caucus.

(4) If sufficient appropriations are provided, the education ombudsman shall delegate and certify regional education ombudsmen. The education ombudsman shall ensure that the regional ombudsmen selected are appropriate to the community in which they serve and hold the same qualifications as in subsection (2)(a) of this section. The education ombudsman may not contract with the superintendent of public instruction, or any school, school district, or current employee of a school, school district, or the office of the superintendent of public instruction for the provision of regional ombudsman services.

NEW SECTION. Sec. 4. The education ombudsman shall have the following powers and duties:

- (1) To develop parental involvement materials, including instructional guides developed to inform parents of the essential academic learning requirements required by the superintendent of public instruction. The instructional guides also shall contain actions parents may take to assist their children in meeting the requirements, and should focus on reaching parents who have not previously been involved with their children's education;
- (2) To provide information to students, parents, and interested members of the public regarding this state's public elementary and secondary education system;
- (3) To identify obstacles to greater parent and community involvement in school shared decision-making processes and recommend strategies for helping parents and community members to participate effectively in school shared decision-making processes, including understanding and respecting the roles of school building administrators and staff;
- (4) To identify and recommend strategies for improving the success rates of ethnic and racial student groups with disproportionate academic achievement;
- (5) To refer complainants and others to appropriate resources, agencies, or departments;
- (6) To facilitate the resolution of complaints made by parents and students with regard to the state's public elementary and secondary education system;

(7) To perform such other functions consistent with the purpose of the education ombudsman; and

(8) To consult with representatives of the following organizations and groups regarding the work of the office of the education ombudsman, including but not limited to:

- (a) The state parent teacher association;
- (b) Certificated and classified school employees;
- (c) School and school district administrators;
- (d) Parents of special education students;
- (e) Parents of English language learners;
- (f) The Washington state commission on Hispanic affairs;
- (g) The Washington state commission on African-American affairs;
- (h) The Washington state commission on Asian Pacific American affairs; and
- (i) The governor's office of Indian affairs.

NEW SECTION. Sec. 5. (1) Neither the education ombudsman nor any regional educational ombudsmen are liable for good faith performance of responsibilities under this chapter.

(2) No discriminatory, disciplinary, or retaliatory action may be taken against any student or employee of any school district, the office of the superintendent of public education, or the state board of education, for any communication made, or information given or disclosed, to aid the education ombudsman in carrying out his or her duties and responsibilities, unless the same was done without good faith or maliciously. This subsection is not intended to infringe upon the rights of a school district to supervise, discipline, or terminate an employee for other reasons or to discipline a student for other reasons.

(3) All communications by the education ombudsman or the ombudsman's staff or designee, if reasonably related to the education ombudsman's duties and responsibilities and done in good faith, are privileged and that privilege shall serve as a defense to any action in libel or slander.

NEW SECTION. Sec. 6. The education ombudsman shall treat all matters, including the identities of students, complainants, and individuals from whom information is acquired, as confidential, except as necessary to enable the education ombudsman to perform the duties of the office. Upon receipt of information that by law is confidential or privileged, the ombudsman shall maintain the confidentiality of such information and shall not further disclose or disseminate the information except as provided by applicable state or federal law.

NEW SECTION. Sec. 7. The education ombudsman shall report on the work and accomplishment of the office and advise and make recommendations to the governor, the legislature, and the state board of education annually. The initial report to the governor, the legislature, and the state board of education shall be made by September 1, 2007, and there shall be annual reports by September 1st each year thereafter. The annual reports shall provide at least the following information:

- (1) How the education ombudsman's services have been used and by whom;
- (2) Methods for the education ombudsman to increase and enhance family and community involvement in public education;
- (3) Recommendations to eliminate barriers and obstacles to meaningful family and community involvement in public education; and
- (4) Strategies to improve the educational opportunities for all students in the state, including recommendations from organizations and groups provided in section 4(8) of this act.

NEW SECTION. Sec. 8. Sections 3 through 7 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act and section 2 of this act, referencing this act and section 2 of this act by bill or chapter number and section number, is not provided by June 30, 2006, in the omnibus appropriations act, section 2 of this act is null and void."

Senator McAuliffe spoke in favor of adoption of the striking amendment.

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

Senators Pflug and Johnson spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe and Schmidt to Engrossed Substitute House Bill No. 3127.

The motion by Senator McAuliffe carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.300.130; adding a new chapter to Title 43 RCW; and creating new sections."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute House Bill No. 3127 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

Senators Pflug and Johnson spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 3127 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 3127 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 1; Excused, 0.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 27

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli - 21

Excused: Senator Oke - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3127 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1439,
 SUBSTITUTE HOUSE BILL NO. 1841,
 SUBSTITUTE HOUSE BILL NO. 2155,
 SUBSTITUTE HOUSE BILL NO. 2345,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2418,
 HOUSE BILL NO. 2465,
 HOUSE BILL NO. 2466,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2475,
 SUBSTITUTE HOUSE BILL NO. 2481,
 SUBSTITUTE HOUSE BILL NO. 2553,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

2575,
 SUBSTITUTE HOUSE BILL NO. 2678,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2680,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2685,
 SECOND SUBSTITUTE HOUSE BILL NO. 2754,
 SUBSTITUTE HOUSE BILL NO. 2812,
 SUBSTITUTE HOUSE BILL NO. 2836,
 HOUSE BILL NO. 2879,
 SUBSTITUTE HOUSE BILL NO. 2933,
 SUBSTITUTE HOUSE BILL NO. 3033,
 SUBSTITUTE HOUSE BILL NO. 3164,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3222,
 SUBSTITUTE HOUSE BILL NO. 3282,
 HOUSE JOINT RESOLUTION NO. 4223,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1439,
 SUBSTITUTE HOUSE BILL NO. 1841,
 SUBSTITUTE HOUSE BILL NO. 2155,
 SUBSTITUTE HOUSE BILL NO. 2345,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2418,
 HOUSE BILL NO. 2465,
 HOUSE BILL NO. 2466,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2475,
 SUBSTITUTE HOUSE BILL NO. 2481,
 SUBSTITUTE HOUSE BILL NO. 2553,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2575,
 SUBSTITUTE HOUSE BILL NO. 2678,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2680,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2685,
 SECOND SUBSTITUTE HOUSE BILL NO. 2754,
 SUBSTITUTE HOUSE BILL NO. 2812,
 SUBSTITUTE HOUSE BILL NO. 2836,
 HOUSE BILL NO. 2879,
 SUBSTITUTE HOUSE BILL NO. 2933,
 SUBSTITUTE HOUSE BILL NO. 3033,
 SUBSTITUTE HOUSE BILL NO. 3164,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3222,
 SUBSTITUTE HOUSE BILL NO. 3282,
 HOUSE JOINT RESOLUTION NO. 4223,

President Pro Tempore assumed the chair.

MOTION

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

MOTION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION
 8740

By Senators Kohl-Welles, Schmidt, Shin, Pflug, McAuliffe and Parlette

WHEREAS, Ellen O'Brien Saunders is retiring from the Work Force Training and Education Coordinating Board on June 30, 2006, as the only Director since the creation of the Board in 1991; and

WHEREAS, Ellen O'Brien Saunders has articulately and effectively communicated the core mission and values of the

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

Work Force Board and the importance of the work force development system to leaders across the state, including labor, business, state government, the K-12 system, and the community and technical college system; and

WHEREAS, Ellen O'Brien Saunders has been instrumental in coordinating the goals and objectives of multiple work force development programs, including developing and updating "High Skills, High Wages," the state strategic plan for work force development; and

WHEREAS, Ellen O'Brien Saunders has overseen the creation of a nationally renowned performance management system for work force development programs; and

WHEREAS, Ellen O'Brien Saunders has conducted outstanding annual conferences on work force development that bring together leaders from across the state to highlight best practices and learn from national and state level experts; and

WHEREAS, Ellen O'Brien Saunders has been a national leader on work force development, having served as the Chair of the National Association of State Directors of Career Technical Education Consortium;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby commend Ellen O'Brien Saunders for her tireless efforts on behalf of the work force development system in this state and her dedication to serving students, laborers, and businesses in the State of Washington since the inception of the Work Force Board; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Ellen O'Brien Saunders and the Work Force Training and Education Coordinating Board.

Senator Kohl-Welles spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8740.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

MOTION

Senator Prentice moved adoption of the following resolution:

SENATE RESOLUTION
8741

By Senators Prentice, Fraser, Zarelli, Doumit, Fairley, Rockefeller, Spanel, Parlette, Pflug, Brandland, Hewitt, Schoesler, Regala, Kastama, Pridemore, Brown, Thibaudeau, Kohl-Welles, Eide, Jacobsen, Rasmussen and Roach

WHEREAS, In 1976, Terry Lee Wilson graduated from Indiana University School of Law, where he learned the fine art of bill drafting from the legendary Professor Reed Dickerson; he hasn't stopped drafting bills since; and

WHEREAS, After graduating from law school and seeking to flee the rust belt of Indiana, Mr. Wilson packed his 'Bread' albums in the back of his silver Chevrolet Chevette and drove west; and

WHEREAS, Like the explorers Lewis and Clark, Mr. Wilson didn't stop until he hit the Pacific Ocean ... at Olympia, Washington; he was impressed by the mild weather, beautiful landscapes, and generous retirement systems; and

WHEREAS, Shortly after arriving in Olympia, Mr. Wilson landed his first job as a temporary session attorney at the Code Reviser's Office where he honed his legislative drafting skills by mastering the exotic and arcane details of excise taxation and the Interstate Commerce Clause; and

WHEREAS, Laboring in relative obscurity for more than 12 years in the Code Reviser's Office, Mr. Wilson silently worked toward his lifelong goal: Personally rewriting the entire state tax code; and

WHEREAS, Recognizing his unique talents, Mr. Wilson was hired by the Senate as Tax Counsel for the Senate Ways

and Means Committee, which allowed him to pursue his lifelong goal at an even faster rate; and

WHEREAS, After mastering computer programming, Mr. Wilson created a unique legislative bill-drafting software that is used throughout the Legislature; and

WHEREAS, In 1997, Mr. Wilson's obscurity as a wizard bill drafter came to an abrupt halt after gaining great notoriety by drafting Referendum 47, an artful scheme to reduce property taxes that was overwhelmingly approved by the voters ... and overwhelmingly declared to be unconstitutional by the Washington State Supreme Court in a very close vote of 9 to 0; and

WHEREAS, Mr. Wilson has seen every version of the old saying, "Don't tax me, don't tax thee; tax that fellow behind the tree"; and

WHEREAS, Mr. Wilson's mind is like a Rubik's Cube of tax law: You can ask him to twist and bend it in every complicated direction, but in the end, he always knows how to solve the puzzle and make things come out right; and

WHEREAS, There are rumors that his set of RCW's is gathering dust: He knows all sections of the tax law so well, he never has to look anything up; and

WHEREAS, We've all heard the saying, "Taxation without representation is tyranny," but perhaps Mr. Wilson has observed that taxation *with* representation is not so good either; and

WHEREAS, The Senate wishes Mr. Wilson all the best, as he enters retirement, free to pursue one of his favorite hobbies: Computer programming; and

WHEREAS, Mr. Wilson's amazing productivity will be missed by the three employees who will be hired to replace him;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize Terry Wilson's legal expertise and wise counsel, valued by many political generations of senators, representatives, and legislative staff; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Terry Wilson.

Senators Prentice, Hewitt, Brown, Pflug, Fraser, Parlette, Thibaudeau, Zarelli, Spanel, Rockefeller and Kohl-Welles spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8741.

The motion by Senator Prentice carried and the resolution was adopted by voice vote.

REMARKS BY PRESIDENT PRO TEMPORE

Senator Franklin: "I would just like to say to Mr. Wilson that I'm sure that maybe he will be glad to get rid of me because I kept sending the same message; 'What about that review of the, that came from the Gates Commission, would you redraft that and keep redrafting it?' He won't have to do that anymore. Thank you for being there."

MOTION

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

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:
The House refuses to concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 3261 and asks Senate to recede therefrom.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

March 8, 2006

Senator Kline moved that the Senate recede from its position and pass Engrossed House Bill No. 3261 without the Senate amendment(s).

Senator Kline spoke in favor of the motion.

MOTION

On motion of Senator Schoesler, Senators Delvin, Hewitt, Deccio and McCaslin were excused.

MOTION

On motion of Senator Regala, Senator Hargrove was excused.

The President Pro Tempore declared the question before the Senate to be motion by Senator Kline that the Senate recede from its position and pass Engrossed House Bill No. 3261 without Senate amendment(s).

The motion by Senator Kline carried and the Senate receded from its position on Engrossed House Bill No. 3261.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 3261, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 4; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Haugen, Honeyford, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Absent: Senators Benson, Finkbeiner, Johnson and Keiser - 4

Excused: Senators Deccio, Hargrove, Hewitt, McCaslin and Oke - 5

ENGROSSED HOUSE BILL NO. 3261, without Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:37 p.m., on motion of Senator Eide, the Senate was at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:45 p.m. by President Owen.

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

The House has passed the following bill(s):

ENGROSSED HOUSE BILL NO. 2716

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed the following bill(s):

SENATE BILL NO. 6368,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

The House insists on its position to House amendments to ENGROSSED SENATE BILL NO. 5330 and asks Senate to concur therein.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Shin moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5330.

Senators Shin and Pflug spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Shin that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5330.

MOTION

On motion of Senator Schoesler, Senators Johnson, Zarelli and Deccio were excused.

The motion by Senator Shin carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5330 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5330, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5330, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Kastama, Keiser, Kohl-Welles, McAuliffe, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senators McCaslin and Morton - 2

Absent: Senator Kline - 1

Excused: Senators Hewitt and Johnson - 2

ENGROSSED SENATE BILL NO. 5330, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

FIFTY-NINTH DAY, MARCH 8, 2006
 MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:
 The House insists in its amendment to SUBSTITUTE SENATE BILL NO. 6330 and asks Senate to concur therein. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk
 MOTION

Senator Shin moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6330. Senators Shin and Pflug spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Shin that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6330.

MOTION

On motion of Senator Regala, Senator Doumit was excused.

MOTION

On motion of Senator Pflug, Senator Parlette was excused.

The motion by Senator Shin carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6330 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6330, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6330, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Kastama, Keiser, Kohl-Welles, McAuliffe, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senators McCaslin and Morton - 2
 Absent: Senator Kline - 1

Excused: Senators Hewitt and Johnson - 2

SUBSTITUTE SENATE BILL NO. 6330, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:
 Under suspension of rules SUBSTITUTE SENATE BILL NO. 6362 was returned to second reading for purpose of an

2006 REGULAR SESSION

amendment: The House adopted 6362-S AMH NIXON LEAT 095, and passed the House as amended by the House.

On page 4, line 27, after "attorney" strike all material through "day" on line 28 and insert "at any time"

On page 4, line 29, after "day" insert "regarding a voter who presents himself or herself to vote at the poll site" and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk
 MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6362.

Senators Kohl-Welles and Roach spoke in favor of passage of the motion.

MOTION

On motion of Senator Schoesler, Senator Parlette was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6362.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6362 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6362, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6362, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 47

Voting nay: Senator Zarelli - 1

Excused: Senator Parlette - 1

SUBSTITUTE SENATE BILL NO. 6362, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:
 Under suspension of rules ENGROSSED SUBSTITUTE SENATE BILL NO. 5305 was returned to second reading for purpose of an amendment. The House adopted 5305-S.E AMH CODY BLAC 195, and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that vaccinations and immunizations are among the most important public health innovations of the last one hundred years. The

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

ROLL CALL

centers for disease control and prevention placed vaccinations at the top of its list of the ten greatest public health achievements of the twentieth century. In its efforts to improve public health in the world's poorest countries, the Bill and Melinda Gates foundation has identified childhood immunization as a cost-effective method of improving public health and saving the lives of millions of children around the world.

Fortunately, in Washington, safe and cost-effective vaccinations against childhood diseases are widely available through both public and private resources. The vaccines that the Washington state department of health provides to meet the requirements for the recommended childhood vaccination schedule through its universal childhood vaccine program are screened for thimerosal and preference is given toward the purchase of thimerosal-free products. The department of health currently provides thimerosal-free products for all routinely recommended childhood vaccines. Regardless of the absence of thimerosal in childhood vaccines in Washington, scientifically reputable organizations such as the centers for disease control and prevention, the national institute of medicine, the American academy of pediatrics, the food and drug administration, and the world health organization have all determined that there is no credible evidence that the use of thimerosal in vaccines poses a threat to the health and safety of children.

Notwithstanding these assurances of the safety of the vaccine supply, the legislature finds that where there is public concern over the safety of vaccines, vaccination rates may be reduced to the point that deadly, vaccine-preventable, childhood diseases return. This measure is being enacted to maintain public confidence in vaccine programs, so that the public will continue to seek vaccinations and their health benefits may continue to protect the people of Washington.

NEW SECTION. Sec. 2. A new section is added to chapter 70.95M RCW to read as follows:

(1) Beginning July 1, 2007, a person who is known to be pregnant or who is under three years of age shall not be vaccinated with a mercury-containing vaccine or injected with a mercury-containing product that contains more than 0.5 micrograms of mercury per 0.5 milliliter dose.

(2) Notwithstanding subsection (1) of this section, an influenza vaccine may contain up to 1.0 micrograms of mercury per 0.5 milliliter dose.

(3) The secretary of the department of health may, upon declaration of a public health emergency, suspend the requirements of this section for the duration of the emergency.

(4) All vaccines and products referenced under this section must meet food and drug administration licensing requirements." and the same are herewith transmitted.

MOTION

Senator Rasmussen moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5305.

Senator Rasmussen spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5305.

The motion by Senator Rasmussen carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5305 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5305, as amended by the House.

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5305, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Kohl-Welles - 1

Excused: Senator Parlette - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5305, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Finkbeiner: "Senator Esser also represents Kirkland and he's happy to see you (residents and staff of the Kirkland Senior Center) here too today. Thank you."

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

Under suspension of rules SUBSTITUTE SENATE BILL NO. 6325 was returned to second reading for purpose of an amendment: 6325-S AMH CLEM MORI 060, and passed the House as amended by the House.

On page 1, line 5, after "Sec. 1." insert "(1)"

On page 1, line 8, after "subject matter." insert "The state preemption created in this section applies to all rules, regulations, codes, statutes, and ordinances pertaining to residency restrictions for persons convicted of any sex offense at any time."

On page 1, after line 8, insert:

"(2) This section does not apply to rules, regulations, codes, statutes, or ordinances adopted by cities, counties, municipalities, or local agencies prior to March 1, 2006, except as required by an order issued by a court of competent jurisdiction pursuant to litigation regarding the rules, regulations, codes, statutes, or ordinances.

(3) This section expires one year after the effective date of this act."

On page 1, after line 12, insert:

"NEW SECTION. Sec. 3. (1) The association of Washington cities, working with the cities and towns of Washington state, shall develop statewide standards for cities and towns to consider when determining whether to impose residency restrictions on sex offenders within their jurisdiction.

(2) The association of Washington cities shall be encouraged to work in consultation with a representative from each of the following agencies and organizations:

(a) The attorney general of Washington;

(b) The Washington state association of counties;

(c) The department of community, trade, and economic development;

(d) The department of corrections;

(e) The Washington association of sheriffs and police chiefs; and

(f) Any other agencies and organizations as deemed appropriate by the association of Washington cities, such as the

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

Washington association of prosecuting attorneys, the juvenile rehabilitation administration of the department of social and health services, the indeterminate sentence review board, the Washington association for the treatment of sexual abusers, and the Washington coalition of sexual assault programs.

(3) The statewide standards for whether to impose residency restrictions on sex offenders should consider the following elements:

(a) An identification of areas in which sex offenders should not reside due to concerns regarding public safety and welfare;

(b) An identification of areas in which sex offenders may reside, taking into consideration factors such as:

(i) How many housing units must reasonably be available in order to accommodate registered sex offenders in a city or town;

(ii) The average response time of emergency services to the areas;

(iii) The proximity of risk potential activities to the areas; and

(iv) The proximity of medical care, mental health care providers, and sex offender treatment providers to the areas;

(c) A prohibition against completely precluding sex offender residences within a city or town, implicating a sex offender's right to travel, or enacting a criminal regulatory measure;

(d) Appropriate civil remedies for violations of a local ordinance; and

(e) Unique local conditions that should be given due deference, such as proximity to state facilities that house or treat sex offenders.

(4) The association of Washington cities, on behalf of the cities and towns in Washington, shall present the statewide standards, along with any recommendations and proposed legislation, to the governor and the legislature no later than December 31, 2006."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Regala moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6325.

Senators Regala and Stevens spoke in favor of passage of the motion.

MOTION

On motion of Senator Eide, Senator Kohl-Welles was excused.

MOTION

On motion of Senator Finkbeiner, Senator McCaslin was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Regala that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6325.

The motion by Senator Regala carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6325 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6325, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of

Substitute Senate Bill No. 6325, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senator Brandland - 1

Excused: Senators Kohl-Welles, McCaslin and Parlette - 3

SUBSTITUTE SENATE BILL NO. 6325, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

ENGROSSED HOUSE BILL NO. 2716, by Representatives Fromhold, Kessler, Skinner, Haigh, Strow, Moeller, Armstrong, Conway, Curtis, Murray, Burt, Green, Ericksen, Serben, McDermott, Morrell, McIntire, Appleton, Kenney, P. Sullivan, Ormsby and Linville

Modifying provisions relating to nursing facility medicaid payment systems.

The measure was read the second time.

MOTION

On motion of Senator Doumit, the rules were suspended, Engrossed House Bill No. 2716 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Doumit and Zarelli spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator McAuliffe was excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2716.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2716 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators McAuliffe and Parlette - 2

ENGROSSED HOUSE BILL NO. 2716, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6581, by Senators Poulsen and Delvin

Regarding water resource management in the Columbia river basin.

MOTION

On motion of Senator Fraser, Second Substitute Senate Bill No. 6581 was substituted for Senate Bill No. 6581 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Fraser moved that the following striking amendment by Senators Fraser, Morton and Poulsen be adopted: Strike everything after the enacting clause and insert the following:

"Sec. 1. 2005 c 488 s 330 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (06-2-003)

The appropriation in this section is subject to the following conditions and limitations: \$12,000,000 of the appropriation is provided solely for projects and water right acquisitions to support watershed planning efforts and achieving instream flows subject to the following project types, conditions, and limitations:

(1) Up to \$1,353,172 of the appropriation is provided to improve irrigation efficiency and to achieve associated flow improvements in the Twisp and Methow rivers by providing for cleaning and lining and/or piping of 30,943 linear feet of the irrigation canal within the lower (downstream) seven miles of the Methow Valley irrigation district's west canal. Of this amount, up to \$100,000 is provided for a neutral independent consultant to provide management assistance to the Methow Valley irrigation district for purposes of identifying structural and operational improvements to increase overall system water use efficiency.

(2) Up to \$200,000 of the appropriation is provided for a portion of the costs of the project level environmental impact statement for the Ahtanum creek watershed restoration program, including construction of the Pine Hollow reservoir, provided there is agreement among the Yakama nation, Ahtanum irrigation district, and other jurisdictional federal, state, and local agencies and entities to proceed with the environmental impact statement.

(3) Up to \$75,000 of the appropriation is provided to formalize the Ahtanum creek watershed restoration program, including identification of site specific habitat improvement projects and determination of the most appropriate restoration program alternative to implement.

(4) Up to \$1,500,000 of the appropriation is provided to reduce diversions from the Dungeness river through pipeline projects identified in the Dungeness river comprehensive irrigation district management plan. For at least one year from the effective date of this section, while the parties seek resolution of the court action filed in Thurston county superior court, No. 04-2-00078-2, none of these funds may be allocated to any projects in the Dungeness river basin that are within the

area that is the zone of contribution for ground and surface water infiltration to the existing Graysmarsh wetland.

(5) \$100,000 of the appropriation is provided solely to the city of Normandy Park to implement the basin plan for the Miller/Walker and Salmon creek basins.

(6) Water storage grants for the development of plans, engineering and financing reports, acquiring lands and facilities, and other preconstruction activities associated with the development of water storage and groundwater storage and recovery projects. Proposed projects should be consistent with the recommendations of the water storage task force. The department of ecology would issue grants in consultation with the departments of agriculture and fish and wildlife.

(7) Infrastructure improvement projects and other water management actions that benefit stream flows and enhance water supply to resolve conflicts among water needs for municipal water supply, agriculture water supply, and fish restoration. The stream flow improvements and other public benefits secured from these projects should be commensurate with the investment of state funds.

(8) Projects for planning, acquisition, construction, and improvement of agriculture water supply facilities and achieving water conservation and water use efficiency improvements.

(9) Financial assistance to purchase and install water measuring devices at points of diversion and withdrawal. Preference would be given to fish-critical basins, to areas participating in the department of fish and wildlife fish screening and cooperative compliance programs, and to basins where watershed planning has determined additional water diversion and withdrawal information is needed.

(10) Funding for acquisition of either water or water rights, or both, for instream flow achievement and establishment of water accounts. The appropriation is provided for either the purchase or lease, or both, of water rights. It is also provided for the purpose of improving stream and river flows in fish critical basins under the trust water rights program under chapters 90.42 and 90.38 RCW.

(11) The department shall provide small grants to watershed councils that have completed watershed plans. The grants are intended to support periodic meetings of the councils so that they can monitor the implementation of watershed plans.

(12) \$250,000 of the state building construction account--state appropriation for fiscal year 2007 is provided solely to the department of ecology to work with interested parties to study instream flows in the Hanford Reach and their impact on the ecological condition of the Hanford Reach especially as it relates to the needs of salmon and steelhead in the Hanford Reach. The department shall submit to the office of the governor and to the appropriate fiscal and policy committees of the legislature a report of its findings by July 1, 2007.

Appropriation:

State Building Construction Account--State	..	\$12,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$48,000,000
TOTAL	.....	\$60,000,000"

Senators Fraser and Morton spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Fraser, Morton and Poulsen to Second Substitute Senate Bill No. 6581.

The motion by Senator Fraser carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "a study of the instream flows of the Hanford Reach; and amending 2005 c 488 s 330 (uncodified)."

FIFTY-NINTH DAY, MARCH 8, 2006
MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6581 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6581.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6581 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6581, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2569, by House Committee on Finance (originally sponsored by Representatives Morrell, Roach, Campbell, Williams, Kilmer, Clibborn, Conway, Blake, Eickmeyer, Flannigan, Wallace, Roberts, Upthegrove, McCoy, McDonald, Green, Dickerson, Lantz and Springer)

Lowering the interest rate for the property tax deferral program.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2569 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2569.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2569 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

2006 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 2569, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8423, by Senator Fairley

Creating a homeowners' association act committee.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Concurrent Resolution No. 8423 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senators Fairley and Benton spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8423.

ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8423 and the resolution passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senators Mulliken and Roach - 2

SENATE CONCURRENT RESOLUTION NO. 8423, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Eide, Senate Concurrent Resolution No. 8423 was immediately transmitted to the House of Representatives.

SECOND READING

HOUSE BILL NO. 2612, by Representatives Kagi, O'Brien, Darneille, Rodne, Kenney, Schual-Berke, Morrell and Springer

Including failure to secure a load in the first degree as a compensable crime under the crime victims' compensation program.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, House Bill No. 2612 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

Senators Hargrove and Esser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2612.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2612 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

HOUSE BILL NO. 2612, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6652, by Senators Kohl-Welles, Kline, Fraser, Keiser and McAuliffe

Protecting victims of human trafficking.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6652 was substituted for Senate Bill No. 6652 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6652 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6652.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6652 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Brown - 1

Excused: Senator Kline - 1

SUBSTITUTE SENATE BILL NO. 6652, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2799, by House Committee on Finance (originally sponsored by Representatives Chase, Morris, Crouse, Eickmeyer, Clibbom, P. Sullivan, Hunt, McCoy, Miloscia, Grant, Sells, Williams, McCune, Moeller, Conway, Upthegrove, Morrell, Simpson, Kilmer, Kagi, Hudgins, Dunn and Darneille)

Providing tax exemptions for solar hot water equipment. Revised for 2nd Substitute: Providing tax exemptions for solar water heating equipment.

The measure was read the second time.

MOTION

On motion of Senator Poulsen, the rules were suspended, Second Substitute House Bill No. 2799 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Poulsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2799.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2799 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Deccio - 1

Excused: Senator Kline - 1

SECOND SUBSTITUTE HOUSE BILL NO. 2799, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2925, by House Committee on Appropriations (originally sponsored by Representatives Santos, Morrell, Bailey, Cody, Hinkle, Pettigrew, Linville and Schual-Berke)

Concerning assisted living facility medicaid minimum occupancy of fifty percent or greater.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Ways & Means be not adopted.

Strike everything after the enacting clause and insert the following:

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

"NEW SECTION. **Sec. 1.** A new section is added to chapter 74.39A RCW to read as follows:

(1) To the extent funds are appropriated for this purpose, the department shall establish a capital add-on rate, not less than the July 1, 2005, capital add-on rate established by the department, for those assisted living facilities contracting with the department that have a medicaid occupancy percentage of sixty percent or greater.

(2) Effective January 1, 2006, the department shall use July 1, 2005, through December 31, 2005, medicaid resident days divided by the product of all its licensed boarding home beds irrespective of use, times calendar days for the six-month period, to determine the assisted living facility's medicaid occupancy percentage. Effective with July 1, 2007, and for each July 1st rate-setting period thereafter, the department shall determine the facility's medicaid occupancy percentage using the last six months' medicaid resident days from the preceding calendar year divided by the product of all its licensed boarding home beds irrespective of use, times calendar days for the six-month period. For the purposes of this section, medicaid resident days include those clients who are enrolled in a medicaid managed long-term care program, including but not limited to the program for all inclusive care and the medicaid integration project.

(3) The medicaid occupancy percentage established beginning on January 1, 2006, and July 1, 2007, and for each July 1st thereafter, shall be used to determine whether an assisted living facility qualifies for the capital add-on rate under this section. Those facilities that qualify for the capital add-on rate shall receive the capital add-on rate throughout the applicable fiscal year, except that the rates established on January 1, 2006, shall be in effect until June 30, 2007."

On page 1, line 2 of the title, after "greater;" strike the remainder of the title and insert "and adding a new section to chapter 74.39A RCW."

The President declared the question before the Senate to be the motion by Senator Keiser to not adopt the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2925.

The motion by Senator Keiser carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Keiser moved that the following striking amendment by Senators Keiser and Prentice be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 2.** A new section is added to chapter 74.39A RCW to read as follows:

(1) To the extent funds are appropriated for this purpose, the department shall establish a capital add-on rate, not less than the July 1, 2005, capital add-on rate established by the department, for those assisted living facilities contracting with the department that have a medicaid occupancy percentage of sixty percent or greater.

(2) Effective for July 1, 2006, and for each July 1st rate-setting period thereafter, the department shall determine the facility's medicaid occupancy percentage using the last six months' medicaid resident days from the preceding calendar year divided by the product of all its licensed boarding home beds irrespective of use, times calendar days for the six-month period. For the purposes of this section, medicaid resident days include those clients who are enrolled in a medicaid managed long-term care program, including but not limited to the program for all inclusive care and the medicaid integration project.

(3) The medicaid occupancy percentage established beginning on July 1, 2006, and for each July 1st thereafter, shall be used to determine whether an assisted living facility qualifies for the capital add-on rate under this section. Those facilities that qualify for the capital add-on rate shall receive the capital add-on rate throughout the applicable fiscal year.

"NEW SECTION. **Sec. 3.** This act takes effect July 1, 2006."

Senator Keiser spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Keiser and Prentice to Engrossed Substitute House Bill No. 2925.

The motion by Senator Keiser carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "greater;" strike the remainder of the title and insert "adding a new section to chapter 74.39A RCW; and providing an effective date."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 2925 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2925 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2925 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2925 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2640, by House Committee on Finance (originally sponsored by Representatives B. Sullivan, McCoy, O'Brien, Haler, Sells, Morris, Ericks, Strow and Dunn)

Providing biotechnology product and medical device manufacturing tax incentives.

The measure was read the second time.

MOTION

FIFTY-NINTH DAY, MARCH 8, 2006

On motion of Senator Shin, the rules were suspended, Substitute House Bill No. 2640 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin and Pflug spoke in favor of passage of the bill.

MOTION

On motion of Senator Mulliken, Senator Oke was excused.

MOTION

On motion of Senator Regala, Senators Thibaudeau and Jacobsen were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2640.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2640 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 43

Voting nay: Senators Fairley, Fraser and Kline - 3

Excused: Senators Jacobsen, Oke and Thibaudeau - 3

SUBSTITUTE HOUSE BILL NO. 2640, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed Substitute House Bill No. 2925 was immediately transmitted to the House of Representatives.

MOTION

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

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6533, with the following amendments{s} 6533-s AMH ERIM PETE 102.

On page 1, line 10, strike "fifty percent" and insert "twenty-five percent from July 1, 2006 through June 30, 2007, fifty percent from July 1, 2007 through June 30, 2008, seventy-five percent from July 1, 2008 through June 30, 2009 and one-hundred percent after June 30, 2009" and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Prentice moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6533.
Senator Prentice spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Prentice that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6533.

The motion by Senator Prentice carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6533 by voice vote.

MOTION

On motion of Senator Schoesler, Senators Johnson and Honeyford were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6533, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6533, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Stevens, Swecker, Weinstein and Zarelli - 41

Voting nay: Senators Fairley, Fraser, Kline, Spanel and Thibaudeau - 5

Excused: Senators Honeyford, Jacobsen and Oke - 3

SUBSTITUTE SENATE BILL NO. 6533, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6793, with the following amendments{s} 6793-S2 AMH H5514.7.

Strike everything after the enacting clause and insert the following:

**"PART I
REGIONAL SUPPORT NETWORKS**

NEW SECTION. Sec. 101 (1) The legislature finds that ambiguities have been identified regarding the appropriation and allocation of federal and state funds, and the responsibilities of the department of social and health services and the regional support networks with regard to the provision of inpatient mental health services under the community mental health services act, chapter 71.24 RCW, and the involuntary treatment act, chapter 71.05 RCW. The purpose of this 2006 act is to make retroactive, remedial, curative, and technical amendments in order to resolve such ambiguities.

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(2) In enacting the community mental health services act, the legislature intended the relationship between the state and the regional support networks to be governed solely by the terms of the regional support network contracts and did not intend these relationships to create statutory causes of action not expressly provided for in the contracts. Therefore, the legislature's intent is that, except to the extent expressly provided in contracts entered after the effective date of this section, the department of social and health services and regional support networks shall resolve existing and future disagreements regarding the subject matter identified in sections 103 and 301 of this act through nonjudicial means.

Sec. 102 RCW 71.24.016 and 2001 c 323 s 4 are each amended to read as follows:

(1) The legislature intends that eastern and western state hospitals shall operate as clinical centers for handling the most complicated long-term care needs of patients with a primary diagnosis of mental disorder. It is further the intent of the legislature that the community mental health service delivery system focus on maintaining mentally ill individuals in the community. The program shall be evaluated and managed through a limited number of performance measures designed to hold each regional support network accountable for program success.

(2) The legislature intends to address the needs of people with mental disorders with a targeted, coordinated, and comprehensive set of evidence-based practices that are effective in serving individuals in their community and will reduce the need for placements in state mental hospitals. The legislature further intends to explicitly hold regional support networks accountable for serving people with mental disorders within their geographic boundaries and for not exceeding their allocation of state hospital beds. Within funds appropriated by the legislature for this purpose, regional support networks shall develop the means to serve the needs of people with mental disorders within their geographic boundaries. Elements of the program may include:

- (a) Crisis triage;
- (b) Evaluation and treatment and community hospital beds;
- (c) Residential beds;
- (d) Programs for community treatment teams; and
- (e) Outpatient services.

(3) The regional support network shall have the flexibility, within the funds appropriated by the legislature for this purpose, to design the mix of services that will be most effective within their service area of meeting the needs of people with mental disorders and avoiding placement of such individuals at the state mental hospital. Regional support networks are encouraged to maximize the use of evidence-based practices and alternative resources with the goal of substantially reducing and potentially eliminating the use of institutions for mental diseases.

NEW SECTION. Sec. 103 A new section is added to chapter 71.24 RCW to read as follows:

(1) Except for monetary damage claims which have been reduced to final judgment by a superior court, this section applies to all claims against the state, state agencies, state officials, or state employees that exist on or arise after the effective date of this section.

(2) Except as expressly provided in contracts entered into between the department and the regional support networks after the effective date of this section, the entities identified in subsection (3) of this section shall have no claim for declaratory relief, injunctive relief, judicial review under chapter 34.05 RCW, or civil liability against the state or state agencies for actions or inactions performed pursuant to the administration of this chapter with regard to the following: (a) The allocation or payment of federal or state funds; (b) the use or allocation of state hospital beds; or (c) financial responsibility for the provision of inpatient mental health care.

(3) This section applies to counties, regional support networks, and entities which contract to provide regional

support network services and their subcontractors, agents, or employees.

Sec. 104 RCW 71.24.025 and 2005 c 504 s 105 and 2005 c 503 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Available resources" means funds appropriated for the purpose of providing community mental health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals(~~except as negotiated according to RCW 71.24.300(1)(d)).~~)

(3) "Child" means a person under the age of eighteen years.

(4) "Chronically mentally ill adult" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(5) "Community mental health program" means all mental health services, activities, or programs using available resources.

(6) "Community mental health service delivery system" means public or private agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

(7) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for mentally ill persons being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for acutely mentally ill and severely emotionally disturbed children discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by regional support networks.

(8) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(9) "County authority" means the board of county commissioners, county council, or county executive having

FIFTY-NINTH DAY, MARCH 8, 2006

authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

(10) "Department" means the department of social and health services.

(11) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter.

(12) "Emerging best practice" or "promising practice" means a practice that presents, based on preliminary information, potential for becoming a research-based or consensus-based practice.

(13) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

(14) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 RCW or an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department, that meets state minimum standards or persons licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(15) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

(16) "Mental health services" means all services provided by regional support networks and other services provided by the state for the mentally ill.

~~((+6))~~ (17) "Mentally ill persons" and "the mentally ill" mean persons and conditions defined in subsections (1), (4), ~~((25))~~ (26), and ~~((26))~~ (27) of this section.

~~((+7))~~ (18) "Recovery" means the process in which people are able to live, work, learn, and participate fully in their communities.

~~((+8))~~ (19) "Regional support network" means a county authority or group of county authorities or other nonprofit entity recognized by the secretary in contract in a defined region.

~~((+9))~~ (20) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

~~((20))~~ (21) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for acutely mentally ill persons, chronically mentally ill adults, severely emotionally disturbed children, or seriously disturbed adults determined by the regional support network to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service mentally ill persons in nursing homes, boarding homes, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental

disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

~~((21))~~ (22) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

~~((22))~~ (23) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

~~((23))~~ (24) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Acutely mentally ill adults and children; (b) chronically mentally ill adults; (c) severely emotionally disturbed children; or (d) seriously disturbed adults determined solely by a regional support network to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding mentally ill adults' and children's enrollment in services and their individual service plan to designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

~~((24))~~ (25) "Secretary" means the secretary of social and health services.

~~((25))~~ (26) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

~~((26))~~ (27) "Severely emotionally disturbed child" means a child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a mentally ill or inadequate caretaker;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

- (v) Drug or alcohol abuse; or
- (vi) Homelessness.

~~((27))~~ (28) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for: (a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

~~((28))~~ (29) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

~~((29))~~ (30) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary insofar as these organizations do not have a financial relationship with any regional support network that would present a conflict of interest.

Sec. 105 RCW 71.24.045 and 2005 c 503 s 8 are each amended to read as follows:

The regional support network shall:

(1) Contract as needed with licensed service providers. The regional support network may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(2) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the regional support network shall comply with rules promulgated by the secretary that shall provide measurements to determine when a regional support network provided service is more efficient and cost effective;

(3) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the regional support network to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts;

(4) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this chapter;

(5) Maintain patient tracking information in a central location as required for resource management services and the department's information system;

~~(6) ((Use not more than two percent of state-appropriated community mental health funds, which shall not include federal funds, to administer community mental health programs under RCW 71.24.155. PROVIDED, That county authorities serving a county or combination of counties whose population is one hundred twenty-five thousand or more may be entitled to sufficient state-appropriated community mental health funds to employ up to one full-time employee or the equivalent thereof in addition to the two percent limit established in this subsection when such employee is providing staff services to a county mental health advisory board;~~

~~(7))~~ Collaborate to ensure that policies do not result in an adverse shift of mentally ill persons into state and local correctional facilities;

~~((8))~~ (7) Work with the department to expedite the enrollment or re-enrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases;

~~((9))~~ (8) If a regional support network is not operated by the county, work closely with the county designated mental health professional or county designated crisis responder to

maximize appropriate placement of persons into community services; and

~~((10))~~ (9) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital to ensure they are transitioned into the community in accordance with mutually agreed upon discharge plans and upon determination by the medical director of the state mental hospital that they no longer need intensive inpatient care.

Sec. 106 RCW 71.24.300 and 2005 c 503 s 11 are each amended to read as follows:

(1) Upon the request of a tribal authority or authorities within a regional support network the joint operating agreement or the county authority shall allow for the inclusion of the tribal authority to be represented as a party to the regional support network.

(2) The roles and responsibilities of the county and tribal authorities shall be determined by the terms of that agreement including a determination of membership on the governing board and advisory committees, the number of tribal representatives to be party to the agreement, and the provisions of law and shall assure the provision of culturally competent services to the tribes served.

(3) The state mental health authority may not determine the roles and responsibilities of county authorities as to each other under regional support networks by rule, except to assure that all duties required of regional support networks are assigned and that counties and the regional support network do not duplicate functions and that a single authority has final responsibility for all available resources and performance under the regional support network's contract with the secretary.

(4) If a regional support network is a private nonprofit entity, the department shall allow for the inclusion of the tribal authority to be represented as a party to the regional support network.

(5) The roles and responsibilities of the private nonprofit entity and the tribal authorities shall be determined by the department, through negotiation with the tribal authority.

~~((11))~~ (6) Regional support networks shall submit an overall six-year operating and capital plan, timeline, and budget and submit progress reports and an updated two-year plan biennially thereafter, to assume within available resources all of the following duties:

(a) Administer and provide for the availability of all resource management services, residential services, and community support services.

(b) Administer and provide for the availability of all investigation, transportation, court-related, and other services provided by the state or counties pursuant to chapter 71.05 RCW.

(c) Provide within the boundaries of each regional support network evaluation and treatment services for at least ~~((eighty-five))~~ ninetypercent of persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. Regional support networks ~~((with populations of less than one hundred fifty thousand))~~ may contract to purchase evaluation and treatment services from other networks if they are unable to provide for appropriate resources within their boundaries. Insofar as the original intent of serving persons in the community is maintained, the secretary is authorized to approve exceptions on a case-by-case basis to the requirement to provide evaluation and treatment services within the boundaries of each regional support network. Such exceptions are limited to:

~~(i)~~ (i) Contracts with neighboring or contiguous regions; or

~~(ii)~~ (ii) Individuals detained or committed for periods up to seventeen days at the state hospitals at the discretion of the secretary.

~~((Administer a portion of funds appropriated by the legislature to house mentally ill persons in state institutions from counties within the boundaries of any regional support network;~~

FIFTY-NINTH DAY, MARCH 8, 2006

with the exception of persons currently confined at, or under the supervision of, a state mental hospital pursuant to chapter 10.77 RCW, and provide for the care of all persons needing evaluation and treatment services for periods up to seventeen days according to chapter 71.05 RCW in appropriate residential services, which may include state institutions. The regional support networks shall reimburse the state for use of state institutions at a rate equal to that assumed by the legislature when appropriating funds for such care at state institutions during the biennium when reimbursement occurs. The secretary shall submit a report to the appropriate committees of the senate and house of representatives on the efforts to implement this section by October 1, 2002. The duty of a state hospital to accept persons for evaluation and treatment under chapter 71.05 RCW is limited by the responsibilities assigned to regional support networks under this section.

~~((e))~~ Administer and provide for the availability of all other mental health services, which shall include patient counseling, day treatment, consultation, education services, employment services as defined in RCW 71.24.035, and mental health services to children.

~~((f))~~ (e) Establish standards and procedures for reviewing individual service plans and determining when that person may be discharged from resource management services.

~~((2))~~ (7) A regional support network may request that any state-owned land, building, facility, or other capital asset which was ever purchased, deeded, given, or placed in trust for the care of the mentally ill and which is within the boundaries of a regional support network be made available to support the operations of the regional support network. State agencies managing such capital assets shall give first priority to requests for their use pursuant to this chapter.

~~((3))~~ (8) Each regional support network shall appoint a mental health advisory board which shall review and provide comments on plans and policies developed under this chapter, provide local oversight regarding the activities of the regional support network, and work with the regional support network to resolve significant concerns regarding service delivery and outcomes. The department shall establish statewide procedures for the operation of regional advisory committees including mechanisms for advisory board feedback to the department regarding regional support network performance. The composition of the board shall be broadly representative of the demographic character of the region and shall include, but not be limited to, representatives of consumers and families, law enforcement, and where the county is not the regional support network, county elected officials. Composition and length of terms of board members may differ between regional support networks but shall be included in each regional support network's contract and approved by the secretary.

~~((4))~~ (9) Regional support networks shall assume all duties specified in their plans and joint operating agreements through biennial contractual agreements with the secretary.

~~((5))~~ (10) Regional support networks may receive technical assistance from the housing trust fund and may identify and submit projects for housing and housing support services to the housing trust fund established under chapter 43.185 RCW. Projects identified or submitted under this subsection must be fully integrated with the regional support network six-year operating and capital plan, timeline, and budget required by subsection ~~((4))~~ (6) of this section.

Sec. 107 RCW 71.24.310 and 1989 c 205 s 6 are each amended to read as follows:

The legislature finds that administration of chapter 71.05 RCW and this chapter can be most efficiently and effectively implemented as part of the regional support network defined in RCW 71.24.025. For this reason, the legislature intends that ~~((any enhanced program funding for implementation of))~~ the department and the regional support networks shall work together to implement chapter 71.05 RCW ~~((or this chapter, except for funds allocated for implementation of mandatory~~

2006 REGULAR SESSION

statewide programs as required by federal statute, be made available primarily to those counties participating in regional support networks)) as follows:

(1) By June 1, 2006, regional support networks shall recommend to the department the number of state hospital beds that should be allocated for use by each regional support network. The statewide total allocation shall not exceed the number of state hospital beds offering long-term inpatient care, as defined in this chapter, for which funding is provided in the biennial appropriations act.

(2) If there is consensus among the regional support networks regarding the number of state hospital beds that should be allocated for use by each regional support network, the department shall contract with each regional support network accordingly.

(3) If there is not consensus among the regional support networks regarding the number of beds that should be allocated for use by each regional support network, the department shall establish by emergency rule the number of state hospital beds that are available for use by each regional support network. The emergency rule shall be effective September 1, 2006. The primary factor used in the allocation shall be the estimated number of acutely and chronically mentally ill adults in each regional support network area, based upon population-adjusted incidence and utilization.

(4) The allocation formula shall be updated at least every three years to reflect demographic changes, and new evidence regarding the incidence of acute and chronic mental illness and the need for long-term inpatient care. In the updates, the statewide total allocation shall include (a) all state hospital beds offering long-term inpatient care for which funding is provided in the biennial appropriations act; plus (b) the estimated equivalent number of beds or comparable diversion services contracted in accordance with subsection (5) of this section.

(5) The department is encouraged to enter performance-based contracts with regional support networks to provide some or all of the regional support network's allocated long-term inpatient treatment capacity in the community, rather than in the state hospital. The performance contracts shall specify the number of patient days of care available for use by the regional support network in the state hospital.

(6) If a regional support network uses more state hospital patient days of care than it has been allocated under subsection (3) or (4) of this section, or than it has contracted to use under subsection (5) of this section, whichever is less, it shall reimburse the department for that care. The reimbursement rate per day shall be the hospital's total annual budget for long-term inpatient care, divided by the total patient days of care assumed in development of that budget.

(7) One-half of any reimbursements received pursuant to subsection (6) of this section shall be used to support the cost of operating the state hospital. The department shall distribute the remaining half of such reimbursements among regional support networks that have used less than their allocated or contracted patient days of care at that hospital, proportional to the number of patient days of care not used.

PART II MENTAL HEALTH AUTHORITY

Sec. 201 RCW 71.24.035 and 2005 c 504 s 715 and 2005 c 503 s 7 are each reenacted and amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary shall provide for public, client, and licensed service provider participation in developing the state mental health program, developing contracts with regional support networks, and any waiver request to the federal government under medicaid.

(3) The secretary shall provide for participation in developing the state mental health program for children and

FIFTY-NINTH DAY, MARCH 8, 2006

any underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the regional support network if the regional support network fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates regional biennial needs assessments and regional mental health service plans and state services for mentally ill adults and children. The secretary shall also develop a six-year state mental health plan;

(b) Assure that any regional or county community mental health program provides access to treatment for the region's residents in the following order of priority: (i) The acutely mentally ill; (ii) chronically mentally ill adults and severely emotionally disturbed children; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in mentally ill persons becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;

(F) Consultation and education services; and

(G) Community support services;

(c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers. These rules shall permit a county-operated mental health program to be licensed as a service provider subject to compliance with applicable statutes and rules. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;

(ii) Regional support networks; and

(iii) Inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards and RCW 71.24.320 ~~((and))~~, 71.24.330, and 71.24.3201, which shall be used in contracting with regional support networks. The standard contract shall include a maximum fund balance, which shall be consistent with that required by federal regulations or waiver stipulations;

(f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of regional support networks and licensed service providers. The audit procedure shall focus on the outcomes of service and not the processes for accomplishing them;

(g) Develop and maintain an information system to be used by the state and regional support networks that includes a

2006 REGULAR SESSION

tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.420, and 71.05.440;

(h) License service providers who meet state minimum standards;

(i) Certify regional support networks that meet state minimum standards;

(j) Periodically monitor the compliance of certified regional support networks and their network of licensed service providers for compliance with the contract between the department, the regional support network, and federal and state rules at reasonable times and in a reasonable manner;

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit regional support networks and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter;

(m) Adopt such rules as are necessary to implement the department's responsibilities under this chapter; and

(n) Assure the availability of an appropriate amount, as determined by the legislature in the operating budget by amounts appropriated for this specific purpose, of community-based, geographically distributed residential services.

(6) The secretary shall use available resources only for regional support networks, except to the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

~~(13)((a) The department, in consultation with affected parties, shall establish a distribution formula that reflects regional needs assessments based on the number of persons who are acutely mentally ill, chronically mentally ill, severely emotionally disturbed children, and seriously disturbed. The formula shall take into consideration the impact on regions of demographic factors which result in concentrations of priority populations as set forth in subsection (5)(b) of this section. These factors shall include the population concentrations resulting from commitments under chapters 71.05 and 71.34 RCW to state psychiatric hospitals, as well as concentration in urban areas, at border crossings at state boundaries, and other significant demographic and workload factors.~~

~~(b) The formula shall also include a projection of the funding allocations that will result for each region, which specifies allocations according to priority populations, including the allocation for services to children and other underserved populations.~~

~~(c) After July 1, 2003, the department may allocate up to two percent of total funds to be distributed to the regional support networks for incentive payments to reward the achievement of superior outcomes, or significantly improved outcomes, as measured by a statewide performance measurement system consistent with the framework recommended in the joint legislative audit and review committee's performance audit of the mental health system. The department shall annually report to the legislature on its criteria and allocation of the incentives provided under this subsection.) The department shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.~~

(14) The secretary shall assume all duties assigned to the nonparticipating regional support networks under chapters 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those which would have been assigned to the nonparticipating counties in regions where there are not participating regional support networks.

The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(15) The secretary shall:

(a) Disburse funds for the regional support networks within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(d) Deny all or part of the funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. ((Written notice and at least thirty days for corrective action must precede any such action. In such cases, regional support networks shall have full rights to appeal under chapter 34.05 RCW.)) Regional support networks disputing the decision of the secretary to withhold funding allocations are limited to the remedies provided in the department's contracts with the regional support networks.

(16) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as

are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the appropriate committees of the senate and the house of representatives.

Sec. 202 RCW 71.24.320 and 2005 c 503 s 4 are each amended to read as follows:

(1) The secretary shall initiate a procurement process for regional support networks in 2005. In the first step of the procurement process, existing regional support networks may respond to a request for qualifications developed by the department. The secretary shall issue the request for qualifications not later than October 1, 2005. The request for qualifications shall be based on cost-effectiveness, adequate residential and service capabilities, effective collaboration with criminal justice agencies and the chemical dependency treatment system, and the ability to provide the full array of services as stated in the mental health state plan, and shall meet all applicable federal and state regulations and standards. An existing regional support network shall be awarded the contract with the department if it substantially meets the requirements of the request for qualifications developed by the department.

(2)(a) If an existing regional support network chooses not to respond to the request for qualifications, or is unable to substantially meet the requirements of the request for qualifications, the department shall utilize a procurement process in which other entities recognized by the secretary may bid to serve as the regional support network in that region. The procurement process shall begin with a request for proposals issued March 1, 2006.

(i) The request for proposal shall include a scoring factor for proposals that include additional financial resources beyond that provided by state appropriation or allocation.

(ii) Regional support networks that substantially met the requirements of the request for qualifications may bid to serve as the regional support network for other regions of the state that are subject to the request for proposal process. The proposal shall be evaluated on whether the bid meets the threshold requirement for the new region and shall not subject the regional support networks' original region to the request for proposal.

(b) Prior to final evaluation and scoring of the proposals all respondents will be provided with an opportunity for a detailed briefing by the department regarding the deficiencies in the proposal and shall be provided an opportunity to clarify information previously submitted.

Sec. 203 RCW 71.24.330 and 2005 c 503 s 6 are each amended to read as follows:

(1) Contracts between a regional support network and the department shall include mechanisms for monitoring performance under the contract and remedies for failure to substantially comply with the requirements of the contract including, but not limited to, financial penalties, termination of the contract, and reprourement of the contract.

(2) The procurement process shall encourage the preservation of infrastructure previously purchased by the community mental health service delivery system, the maintenance of linkages between other services and delivery systems, and maximization of the use of available funds for services versus profits. The procurement process shall provide that public funds appropriated by the legislature shall not be used to promote or deter, encourage, or discourage employees from exercising their rights under Title 29, chapter 7, subchapter II, United States Code or chapter 41.56 RCW.

(3) In addition to the requirements of RCW 71.24.035, contracts shall:

(a) Define administrative costs and ensure that the regional support network does not exceed an administrative cost of ten percent of available funds;

(b) Require effective collaboration with law enforcement, criminal justice agencies, and the chemical dependency treatment system;

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(c) Require substantial implementation of department adopted integrated screening and assessment process and matrix of best practices; ~~((and))~~

(d) Maintain the decision-making independence of designated mental health professionals;

(e) Except at the discretion of the secretary or as specified in the biennial budget, require regional support networks to pay the state for the costs associated with individuals who are being served on the grounds of the state hospitals and who are not receiving long-term inpatient care as defined in RCW 71.24.025; and

(f) Include a negotiated alternative dispute resolution clause.
Sec. 204 RCW 72.23.025 and 1998 c 245 s 141 are each amended to read as follows:

(1) It is the intent of the legislature to improve the quality of service at state hospitals, eliminate overcrowding, and more specifically define the role of the state hospitals. The legislature intends that eastern and western state hospitals shall become clinical centers for handling the most complicated long-term care needs of patients with a primary diagnosis of mental disorder. ~~((Over the next six years, their involvement in providing short-term, acute care, and less complicated long-term care shall be diminished in accordance with the revised responsibilities for mental health care under chapter 71.24 RCW.))~~ To this end, the legislature intends that funds appropriated for mental health programs, including funds for regional support networks and the state hospitals be used for persons with primary diagnosis of mental disorder. The legislature finds that establishment of the eastern state hospital board, the western state hospital board, and institutes for the study and treatment of mental disorders at both eastern state hospital and western state hospital will be instrumental in implementing the legislative intent.

(2)(a) The eastern state hospital board and the western state hospital board are each established. Members of the boards shall be appointed by the governor with the consent of the senate. Each board shall include:

- (i) The director of the institute for the study and treatment of mental disorders established at the hospital;
- (ii) One family member of a current or recent hospital resident;
- (iii) One consumer of services;
- (iv) One community mental health service provider;
- (v) Two citizens with no financial or professional interest in mental health services;
- (vi) One representative of the regional support network in which the hospital is located;
- (vii) One representative from the staff who is a physician;
- (viii) One representative from the nursing staff;
- (ix) One representative from the other professional staff;
- (x) One representative from the nonprofessional staff; and
- (xi) One representative of a minority community.

(b) At least one representative listed in (a)(viii), (ix), or (x) of this subsection shall be a union member.

(c) Members shall serve four-year terms. Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 and shall receive compensation as provided in RCW 43.03.240.

(3) The boards established under this section shall:

- (a) Monitor the operation and activities of the hospital;
- (b) Review and advise on the hospital budget;
- (c) Make recommendations to the governor and the legislature for improving the quality of service provided by the hospital;

(d) Monitor and review the activities of the hospital in implementing the intent of the legislature set forth in this section; and

(e) Consult with the secretary regarding persons the secretary may select as the superintendent of the hospital whenever a vacancy occurs.

(4)(a) There is established at eastern state hospital and western state hospital, institutes for the study and treatment of mental disorders. The institutes shall be operated by joint operating agreements between state colleges and universities and the department of social and health services. The institutes are intended to conduct training, research, and clinical program development activities that will directly benefit mentally ill persons receiving treatment in Washington state by performing the following activities:

- (i) Promote recruitment and retention of highly qualified professionals at the state hospitals and community mental health programs;
- (ii) Improve clinical care by exploring new, innovative, and scientifically based treatment models for persons presenting particularly difficult and complicated clinical syndromes;
- (iii) Provide expanded training opportunities for existing staff at the state hospitals and community mental health programs;
- (iv) Promote bilateral understanding of treatment orientation, possibilities, and challenges between state hospital professionals and community mental health professionals.

(b) To accomplish these purposes the institutes may, within funds appropriated for this purpose:

- (i) Enter joint operating agreements with state universities or other institutions of higher education to accomplish the placement and training of students and faculty in psychiatry, psychology, social work, occupational therapy, nursing, and other relevant professions at the state hospitals and community mental health programs;
- (ii) Design and implement clinical research projects to improve the quality and effectiveness of state hospital services and operations;
- (iii) Enter into agreements with community mental health service providers to accomplish the exchange of professional staff between the state hospitals and community mental health service providers;
- (iv) Establish a student loan forgiveness and conditional scholarship program to retain qualified professionals at the state hospitals and community mental health providers when the secretary has determined a shortage of such professionals exists.
- (c) Notwithstanding any other provisions of law to the contrary, the institutes may enter into agreements with the department or the state hospitals which may involve changes in staffing necessary to implement improved patient care programs contemplated by this section.
- (d) The institutes are authorized to seek and accept public or private gifts, grants, contracts, or donations to accomplish their purposes under this section.

**PART III
 INVOLUNTARY TREATMENT**

NEW SECTION. **Sec. 301** A new section is added to chapter 71.05 RCW to read as follows:

(1) Except for monetary damage claims which have been reduced to final judgment by a superior court, this section applies to all claims against the state, state agencies, state officials, or state employees that exist on or arise after the effective date of this section.

(2) Except as expressly provided in contracts entered into between the department and the regional support networks after the effective date of this section, the entities identified in subsection (3) of this section shall have no claim for declaratory relief, injunctive relief, judicial review under chapter 34.05 RCW, or civil liability against the state or state agencies for actions or inactions performed pursuant to the administration of this chapter with regard to the following: (a) The allocation or payment of federal or state funds; (b) the use or allocation of state hospital beds; or (c) financial responsibility for the provision of inpatient mental health care.

FIFTY-NINTH DAY, MARCH 8, 2006

(3) This section applies to counties, regional support networks, and entities which contract to provide regional support network services and their subcontractors, agents, or employees.

Sec. 302 RCW 71.05.230 and 1998 c 297 s 13 are each amended to read as follows:

A person detained for seventy-two hour evaluation and treatment may be detained for not more than fourteen additional days of involuntary intensive treatment or ninety additional days of a less restrictive alternative to involuntary intensive treatment. There shall be no fee for filing petitions for fourteen days of involuntary intensive treatment. A petition may only be filed if the following conditions are met:

(1) The professional staff of the agency or facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by mental disorder and either results in a likelihood of serious harm, or results in the detained person being gravely disabled and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has evidence that he or she has not in good faith volunteered; and

(3) The facility providing intensive treatment is certified to provide such treatment by the department; and

(4) The professional staff of the agency or facility or the ((county)) designated mental health professional has filed a petition for fourteen day involuntary detention or a ninety day less restrictive alternative with the court. The petition must be signed either by two physicians or by one physician and a mental health professional who have examined the person. If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of mental disorder, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of mental disorder, presents a likelihood of serious harm, or is gravely disabled and shall set forth the less restrictive alternative proposed by the facility; and

(5) A copy of the petition has been served on the detained person, his or her attorney and his or her guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The court has ordered a fourteen day involuntary intensive treatment or a ninety day less restrictive alternative treatment after a probable cause hearing has been held pursuant to RCW 71.05.240; and

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the ((county)) designated mental health professional may petition for an additional period of either ninety days of less restrictive alternative treatment or ninety days of involuntary intensive treatment as provided in RCW 71.05.290; and

(9) If the hospital or facility designated to provide outpatient treatment is other than the facility providing involuntary treatment, the outpatient facility so designated has agreed to assume such responsibility.

Sec. 303 RCW 71.05.300 and 1998 c 297 s 17 are each amended to read as follows:

(1) The petition for ninety day treatment shall be filed with the clerk of the superior court at least three days before expiration of the fourteen-day period of intensive treatment. At the time of filing such petition, the clerk shall set a time for the person to come before the court on the next judicial day after the day of filing unless such appearance is waived by the person's

2006 REGULAR SESSION

attorney, and the clerk shall notify the ((county)) designated mental health professional. The ((county)) designated mental health professional shall immediately notify the person detained, his or her attorney, if any, and his or her guardian or conservator, if any, ((and)) the prosecuting attorney, and the regional support network administrator, and provide a copy of the petition to such persons as soon as possible. The regional support network administrator or designee may review the petition and may appear and testify at the full hearing on the petition.

(2) At the time set for appearance the detained person shall be brought before the court, unless such appearance has been waived and the court shall advise him or her of his or her right to be represented by an attorney and of his or her right to a jury trial. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him or her. The court shall, if requested, appoint a reasonably available licensed physician, psychologist, or psychiatrist, designated by the detained person to examine and testify on behalf of the detained person.

(3) The court may, if requested, also appoint a professional person as defined in RCW 71.05.020 to seek less restrictive alternative courses of treatment and to testify on behalf of the detained person. In the case of a developmentally disabled person who has been determined to be incompetent pursuant to RCW 10.77.090(4), then the appointed professional person under this section shall be a developmental disabilities professional.

(4) The court shall also set a date for a full hearing on the petition as provided in RCW 71.05.310.

Sec. 304 RCW 71.05.320 and 1999 c 13 s 7 are each amended to read as follows:

(1) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment: PROVIDED, That

(a) If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment in a facility certified for one hundred eighty day treatment by the department.

(b) If the committed person is developmentally disabled and has been determined incompetent pursuant to RCW 10.77.090(4), and the best interests of the person or others will not be served by a less-restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department or to a facility certified for one hundred eighty-day treatment by the department. When appropriate and subject to available funds, treatment and training of such persons must be provided in a program specifically reserved for the treatment and training of developmentally disabled persons. A person so committed shall receive habilitation services pursuant to an individualized service plan specifically developed to treat the behavior which was the subject of the criminal proceedings. The treatment program shall be administered by developmental disabilities professionals and others trained specifically in the needs of developmentally disabled persons. The department may limit admissions to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services. The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department. An order for treatment less restrictive than involuntary detention may include conditions, and if such conditions are not adhered to, the designated mental health

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

professional or developmental disabilities professional may order the person apprehended under the terms and conditions of RCW 71.05.340.

remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 403 Part headings used in this act are not part of the law.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment: PROVIDED, That if the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment.

NEW SECTION. Sec. 404 This act takes effect July 1, 2006, except that sections 101 through 103, 107, 202, and 301 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6793.

Senators Hargrove and Stevens spoke in favor of passage of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6793.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6793 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6793, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6793, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Honeyford, Jacobsen and Oke - 3

SECOND SUBSTITUTE SENATE BILL NO. 6793, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

March 7, 2006

**PART IV
MISCELLANEOUS PROVISIONS**

NEW SECTION. Sec. 401 RCW 71.05.550 (Recognition of county financial necessities) and 2005 c 504 s 218 & 1973 1st ex.s. c 142 s 60 are each repealed.

NEW SECTION. Sec. 402 If any provision of this act or its application to any person or circumstance is held invalid, the

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6874, with the following amendments{s} 6874-S AMH H5510.6.

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 82.04.260 and 2005 c 513 s 2 and 2005 c 443 s 4 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola byproducts, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, oil, canola meal, or canola byproduct manufactured, multiplied by the rate of 0.138 percent;

(b) Seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of 0.138 percent;

(c) Dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed shall be equal to the value of the products manufactured multiplied by the rate of 0.138 percent. As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record;

(d) Until July 1, 2009, alcohol fuel, biodiesel fuel, or biodiesel feedstock, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business shall be equal to the value of alcohol fuel, biodiesel fuel, or biodiesel feedstock manufactured, multiplied by the rate of 0.138 percent; and

(e) Alcohol fuel or wood biomass fuel, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business shall be equal to the value of alcohol fuel or wood biomass fuel manufactured, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(6) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo

charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(8) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(9) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of 0.484 percent.

(10) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under RCW 43.72.900.

(11)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, as to such persons the amount of tax with respect to such business shall, in the case of manufacturers, be equal to the value of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through the later of June 30, 2007, or the day preceding the date final assembly of a

FIFTY-NINTH DAY, MARCH 8, 2006

superefficient airplane begins in Washington state, as determined under RCW 82.32.550; and

(ii) 0.2904 percent beginning on the later of July 1, 2007, or the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550.

(b) Beginning October 1, 2005, upon every person engaging within this state in the business of making sales, at retail or wholesale, of commercial airplanes, or components of such airplanes, manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the airplanes or components multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through the later of June 30, 2007, or the day preceding the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550; and

(ii) 0.2904 percent beginning on the later of July 1, 2007, or the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550.

(c) For the purposes of this subsection (11), "commercial airplane," "component," and "final assembly of a superefficient airplane" have the meanings given in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person eligible for the tax rate under this subsection (11) must report as required under RCW 82.32.545.

(e) This subsection (11) does not apply after the earlier of: July 1, 2024; or December 31, 2007, if assembly of a superefficient airplane does not begin by December 31, 2007, as determined under RCW 82.32.550.

(12)(a) Until July 1, 2024, upon every person engaging within this state in the business of extracting timber or extracting for hire timber; as to such persons the amount of tax with respect to the business shall, in the case of extractors, be equal to the value of products, including byproducts, extracted, or in the case of extractors for hire, be equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(b) Until July 1, 2024, upon every person engaging within this state in the business of manufacturing or processing for hire: (i) Timber into timber products or wood products; or (ii) timber products into other timber products or wood products; as to such persons the amount of the tax with respect to the business shall, in the case of manufacturers, be equal to the value of products, including byproducts, manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(c) Until July 1, 2024, upon every person engaging within this state in the business of selling at wholesale: (i) Timber extracted by that person; (ii) timber products manufactured by that person from timber or other timber products; or (iii) wood products manufactured by that person from timber or timber products; as to such persons the amount of the tax with respect to the business shall be equal to the gross proceeds of sales of the timber, timber products, or wood products multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(d) For purposes of this subsection, the following definitions apply:

(i) "Timber products" means logs, wood chips, sawdust, wood waste, and similar products obtained wholly from the processing of timber; pulp; and recycled paper products.

(ii) "Wood products" means paper and paper products; dimensional lumber; engineered wood products such as particleboard, oriented strand board, medium density fiberboard, and plywood; wood doors; and wood windows.

NEW SECTION. Sec. 2 A new section is added to chapter 82.04 RCW to be codified between RCW 82.04.260 and 82.04.263 to read as follows:

2006 REGULAR SESSION

(1) In addition to the taxes imposed under RCW 82.04.260(12), a surcharge is imposed on those persons who are subject to any of the taxes imposed under RCW 82.04.260(12). Except as otherwise provided in this section, the surcharge is equal to 0.052 percent added to the rates provided in RCW 82.04.260(12) (a), (b), and (c).

(2) All receipts from the surcharge imposed under this section shall be deposited into the forest and fish support account created in section 3 of this act.

(3)(a) The surcharge imposed under this section shall be suspended if:

(i) Receipts from the surcharge total at least eight million dollars during any fiscal biennium; or

(ii) The office of financial management certifies to the department that the federal government has appropriated at least two million dollars for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington for any federal fiscal year.

(b)(i) The suspension of the surcharge under (a)(i) of this subsection (3) shall take effect on the first day of the calendar month that is at least thirty days after the end of the month during which the department determines that receipts from the surcharge total at least eight million dollars during the fiscal biennium. The surcharge shall be imposed again at the beginning of the following fiscal biennium.

(ii) The suspension of the surcharge under (a)(ii) of this subsection (3) shall take effect on the later of the first day of October of any federal fiscal year for which the federal government appropriates at least two million dollars for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington, or the first day of a calendar month that is at least thirty days following the date that the office of financial management makes a certification to the department under subsection (5) of this section. The surcharge shall be imposed again on the first day of the following July.

(4)(a) If, by October 1st of any federal fiscal year, the office of financial management certifies to the department that the federal government has appropriated funds for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington but the amount of the appropriation is less than two million dollars, the department shall adjust the surcharge in accordance with this subsection.

(b) The department shall adjust the surcharge by an amount that the department estimates will cause the amount of funds deposited into the forest and fish support account for the state fiscal year that begins July 1st and that includes the beginning of the federal fiscal year for which the federal appropriation is made, to be reduced by twice the amount of the federal appropriation for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington.

(c) Any adjustment in the surcharge shall take effect at the beginning of a calendar month that is at least thirty days after the date that the office of financial management makes the certification under subsection (5) of this section.

(d) The surcharge shall be imposed again at the rate provided in subsection (1) of this section on the first day of the following state fiscal year unless the surcharge is suspended under subsection (3) of this section or adjusted for that fiscal year under this subsection.

(e) Adjustments of the amount of the surcharge by the department are final and shall not be used to challenge the validity of the surcharge imposed under this section.(f) The department shall provide timely notice to affected taxpayers of the suspension of the surcharge or an adjustment of the surcharge.

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(5) The office of financial management shall make the certification to the department as to the status of federal appropriations for tribal participation in forest and fish report-related activities.

NEW SECTION. Sec. 3 A new section is added to chapter 76.09 RCW to read as follows:

The forest and fish support account is hereby created in the state treasury. Receipts from appropriations, the surcharge imposed under RCW 82.04.260(12), and other sources must be deposited into the account. Expenditures from the account shall be used for activities pursuant to the state's implementation of the forests and fish report as defined in chapter 76.09 RCW and related activities, including, but not limited to, adaptive management, monitoring, and participation grants to tribes, state and local agencies, and not-for-profit public interest organizations. Expenditures from the account may be made only after appropriation by the legislature.

Sec. 4 RCW 34.05.030 and 2002 c 354 s 225 are each amended to read as follows:

(1) This chapter shall not apply to:

(a) The state militia, or

(b) The board of clemency and pardons, or

(c) The department of corrections or the indeterminate sentencing review board with respect to persons who are in their custody or are subject to the jurisdiction of those agencies.

(2) The provisions of RCW 34.05.410 through 34.05.598 shall not apply:

(a) To adjudicative proceedings of the board of industrial insurance appeals except as provided in RCW 7.68.110 and 51.48.131;

(b) Except for actions pursuant to chapter 46.29 RCW, to the denial, suspension, or revocation of a driver's license by the department of licensing;

(c) To the department of labor and industries where another statute expressly provides for review of adjudicative proceedings of a department action, order, decision, or award before the board of industrial insurance appeals;

(d) To actions of the Washington personnel resources board or the director of personnel; ((or))

(e) To adjustments by the department of revenue of the amount of the surcharge imposed under section 2 of this act; or

(f) To the extent they are inconsistent with any provisions of chapter 43.43 RCW.

(3) Unless a party makes an election for a formal hearing pursuant to RCW 82.03.140 or 82.03.190, RCW 34.05.410 through 34.05.598 do not apply to a review hearing conducted by the board of tax appeals.

(4) The rule-making provisions of this chapter do not apply to:

(a) Reimbursement unit values, fee schedules, arithmetic conversion factors, and similar arithmetic factors used to determine payment rates that apply to goods and services purchased under contract for clients eligible under chapter 74.09 RCW; and

(b) Adjustments by the department of revenue of the amount of the surcharge imposed under section 2 of this act.

(5) All other agencies, whether or not formerly specifically excluded from the provisions of all or any part of the Administrative Procedure Act, shall be subject to the entire act.

Sec. 5 RCW 82.04.230 and 1993 sp.s. c 25 s 101 are each amended to read as follows:

Upon every person engaging within this state in business as an extractor, except persons taxable as an extractor under any other provision in this chapter; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, extracted for sale or for commercial or industrial use, multiplied by the rate of 0.484 percent.

The measure of the tax is the value of the products, including byproducts, so extracted, regardless of the place of

sale or the fact that deliveries may be made to points outside the state.

Sec. 6 RCW 82.04.280 and 2004 c 24 s 6 are each amended to read as follows:

Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals, or magazines; (2) building, repairing or improving any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire, except persons taxable as extractors for hire or processors for hire under another section of this chapter; (4) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; (7) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6); as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of 0.484 percent.

As used in this section, "cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

As used in this section, "storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages storing automobiles, railroad freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance. "Storage warehouse" does not include a building or structure, or that part of such building or structure, in which an activity taxable under RCW 82.04.272 is conducted.

As used in this section, "periodical or magazine" means a printed publication, other than a newspaper, issued regularly at stated intervals at least once every three months, including any supplement or special edition of the publication.

Sec. 7 RCW 82.04.280 and 2003 c 149 s 4 are each amended to read as follows:

Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals, or magazines; (2) building, repairing or improving any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic

FIFTY-NINTH DAY, MARCH 8, 2006

including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire, except persons taxable as extractors for hire or processors for hire under another section of this chapter; (4) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; (7) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6); as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of 0.484 percent.

As used in this section, "cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

As used in this section, "storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages storing automobiles, railroad freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance. "Storage warehouse" does not include a building or structure, or that part of such building or structure, in which an activity taxable under RCW 82.04.272 is conducted.

As used in this section, "periodical or magazine" means a printed publication, other than a newspaper, issued regularly at stated intervals at least once every three months, including any supplement or special edition of the publication.

Sec. 8 RCW 82.04.440 and 2005 c 301 s 3 are each amended to read as follows:

(1) Every person engaged in activities which are within the purview of the provisions of two or more of sections RCW 82.04.230 to 82.04.298, inclusive, shall be taxable under each paragraph applicable to the activities engaged in.

(2) Persons taxable under RCW 82.04.2909(2), 82.04.250, 82.04.270, 82.04.294(2), or 82.04.260 (4) ~~((or (13)))~~, (11), or (12) with respect to selling products in this state, including those persons who are also taxable under section 2 of this act, shall be allowed a credit against those taxes for any (a) manufacturing taxes paid with respect to the manufacturing of products so sold in this state, and/or (b) extracting taxes paid with respect to the extracting of products so sold in this state or ingredients of products so sold in this state. Extracting taxes taken as credit under subsection (3) of this section may also be taken under this subsection, if otherwise allowable under this subsection. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the sale of those products.

(3) Persons taxable as manufacturers under RCW 82.04.240 or 82.04.260 (1)(b) or (12), including those persons who are also taxable under section 2 of this act, shall be allowed a credit

2006 REGULAR SESSION

against those taxes for any extracting taxes paid with respect to extracting the ingredients of the products so manufactured in this state. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the manufacturing of those products.

(4) Persons taxable under RCW 82.04.230, 82.04.240, 82.04.2909(1), 82.04.294(1), or 82.04.260 (1), (2), (4), ~~((6), or (13))~~ (11), or (12), including those persons who are also taxable under section 2 of this act, with respect to extracting or manufacturing products in this state shall be allowed a credit against those taxes for any (i) gross receipts taxes paid to another state with respect to the sales of the products so extracted or manufactured in this state, (ii) manufacturing taxes paid with respect to the manufacturing of products using ingredients so extracted in this state, or (iii) manufacturing taxes paid with respect to manufacturing activities completed in another state for products so manufactured in this state. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the extraction or manufacturing of those products.

(5) For the purpose of this section:

(a) "Gross receipts tax" means a tax:

(i) Which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which the deductions allowed would not constitute the tax an income tax or value added tax; and

(ii) Which is also not, pursuant to law or custom, separately stated from the sales price.

(b) "State" means (i) the state of Washington, (ii) a state of the United States other than Washington, or any political subdivision of such other state, (iii) the District of Columbia, and (iv) any foreign country or political subdivision thereof.

(c) "Manufacturing tax" means a gross receipts tax imposed on the act or privilege of engaging in business as a manufacturer, and includes (i) the taxes imposed in RCW 82.04.240, 82.04.2909(1), 82.04.260 (1), (2), (4), ~~((and (13)))~~ (11), and (12), and 82.04.294(1); ((and)) (ii) the tax imposed under section 2 of this act on persons who are engaged in business as a manufacturer; and (iii) similar gross receipts taxes paid to other states.

(d) "Extracting tax" means a gross receipts tax imposed on the act or privilege of engaging in business as an extractor, and includes (i) the tax imposed on extractors in RCW 82.04.230 and 82.04.260(12); (ii) the tax imposed under section 2 of this act on persons who are engaged in business as an extractor; and (iii) similar gross receipts taxes paid to other states.

(e) "Business", "manufacturer", "extractor", and other terms used in this section have the meanings given in RCW 82.04.020 through 82.04.212, notwithstanding the use of those terms in the context of describing taxes imposed by other states.

NEW SECTION. Sec. 9 A new section is added to chapter 82.32 RCW to read as follows:

(1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources, the legislature needs information on how a tax incentive is used.

(2)(a) A person who reports taxes under RCW 82.04.260(12) shall file a complete annual survey with the department. The survey is due by March 31st following any year in which a person reports taxes under RCW 82.04.260(12). The department may extend the due date for timely filing of annual surveys under this section as provided in RCW 82.32.590. The survey shall include the amount of tax reduced under the preferential rate in RCW 82.04.260(12). The survey shall also include the following information for employment positions in Washington:

(i) The number of total employment positions;

(ii) Full-time, part-time, and temporary employment positions as a percent of total employment;

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(iii) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and

(iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

(b) The first survey filed under this subsection shall include employment, wage, and benefit information for the twelve-month period immediately before first use of a preferential tax rate under RCW 82.04.260(12).

(c) As part of the annual survey, the department may request additional information, including the amount of investment in equipment used in the activities taxable under the preferential rate in RCW 82.04.260(12), necessary to measure the results of, or determine eligibility for, the preferential tax rate in RCW 82.04.260(12).

(d) All information collected under this section, except the amount of the tax reduced under the preferential rate in RCW 82.04.260(12), is deemed taxpayer information under RCW 82.32.330. Information on the amount of tax reduced is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request, except as provided in (e) of this subsection. If the amount of the tax reduced as reported on the survey is different than the amount actually reduced based on the taxpayer's excise tax returns or otherwise allowed by the department, the amount actually reduced may be disclosed.

(e) Persons for whom the actual amount of the tax reduction is less than ten thousand dollars during the period covered by the survey may request the department to treat the amount of the tax reduction as confidential under RCW 82.32.330.

(3) If a person fails to submit a complete annual survey under subsection (2) of this section by the due date or any extension under RCW 82.32.590, the department shall declare the amount of taxes reduced under the preferential rate in RCW 82.04.260(12) for the period covered by the survey to be immediately due and payable. The department shall assess interest, but not penalties, on the taxes. Interest shall be assessed at the rate provided for delinquent excise taxes under this chapter, retroactively to the date the reduced taxes were due, and shall accrue until the amount of the reduced taxes is repaid.

(4) The department shall use the information from the annual survey required under subsection (2) of this section to prepare summary descriptive statistics by category. The department shall report these statistics to the legislature each year by September 1st. The requirement to prepare and report summary descriptive statistics shall cease after September 1, 2025.

(5) By November 1, 2011, and November 1, 2023, the fiscal committees of the house of representatives and the senate, in consultation with the department, shall report to the legislature on the effectiveness of the preferential tax rate provided in RCW 82.04.260(12). The report shall measure the effect of the preferential tax rate provided in RCW 82.04.260(12) on job retention, net jobs created for Washington residents, company growth, and other factors as the committees select. The report shall include a discussion of principles to apply in evaluating whether the legislature should continue the preferential tax rate provided in RCW 82.04.260(12).

Sec. 10 RCW 82.32.590 and 2005 c 514 s 1001 are each amended to read as follows:

(1) If the department finds that the failure of a taxpayer to file an annual survey under RCW 82.04.4452 or section 9 of this act by the due date was the result of circumstances beyond the control of the taxpayer, the department shall extend the time for filing the survey. Such extension shall be for a period of thirty days from the date the department issues its written notification to the taxpayer that it qualifies for an extension under this

section. The department may grant additional extensions as it deems proper.

(2) In making a determination whether the failure of a taxpayer to file an annual survey by the due date was the result of circumstances beyond the control of the taxpayer, the department shall be guided by rules adopted by the department for the waiver or cancellation of penalties when the underpayment or untimely payment of any tax was due to circumstances beyond the control of the taxpayer.

Sec. 11 RCW 82.32.600 and 2005 c 514 s 1002 are each amended to read as follows:

(1) Persons required to file surveys under RCW 82.04.4452 or section 9 of this act must electronically file with the department all surveys, returns, and any other forms or information the department requires in an electronic format as provided or approved by the department (~~(, unless the department grants relief under subsection (2) of this section)~~). As used in this section, "returns" has the same meaning as "return" in RCW 82.32.050.

(2) (~~Upon request, the department may relieve a person of the obligations in subsection (1) of this section if the person's taxes have been reduced a cumulative total of less than one thousand dollars from all of the credits, exemptions, or preferential business and occupation tax rates, for which a person is required to file an annual survey under RCW 82.04.4452, 82.32.535, 82.32.545, 82.32.570, 82.32.560, 82.60.070, or 82.63.020.~~

(3) ~~Persons who no longer qualify for relief under subsection (2) of this section will be notified in writing by the department and must comply with subsection (1) of this section by the date provided in the notice.~~

(4) ~~Any survey, return, or any other form or information required to be filed in an electronic format under subsection (1) of this section is not filed until received by the department in an electronic format.~~

Sec. 12 2003 c 149 s 12 (uncodified) is amended to read as follows:

(1)(a) This act (~~(ts)~~) and section 7, chapter . . . , Laws of 2006 (section 7 of this act) are contingent upon the siting and commercial operation of a significant semiconductor microchip fabrication facility in the state of Washington.

(b) For the purposes of this section:

(i) "Commercial operation" means the same as "commencement of commercial production" as used in RCW 82.08.965.

(ii) "Semiconductor microchip fabrication" means "manufacturing semiconductor microchips" as defined in RCW 82.04.426.

(iii) "Significant" means the combined investment of new buildings and new machinery and equipment in the buildings, at the commencement of commercial production, will be at least one billion dollars.

(2) This act takes effect the first day of the month in which a contract for the construction of a significant semiconductor fabrication facility is signed, as determined by the director of the department of revenue.

(3)(a) The department of revenue shall provide notice of the effective date of this act to affected taxpayers, the legislature, and others as deemed appropriate by the department.

(b) If, after making a determination that a contract has been signed and this act is effective, the department discovers that commencement of commercial production did not take place within three years of the date the contract was signed, the department shall make a determination that this act is no longer effective, and all taxes that would have been otherwise due shall be deemed deferred taxes and are immediately assessed and payable from any person reporting tax under RCW 82.04.240(2) or claiming an exemption or credit under section 2 or 5 through 10 of this act. The department is not authorized to make a second determination regarding the effective date of this act.

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

NEW SECTION. Sec. 13 (1) Sections 1, 3, 4 through 6, and 8 through 12 of this act take effect July 1, 2006.

(2) Section 2 of this act takes effect July 1, 2007.

(3) Section 7 of this act takes effect if the contingency in section 12 of this act occurs.

NEW SECTION. Sec. 14 Section 6 of this act expires on the date that section 7 of this act takes effect."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Doumit moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6874.

Senators Doumit and Hargrove spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Doumit that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6874.

MOTION

On motion of Senator Weinstein, Senator Pridemore was excused.

The motion by Senator Doumit carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6874 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6874, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6874, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 5; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker and Zarelli - 40

Voting nay: Senators Fairley, Fraser, Kohl-Welles, Thibaudeau and Weinstein - 5

Excused: Senators Honeyford, Jacobsen, Oke and Pridemore - 4

SUBSTITUTE SENATE BILL NO. 6874, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

Under suspension of rules SUBSTITUTE SENATE BILL NO. 6257 was returned to second reading for purpose of an amendment: adopted 6257-S AMH HUDG H5502.1, and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.170.020 and 1991 c 334 s 2 are each amended to read as follows:

The requirements of this chapter do not apply to:

(1) A person who is employed exclusively or regularly by one employer and performs the functions of a private security guard solely in connection with the affairs of that employer, if the employer is not a private security company;

(2) A sworn peace officer while engaged in the performance of the officer's official duties; ~~((or))~~

(3) A sworn peace officer while employed by any person to engage in off-duty employment as a private security guard, but only if the employment is approved by the chief law enforcement officer of the jurisdiction where the employment takes place and the sworn peace officer does not employ, contract with, or broker for profit other persons to assist him or her in performing the duties related to his or her private employer; or

(4) Guest services or crowd management employees who do not perform the duties of a private security guard."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Delvin moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6257.

Senator Delvin spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Delvin that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6257.

The motion by Senator Delvin carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6257 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6257, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6257, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Honeyford - 1

SUBSTITUTE SENATE BILL NO. 6257, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1672, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Hudgins, Green, Cody, Appleton, Morrell, Wood, McCoy, Kenney, Moeller and Chase)

Requiring hospitals to establish a safe patient handling committee.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute House Bill No. 1672 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Deccio and Esser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1672.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1672 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Honeyford - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1672, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2880, by House Committee on Finance (originally sponsored by Representative McIntire)

Regarding insurance premiums tax. Revised for 1st Substitute: Clarifying the taxation of insurers.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2880 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2880.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2880 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Voting nay: Senators Benton, Delvin, Johnson, McCaslin, Morton, Roach and Stevens - 7

Absent: Senator Haugen - 1

Excused: Senator Honeyford - 1

SUBSTITUTE HOUSE BILL NO. 2880, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator Benton: "Thank you Mr. President. On our desk we have the first supplement which listed a number of House bills that we've been voting on and as we refer to this book, we look and there is no indication in the book of testimony in the House on these bills. It tells you the summary of the bill, it tells you what the votes are in the House; but it doesn't tell you the testimony. The testimony for or against. Normally, when we discuss bills whether they be Senate or House bills, the bill reports include the actual testimony. Now, there is one bill here in this book that does include testimony and that's the last one listed but none of the others include that description and, I might point out Mr. President, that information is important to members of the Senate in terms of helping us understand the bill, what it does, who is for it and who is against it. Could you ask the Secretary of the Senate to supply us with the testimony of these bills please?"

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, I would suggest that you take that up with your leadership and talk with the Secretary of the Senate yourself. There is no rule that I am aware of that states what should or should not be in that informational document. In other words, the President can not direct the Secretary of the Senate to do that."

PARLIAMENTARY INQUIRY

Senator Benton: "Mr. President, I was under the impression that there is a rule that the bill reports must be on our desk before we're asked to vote on legislation. Is that not the case?"

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, you were talking about the specifics of testimony for and against."

PARLIAMENTARY INQUIRY

Senator Benton: "Which is typically part of a bill report, Mr. President?"

REPLY BY THE PRESIDENT

President Owen: "As I suggested you, you should talk to

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

your leadership about that and possibly the Secretary of the Senate.”

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2583, by House Committee on Appropriations (originally sponsored by Representatives Kenney, Cox, Conway, Hasegawa, Roberts, Appleton, Upthegrove, Morrell, Linville, Hunt, Dickerson and Ormsby)

Regarding community and technical college part-time academic employee health benefits.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following committee striking amendment by the Committee on Labor, Commerce, Research & Development be not adopted.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1 Part-time academic employees at community and technical colleges are currently eligible for full health care benefits beginning the second consecutive quarter of employment, at half-time or more of an academic workload, as defined in RCW 28B.50.489. They are also eligible for health benefits through the summer even if they receive no work at all that quarter, if they have worked half-time or more of an academic workload in each of the three preceding quarters. However, workload fluctuations below these thresholds may result in the loss of employer contributions for health care benefits. It is the intent of the legislature to provide for continuous health care eligibility for part-time academic employees based on averaging workload gained during the two preceding academic years.

NEW SECTION. Sec. 2 A new section is added to chapter 41.05 RCW to read as follows:

(1) Part-time academic employees, as defined in RCW 28B.50.489, who have established eligibility as determined from the payroll records of the employing community or technical college districts, for employer contributions for benefits under this chapter and who have worked an average of half-time or more in each of the two preceding academic years, through employment at one or more community or technical college districts, are eligible for continuation of employer contributions for the subsequent summer quarter period including the break between summer and fall quarters.

(2) Once a part-time academic employee meets the criteria in subsection (1) of this section, the employee shall continue to receive uninterrupted employer contributions for benefits if the employee works at least two of the three quarters of the academic year with an average academic year workload of half-time or more. Benefits provided under this section cease if this criteria is not met. Continuous benefits shall be reinstated once the employee reestablishes eligibility under subsection (1) of this section.

(3) As used in this section, "academic year" means fall, winter, and spring quarters.

(4) This section does not modify rules in existence on the effective date of this section adopted under this chapter regarding the initial establishment of eligibility for benefits.

(5) This section does not preclude individuals from being eligible for benefits under other laws or rules that may apply or for which they may be eligible.

(6) The employer must notify part-time academic employees of their potential right to benefits under this section.

(7) To be eligible for maintenance of benefits through averaging, part-time academic employees must notify their

employers of their potential eligibility. The state board for community and technical colleges shall report back to the legislature by November 15, 2009, on the feasibility of eliminating the self-reporting requirement for employees.

NEW SECTION. Sec. 3 A new section is added to chapter 28B.50 RCW to read as follows:

Health care benefits for part-time academic employees are governed by section 2 of this act.

NEW SECTION. Sec. 4 This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "benefits;" strike the remainder of the title and insert "adding a new section to chapter 41.05 RCW; adding a new section to chapter 28B.50 RCW; creating a new section; and declaring an emergency."

The President declared the question before the Senate to be the motion by Senator Kohl-Welles to not adopt the committee striking amendment by the Committee on Labor, Commerce, Research & Development to Second Substitute House Bill No. 2583.

The motion by Senator Kohl-Welles carried and the committee striking amendment was not adopted by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Second Substitute House Bill No. 2583 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Parlette spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Haugen was excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2583.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2583 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Benton - 1

Excused: Senators Haugen and Honeyford - 2

SECOND SUBSTITUTE HOUSE BILL NO. 2583, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

The House has adopted the report of Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL 6386, and has passed the bill as recommended by the Conference Committee.

Strike everything after the enacting clause and insert the following:

**"PART I
GENERAL GOVERNMENT**

Sec. 101. 2005 c 518 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund--State Appropriation (FY 2006)	((30,411,000))
	\$30,244,000
General Fund--State Appropriation (FY 2007)	((30,900,000))
	\$30,951,000
<u>Pension Funding Stabilization Account Appropriation</u>	\$167,000
TOTAL APPROPRIATION .	((61,311,000))
	\$61,362,000

The appropriations in this section are subject to the following conditions and limitations: ~~((2) \$25,000)~~ \$8,000 of the general fund--state appropriation for fiscal year 2006 ~~((is))~~ and \$17,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the children's and family services task force established in Engrossed Substitute Senate Bill No. 5872 (family/children's department). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

Sec. 102. 2005 c 518 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund--State Appropriation (FY 2006)	((23,253,000))
	\$23,236,000
General Fund--State Appropriation (FY 2007)	((25,368,000))
	\$25,412,000
<u>Pension Funding Stabilization Account Appropriation</u>	\$125,000
TOTAL APPROPRIATION .	((48,621,000))
	\$48,773,000

The appropriations in this section are subject to the following conditions and limitations: ~~((25,000))~~ \$8,000 of the general fund--state appropriation for fiscal year 2006 ~~((is))~~ and \$17,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the children's and family services task force established in Engrossed Substitute Senate Bill No. 5872 (family/children's department). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

Sec. 103. 2005 c 518 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund--State Appropriation (FY 2006)	((2,531,000))
	\$2,294,000
General Fund--State Appropriation (FY 2007)	((1,953,000))
	\$2,921,000
<u>Pension Funding Stabilization Account Appropriation</u>	\$9,000
TOTAL APPROPRIATION .	((4,484,000))
	\$5,224,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions in this section, the committee may adjust the due dates for projects included on the

committee's 2005-07 work plan as necessary to efficiently manage workload.

(2)(a) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for a study of the basic health plan. Part 1 of the study shall examine the extent to which basic health plan policies and procedures promote or discourage the provision of appropriate, high-quality, cost-effective care to basic health plan enrollees. Issues to be addressed include, but are not limited to, whether (i) enrollees are encouraged to engage in wellness activities and receive preventative services; (ii) evidence-based treatment strategies are identified and promoted; (iii) enrollees are encouraged to use high-quality providers; (iv) enrollees with chronic or other high-cost conditions are identified and provided with appropriate interventions; and (v) innovative health care service delivery methods are encouraged. Part 1 of the study report shall be completed by December 2005.

(b) Part 2 of the study shall examine the characteristics of individuals enrolled in the basic health plan, and their use of health care services, including, but not limited to, (i) enrollee longevity on the basic health plan; (ii) circumstances that led to basic health plan enrollment; (iii) how enrollees obtained health care prior to basic health plan enrollment; (iv) health care coverage of other household members; (v) service utilization patterns; and (vi) employment status and by whom basic health plan enrollees are employed. Part 2 of the study must be completed by July, 2006.

(3) ~~((188,000))~~ \$37,000 of the general fund--state appropriation for fiscal year 2006 ~~((is))~~ and \$151,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the public infrastructure study and the cost of evaluating the effectiveness of the job development fund grant program required by House Bill No. 1903 (creating a job development fund). If House Bill No. 1903 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for an evaluation of the budget process used for information technology projects. The evaluation will include: Itemizing total costs for current information technology funding across state agencies; analyzing current processes by which information funding is requested and evaluated; analyzing processes used in the private sector and other states; and assessing the applicability of other practices for improving the state's funding process. A report is due in January 2006.

(5) \$125,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for a study of the current state pupil transportation funding formula. The study will evaluate the extent to which the formula captures the costs of providing pupil transportation for basic education programs. Based on the results of this evaluation, the study shall develop alternative formulas for allocating state funding to school districts for the transportation of students for basic education programs. The alternative formulas shall take into account the legislative definition of basic education programs, promote the efficient use of state and local resources, and allow local district control over the management of pupil transportation systems. In addition, the study shall include a review of the funding mechanisms used by other states and identify best practices.

(6) Within amounts provided in this section, the committee shall conduct a review of the special education excess cost accounting methodology and expenditure reporting requirements. The committee shall work with the state auditor's office and develop a mutually acceptable work plan in conducting this review. This review may include, but is not limited to: (a) An analysis of the current special education excess cost accounting methodology and related special education expenditure reporting requirements; (b) an examination of whether opportunities exist for modifying the current excess cost accounting methodology and expenditure

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

\$3,671,000

reporting requirements; (c) an assessment of the potential impact on school districts if the current excess cost accounting methodology and expenditure reporting requirements are modified; and (d) any findings and recommendations from the state auditor's office examination of whether school districts are appropriately and consistently applying the current excess cost methodology. The committee shall provide a report to the appropriate policy and fiscal committees of the legislature in January 2006.

Sec. 105. 2005 c 518 s 106 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund--State Appropriation (FY 2006)	...	\$7,288,000
General Fund--State Appropriation (FY 2007)	.	(\$7,248,000)
		\$7,252,000
<u>Pension Funding Stabilization Account Appropriation</u>		\$25,000
TOTAL APPROPRIATION	.	(\$14,536,000)
		\$14,565,000

Sec. 106. 2005 c 518 s 107 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund--State Appropriation (FY 2006)	...	\$4,112,000
General Fund--State Appropriation (FY 2007)	.	(\$4,398,000)
		\$4,401,000
<u>Pension Funding Stabilization Account Appropriation</u>		\$20,000
TOTAL APPROPRIATION	.	(\$8,510,000)
		\$8,533,000

Sec. 107. 2005 c 518 s 105 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense Account--		
State Appropriation	.....	(\$3,013,000)
		\$3,022,000

The appropriation in this section is subject to the following conditions and limitations: By December 1, 2005, the state actuary shall conduct an actuarial analysis that quantifies, to the greatest extent permissible from available experience data, the fiscal impact of the retire-rehire program for plan 1 of the public employees' retirement system and the teachers' retirement system enacted by chapter 10, Laws of 2001 and chapter 412, Laws of 2003. In addition to the actuarial analysis, the state actuary shall present a range of legislative alternatives to the plan 1 retire-rehire program, including an actuarial analysis of the fiscal impact of proposals to increase the maximum retirement allowance beyond sixty percent of average final compensation. The analysis shall be submitted to the select committee on pension policy, the senate committee on ways and means, and the house of representatives committee on appropriations.

Sec. 108. 2005 c 518 s 109 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund--State Appropriation (FY 2006)	.	(\$6,085,000)
		\$6,095,000
General Fund--State Appropriation (FY 2007)	.	(\$6,346,000)
		\$6,397,000
<u>Pension Funding Stabilization Account Appropriation</u>		\$37,000
TOTAL APPROPRIATION	.	(\$12,431,000)
		\$12,529,000

Sec. 109. 2005 c 518 s 112 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund--State Appropriation (FY 2006)	...	\$1,055,000
General Fund--State Appropriation (FY 2007)	.	(\$1,107,000)
		\$1,109,000
<u>Pension Funding Stabilization Account Appropriation</u>		\$5,000
TOTAL APPROPRIATION	.	(\$2,162,000)
		\$2,169,000

(7) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the consultant costs related to the study identified in section 505 of Engrossed Second Substitute Senate Bill No. 5763 (mental disorders treatment). If this section is not enacted by June 30, 2005, these amounts shall lapse.

(8) \$86,000 of the general fund--state appropriation for fiscal year ~~(2006)~~ 2007 is provided solely to implement the provisions of Engrossed Substitute House Bill No. 1064 (government performance). If Engrossed Substitute House Bill No. 1064 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(9) \$190,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for purposes of legislative hearings and reporting requirements under Initiative Measure No. 900 (chapter 1, Laws of 2006; performance audits).

(10) \$375,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the review of tax preferences and to staff the citizen commission for performance measurement of tax preferences required in Engrossed House Bill No. 1069 (audits of tax preferences). If Engrossed House Bill No. 1069 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(11) \$14,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the cost of conducting a review of the staffing levels for department of health investigators and attorneys involved in the health professions disciplinary process required by Substitute House Bill No. 2974 (health profession discipline). If Substitute House Bill No. 2974 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2007 is for a review of the state's policy on state funding and tax preferences for business incubators. The review shall examine types, costs, and performance outcomes of business incubators, inventory the business incubators in this state, and describe their purposes, state financial and tax support, number of businesses and jobs created, survival rate, criteria for state support, and the policies for reducing or terminating state support. The committee shall consult with the department of revenue and other state, federal, and local agencies involved with business incubators. The committee shall make recommendations on whether the proposals create a public or private benefit and the impact of state-supported business incubators on existing businesses in the state. The review shall be completed and submitted to the appropriate committees of the legislature by June 30, 2007.

(13) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to conduct a review of how the department of social and health services division of developmental disabilities prioritizes and allocates services.

Sec. 104. 2005 c 518 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund--State Appropriation (FY 2006)	...	\$1,737,000
General Fund--State Appropriation (FY 2007)	.	(\$1,921,000)
		\$1,924,000
<u>Pension Funding Stabilization Account Appropriation</u>		\$10,000
TOTAL APPROPRIATION	.	(\$3,658,000)

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

Sec. 110. 2005 c 518 s 110 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund--State Appropriation (FY 2006)	. ((\$2,011,000))
	<u>\$2,013,000</u>
General Fund--State Appropriation (FY 2007)	. ((\$2,020,000))
	<u>\$2,024,000</u>
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$5,000</u>
TOTAL APPROPRIATION	. ((\$4,031,000))
	<u>\$4,042,000</u>

Sec. 111. 2005 c 518 s 111 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund--State Appropriation (FY 2006)	((\$13,866,000))
	<u>\$13,916,000</u>
General Fund--State Appropriation (FY 2007)	((\$14,358,000))
	<u>\$14,393,000</u>
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$80,000</u>
TOTAL APPROPRIATION	. ((\$28,224,000))
	<u>\$28,389,000</u>

Sec. 112. 2005 c 518 s 113 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2006)	((\$19,657,000))
	<u>\$19,834,000</u>
General Fund--State Appropriation (FY 2007)	((\$20,081,000))
	<u>\$21,298,000</u>
Public Safety and Education Account--State	
Appropriation	((\$50,106,000))
	<u>\$50,277,000</u>
Judicial Information Systems Account--State	
Appropriation	((\$25,641,000))
	<u>\$26,051,000</u>
<u>Pension Funding Stabilization Account</u>	<u>\$96,000</u>
TOTAL APPROPRIATION	((\$115,485,000))
	<u>\$117,556,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$900,000 of the general fund--state appropriation for fiscal year 2006 and \$900,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(2) \$3,000,000 of the public safety and education account appropriation is provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the office of the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed.

(3) \$13,224,000 of the public safety and education account appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing

truancy, children in need of services, and at-risk youth petitions. The office of the administrator for the courts shall not retain any portion of these funds to cover administrative costs. The office of the administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(4) The distributions made under subsection (3) of this section and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(5) Each fiscal year during the 2005-07 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(6) \$82,000 of the general fund--state appropriation for fiscal year 2006 and \$82,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1112 (creating an additional superior court position). If the bill is not enacted by June 30, 2005, the amounts in this subsection shall lapse.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the implementation of Substitute House Bill No. 1854 (driving privilege) and Engrossed Second Substitute Senate Bill No. 5454 (court operations). If neither bill is enacted by June 30, 2005, the amount in this subsection shall lapse.

(8) \$569,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the juror pay pilot and research project.

Sec. 113. 2005 c 518 s 114 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

General Fund--State Appropriation (FY 2006)	. ((\$1,490,000))
	<u>\$1,565,000</u>
General Fund--State Appropriation (FY 2007)	. ((\$2,078,000))
	<u>\$9,928,000</u>
Public Safety and Education Account--State	
Appropriation	((\$13,175,000))
	<u>\$13,181,000</u>
TOTAL APPROPRIATION	. ((\$16,743,000))
	<u>\$24,674,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$800,000 of the general fund--state appropriation for fiscal year 2006 and ((~~\$1,000,000~~)) \$4,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to expand the parent representation project in dependency and termination cases.

(2) Amounts provided from the public safety and education account appropriation in this section include funding for investigative services in death penalty personal restraint petitions.

(3) Within amounts appropriated in this section and in Engrossed Second Substitute Senate Bill No. 5454, the office may, at its discretion, implement Second Substitute House Bill No. 1542 (indigent defense services).

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

Sec. 114. 2005 c 518 s 115 (unclassified) is amended to read as follows:

FOR THE OFFICE OF CIVIL LEGAL AID

General Fund--State Appropriation (FY 2006)	. ((\$2,883,000))
	<u>\$3,083,000</u>
General Fund--State Appropriation (FY 2007)	. ((\$2,832,000))
	<u>\$3,232,000</u>
Public Safety and Education Account--State	
Appropriation	..... \$4,705,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation	..... \$2,987,000
TOTAL APPROPRIATION	. ((\$13,407,000))
	<u>\$14,007,000</u>

((The appropriations in this section are subject to the following conditions and limitations:

~~(1) \$2,783,000 of the general fund--state appropriation for fiscal year 2006, \$2,732,000 of the general fund--state appropriation for fiscal year 2007, \$4,705,000 of the public safety and education account--state appropriation, and \$2,987,000 of the violence reduction and drug enforcement account--state appropriation are contingent upon enactment of Substitute House Bill No. 1747 (civil legal services). If the bill is not enacted by June 30, 2005, these appropriations shall be made to the department of community, trade, and economic development and are provided solely for the purpose of civil legal services.~~

~~(2) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are contingent upon enactment of Substitute House Bill No. 1747 (civil legal services). If the bill is not enacted by June 30, 2005, the appropriation shall be made to the department of community, trade, and economic development and is provided solely for a general farm organization with members in every county of the state to develop and administer an alternative dispute resolution system for disputes between farmers and farm workers.)~~

Sec. 115. 2005 c 518 s 116 (unclassified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2006)	.... \$5,600,000
General Fund--State Appropriation (FY 2007)	. ((\$5,279,000))
	<u>\$5,583,000</u>
General Fund--Federal Appropriation	..... ((\$1,364,000))
	<u>\$1,366,000</u>
Oil Spill Prevention Account Appropriation	..... \$508,000
Water Quality Account--State Appropriation	... ((\$4,184,000))
	<u>\$4,193,000</u>
Salmon Recovery Account Appropriation	
.....	\$160,000
Economic Development Strategic Reserve	
Account Appropriation	
.....	\$4,000,000
Pension Funding Stabilization Account	
Appropriation	\$24,000
TOTAL APPROPRIATION	. ((\$16,935,000))
	<u>\$21,434,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,112,000 of the water quality account appropriation and \$1,150,000 of the general fund--federal appropriation are provided solely for the Puget Sound water quality action team to implement the Puget Sound conservation and recovery plan action items PSAT-01 through PSAT-06.

(2) \$200,000 of the general fund--state appropriation for fiscal year 2006, \$200,000 of the general fund--state appropriation for fiscal year 2007, and \$200,000 of the general fund--federal appropriation are provided solely for one-time corrective actions to address Hood canal's dissolved oxygen

problems, the Puget Sound conservation and recovery plan action item PSAT-07.

(3) As described in section 129(7) of this act, the Puget Sound water quality action team shall make recommendations and report on monitoring activities related to salmon recovery.

(4) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1152 (early learning council). If House Bill No. 1152 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(5) For the governor's funding request pursuant to RCW 74.39A.300 to be submitted to the legislature by December 20, 2006, it is the intent of the legislature to consider a fringe benefits funding request that provides health care benefits substantially equivalent in cost to those available to individual providers pursuant to chapter 25, Laws of 2003 1st sp. sess.

(6) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely as a grant to the Hood Canal Coordinating Council to implement Engrossed Substitute House Bill No. 2097 (management program for Hood Canal). ((If Engrossed Substitute House Bill No. 2097 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse:))

(7) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a review of ocean policy issues in cooperation with individuals with appropriate expertise and the departments of ecology, fish and wildlife, and natural resources. By December 31, 2005, the governor's office shall identify the recommendations of the U.S. commission on ocean policy appropriate for immediate implementation. By December 31, 2006, the governor's office shall provide a report: (a) Summarizing the condition of the state's ocean resources and their contribution to the state's character, quality of life, and economic viability; (b) recommending improvements in coordination among state agencies and other jurisdictions; (c) recommending measures to protect and manage ocean resources; (d) recommending measures to finance ocean protection, management, and development programs; and (e) recommending legislation regarding ocean resources or policy.

(8) \$508,000 of the oil spill prevention account appropriation is provided solely for the oil spill advisory council established in Engrossed Substitute Senate Bill No. 5432 (oil spill oversight council). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(9) The economic development strategic reserve account appropriation is provided solely for the purpose of implementing chapter 427, Laws of 2005 (2SSB 5370).

(10)(a) \$297,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Puget Sound action team in coordination with the Hood Canal coordinating council to contract for the initial phase of a two-part study in the Hood Canal to: (i) Improve data and knowledge of the loading of nitrogen from on-site sewage systems to ground water; (ii) determine the local scale efficiency of nitrogen removal from on-site sewage systems; and (iii) improve data and knowledge of the loading of nitrogen from all ground water sources to Hood Canal.

(b) The study shall: (i) Locate representative on-site sewage systems distributed within the Hood Canal drainage basin for use in the study; (ii) collect water levels and samples from the areas around a number of on-site sewage systems under a variety of water table, soil, and geologic conditions; (iii) test samples for nitrogen, phosphorous, carbon, and other pertinent chemistry; (iv) consider water levels and samples from monitoring wells both up gradient and down gradient from on-site sewage systems; (v) collect data from drain fields to test on-site sewage system efficiency; and (vi) collect water level,

FIFTY-NINTH DAY, MARCH 8, 2006

nutrient, and other chemical data from a number of existing wells in the watershed to test how much nitrogen is reaching Hood Canal. The study shall be coordinated with other studies being conducted in Hood Canal through the Hood Canal dissolved oxygen program. The Puget Sound action team and the Hood Canal coordinating council shall report their finding and recommendations to the appropriate committees of the legislature by December 1, 2007.

Sec. 116. 2005 c 518 s 117 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund--State Appropriation (FY 2006)	\$752,000
General Fund--State Appropriation (FY 2007)	(\$766,000)
	\$768,000
(General Fund--Local Appropriation)	(\$1,000)
Pension Funding Stabilization Account Appropriation	\$3,000
TOTAL APPROPRIATION	(\$1,519,000)
	\$1,523,000

Sec. 117. 2005 c 518 s 118 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund--State Appropriation (FY 2006)	(\$1,989,000)
	\$1,999,000
General Fund--State Appropriation (FY 2007)	(\$2,009,000)
\$2,069,000 Pension Funding Stabilization Account	
Appropriation	\$10,000
TOTAL APPROPRIATION	(\$3,998,000)
	\$4,078,000

The appropriations in this section are subject to the following conditions and limitations: \$10,000 of the general fund--state appropriation for fiscal year 2006 and \$56,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Third Substitute House Bill No. 1226 (campaign contribution limits). If Third Substitute House Bill No. 1226 is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

Sec. 118. 2005 c 518 s 119 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2006)	(\$19,102,000)
	\$21,593,000
General Fund--State Appropriation (FY 2007)	(\$17,323,000)
	\$18,473,000
General Fund--Federal Appropriation	(\$7,092,000)
	\$7,099,000
General Fund--Private/Local Appropriation	(\$125,000)
	\$207,000
Archives and Records Management Account--State	
Appropriation	(\$8,127,000)
	\$8,210,000
Department of Personnel Services Account--State	
Appropriation	(\$719,000)
	\$721,000
Local Government Archives Account--State	
Appropriation	(\$12,138,000)
	\$12,398,000
Election Account--Federal Appropriation	(\$47,009,000)
\$53,010,000 Pension Funding Stabilization Account	
Appropriation	\$66,000
TOTAL APPROPRIATION	(\$111,635,000)
	\$121,777,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$2,296,000)~~ \$3,472,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to

reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) ~~(\$1,999,000)~~ \$2,441,000 of the general fund--state appropriation for fiscal year 2006 and \$2,403,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$118,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for legal advertising of state measures under RCW 29.27.072.

(4)(a) \$2,028,004 of the general fund--state appropriation for fiscal year 2006 and ~~(\$2,063,772)~~ \$2,382,772 of the general fund--state appropriation for fiscal year 2007 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2005-07 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5) \$196,000 of the general fund--state appropriation for fiscal year 2006 and \$173,000 of the general fund--state appropriation for fiscal year 2007 are provided for the implementation of House Bill No. 1749 (county election procedures). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$110,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the purposes of settling all claims in *Washington State Democratic Party, et al. v. Sam S. Reed, et al.*, United States District Court Western District of Washington at Tacoma Cause No. C00-5419FDB and related appeal. The expenditure of this appropriation is contingent on the release of all claims in the case and related appeal, and total settlement costs shall not exceed the appropriation in this subsection.

(7) \$131,000 of the general fund--state appropriation for fiscal year 2006 and \$196,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for expenditures related to the *Farrakhan v. Locke* litigation.

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

Sec. 119. 2005 c 518 s 120 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund--State Appropriation (FY 2006)	\$277,000
General Fund--State Appropriation (FY 2007)	(\$289,000)
<u>\$292,000 Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	<u>\$1,000</u>
TOTAL APPROPRIATION	(\$566,000)
	<u>\$570,000</u>

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of personnel on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of personnel shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

Sec. 120. 2005 c 518 s 121 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN-PACIFIC-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2006)	\$235,000
General Fund--State Appropriation (FY 2007)	(\$238,000)
<u>\$264,000 Pension Funding Stabilization Account</u>	
<u>Appropriation \$1,000</u>	
TOTAL APPROPRIATION	(\$473,000)
	<u>\$500,000</u>

Sec. 121. 2005 c 518 s 122 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account--State	
Appropriation	(\$14,124,000)
	<u>\$14,174,000</u>

Sec. 122. 2005 c 518 s 123 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund--State Appropriation (FY 2006)	(\$1,884,000)
	<u>\$1,258,000</u>
General Fund--State Appropriation (FY 2007)	(\$2,441,000)
	<u>\$351,000</u>
State Auditing Services Revolving Account--State	
Appropriation	(\$13,952,000)
	<u>\$14,011,000</u>
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$4,000</u>
TOTAL APPROPRIATION	(\$18,277,000)
	<u>\$15,624,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$731,000 of the general fund--state appropriation for fiscal year 2006 and \$727,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school

programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) The office shall report to the office of financial management and the appropriate fiscal committees of the legislature detailed information on risk-based auditing, its theory, and its application for the audits performed on Washington state government. The report shall include an explanation of how the office identifies, measures, and prioritizes risk, the manner in which the office uses these factors in the planning and execution of the audits of Washington state government, and the methods and procedures used in the conduct of the risk-based audits themselves. The report is due no later than December 1, 2005.

(4) ~~(\$1,130,000)~~ \$100,000 of the general fund--state appropriation for fiscal year 2006 ~~(, \$1,695,000 of the general fund--state appropriation for fiscal year 2007, and \$2,000 of the state auditing services revolving account--state appropriation for fiscal year 2006 are)~~ is provided solely for the implementation of Engrossed Substitute House Bill No. 1064 (government performance). ~~(If Engrossed Substitute House Bill No. 1064 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.)~~

(5) \$16,000 of the general fund--state appropriation for fiscal year 2006 is provided for a review of special education excess cost accounting and reporting requirements. The state auditor's office shall coordinate this work with the joint legislative audit and review committee's review of the special education excess cost accounting methodology and expenditure reporting requirements. The state auditor's review shall include an examination of whether school districts are (a) appropriately implementing the excess cost accounting methodology; (b) consistently charging special education expenses to the special education and basic education programs; (c) appropriately determining the percentage of expenditures that should be charged to the special education and basic education programs; and (d) appropriately and consistently reporting special education expenditures. The results of this review will be included in the joint legislative audit and review committee's report issued in January 2006.

Sec. 123. 2005 c 518 s 124 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2006)	\$137,000
General Fund--State Appropriation (FY 2007)	(\$206,000)
	<u>\$207,000</u>
TOTAL APPROPRIATION	(\$343,000)
	<u>\$344,000</u>

Sec. 124. 2005 c 518 s 125 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2006)	(\$5,223,000)
	<u>\$5,724,000</u>
General Fund--State Appropriation (FY 2007)	(\$5,156,000)
	<u>\$5,844,000</u>
General Fund--Federal Appropriation	(\$2,973,000)
	<u>\$3,428,000</u>
Public Safety and Education Account--State	
Appropriation	(\$2,303,000)
	<u>\$2,307,000</u>
New Motor Vehicle Arbitration Account--State	
Appropriation	(\$1,313,000)
	<u>\$1,315,000</u>
Legal Services Revolving Account--State	

Appropriation	(\$185,970,000)
	<u>\$191,627,000</u>
Tobacco Prevention and Control Account--State	
Appropriation	\$270,000
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$21,000</u>
TOTAL APPROPRIATION	(\$203,208,000)
	<u>\$210,536,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

Sec. 125. 2005 c 518 s 126 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL

General Fund--State Appropriation (FY 2006)	\$719,000
General Fund--State Appropriation (FY 2007)	(\$714,000)
<u>\$716,000Pension Funding Stabilization Account</u>	<u>\$4,000</u>
<u>Appropriation</u>	<u>\$4,000</u>
TOTAL APPROPRIATION	(\$1,433,000)
	<u>\$1,439,000</u>

Sec. 126. 2005 c 518 s 127 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 2006) (\$66,123,000)	
	<u>\$67,758,000</u>
General Fund--State Appropriation (FY 2007) (\$67,151,000)	
	<u>\$60,229,000</u>
General Fund--Federal Appropriation (\$246,886,000)	
	<u>\$258,085,000</u>
General Fund--Private/Local Appropriation (\$12,229,000)	
	<u>\$12,422,000</u>
Public Safety and Education Account--State	
Appropriation (\$5,439,000)	
	<u>\$5,443,000</u>
Public Works Assistance Account--State	
Appropriation (\$3,395,000)	
	<u>\$3,430,000</u>
Tourism Development and Promotion Account	
Appropriation	\$300,000
Drinking Water Assistance Administrative Account--	
State Appropriation (\$213,000)	
	<u>\$345,000</u>
Lead Paint Account--State Appropriation	\$6,000
Building Code Council Account--State Appropriation	
. (\$1,130,000)	
	<u>\$1,133,000</u>
Administrative Contingency Account--State	
Appropriation (\$1,808,000)	
	<u>\$1,809,000</u>
Low-Income Weatherization Assistance Account--State	
Appropriation	\$8,362,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation (\$7,231,000)	
	<u>\$7,234,000</u>
Manufactured Home Installation Training Account--State	
Appropriation	\$240,000

Community and Economic Development Fee Account--State	
Appropriation	\$1,570,000
Washington Housing Trust Account--State	
Appropriation (\$19,009,000)	
	<u>\$33,536,000</u>
Homeless Families Services Account--State	
Appropriation	\$300,000
Public Facility Construction Loan Revolving	
Account--State Appropriation (\$614,000)	
	<u>\$616,000</u>
<u>Pension Funding Stabilization Account</u>	<u>\$87,000</u>
TOTAL APPROPRIATION	(\$442,006,000)
	<u>\$462,905,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,838,000 of the general fund--state appropriation for fiscal year 2006 and \$2,838,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a contract with the Washington technology center for work essential to the mission of the Washington technology center and conducted in partnership with universities. The center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(2) \$5,902,000 of the general fund--federal appropriation is provided solely for the justice assistance grant program, to be distributed in state fiscal year 2006 as follows:

(a) \$2,064,000 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$330,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$675,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$20,000 to the department for tribal law enforcement;

(e) \$345,000 to the department to continue domestic violence legal advocacy;

(f) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;

(g) \$351,000 to the department of social and health services, division of alcohol and substance abuse, for juvenile drug courts in eastern and western Washington;

(h) \$626,000 to the department of social and health services to continue youth violence prevention and intervention projects;

(i) \$97,000 to the department to continue evaluation of this grant program;

(j) \$290,000 to the office of financial management for criminal history records improvement;

(k) \$580,000 to the department for required grant administration, monitoring, and reporting on justice assistance grant programs; and

(l) \$464,000 to the department for distribution to small municipalities.

These amounts represent the maximum justice assistance grant expenditure authority for each program. No program may expend justice assistance grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any justice assistance grant funds.

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(3) \$3,600,000 of the general fund--federal appropriation is provided solely for the justice assistance grant program, to be distributed in state fiscal year 2007 as follows:

(a) \$2,013,000 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$330,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$675,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces;

(d) \$110,000 to the department to support the governor's council on substance abuse;

(e) \$97,000 to the department to continue evaluation of the justice assistance grant program;

(f) \$360,000 to the department for required grant administration, monitoring, and reporting on justice assistance grant programs; and

(g) \$15,000 to the department for a tribal and local law enforcement statewide summit.

(4) \$1,658,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for multijurisdictional drug task forces. The funding for this amount, and the amounts provided in subsection (3)(a) and (b) of this section, will be distributed in a manner so that all drug task forces funded in fiscal year 2004 will receive funding in fiscal year 2007 at amounts similar to the amounts received in fiscal year 2004.

(5) \$170,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$170,000)~~ \$700,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to fund domestic violence legal advocacy, in recognition of reduced federal grant funding.

~~((4))~~ (6) \$28,848,000 of the general fund--state appropriation for fiscal year 2006 ~~(and \$29,941,000 of the general fund--state appropriation for fiscal year 2007 are)~~ is provided solely for providing early childhood education assistance. Of ~~((these))~~ this amount~~(s)~~, \$1,497,000 ~~((in each fiscal year))~~ is provided solely to increase the number of children receiving education, and \$1,052,000 ~~((in fiscal year 2006 and \$2,146,000 in fiscal year 2007 are))~~ is provided solely for a targeted vendor rate increase.

~~((5))~~ (7) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

~~((6))~~ (8) \$1,288,000 of the Washington housing trust account--state appropriation is provided solely to implement Engrossed House Bill No. 1074. If the bill is not enacted by June 30, 2005, the amounts in this subsection shall lapse.

~~((7))~~ (9) \$725,000 of the general fund--state appropriation for fiscal year 2006 and \$725,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for food banks to obtain and distribute additional nutritious food; and purchase equipment to transport and store perishable products.

~~((8) \$500,000)~~ (10) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$500,000)~~ \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the community services block grant program to help meet current service demands that exceed available community action resources.

~~((9))~~ (11) \$215,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for matching funds for a federal economic development administration grant awarded to the city of Kent to conduct a feasibility study and economic analysis for the establishment of a center for advanced manufacturing.

~~((10))~~ (12) \$20,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the department to compile a report on housing stock in Washington state to identify areas of potentially high risk for child lead exposure. This report shall include an analysis of existing data regarding the ages of housing stock in specific regions and an analysis of data regarding actual lead poisoning cases, which shall be provided by the department of health's childhood lead poisoning surveillance program.

~~((11))~~ (13) \$150,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the Cascade land conservancy to develop and implement a plan for regional conservation within King, Kittitas, Pierce, and Snohomish counties.

~~((12))~~ (14) \$50,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the support, including safety and security costs, of the America's freedom salute to be held in the Vancouver, Washington area.

~~((13))~~ (15) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to Snohomish county for a law enforcement and treatment methamphetamine pilot program. \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the Pierce county alliance's methamphetamine family services treatment program and safe streets of Tacoma's methamphetamine prevention service.

~~((14))~~ (16) \$50,000 of the general fund--state appropriation is provided solely for one pilot project to promote the study and implementation of safe neighborhoods through community planning.

~~((15))~~ (17) \$287,000 of the general fund--state appropriation for fiscal year 2006 and \$288,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for Walla Walla community college to establish the water and environmental studies center to provide workforce education and training, encourage innovative approaches and practices that address environmental and cultural issues, and facilitate the Walla Walla watershed alliance role in promoting communication leading to cooperative conservation efforts that effectively address urban and rural water and environmental issues.

~~((16))~~ (18) \$50,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for work with the northwest food processors association on the food processing cluster development project.

~~((17) \$200,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the northwest agriculture incubator project, which will support small farms in economic development)~~ (19) \$140,000 of the general fund--state appropriation for fiscal year 2006 and \$210,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the northwest agriculture incubator project, which will support small farms in economic development.

~~((18))~~ (20) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the department of community, trade, and economic development as the final appropriation for the youth assessment center in Pierce county for activities dedicated to reducing the rate of incarceration of juvenile offenders.

FIFTY-NINTH DAY, MARCH 8, 2006

~~((+9))~~ (21) \$235,000 of the general fund--state appropriation for fiscal year 2006 and \$235,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the small business incubator program. \$250,000 must be distributed as grants and must be matched by an equal amount of private funds.

~~((20))~~ (22) The department shall coordinate any efforts geared towards the 2010 Olympics with the regional effort being conducted by the Pacific northwest economic region, a statutory committee.

~~((21))~~ (23) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for HistoryLink to expand its free, noncommercial online encyclopedia service on state and local history.

~~((22))~~ (24) \$25,000 of the general fund--state appropriation for fiscal year 2006 and \$25,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for Women's Hearth, a nonprofit program serving the Spokane area's homeless and low-income women.

(25) \$250,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to the Pacific Science Center to host the dead sea scrolls exhibition in September 2006.

(26) \$2,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for providing statewide sexual assault services.

(27) \$96,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Olympic loop of the great Washington state birding trail.

(28) \$529,000 of the general fund--federal appropriation is provided solely for the department to provide to the department of archeology and historic preservation through an interagency agreement. The full amount of federal funding shall be transferred. The department of community, trade, and economic development shall not retain any portion for administrative purposes.

(29) \$150,000 of the general fund--state appropriation in fiscal year 2007 is provided solely to assist the suburban cities association, King county, and the cities of Seattle and Bellevue to comply with the most acute buildable lands needs countywide. Of this amount, \$50,000 is provided solely to the suburban cities association to fully fund a buildable lands program manager position.

(30) \$116,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an increase to the statewide coordination of the volunteer programs for court-appointed special advocates.

(31) \$25,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the energy facilities siting and evaluation council to make rules related to RCW 80.70.070, the carbon dioxide mitigation statute.

(32) \$712,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to provide each county with an additional 0.5 FTE for prosecutors' victim/witness units.

(33) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to implement two demonstration pilot projects related to transfer of development rights in cooperation with Snohomish and Pierce county legislative authorities. Projects may receive no more than \$100,000.

(34) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Seattle police department, and is to be divided evenly between the weed and seed programs in southeast Seattle and South Delridge/White Center to mitigate a one-year funding lapse from the federal department of justice. This appropriation is for the continuation of community police work and community building in these areas.

(35) \$125,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the Thurston county

2006 REGULAR SESSION

prosecutor's office, for the Rochester weed and seed program to mitigate a one-year funding lapse from the federal department of justice. This appropriation is for the continuation of community police work and community building in Rochester.

(36) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the city of Poulsbo for the reopening of the Poulsbo marine science center as an educational facility on the Puget Sound marine environment.

(37) \$544,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an upgrade to discovery park's daybreak star cultural center electrical system.

(38) \$670,000 of the housing trust account appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2418 (affordable housing program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(39) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Second Substitute House Bill No. 2498 (cluster-based economic development). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(40) \$186,000 of the general fund--local appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2402 (energy facilities). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(41) \$118,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of House Bill No. 3156 (low income persons). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(42) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Third Substitute House Bill No. 1815 (small business incubators). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(43) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time backfill of the federal reductions to the safe and drug free schools and communities grant program.

(44) \$300,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the developmental disabilities council to contract for legal services for individuals with developmental disabilities who are served or are entering the community protection program in the department of social and health services division of developmental disabilities. Funding shall be prioritized for those individuals who do not have paid legal guardians, but is available to all community protection clients, subject to available funds.

(45) \$100,000 of the fiscal year 2006 general fund--state appropriation is provided solely for tourism branding and marketing associated with the January 2007 United States figure skating championships in Spokane. It is the intent of the legislature to provide an additional \$500,000 during the 2007-09 fiscal biennium for the payment of one-half of the hosting fee if Spokane is designated as the host city of the 2009 world figure skating championships. The funds provided under this section are contingent on an equal amount of matching funds from nonstate sources.

(46) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the Pacific northwest economic region as matching funds for use in the development and operation of a regional tourism initiative in coordination with the department and consistent with the governor's initiatives on marketing, tourism, and trade. The department and the Pacific northwest economic region will jointly establish appropriate deliverables. The first \$25,000 of this amount will be released when the Pacific northwest economic region has secured at least \$75,000 in funding from other public and private sources. The final \$25,000 of this amount will be released when the Pacific northwest economic region has

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

secured an additional \$75,000 in funding from other public and private sources. A minimum of 25 percent of the matching funds raised by the Pacific northwest economic region for the initiative shall be from private sources.

(47) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$50,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the international trade alliance of Spokane to partnership with other regional governments to strengthen and diversify the regional economy.

(48) \$75,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to contract for a study that will provide recommendations on a small harbor dredging cooperative among the port districts of Pacific County and Wahkiakum County. The recommendations shall include options for an organizational framework, as well as the long-term financing of the cooperative.

(49) \$20,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to the Pacific-Algona senior center, a nonprofit food program serving low-income seniors.

(50) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to the northwest Korean sports and cultural festival.

(51) \$2,500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to allow Washington state tribes to continue participation in the Forest and Fish Report currently out for public comment as a habitat conservation plan under the endangered species act. In the event federal funding is reinstated, the amount provided in this subsection shall lapse.

(52) \$5,000 of the general fund--state appropriation for fiscal year 2006 is provided for Tacoma's international music festival.

(53) \$200,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the Mimms Academy in Tacoma to facilitate a pilot project concerning expelled and suspended students.

(54) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the King county sexual assault resource center to provide for a Spanish-speaking therapist position, parent/child victim education, and prevention education.

(55) \$67,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a study of methamphetamine action teams and drug task forces as provided by Engrossed Substitute Senate Bill No. 6239, sections 110 and 204 (controlled substances). The department shall report findings and recommendations to the legislature by November 1, 2006. If the bill is not enacted by June 30, 2006, the amount provided in this section shall lapse.

(56) \$84,000 of the general fund--state appropriation for fiscal year 2006 and \$84,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for distribution to Benton and Franklin counties to continue the Benton-Franklin juvenile drug court program. The counties shall provide an equivalent amount of matching funds.

(57) \$7,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the owners of the following minor league baseball facilities for major and minor restoration and repair of facilities projects: Tacoma Rainiers (\$2,500,000); Spokane Indians (\$2,000,000); Tri-Cities Dust Devils (\$1,000,000); Yakima Bears (\$750,000); and Everett AquaSox (\$750,000). The department shall not retain any portion for administrative purposes.

(58) \$40,000 of the fiscal year 2006 general fund--state appropriation and \$1,510,000 of the fiscal year 2007 general fund--state appropriation are provided solely for the department to enter into funding agreements with the mountains to sound greenway trust to accomplish the following projects: Squak mountain trail upgrades; Tiger mountain trailhead and trails upgrades; Rattlesnake mountain trail and trailhead construction; greenway legacy planning; Snoqualmie point view park

construction; and state route 18/interstate 90 interchange protection.

(59) \$149,000 of the general fund--state appropriation in fiscal year 2007 is provided solely to implement a human trafficking task force as described in section 1 of Substitute Senate Bill No. 6652 (human trafficking), authorizing a task force through June 30, 2011, to provide guidance in responding to the crime of human trafficking, and in providing services to human trafficking victims.

(60) \$140,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Senate Bill No. 5330 (economic development grants). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(61) \$200,000 of the general fund--state appropriation for fiscal year 2007 and \$197,000 of the general fund--federal appropriation for fiscal year 2007 are provided solely for the long-term care ombudsman program within the department of community, trade, and economic development to recruit and train volunteers to serve in the adult family home setting.

(62) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Enumclaw loggers monument.

(63) \$265,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute Senate Bill No. 6330 (the Washington trade corps fellowship program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 127. 2005 c 518 s 128 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund--State Appropriation (FY 2006) . . .	(\$573,000)
	\$579,000
General Fund--State Appropriation (FY 2007) . . .	(\$517,000)
	\$523,000
Pension Funding Stabilization Account	
Appropriation	\$3,000
TOTAL APPROPRIATION . . .	(\$1,090,000)
	\$1,105,000

Sec. 128. 2005 c 518 s 129 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2006)	(\$16,993,000)
	\$17,775,000
General Fund--State Appropriation (FY 2007)	(\$16,050,000)
	\$20,080,000
General Fund--Federal Appropriation	(\$23,550,000)
	\$23,555,000
General Fund--Private/Local	
Appropriation	\$1,216,000
Public Works Assistance Account--State Appropriation	\$200,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation	\$246,000
State Auditing Services Revolving Account--State	
Appropriation	\$25,000
Pension Funding Stabilization Account Appropriation	\$100,000
TOTAL APPROPRIATION . . .	(\$57,064,000)
	\$63,197,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the public works assistance account appropriation is provided solely for an inventory and evaluation of the most effective way to organize the state public infrastructure programs and funds. The inventory and evaluation shall be delivered to the governor and the appropriate committees of the legislature by September 1, 2005.

(2)(a) ~~(\$182,000)~~ \$62,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for an

FIFTY-NINTH DAY, MARCH 8, 2006

advisory council to study residential services for persons with developmental disabilities. The study shall identify a preferred system of services and a plan to implement the system within four years. Recommendations shall be provided on the services that best address client needs in different regions of the state and on the preferred system by January 1, 2006. The office of financial management may contract for specialized services to complete the study.

(b) The advisory council shall consist of thirteen members. Members appointed by the governor, include one representative from each of the governor's office or the office of financial management, the department of social and health services, the Washington state disabilities council, two labor organizations, the community residential care providers, residents of residential habilitation centers, individuals served by community residential programs, and individuals with developmental disabilities who reside or resided in residential habilitation centers. The advisory council shall also include two members of the house of representatives appointed by the speaker of the house of representatives representing the majority and minority caucuses and two members of the senate appointed by the president of the senate representing the majority and minority caucuses. Legislative members of the advisory group shall be reimbursed in accordance with RCW 44.04.120, and nonlegislative members in accordance with RCW 43.03.050 and 44.04.120. Staff support shall be provided by the department of social and health services, the developmental disabilities council, the office of financial management, the house of representatives office of program research, and senate committee services.

(3) \$1,041,000 of the general fund--state appropriation for fiscal year 2006 and \$706,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5441 (studying early learning, K-12, and higher education). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse. The legislature directs that the funding review by the Washington Learns steering committee authorized in Engrossed Second Substitute Senate Bill No. 5441 include a thorough review of funding for classified school employees and that the Washington Learns steering committee report findings and recommendations that include recommendations on how classified school employees can enhance students' abilities to meet state learning standards.

(4) \$200,000 of the general fund--state appropriation for fiscal year 2006 is provided to the office of regulatory assistance and is subject to the following conditions and limitations:

(a) This amount is provided solely for the enhanced planning and permit pilot program; and

(b) Regulatory assistance is to select two local government planning and permitting offices to participate in an enhanced permit assistance pilot program. Such enhancement may include, but is not limited to:

(i) Creation of local and state interagency planning and permit review teams;

(ii) Use of advanced online planning and permit applications;

(iii) Using loaned executives; and

(iv) Additional technical assistance and guidance for permit applicants.

(5) \$303,000 of the general fund--state appropriation for fiscal year 2006 and \$255,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Second Substitute House Bill No. 1970 (government management). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$200,000 of the general fund--state appropriation for fiscal year 2006 and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Substitute Engrossed House Bill No. 1242 (budgeting outcomes and priorities). If the bill is not enacted by

June 30, 2005, the amounts provided in this subsection shall lapse.

(7) The department of ecology, the department of fish and wildlife, the department of natural resources, the conservation commission, and the interagency committee for outdoor recreation shall make recommendations to improve or eliminate monitoring activities related to salmon recovery and watershed health. The agencies shall coordinate with the governor's forum on monitoring and watershed health and consult with the office of financial management in determining the scope and contents of the report.

The agencies shall prepare a report detailing all new activity and updating all previously identified activity within the comprehensive monitoring strategy. The report shall identify the monitoring activity being performed and include: The purpose of the monitoring activity, when the activity started, who uses the information, how often it is accessed, what costs are incurred by fund, what frequency is used to collect data, what geographic location is used to collect data, where the information is stored, and what is the current status and cost by fund source of the data storage systems.

The agencies shall provide a status report summarizing progress to the governor's forum on monitoring and watershed health and the office of financial management by March 1, 2006. A final report to the governor's monitoring forum, the office of financial management, and the appropriate legislative fiscal committees shall be submitted no later than September 1, 2006.

(8) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided to the office of financial management for the purpose of contracting with the Washington State University and University of Washington policy consensus center to provide project coordination for the office of financial management, the department of agriculture, the conservation commission, and the department of community, trade, and economic development to work with farmers, ranchers, and other interested parties to identify potential agricultural pilot projects that both enhance farm income and improve protection of natural resources.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the office of regulatory assistance to implement activities supporting the governor's regulatory improvement program including deployment of interagency permit teams, a business portal, programmatic permits, and an alternative mitigation program.

(10) The office of financial management shall prepare a report on state-purchased health care costs and expenditures. The report shall analyze the growth in state-purchased health care costs over the last five biennia and compare growth to other state expenditures and state revenues. The report shall propose options for funding the increases in state-funded health care, along with options for adjusting or containing state-funded health care expenditures within a constant portion of total estimated revenues.

(11) \$46,000 of the general fund--state appropriation for fiscal year 2006 and \$131,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Engrossed Second Substitute House Bill No. 2353 (family child care providers). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state quality award program to assist state agencies in obtaining the goals of the Washington state quality award.

(13) \$66,000 of the general fund--state appropriation for fiscal year 2006 and \$134,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to establish and provide staff support and technical assistance to

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

the blue ribbon commission on health care costs and access. The commission shall consist of the governor or a designee, who shall serve as chair; two members from each of the four caucuses of the legislature; the insurance commissioner or a designee; the secretary of health; the administrator of the health care authority; the assistant secretary for health and recovery services in the department of social and health services; and the assistant director for insurance services in the department of labor and industries. By December 1, 2006, the commission shall recommend to the governor and legislature a sustainable five-year plan for substantially improving access to affordable health care for all Washington residents.

resolution is not enacted by June 30, 2006, this subsection shall lapse.

Sec. 132. 2005 c 518 s 133 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund--State Appropriation (FY 2006)	\$238,000
General Fund--State Appropriation (FY 2007)	(\$247,000)
\$248,000 Pension Funding Stabilization Account	
<u>Appropriation</u>	<u>\$1,000</u>
TOTAL APPROPRIATION	(\$485,000)
	\$487,000

Sec. 133. 2005 c 518 s 134 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2006)	\$237,000
General Fund--State Appropriation (FY 2007)	(\$240,000)
\$241,000 Pension Funding Stabilization Account	
<u>Appropriation</u>	<u>\$1,000</u>
TOTAL APPROPRIATION	(\$477,000)
	\$479,000

Sec. 134. 2005 c 518 s 135 (uncodified) is amended to read as follows:

FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Account--State	
Appropriation	(\$1,043,000)
	\$1,119,000

Sec. 135. 2005 c 518 s 136 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Dependent Care Administrative Account--State	
Appropriation	(\$416,000)
	\$413,000
Department of Retirement Systems Expense Account--	
State Appropriation	(\$45,056,000)
	\$46,176,000
TOTAL APPROPRIATION	(\$45,472,000)
	\$46,589,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$13,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1327, chapter 65, Laws of 2005 (purchasing service credit).
- (2) \$10,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1269, chapter 21, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 2 service credit purchase).
- (3) \$55,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1270 (law enforcement officers' and fire fighters' retirement system plan 2 postretirement employment). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.
- (4) \$26,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1319, chapter 62, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 1 ex-spouse benefits).

Sec. 129. 2005 c 518 s 130 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account--State	
Appropriation	(\$29,490,000)
	\$29,595,000

The appropriation in this section is subject to the following conditions and limitations: \$103,000 of the administrative hearing revolving account--state appropriation is provided solely to determine, in collaboration with other state agencies, the best mechanism of digital recording for the office of administrative hearings, the manner of conversion from tape recording to digital recording, and the purchase of digital recording devices.

Sec. 130. 2005 c 518 s 131 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Account--State	
Appropriation	(\$20,323,000)
	\$26,888,000
Higher Education Personnel Services Account--State	
Appropriation	(\$1,634,000)
	\$1,656,000
TOTAL APPROPRIATION	(\$21,957,000)
	\$28,544,000

The appropriations in this section are subject to the following conditions and limitations: The department shall coordinate with the governor's office of Indian affairs on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

Sec. 131. 2005 c 518 s 132 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account--State Appropriation	
.	(\$24,087,000)
	\$24,160,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section may not be expended by the Washington state lottery for any purpose associated with a lottery game offered through any interactive electronic device, including the internet.
- (2) The appropriation in this section may be used for research to support the efforts of the select committee on gambling policy as provided in Senate Concurrent Resolution No. 8417. If the

FIFTY-NINTH DAY, MARCH 8, 2006

(5) \$46,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1325, chapter 64, Laws of 2005 (military service credit purchase).

(6) \$79,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1329, chapter 67, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 1 reduced survivor benefit).

(7) \$56,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1936 (emergency medical technician membership in law enforcement officers' and fire fighters' retirement system plan 2 service). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(8) \$16,000 of the department of retirement systems expense account is provided solely to implement Senate Bill No. 5522 (purchasing service credit lost due to injury). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(9) \$80,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 6453 (minimum monthly retirement). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(10) \$230,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 2932 (catastrophic disability benefit). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(11) \$78,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 2684 (plan 3 five-year vesting). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$117,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 2690 (service credit purchase). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(13) \$111,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2680 (TRS out-of-state service credit). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(14) \$375,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 2691 (retirement for justices). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 136. 2005 c 518 s 137 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

General Fund--State Appropriation (FY 2007)	\$300,000
State Investment Board Expense Account--State Appropriation	(\$16,020,000)
	\$16,123,000
TOTAL APPROPRIATION	\$16,423,000

The appropriations in this section are subject to the following conditions and limitations: \$300,000 of the general fund--state appropriation in fiscal year 2007 is provided solely to perform an evaluation of the department of natural resources' commercial lands program and review and recommend changes to the investment strategy of state permanent funds. The review of the commercial lands program shall examine:

- (1) Acquisition underwriting procedures;
- (2) Property management post-acquisition;
- (3) Portfolio construction and management strategy;
- (4) Cost structure of the program;

(5) Performance and appropriateness of the program's investments to date; and

(6) Examination of alternatives to the current program.

Sec. 137. 2005 c 518 s 138 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund--State Appropriation (FY 2006) (\$90,065,000)	\$90,302,000
General Fund--State Appropriation (FY 2007) (\$91,207,000)	\$92,647,000
Timber Tax Distribution Account--State Appropriation	(\$5,609,000)
\$5,627,000 Real Estate Excise Tax Grant Account--State	
Appropriation	\$3,900,000
Waste Reduction/Recycling/Litter Control--State	
Appropriation	\$108,000
State Toxics Control Account--State Appropriation . .	\$73,000
Oil Spill Prevention Account--State Appropriation . . .	\$14,000
Pension Funding Stabilization Account Appropriation	\$447,000
TOTAL APPROPRIATION (\$187,076,000)	\$193,118,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$113,000 of the general fund--state appropriation for fiscal year 2006, and \$93,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1315 (modifying disclosure requirements for the purposes of the real estate excise tax). If House Bill No. 1315 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) \$7,000 of the general fund--state appropriation for fiscal year 2006 and \$2,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute Senate Bill No. 5101 (renewable energy). If Substitute Senate Bill No. 5101 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2006 ~~(~~is~~)~~ and \$114,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed House Bill No. 1241 (modifying vehicle licensing and registration penalties). ~~(If Engrossed House Bill No. 1241 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.)~~

(4) \$1,390,000 of the general fund--state appropriation for fiscal year 2006, and \$1,240,000 of the general fund--state appropriation for fiscal year 2007 are ~~(provided solely)~~ for the department to employ strategies to enhance current revenue enforcement activities.

(5) \$5,121 of the general fund--state appropriation for fiscal year 2006 is provided solely to satisfy two claims to estate property, pursuant to RCW 11.76.245.

(6) \$10,000 of the general fund--state appropriation for fiscal year 2006 and \$89,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 2673 (local infrastructure). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(7) \$147,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2457 (tax relief/farm machinery). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(8) \$29,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of House Bill No. 2466 (tax relief for aerospace) or for Second Substitute Senate Bill No. 6604 (tax relief for aerospace). If neither of these bills are enacted by June 30, 2006, the amount provided in this subsection shall lapse.

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(9) \$193,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of House Bill No. 2671 (excise tax relief) or Substitute Senate Bill No. 6385 (excise tax relief). If neither of these bills are enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(10) \$33,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 2640 (biotechnology product). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(11) \$176,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2670 (hospital benefit zones). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$176,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute Senate Bill No. 6594 (streamlined sales tax). If Substitute Senate Bill No. 6594 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 138. 2005 c 518 s 139 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund--State Appropriation (FY 2006) . . . \$1,362,000
 General Fund--State Appropriation (FY 2007) . . . ~~(\$1,211,000)~~
 \$1,213,000 Pension Funding Stabilization Account
 Appropriation \$6,000
 TOTAL APPROPRIATION . . . ~~(\$2,573,000)~~
 \$2,581,000

Sec. 139. 2005 c 518 s 140 (uncodified) is amended to read as follows:

FOR THE MUNICIPAL RESEARCH COUNCIL

County Research Services Account--State Appropriation . . . \$787,000
 City and Town Research Services Account--State
 Appropriation . . . \$4,134,000
 Special Purpose District Research Services
 Account--State Appropriation . . . \$300,000
 TOTAL APPROPRIATION . . . ~~(\$4,921,000)~~
 \$5,221,000

The appropriations in this section are subject to the following conditions and limitations: \$300,000 of the special purpose district research services account appropriation for fiscal year 2007 is provided solely for the implementation of Substitute Senate Bill No. 6555 (special purpose districts). If Substitute Senate Bill No. 6555 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 140. 2005 c 518 s 141 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account--State Appropriation . . . ~~(\$3,186,000)~~
 \$3,196,000

The appropriation in this section is subject to the following conditions and limitations: \$180,000 of the OMWBE enterprises account appropriation is provided solely for management of private sector grants and coordination of support services to small businesses in the state. It is the intent of the legislature that this amount be funded from new grant revenues and business fees.

Sec. 141. 2005 c 518 s 142 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation (FY 2006) . . . \$321,000
 General Fund--State Appropriation (FY 2007) . . . ~~(\$233,000)~~
 \$359,000
 General Fund--Federal Appropriation ~~(\$3,640,000)~~
 \$3,641,000
 General Administration Service Account--State
 Appropriation ~~(\$32,045,000)~~
 \$32,163,000 Pension Funding Stabilization Account
 Appropriation \$1,000
 TOTAL APPROPRIATION . . . ~~(\$36,239,000)~~
 \$36,485,000

The appropriations in this section are subject to the following conditions and limitations: \$75,000 of the general fund--state appropriation for fiscal year 2006 (~~its~~) and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1830 (alternative public works). If Engrossed Substitute House Bill No. 1830 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

Sec. 142. 2005 c 518 s 143 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF INFORMATION SERVICES

General Fund-State Appropriation (FY 2007) . . . \$1,500,000
 General Fund--Federal Appropriation \$350,000
 Data Processing Revolving Account--State
 Appropriation ~~(\$3,612,000)~~
 \$3,621,000
 Public Safety and Education Account--State
 Appropriation \$684,000
 TOTAL APPROPRIATION . . . ~~(\$4,296,000)~~
 \$6,155,000

The appropriations in this section are subject to the following conditions and limitations: \$1,500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to support the operations of the digital learning commons. By September 1, 2006, the digital learning commons shall develop and implement a plan to become a self-supporting operation. The plan implemented shall allow for the digital learning commons to be entirely supported by user fees and private contributions by September 1, 2008.

Sec. 143. 2005 c 518 s 144 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund--Federal Appropriation ~~(\$673,000)~~
 \$1,513,000
 Insurance Commissioners Regulatory Account--State
 Appropriation ~~(\$40,253,000)~~
 \$41,587,000
 TOTAL APPROPRIATION . . . ~~(\$40,926,000)~~
 \$43,100,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$42,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement Substitute House Bill No. 2553 (service contracts). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(2) \$685,000 of the insurance commissioners regulatory account appropriation is provided solely to implement Substitute Senate Bill No. 6234 (antifraud unit). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 144. 2005 c 518 s 145 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account--State Appropriation ((~~\$1,962,000~~)) \$2,236,000

Sec. 145. 2005 c 518 s 146 (uncodified) is amended to read as follows:

FOR THE FORENSIC INVESTIGATION COUNCIL

Death Investigations Account--State Appropriation ((~~\$282,000~~)) \$283,000

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the death investigation account appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

Sec. 146. 2005 c 518 s 147 (uncodified) is amended to read as follows:

FOR THE HORSE RACING COMMISSION

Horse Racing Commission Operating Account--State Appropriation ((~~\$5,009,000~~)) \$5,027,000

Sec. 147. 2005 c 518 s 148 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

General Fund--State Appropriation (FY 2006) \$1,739,000 General Fund--State Appropriation (FY 2007) ((~~\$1,706,000~~)) \$1,720,000

Liquor Control Board Construction and Maintenance Account--State Appropriation \$12,832,000 Liquor Revolving Account--State Appropriation ((~~\$154,080,000~~)) \$159,863,000 Pension Funding Stabilization Account Appropriation \$7,000

TOTAL APPROPRIATION ((~~\$170,357,000~~)) \$176,161,000

The appropriations in this section are subject to the following conditions and limitations:

(1) As authorized under RCW 66.16.010, the liquor control board shall add an equivalent surcharge of \$0.42 per liter on all retail sales of spirits, excluding licensee, military and tribal sales, effective no later than July 1, 2005. The intent of this surcharge is to generate additional revenues for the state general fund in the 2005-07 biennium.

(2) \$154,000 of the liquor revolving account--state appropriation is provided solely for the lease of state vehicles from the department of general administration's motor pool.

(3) \$2,228,000 of the liquor revolving account--state appropriation is provided solely for costs associated with the installation of a wide area network that connects all of the state liquor stores and the liquor control board headquarters.

(4) \$186,000 of the liquor revolving account--state appropriation is provided solely for an alcohol education staff coordinator and associated alcohol educational resources targeted toward middle school and high school students.

(5) \$2,261,000 of the liquor revolving account--state appropriation is provided solely for replacement of essential computer equipment, improvement of security measures, and improvement to the core information technology infrastructure.

(6) \$2,800,000 of the liquor control board construction and maintenance account--state appropriation is provided solely for the certificate of participation to fund the expansion of the liquor distribution center.

(7) \$3,233,000 of the liquor revolving account--state appropriation is provided solely for upgrades to material handling system and warehouse management system software and equipment, and associated staff to increase the liquor distribution center's shipping capacity.

(8) \$2,746,000 of the liquor revolving account--state appropriation is provided solely for additional state liquor store and retail business analysis staff. The additional liquor store staff will be deployed to those stores with the greatest potential for increased customer satisfaction and revenue growth. The liquor control board, using the new retail business analysis staff and, if needed, an independent consultant, will analyze the impact of additional staff on customer satisfaction and revenue growth and make recommendations that will increase the effectiveness and efficiency of all the liquor control board's retail-related activities. Using best practices and benchmarks from comparable retail organizations, the analysis will evaluate and make recommendations, at a minimum, on the following issues: Optimal staffing levels and store locations and numbers of stores (both state liquor stores and contract liquor stores); options for an improved retail organizational structure; strategies to increase the retail decision-making capacity; and resources required for enhanced internal organizational support of the retail activities. In support of this evaluation, a survey shall be employed to gauge customer satisfaction with state and contract liquor store services. A written evaluation with recommendations shall be submitted to the governor and the legislative fiscal committees by October 1, 2006.

(9) \$187,000 of the general fund--state appropriation for fiscal year 2006 and \$122,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Senate Bill No. 6097 (tobacco products enforcement). If Senate Bill No. 6097 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(10) \$1,435,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1379 (liquor retail plan). If Substitute House Bill No. 1379 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(11) \$1,864,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 6823 (distribution of beer and wine). If Second Substitute Senate Bill No. 6823 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$575,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 6537 (direct wine sales). If Engrossed Senate Bill No. 6537 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 148. 2005 c 518 s 149 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Account--State Appropriation ((~~\$28,436,000~~)) \$28,707,000

Pipeline Safety Account--State Appropriation ((~~\$2,877,000~~)) \$2,894,000

Pipeline Safety Account--Federal Appropriation ((~~\$1,535,000~~)) \$1,539,000

TOTAL APPROPRIATION ((~~\$32,848,000~~)) \$33,140,000

Sec. 149. 2005 c 518 s 150 (uncodified) is amended to read as follows:

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' and Reserve Officers'
 Administrative Account--State Appropriation . ((~~\$768,000~~))
 \$980,000

Sec. 150. 2005 c 518 s 151 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2006) ((~~\$10,084,000~~))
 \$10,137,000
 General Fund--State Appropriation (FY 2007) . ((~~\$9,362,000~~))
 \$15,037,000
 General Fund--Federal Appropriation ((~~\$165,970,000~~))
 \$214,322,000
 General Fund--Private/Local Appropriation \$2,000
 Enhanced 911 Account--State Appropriation . . ((~~\$34,766,000~~))
 \$34,812,000
 Disaster Response Account--State Appropriation ((~~\$2,277,000~~))
 \$1,664,000
 Disaster Response Account--Federal Appropriation
 ((~~\$11,008,000~~))
 \$6,297,000
 Worker and Community Right-to-Know Account--State
 Appropriation ((~~\$314,000~~))
 \$315,000
 Nisqually Earthquake Account--State Appropriation
 ((~~\$6,713,000~~))
 \$6,531,000
 Nisqually Earthquake Account--Federal Appropriation
 ((~~\$29,127,000~~))
 \$27,075,000
 Military Department Rental and Lease Account--State
 Appropriation \$378,000
 Pension Funding Stabilization Account Appropriation \$44,000
TOTAL APPROPRIATION ((~~\$270,001,000~~))
\$316,614,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$2,277,000~~)) \$1,664,000 of the disaster response account--state appropriation and ((~~\$11,008,000~~)) \$6,297,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2005-07 biennium based on current revenue and expenditure patterns.

(2) ((~~\$6,713,000~~)) \$6,531,000 of the Nisqually earthquake account--state appropriation and ((~~\$29,127,000~~)) \$27,075,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund

balance as of the reporting date; and (c) the projected fund balance at the end of the 2005-07 biennium based on current revenue and expenditure patterns.

(3) ((~~\$127,586,000~~)) \$173,613,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee;

(b) This amount shall not be allotted until a spending plan is reviewed by the governor's domestic security advisory group and approved by the office of financial management;

(c) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures; and

(d) The department shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing homeland security revenues and expenditures for the previous fiscal year by county and legislative district.

(4) \$867,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the Cowlitz county 911 communications center for the purpose of purchasing or reimbursing the purchase of interoperable radio communication technology to improve disaster response in the Mount St. Helens area.

(5) No funds from sources other than fees from voice over internet protocol (VOIP) providers may be used to implement technologies specific to the integration of VOIP 911 with E-911. The military department, in conjunction with the department of revenue, shall propose methods for assuring the collection of an appropriate enhanced 911 excise tax from VOIP 911 providers and shall report their recommendations to the legislature by November 1, 2005.

(6) \$41,000 of the enhanced 911 account appropriation is provided solely to implement Substitute House Bill No. 2543 (911 advisory committee). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(7)(a) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the military department for administration of competitive grants detailed in (b) of this subsection and for implementation of one or more of the following activities regarding emergency management: Development and coordination of comprehensive emergency management plans; training of elected and appointed officials on state laws, disaster command and response structures, and the roles and responsibilities of officials before, during, and after a disaster; and administrating periodic joint emergency management training exercises involving the military department and other state agencies. In addition, the military department will study the feasibility of having regional disaster medical assistance teams and urban search and rescue teams available within the state to be deployed by the governor. The military department will report the findings and recommendations to the legislature by December 1, 2006.

(b) \$1,600,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the military department to allocate grants to regional agencies, local governments, tribal governments, regional incident management teams, and private organizations. The grants shall be for one or more of the following purposes and distributed on a competitive basis: Development and coordination of comprehensive emergency management plans; training of elected and appointed officials on state laws, ordinances, disaster command and response

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

structures, and the roles and responsibilities of officials before, during, and after a disaster; administration of periodic joint emergency management training exercises; and implementation of projects that will strengthen emergency response, mitigation, preparation, and coordination.

~~provided solely for the Western Board to relocate. If the Western Board does not relocate by June 30, 2006, the amounts provided in this subsection shall lapse.)~~

Sec. 153. 2005 c 518 s 154 (uncodified) is amended to read as follows:

FOR THE STATE CONVENTION AND TRADE CENTER

State Convention and Trade Center Account--State	
Appropriation	\$30,512,000
State Convention and Trade Center Operating	
Account--State Appropriation	(\$46,470,000)
	\$46,491,000
TOTAL APPROPRIATION	(\$76,982,000)
	\$77,003,000

Sec. 154. 2005 c 518 s 155 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund--State Appropriation (FY 2006) . . .	(\$550,000)
	\$745,000
General Fund--State Appropriation (FY 2007) . . .	(\$549,000)
	\$728,000
General Fund--Federal Appropriation	(\$1,446,000)
	\$1,037,000
General Fund--Private/Local Appropriation	\$14,000
Pension Funding Stabilization Account Appropriation .	\$3,000
TOTAL APPROPRIATION	(\$2,559,000)
	\$2,527,000

(End of part)

**PART II
HUMAN SERVICES**

Sec. 155. 2005 c 518 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.

(1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1,

(8)(a) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the military department to: (i) Initiate a health registry for veterans and military personnel returning from Afghanistan, Iraq, or other countries in which depleted uranium or other hazardous materials may be found; (ii) develop a plan for outreach to and follow-up of military personnel; (iii) prepare a report for service members concerning potential exposure to depleted uranium and other toxic chemical substances and the precautions recommended under combat and noncombat conditions while in a combat zone; (iv) submit a report by October 1, 2006, to the joint veterans and military affairs committee on the scope and adequacy of training received by members of the Washington national guard on detecting whether their service as eligible members is likely to entail, or to have entailed, exposure to depleted uranium, including an assessment of the feasibility and cost of adding predeployment training concerning potential exposure to depleted uranium and other toxic chemical substances; and (v) study the health effects of hazardous materials exposure including, but not limited to, depleted uranium, as they relate to military service and submit a report and recommendations to the joint veterans and military affairs committee.

(b) By January 31, 2007, the joint veterans and military affairs committee shall submit its recommendations, if any, to the appropriate committees of the legislature.

Sec. 151. 2005 c 518 s 152 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund--State Appropriation (FY 2006) . . .	(\$2,776,000)
	\$2,808,000
General Fund--State Appropriation (FY 2007) . . .	(\$2,824,000)
	\$2,890,000
Department of Personnel Service Account--State	
Appropriation	(\$2,945,000)
	\$2,953,000
Pension Funding Stabilization Account	
Appropriation	\$16,000
TOTAL APPROPRIATION	(\$8,545,000)
	\$8,667,000

The appropriations in this section are subject to the following conditions and limitations: \$32,000 of the general fund--state appropriation in fiscal year 2006 and \$60,000 of the general fund--state appropriation in fiscal year 2007 are provided solely for costs pursuant to Engrossed Second Substitute House Bill No. 2353 (family child care providers). If the bill is not enacted by June 30, 2006, the amount provided for this purpose shall lapse.

Sec. 152. 2005 c 518 s 153 (uncodified) is amended to read as follows:

FOR THE GROWTH ((PLANNING)) MANAGEMENT HEARINGS BOARD

General Fund--State Appropriation (FY 2006)	\$1,571,000
General Fund--State Appropriation (FY 2007) . . .	(\$1,587,000)
	\$1,590,000
Pension Funding Stabilization Account	
Appropriation	\$8,000
TOTAL APPROPRIATION	(\$3,158,000)
	\$3,169,000

The appropriations in this section are subject to the following conditions and limitations: ~~(\$9,000 of the general fund--state appropriation for fiscal year 2006 and \$9,000 of the general fund--state appropriation for fiscal year 2007 are~~

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

2006, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2006 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2006 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose, other than family support appropriations for the developmental disabilities program in section 205(1)(e) of this act and family reconciliation services appropriations for the children and family services program in section 202(20) of this act, after approval by the director of financial management.

(c) The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(4) The department is authorized to expend up to \$4,700,000 of its general fund--state appropriation for fiscal year 2007 for any reductions in federal funding in fiscal year 2006 for targeted case management services for children who are in the care of the state. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications under this subsection.

(5) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage Medicaid expenditures for the aged and disabled population. Under this Washington medicaid integration partnership (WMIP) the department may combine and transfer such Medicaid funds appropriated under sections 204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons during the 2005-2007 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot, times the number of clients enrolled in the pilot. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

((+)) (6) In accordance with RCW 74.39A.300, the appropriations to the department of social and health services in this act are sufficient to implement the compensation and fringe benefits of the collective bargaining agreement reached between the governor and the exclusive bargaining representative of individual providers of home care services.

Sec. 156. 2005 c 518 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2006)	(\$251,005,000)
	\$257,266,000
General Fund--State Appropriation (FY 2007)	(\$266,356,000)
	\$287,602,000
General Fund--Federal Appropriation	(\$421,401,000)
	\$433,829,000
General Fund--Private/Local Appropriation	\$400,000
Domestic Violence Prevention Account--State	
Appropriation	\$1,345,000
Public Safety and Education Account--State	
Appropriation	(\$10,754,000)
	\$6,405,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation	(\$1,510,000)
	\$5,860,000
Pension Funding Stabilization Account--State	
Appropriation	\$699,000
TOTAL APPROPRIATION	(\$951,420,000)
	\$993,406,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,271,000 of the general fund--state appropriation for fiscal year 2006, \$2,271,000 of the general fund--state appropriation for fiscal year 2007, and \$1,584,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(2) \$701,000 of the general fund--state appropriation for fiscal year 2006 and \$701,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$375,000 of the general fund--state appropriation for fiscal year 2006, \$375,000 of the general fund--state appropriation for fiscal year 2007, and \$322,000 of the general fund--federal appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$125,000 of the general fund--state appropriation for fiscal year ~~(2004)~~ 2006 and \$125,000 of the general fund--state appropriation for fiscal year ~~(2005)~~ 2007 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

(5) The providers for the 31 HOPE beds shall be paid a \$1,000 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

FIFTY-NINTH DAY, MARCH 8, 2006

(6) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures. The department shall adjust adoption support benefits to account for the availability of the new federal adoption support tax credit for special needs children. The department shall report annually by October 1st to the appropriate committees of the legislature on the specific efforts taken to contain costs.

(7) ~~((3,837,000))~~ \$4,661,000 of the general fund--state appropriation for fiscal year 2006, ~~((6,352,000))~~ \$12,666,000 of the general fund--state appropriation for fiscal year 2007, and ~~((4,370,000))~~ \$7,443,000 of the general fund--federal appropriation are provided solely for reforms to the child protective services and child welfare services programs, including ~~((30-day))~~ improvement in achieving face-to-face contact for children ((in out-of-home care)) every 30 days, improved timeliness of child protective services investigations, ~~((an enhanced in-home child welfare services program,))~~ and education specialist services. The department shall report by December 1st of each year on the implementation status of the enhancements, including the hiring of new staff, and the outcomes of the reform efforts. The information provided shall include a progress report on items in the child and family services review program improvement plan and areas identified for improvement in the Braam lawsuit settlement.

(8) Within amounts appropriated in this section, priority shall be given to proven intervention models, including evidence-based prevention and early intervention programs identified by the Washington institute for public policy and the department. The department shall include information on the number, type, and outcomes of the evidence-based programs being implemented in its reports on child welfare reform efforts.

(9) \$177,000 of the general fund--state appropriation for fiscal year 2006 and ~~((178,000))~~ \$228,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the state association of children's advocacy centers. Funds may be used for (a) children's advocacy centers that meet the national children's alliance accreditation standards for full membership, and are members in good standing; (b) communities in the process of establishing a center; and (c) the state association of children's advocacy centers. A 50 percent match will be required of each center receiving state funding.

(10) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$50,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a street youth program in Spokane.

(11) \$4,672,000 of the general fund--state appropriation for fiscal year 2006 and \$4,672,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for secure crisis residential centers.

(12) \$572,000 of the general fund--state appropriation for fiscal year 2006~~((572,000))~~ and \$1,144,000 of the general fund--state appropriation for fiscal year 2007~~((and \$1,144,000 of the general fund--federal appropriation))~~ are provided solely for section 305 of Senate Bill No. 5763 (mental disorders treatment) for chemical dependency specialist services.

(13) \$3,500,000 of the general fund--state appropriation for fiscal year 2007 and \$1,500,000 of the general fund--federal appropriation are provided solely for Engrossed Senate Bill No. 5922 (child neglect). If the bill is not enacted by June 30, 2005, these amounts shall lapse.

(14) \$1,345,000 of the domestic violence prevention account appropriation is provided solely for the implementation of chapter 374, Laws of 2005.

(15) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the supervised visitation and safe exchange center in Kent. The department shall not retain any portion for administrative purposes.

(16) \$450,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Second Substitute House Bill No. 2002 (foster care support services). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(17) \$521,000 of the general fund--state appropriation for fiscal year 2007 and \$223,000 of the general fund--federal appropriation are provided solely for a statewide foster parent recruitment and retention program pursuant to Second Substitute House Bill No. 3115 (foster care critical support). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(18) The department shall evaluate integrating a family assessment component into its practice model for working with lower risk families involved with child protective services. The department shall report its findings to the joint task force on child safety for children in child protective services or child welfare services by July 1, 2007.

(19) \$3,700,000 of the general fund--state appropriation for fiscal year 2006, \$3,700,000 of the general fund--state appropriation for fiscal year 2007, and \$6,200,000 of the general fund--federal appropriation are provided solely for the medicaid treatment child care (MTCC) program. The department shall contract for MTCC services. In addition to referrals made by children's administration case workers, the department shall authorize children referred to the MTCC program by local public health nurses and case workers from the temporary assistance for needy families (TANF) program, as long as the children meet the eligibility requirements as outlined in the Washington state plan for the MTCC program. Starting in June 2006, the department shall report quarterly to the appropriate policy committees of the legislature on the MTCC program and include monthly statewide and regional information on: (a) The number of referrals; (b) the number of authorized referrals and child enrollments; and (c) program expenditure levels.

(20) \$540,000 of the general fund--state appropriation for fiscal year 2006, \$540,000 of the general fund--state appropriation for fiscal year 2007, and \$2,476,000 of the general fund--federal appropriation are provided solely for the category of services titled "family reconciliation services."

(21) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for continuum of care in Region 1.

Sec. 157. 2005 c 518 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2006)	((78,552,000))
	\$79,031,000
General Fund--State Appropriation (FY 2007)	((81,760,000))
	\$80,615,000
General Fund--Federal Appropriation	((5,998,000))
	\$5,668,000
General Fund--Private/Local Appropriation	\$1,098,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation	\$38,385,000
Juvenile Accountability Incentive Account--Federal	
Appropriation	((5,621,000))
	\$5,516,000
Pension Funding Stabilization Account--State	
Appropriation	\$449,000
TOTAL APPROPRIATION	((211,414,000))
	\$210,762,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$706,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$6,156,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,020,000 of the general fund--state appropriation for fiscal year 2006, \$1,030,000 of the general fund--state appropriation for fiscal year 2007, and \$5,345,000 of the violence reduction and drug enforcement account appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$2,997,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) For the purposes of a pilot project, the juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative to the Pierce county juvenile court. To evaluate the effect of decategorizing funding for youth services, the juvenile court shall do the following:

(a) Develop intermediate client outcomes according to the risk assessment tool (RAT) currently used by juvenile courts and in coordination with the juvenile rehabilitation administration;

(b) Track the number of youth participating in each type of service, intermediate outcomes, and the incidence of recidivism within twenty-four months of completion of services;

(c) Track similar data as in (b) of this subsection with an appropriate comparison group, selected in coordination with the juvenile rehabilitation administration and the family policy council;

(d) Document the process for managing block grant funds on a quarterly basis, and provide this report to the juvenile rehabilitation administration and the family policy council; and

(e) Provide a process evaluation to the juvenile rehabilitation administration and the family policy council by June 20, 2006, and a concluding report by June 30, 2007. The court shall develop this evaluation in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute for public policy.

(6) \$319,000 of the general fund--state appropriation for fiscal year 2006 and \$678,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to establish a reinvesting in youth pilot program. Participation shall be limited to three counties or groups of counties, including one charter county with a population of over eight hundred thousand residents and at least one county or group of counties with a combined population of three hundred thousand residents or less.

(a) Only the following intervention service models shall be funded under the pilot program: (i) Functional family therapy; (ii) multi-systemic therapy; and (iii) aggression replacement training.

(b) Subject to (c) of this subsection, payments to counties in the pilot program shall be sixty-nine percent of the average service model cost per youth times the number of youth engaged by the selected service model. For the purposes of calculating the average service model cost per engaged youth for a county, the following costs will be included: Staff salaries, staff benefits, training, fees, quality assurance, and local expenditures on administration.

(c) Distribution of moneys to the charter county with a population of over eight hundred thousand residents shall be based upon the number of youth that are engaged by the intervention service models, up to six hundred thousand dollars for the biennium. The department may distribute the remaining grant moneys to the other counties selected to participate in the pilot program.

(d) The department shall provide recommendations to the legislature by June 30, 2006, regarding a cost savings calculation methodology, a funds distribution formula, and criteria for service model eligibility for use if the reinvesting in youth program is continued in future biennia.

~~((c)) \$248,000 of the general fund--state appropriation for fiscal year 2006 and \$496,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to reimburse counties for local juvenile disposition alternatives implemented pursuant to House Bill No. 2073 (juvenile sentencing) and Senate Bill No. 5719 (community commitment). The juvenile rehabilitation administration, in consultation with the juvenile court administrators, shall develop an equitable distribution formula for the funding provided in this subsection, and negotiate contracts that would avoid the cost of a youth kept in the community costing more than serving the youth in a juvenile rehabilitation institution and parole program on an average daily population basis. The juvenile rehabilitation administration may adjust the funding level provided in this subsection in the event that utilization rates of the disposition alternatives are lower than the level anticipated by the total appropriation to the juvenile rehabilitation administration in this section. The juvenile rehabilitation administration shall report to the appropriate policy and fiscal committees of the legislature on the use of the disposition alternatives and revocations by December 1, 2006. If either bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.))~~

Sec. 158. 2005 c 518 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2006) (((\$261,430,000))	\$260,292,000
General Fund--State Appropriation (FY 2007) (((\$269,285,000))	\$283,039,000
General Fund--Federal Appropriation (((\$336,771,000))	\$344,331,000
General Fund--Private/Local Appropriation	\$1,970,000
TOTAL APPROPRIATION (((\$869,456,000))	\$889,632,000

The appropriations in this subsection are subject to the following conditions and limitations:

~~((b))~~ (a) \$103,400,000 of the general fund--state appropriation for fiscal year 2006 ~~((and \$103,400,000 of the general fund--state appropriation for fiscal year 2007 are))~~ is provided solely for persons and services not covered by the medicaid program. The department shall distribute ~~((these~~

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

amounts)) this amount among the regional support networks according to a formula that, consistent with RCW 71.24.035(13), assures continuation of fiscal year 2003 levels of nonmedicaid service in each regional support network area for the following service categories in the following priority order: (i) Crisis and commitment services; (ii) community inpatient services; and (iii) residential care services, including personal care and emergency housing assistance. The formula shall also ensure that each regional support network's combined state and federal allocation is no less than the amount it was due under the fiscal year 2005 allocation methodology. The remaining amounts shall be distributed based upon a formula that incorporates each regional support network's percentage of the state's population. ((In consultation with regional support networks and other interested groups, the department shall report to the joint legislative and executive task force by September 2006 on options for modifying the allocation formula to assure equitable statewide access to essential nonmedicaid services.

—(e)) (b) \$100,959,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for persons and services not covered by the medicaid program. Consistent with RCW 71.24.035(13), these funds shall be distributed proportional to each regional support network's percentage of the total state population.

(c) \$10,882,000 of the general fund--state appropriation for fiscal year 2007 and \$10,922,000 of the general fund--federal appropriation are provided solely to increase medicaid capitation rates (i) by three and one-half percent, for regional support networks whose fiscal year 2006 capitation rates are above the statewide population-weighted average; and (ii) to the statewide population-weighted average, for regional support networks whose fiscal year 2006 capitation rates are below that level. Regional support networks may elect to receive all or a portion of the general fund--state share of the funding for which they qualify under this subsection (1)(c) as an increase in nonmedicaid rather than medicaid funding. Regional support networks choosing to obtain funding in this way must notify the department of their decision no later than June 1, 2006.

(d) \$359,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to ensure that no regional support network's combined state and federal allocation is less than the amount it was due under the fiscal year 2006 allocation methodology.

(e) \$750,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for grants to hospitals that are unable to receive disproportionate share hospital funding due to the federal funding restrictions on "institutions for mental disease." These funds shall be allocated among eligible hospitals proportional to the amount the hospital would have received from the disproportionate share hospital grants funded under section 209 of this 2006 act if the federal funding restriction were not in effect.

(f) \$85,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a contract with the national alliance for the mentally ill of greater Seattle to assist people who are recovering from a major mental illness to participate in development of a group residence for women.

(g) \$2,825,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to refund to regional support networks fifty percent of the "liquidated damages" amount that was withheld from payments to the regional support network during fiscal years 2002 through 2005 because the regional support network used more than its allocated number of state hospital days of care. The payments directed in this subsection (1)(g) are contingent upon agreement by the regional support network that the funds shall be used only for mental health services. The payments directed in this subsection do not apply to regional support networks to which such refunds have been directed by court order prior to the effective date of this 2006 act.

(h) The department shall refund to the regional support networks 100 percent of the "liquidated damages" that have been withheld from payments to the regional support network during fiscal year 2006 for periods prior to the effective date of this act. The payments directed in this subsection (1)(h) do not apply to regional support networks to which such refunds have been directed by court order prior to the effective date of this act.

(i) \$3,238,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department and regional support networks to contract for development and initial implementation of high-intensity program for active community treatment (PACT) teams, and other proven program approaches which the department concurs will enable the regional support network to achieve significant reductions during fiscal year 2008 and thereafter in the number of beds the regional support network would otherwise need to use at the state hospitals.

(j) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall average 222 per day throughout fiscal year 2007. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall average 727 during the first quarter of fiscal year 2007, 757 during the second quarter of fiscal year 2007, and 777 during the third and fourth quarters of fiscal year 2007. During fiscal year 2007, the department shall not separately charge regional support networks for use of state hospital beds for short-term commitments, or for persons served in the program for adaptive living skills (PALS), but the days of care provided for such commitments and in the PALS program shall count against the regional support network's state hospital allocation. The legislature intends to authorize separate charges for the PALS program beginning in January 2008.

(k) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

((+)) (l) Within amounts appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services shall be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the required nonfederal share of the increased medicaid payment provided for operation of this project.

((+)) (m) \$3,100,000 of the general fund--state appropriation for fiscal year 2006 and \$3,375,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to establish a base community psychiatric hospitalization payment rate. The base payment rate shall be \$400 per indigent patient day at hospitals that accept commitments under the involuntary treatment act, and \$550 per medicaid patient day at free-standing psychiatric hospitals that accept commitments under the involuntary treatment act. The department shall allocate these funds among the regional support networks to reflect projected expenditures at the enhanced payment level by hospital and region.

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

~~((f))~~ (n) At least \$902,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

~~((g))~~ ~~\$2,146,000 of the general fund--state appropriation for fiscal year 2006, \$4,408,000 of the general fund--state appropriation for fiscal year 2007, and \$4,559,000 of the general fund--federal appropriation are provided solely for a vendor rate increase to regional support networks for medicaid and nonmedicaid services, to the extent that: Amounts provided in this subsection (1) to serve medicaid clients through regional support networks are sufficient to ensure compliance with federally approved actuarially sound medicaid rate ranges in every rate category. If such amounts are not sufficient to ensure compliance, funds provided in this subsection (1)(g) shall first be applied to address any noncompliant rate category; remaining amounts shall be allocated among the regional support networks by applying a uniform percentage of increase across regional support networks.~~

~~((h))~~ (o) \$5,000,000 of the general fund--state appropriation for fiscal year 2006 and \$5,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon mentally ill offenders' release from confinement. These amounts shall supplement, and not supplant, local or other funding or in-kind resources currently being used for these purposes. The department is authorized to transfer such amounts as are necessary, which are not to exceed \$418,000 of the general fund--state appropriation for fiscal year 2006 and \$418,000 of the general fund--state appropriation for fiscal year 2007, to the economic services program for the purposes of implementing section 12 of Engrossed Second Substitute House Bill No. 1290 (community mental health) related to reinstating and facilitating access to mental health services upon mentally ill offenders' release from confinement.

~~((i))~~ (p) \$1,500,000 of the general fund--state appropriation for fiscal year 2006 and \$1,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants for innovative mental health service delivery projects. Such projects may include, but are not limited to, clubhouse programs and projects for integrated health care and behavioral health services for general assistance recipients. These amounts shall supplement, and not supplant, local or other funding currently being used for activities funded under the projects authorized in this subsection.

~~((j))~~ (q) The department is authorized to continue to expend federal block grant funds, and special purpose federal grants, through direct contracts, rather than through contracts with regional support networks; and to distribute such funds through a formula other than the one established pursuant to RCW 71.24.035(13).

~~((k))~~ (r) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

~~((l))~~ (s) \$2,250,000 of the general fund--state appropriation for fiscal year 2006, \$2,250,000 of the general fund--state appropriation for fiscal year 2007, and \$4,500,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment. Coordination of these services will be done in partnership between the mental health program and the aging and disability services administration. The funds are not

subject to the standard allocation formula applied in accordance with RCW 71.24.035(13)(a).

~~((m))~~ (t) \$750,000 of the general fund--state appropriation for fiscal year 2006 and \$750,000 of the general fund--state appropriation for fiscal year 2007 are provided to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who have been discharged from the state hospitals. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

~~((n))~~ (u) \$539,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to assist with the one-time start-up costs of two evaluation and treatment facilities. Funding for ongoing program operations shall be from existing funds that would otherwise be expended upon short-term treatment in state or community hospitals.

~~((o))~~ (v) \$550,000 of the general fund--state appropriation for fiscal year 2006 and \$150,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for ~~((a pilot project that provides integrated care through a facility specializing in long-term rehabilitation services for people with chronic mental illness who are chronically medically-compromised. This project is to be implemented in coordination with and under the auspices of a regional support network))~~ enhancing rates to a facility that (i) is a licensed nursing home; (ii) is considered to be an "Institution for Mental Diseases" under centers for medicare and medicaid services criteria; (iii) specializes in long-term rehabilitation services for people with chronic mental illness who are chronically medically-compromised; and (iv) provides services to a minimum of 48 consumers funded by a regional support network. These amounts shall be provided in coordination with and under the auspices of a regional support network and shall enhance, and not supplant, other funding or in-kind resources currently being used for these purposes. These funds shall be used to cover costs incurred throughout fiscal year 2006 and fiscal year 2007 and ensure adequate compensation for extra medical care services, personal care services, and other incidental costs that are not fully covered in the current rate paid to the facility.

~~((p))~~ (w) \$450,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the mental health division, in collaboration with the children's administration and the juvenile rehabilitation services administration, to establish a pilot program to provide evidence-based mental health services to children. The mental health service or services to be provided under the pilot program must be selected from a list of evidence-based service options developed by the department, in consultation with a broadly representative group of individuals with expertise in children's mental health.

(i) The program site shall be selected through a request for proposal (RFP) process, open to counties or groups of counties, and shall be operational by December 2006.

(ii) Pilot site proposals shall be required to include: A designated lead agency and a commitment to work with community partners, including consumer/family representatives and representatives of the local mental health, juvenile justice, and child welfare systems and, at the applicant's discretion, may also include representatives of other child-serving systems such as health care and education; identification of areas of potential need based upon input from community partners; identification of the service or services that the pilot site would implement based upon community needs and resources; and demonstration of a commitment to participate in efforts that will ensure adherence to the chosen evidence-based practices and evaluate outcomes of implementation of the evidence-based practices.

(iii) The department shall contract with the University of Washington school of medicine's department of psychiatry and behavioral sciences division of public behavioral health and justice to provide support and assistance in all phases of the

FIFTY-NINTH DAY, MARCH 8, 2006

pilot program, including initiating, implementing, training providers, providing quality assurance, and monitoring implementation and outcomes.

(x) Amounts provided in this subsection are sufficient to implement Second Substitute House Bill No. 2912 (mental health professionals).

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006)	(((104,749,000))
	\$115,706,000
General Fund--State Appropriation (FY 2007)	(((110,534,000))
	\$137,445,000
General Fund--Federal Appropriation	(((150,115,000))
	\$143,693,000
General Fund--Private/Local Appropriation . . .	(((29,632,000))
\$30,994,000 Pension Funding Stabilization Account--State	
Appropriation	\$965,000
TOTAL APPROPRIATION	(((395,030,000))
	\$428,803,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$3,725,000 of the general fund--state appropriation for fiscal year 2006 and \$3,675,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to operate at least one more forensic ward at western state hospital than was operational in December 2004, and to employ professional staff in addition to those assigned in December 2004 to conduct outpatient evaluations of competency to stand trial.

(c) \$45,000 of the general fund--state appropriation for fiscal year 2006 and \$45,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for payment to the city of Lakewood on September 1 of each year for police services provided by the city at western state hospital and adjacent areas.

(d) \$6,770,000 of the general fund--state appropriation for fiscal year 2006 and \$19,850,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to open on a temporary basis five additional adult civil commitment wards at the state psychiatric hospitals. The legislature intends for these wards to close, on a phased basis, during the 2007-09 biennium as a result of targeted investments in community services for persons who would otherwise need care in the hospitals. To the extent that the department and regional support networks are able to develop and implement cost-effective approaches during fiscal year 2007 that would avert the need to open one or more of the additional wards, the department is authorized to use funds appropriated in this subsection for implementation of those approaches. The department shall seek review and comment from the legislative fiscal committees at least thirty days prior to proceeding with implementation of any such alternative approach.

(3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2006)	(((43,322,000))
	\$40,499,000
General Fund--State Appropriation (FY 2007)	(((46,551,000))
\$45,276,000 Pension Funding Stabilization Account--State	
Appropriation	\$129,000
TOTAL APPROPRIATION	(((89,873,000))
	\$85,904,000

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2006)	\$.643,000
General Fund--State Appropriation (FY 2007)	(((994,000))
	\$1,726,000
General Fund--Federal Appropriation	(((3,209,000))
\$3,395,000 Pension Funding Stabilization Account--State	
Appropriation	\$1,000
TOTAL APPROPRIATION	(((4,846,000))
	\$5,765,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$75,000 of the general fund--state appropriation for fiscal year 2006, \$75,000 of the general fund--state appropriation for fiscal year 2007, and \$40,000 of the general fund--federal appropriation are provided solely to implement the request for proposal process required by House Bill No. 1290 (community mental health). If House Bill No. 1290 is not enacted by June 30, 2005, these amounts shall lapse.

(b) \$178,000 of the general fund--state appropriation for fiscal year 2006 and \$221,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to develop and to train community mental health staff in the use of the integrated chemical dependency/mental health screening and assessment system and tool required by section 601 of Senate Bill No. 5763 (mental disorders treatment). If section 601 of Senate Bill No. 5763 is not enacted by June 30, 2005, these amounts shall lapse.

(c) Funds provided in this subsection may be used to issue a request for proposals in accordance with RCW 71.24.320(2) only if Engrossed Substitute Senate Bill No. 6793 is enacted by June 30, 2006.

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2006)	(((3,620,000))
	\$6,577,000
General Fund--State Appropriation (FY 2007)	(((3,550,000))
	\$4,183,000
General Fund--Federal Appropriation	(((6,671,000))
\$5,881,000 Pension Funding Stabilization Account--State	
Appropriation	\$19,000
TOTAL APPROPRIATION	(((13,841,000))
	\$16,660,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$125,000 of the general fund--state appropriation for fiscal year 2006, \$125,000 of the general fund--state appropriation for fiscal year 2007, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to continue the longitudinal analysis directed in chapter 334, Laws of 2001 (mental health performance audit), and, to the extent funds are available within these amounts, to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders).

(b) \$2,032,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the purposes of complying with and satisfaction of a final court order and judgment in *Pierce County, et al. v. State of Washington and State of Washington Department of Social and Health Services, et al.*, Thurston County Superior Court Cause No. 03-2-00918-8.

(c) \$520,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the purposes of settling all claims in *County of Spokane, a Washington municipal entity v. State of Washington Department of Social and Health Services and Dennis Braddock, the Secretary of the Department of Social and Health Services, in his official capacity.* Thurston County Superior Court Cause No. 03-2-01268-5. The expenditure of this amount is contingent on the release of all claims in the case, and total settlement costs shall not exceed the amount provided in this subsection. If the settlement is not executed by June 30, 2006, the amount provided in this subsection shall lapse.

(d) Funds provided in this subsection may be used to issue a request for proposals in accordance with RCW 71.24.320(2) only if Engrossed Substitute Senate Bill No. 6793 is enacted by June 30, 2006.

Sec. 159. 2005 c 518 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2006)	(\$299,027,000)
	\$296,430,000
General Fund--State Appropriation (FY 2007)	(\$311,869,000)
	\$312,856,000
General Fund--Federal Appropriation	(\$505,414,000)
	\$503,419,000
Health Services Account--State Appropriation	\$904,000
Pension Funding Stabilization Account--State	
Appropriation	\$138,000
TOTAL APPROPRIATION ((\$1,117,214,000))	\$1,113,747,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The entire health services account appropriation, (~~(\$213,000)~~) \$151,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$400,000)~~) \$427,000 of the general fund--state appropriation for fiscal year 2007, and (~~(\$600,000)~~) \$1,482,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The (~~per worker per month~~) state contribution (~~per agency~~) to the cost of health care benefits per participating worker per month shall be no greater than (~~(\$380.06)~~) \$449.00 in fiscal year 2006 and (~~(\$413.14)~~) \$532.00 in fiscal year 2007.

(b) Individuals receiving family support or high school transition payments as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(c) \$516,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$1,563,000)~~) \$1,917,000 of the general fund--state appropriation for fiscal year 2007, and (~~(\$2,078,000)~~) \$2,433,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(d) \$579,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$1,531,000)~~) \$1,735,000 of the general fund--state appropriation for fiscal year 2007, and (~~(\$2,110,000)~~) \$2,315,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues. Funding in this subsection shall be prioritized for (i) clients being diverted or discharged from the state psychiatric hospitals; (ii) clients participating in the dangerous mentally ill offender program; (iii) clients

participating in the community protection program; and (iv) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds if the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e) \$12,902,000 of the general fund--state appropriation for fiscal year 2006, \$13,802,000 of the general fund--state appropriation for fiscal year 2007, and \$8,579,000 of the general fund--federal appropriation are provided solely for family support programs for individuals with developmental disabilities.

Of the amounts provided in this subsection (e), \$900,000 of the general fund--state appropriation for fiscal year 2006 and \$1,600,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of a flexible family support pilot program for families who are providing care and support for family members with developmental disabilities. The program shall provide funding for support services such as respite care, training and counseling, assistive technologies, transition services, and assistance with extraordinary household expenses.

(i) To receive funding, an individual must: (A) Be eligible for services from the division of developmental disabilities; (B) live with his or her family; (C) not live independently or with a spouse; (D) not receive paid services through the division, including medicaid personal care and medicaid waiver services; and (E) have gross household income of less than or equal to four hundred percent of the federal poverty level.

(ii) The department shall determine individual funding awards based on the following criteria: (A) Documented need for services, with priority given to individuals in crisis or at immediate risk of needing institutional services, individuals who transition from high school without employment or day program opportunities, individuals cared for by a single parent, and individuals with multiple disabilities; (B) number and ages of family members and their relation to the individual with developmental disabilities; (C) gross annual household income; and (D) availability of state funds.

Funding awards may be made as one-time awards or on a renewable basis. Renewable awards shall be for a period of twelve months for the biennium. Awards shall be based upon the criteria provided in this subsection, but shall be within the following limits: Maximum of \$4,000 per year for an individual whose gross annual household income is up to 100 percent of the federal poverty level; maximum of \$3,000 per year for an individual whose gross annual household income is up to 200 percent of the federal poverty level; maximum of \$2,000 per year for an individual whose gross annual household income is up to 300 percent of the federal poverty level; and maximum of \$1,000 per year for an individual whose gross annual household income is up to 400 percent of the federal poverty level. Of the amounts provided in this subsection, \$150,000 of the general fund--state appropriation for fiscal year 2006 and \$300,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for one-time awards.

(iii) Eligibility for, and the amount of, renewable awards and one-time awards shall be redetermined annually and shall correspond with the application of the department's mini-assessment tool. At the end of each award period, the department must redetermine eligibility for funding, including increases or reductions in the level of funding, as appropriate.

(iv) By November 1, 2006, the department shall provide recommendations to the appropriate policy and fiscal committees of the legislature on strategies for integrating state-funded family support programs, including, if appropriate, the flexible family support pilot program, into a single program. The department shall also provide a status report on the flexible family support pilot program, which shall include the following information: The number of applicants for funding; the total number of awards; the number and amount of both annual and one-time awards, broken down by household income levels; and the purpose of the awards.

(v) The department shall manage enrollment and award levels so as to not exceed the amounts appropriated for this purpose.

(f) \$840,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$1,979,000)~~ \$3,060,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$1,219,000)~~ \$1,500,000 of the general fund--federal appropriation are provided solely for employment and day services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided for both waiver and nonwaiver clients.

(g) \$1,000,000 of the general fund--state appropriation for fiscal year 2006, \$1,000,000 of the general fund--state appropriation for fiscal year 2007, and \$2,000,000 of the general fund--federal appropriation are provided for implementation of the administrative rate standardization. These amounts are in addition to any vendor rate increase adopted by the legislature.

(h) \$100,000 of the general fund--state appropriation for fiscal year 2006 ~~(~~is~~)~~ and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for services to community clients provided by licensed professionals at the state residential habilitation centers. The division shall submit claims for reimbursement for services provided to clients living in the community with medical assistance or third-party health coverage, as appropriate, and shall implement a system for billing clients without coverage. The department shall provide a report by December 1, 2006, to the appropriate committees of the legislature on the number of clients served, services provided, and expenditures and revenues associated with those services.

(i) \$65,000 of the general fund--state appropriation for fiscal year 2006 ~~(~~is~~ \$65,000 of the general fund--state appropriation for fiscal year 2007)~~ and ~~(\$130,000)~~ \$65,000 of the general fund--federal appropriation are provided solely for supplemental compensation increases for direct care workers employed by home care agencies in recognition of higher labor market cost pressures experienced by agencies subject to collective bargaining obligations. In order for a specific home care agency to be eligible for such increases, home care agencies shall submit the following to the department:

(i) Proof of a legally binding, written commitment to increase the compensation of agency home care workers; and

(ii) Proof of the existence of a method of enforcement of the commitment, such as arbitration, that is available to the employees or their representative, and proof that such a method is expeditious, uses a neutral decision maker, and is economical for the employees.

(j) \$12,000 of the general fund--state appropriation for fiscal year 2007 and \$12,000 of the general fund--federal appropriation are provided solely to increase boarding home provider payment rates by 1.0 percent, effective July 1, 2006.

(k) \$134,000 of the general fund--state appropriation for fiscal year 2007 and \$134,000 of the general fund--federal appropriation are provided solely to increase adult family home provider payment rates by 1.0 percent, effective July 1, 2006.

(l) \$955,000 of the general fund--state appropriation for fiscal year 2007 and \$958,000 of the general fund--federal appropriation are provided solely for a rate increase for supported living providers of 15 cents per hour for King county, and 12 cents per hour for all other counties.

(m) \$778,000 of the general fund--state appropriation for fiscal year 2007 and \$580,000 of the general fund--federal appropriation are provided solely for additional case managers and support staff. The department shall dedicate half of the amount provided in this subsection to accelerate the implementation of the mini-assessment tool on clients not currently receiving paid services.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006)	(\$76,062,000)
	\$76,623,000
General Fund--State Appropriation (FY 2007)	(\$78,545,000)
	\$78,826,000
General Fund--Federal Appropriation	(\$152,479,000)
	\$153,807,000
General Fund--Private/Local Appropriation	(\$12,000,000)
	\$11,237,000
Pension Funding Stabilization Account--State Appropriation	\$457,000
TOTAL APPROPRIATION	(\$319,086,000)
	\$320,950,000

The appropriations in this subsection are subject to the following conditions and limitations: The developmental disabilities program is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the program determines it is cost-effective to do so.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2006)	(\$2,457,000)
	\$2,312,000
General Fund--State Appropriation (FY 2007)	(\$2,068,000)
	\$1,924,000
General Fund--Federal Appropriation	(\$3,034,000)
	\$3,014,000
Pension Funding Stabilization Account--State Appropriation	\$17,000
TOTAL APPROPRIATION	(\$7,559,000)
	\$7,267,000

The appropriations in this subsection are subject to the following conditions and limitations: \$578,000 of the general fund--state appropriation for fiscal year 2006 and \$578,000 of the general fund--federal appropriation are provided solely for the purpose of developing and implementing a consistent needs assessment instrument for use on all clients with developmental disabilities. In developing the instrument, the department shall develop a process for collecting data on family income for minor children with developmental disabilities and all individuals who are receiving state-only funded services. The department shall ensure that this information is captured as part of the client assessment process.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2006)	\$11,000
General Fund--State Appropriation (FY 2007)	\$17,000
General Fund--Federal Appropriation	(\$16,668,000)
	\$17,238,000
Pension Funding Stabilization Account--State Appropriation	\$2,000
TOTAL APPROPRIATION	(\$16,696,000)
	\$17,268,000

Sec. 160. 2005 c 518 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2006)	(\$604,891,000)
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FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

	<u>\$610,082,000</u>
General Fund--State Appropriation (FY 2007)	((\$623,448,000))
	<u>\$663,865,000</u>
General Fund--Federal Appropriation	((\$1,264,939,000))
	<u>\$1,312,062,000</u>
General Fund--Private/Local Appropriation . . .	((\$18,939,000))
	<u>\$18,949,000</u>
Health Services Account--State Appropriation	\$4,888,000
Pension Funding Stabilization Account--State	
Appropriation	<u>\$317,000</u>
TOTAL APPROPRIATION	((\$2,517,105,000))
	<u>\$2,610,163,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, (~~(\$610,000)~~) \$6,911,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$610,000)~~) \$11,571,000 of the general fund--state appropriation for fiscal year 2007, and (~~(\$5,552,000)~~) \$23,251,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The (~~per worker per month~~) state contribution (~~per agency~~) to the cost of health care benefits per eligible participating worker per month shall be no greater than (~~(\$380.06)~~) \$449.00 in fiscal year 2006 and (~~(\$413.14)~~) \$532.00 per month in fiscal year 2007. The department, in consultation with the home care quality authority and the health care authority, shall examine how the state determines the appropriate level of health care costs when establishing state contribution rates for all agency and individual home care workers caring for state subsidized clients. The department shall recommend options as to how equivalent benefits can be purchased on behalf of home care workers in a more cost effective manner to the office of financial management and the appropriate fiscal committees of the legislature by October 1, 2006.

(2) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed (~~(\$149.14)~~) \$147.57 for fiscal year 2006 and shall not exceed (~~(\$153.50)~~) \$156.41 for fiscal year 2007.

(3) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2006; up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2007; and up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2008.

(4) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(5) In accordance with chapter 74.39 RCW, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(6) (~~(\$1,413,000)~~) \$1,604,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$2,887,000)~~) \$3,450,000 of the general fund--state appropriation for fiscal year 2007, and (~~(\$4,305,000)~~) \$5,064,000 of the general fund--federal appropriation are provided solely to increase compensation for direct care workers employed by home care agencies by 27 cents per hour on July 1, 2005, and by an additional 23 cents per hour on July 1, 2006. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(7) \$1,786,000 of the general fund--state appropriation for fiscal year 2006 and \$1,804,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for operation of the volunteer chore services program.

(8) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPES) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(9) \$93,000 of the general fund--state appropriation for fiscal year 2006, \$8,000 of the general fund--state appropriation for fiscal year 2007, and \$101,000 of the general fund--federal appropriation are provided solely to expand the number of boarding homes that receive exceptional care rates for persons with Alzheimer's disease and related dementias who might otherwise require nursing home care. The department may expand the number of licensed boarding home facilities that specialize in caring for such conditions by up to 85 beds in fiscal year 2006 and up to 150 beds in fiscal year 2007.

(10) \$305,000 of the general fund--state appropriation for fiscal year 2006 and \$377,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the senior farmer's market nutrition program.

(~~(+2)~~) (11) \$109,000 of the general fund--state appropriation for fiscal year 2006, \$90,000 of the general fund--state appropriation for fiscal year 2007, and \$198,000 of the general fund--federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1220 (long-term care financing). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(~~(+3)~~) (12) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for area agencies on aging, or entities with which area agencies on aging contract, to provide a kinship navigator for grandparents and other kinship caregivers of children in both western and eastern Washington.

(a) Kinship navigator services shall include but not be limited to assisting kinship caregivers with understanding and navigating the system of services for children in out-of-home care while reducing barriers faced by kinship caregivers when accessing services.

(b) In providing kinship navigator services, area agencies on aging shall give priority to helping kinship caregivers maintain their caregiving role by helping them access existing services and supports, thus keeping children from entering foster care.

(~~(+4)~~) (13) \$435,000 of the general fund--state appropriation for fiscal year 2006 (~~(- \$435,000 of the general fund--state appropriation for fiscal year 2007)~~) and (~~(\$870,000)~~) \$435,000 of the general fund--federal appropriation are provided solely for supplemental compensation increases for direct care workers employed by home care agencies in recognition of higher labor market cost pressures experienced by agencies subject to collective bargaining obligations. In order for a specific home care agency to be eligible for such increases, home care agencies shall submit the following to the department:

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

((††)) (a) Proof of a legally binding, written commitment to increase the compensation of agency home care workers; and

((††)) (b) Proof of the existence of a method of enforcement of the commitment, such as arbitration, that is available to the employees or their representative, and proof that such a method is expeditious, uses a neutral decision maker, and is economical for the employees.

(14) \$7,500,000 of the general fund--state appropriation for fiscal year 2007 and \$7,500,000 of the general fund--federal appropriation are provided solely for purposes of settling all claims in the class action suit commonly known as *Regency Pacific et al. v. Department of Social and Health Services*. The expenditure of this amount is contingent on the release of all claims in the case, and total settlement costs shall not exceed the amount provided in this subsection.

(15) \$121,000 of the general fund--state appropriation for fiscal year 2007 and \$120,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 2475 (individual providers). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(16) \$57,000 of the general fund--state appropriation for fiscal year 2007 and \$57,000 of the general fund--federal appropriation are provided solely to implement Engrossed Second Substitute Senate Bill No. 6630 (threatening individuals). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(17) \$4,493,000 of the general fund--state appropriation for fiscal year 2007 and \$4,478,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 2333 (agency home care workers). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(18) \$183,000 of the general fund--state appropriation for fiscal year 2006 and \$184,000 of the general fund--federal appropriation are provided solely for payments to a boarding home licensed under chapter 18.20 RCW on January 25, 2002, which contracts with the department to provide assisted living services and which serves 20 or more clients participating in the program for all-inclusive care.

(19) \$10,090,000 of the general fund--state appropriation for fiscal year 2007 and \$10,090,000 of the general fund--federal appropriation are provided solely for the implementation of House Bill No. 2716 (nursing facility payment). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(20) \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for area agencies on aging, or entities with which area agencies on aging contract, to provide support services through the kinship caregiver support program for grandparents and other informal kinship caregivers of children throughout the state.

(21) \$732,000 of the general fund--state appropriation for fiscal year 2007 and \$715,000 of the general fund--federal appropriation are provided solely to increase boarding home provider payment rates by 1.0 percent, effective July 1, 2006.

(22) \$443,000 of the general fund--state appropriation for fiscal year 2007 and \$437,000 of the general fund--federal appropriation are provided solely to increase adult family home provider payment rates by 1.0 percent, effective July 1, 2006.

Sec. 161. 2005 c 518 s 207 (unmodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2006) ((~~\$483,166,000~~))
\$514,027,000
General Fund--State Appropriation (FY 2007) ((~~\$501,081,000~~))
\$531,957,000

General Fund--Federal Appropriation ((~~\$1,246,447,000~~))
\$1,245,673,000
General Fund--Private/Local Appropriation ((~~\$31,466,000~~))
\$27,535,000 Pension Funding Stabilization Account--State
Appropriation \$1,138,000
TOTAL APPROPRIATION ((~~\$2,262,160,000~~))
\$2,320,330,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$273,333,000~~)) \$303,247,000 of the general fund--state appropriation for fiscal year 2006, ((~~\$273,333,000~~)) \$307,273,000 of the general fund--state appropriation for fiscal year 2007, and ((~~\$1,020,292,000~~)) \$905,232,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Outcome data regarding job retention and wage progression shall be reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months; and

(b) Submit a report by October 1, 2005, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2005-2007 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels.

(2) ((~~\$75,833,000~~)) \$72,526,000 of the general fund--state appropriation for fiscal year 2006 and ((~~\$74,358,000~~)) \$77,880,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts:

(a) The department may expend funds for services that assist recipients to obtain employment and reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided. Mental health, substance abuse, and vocational rehabilitation services may be provided to recipients whose incapacity is not severe enough to qualify for services through a regional support network, the alcoholism and drug addiction treatment and support act, or the division of vocational rehabilitation to the extent that those services are necessary to eliminate or minimize barriers to employment;

(b) The department shall review the general assistance caseload to identify recipients that would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department;

(c) The department shall identify general assistance recipients who are or may be eligible to receive health care coverage or services through the federal veteran's administration and assist recipients in obtaining access to those benefits; and

(d) The department shall report by November of each year to the appropriate committees of the legislature on the progress and outcomes of these efforts.

(3) Within amounts appropriated in this section, the department shall increase the state supplemental payment by \$10 per month beginning in fiscal year 2006, and by an additional \$2.06 per month beginning in fiscal year 2007, for SSI clients who reside in nursing facilities, residential habilitation centers, or state hospitals and who receive a personal needs allowance and decrease other state supplemental payments.

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(4) \$5,000,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a subsidy rate increase for child care providers. Of this amount, \$500,000 per year shall be targeted for child care providers in urban areas of region 1 and \$500,000 per year shall be targeted for one or more tiered-reimbursement pilot projects.

(5) \$51,000 of the general fund--state appropriation for fiscal year 2006, \$84,000 of the general fund--state appropriation for fiscal year 2007, and \$261,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 2462 (child support schedule). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

Sec. 162. 2005 c 518 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2006)	(\$57,235,000)
	\$55,136,000
General Fund--State Appropriation (FY 2007)	(\$66,956,000)
	\$67,345,000
General Fund--Federal Appropriation	(\$110,175,000)
	\$136,750,000
General Fund--Private/Local Appropriation	(\$633,000)
	\$634,000
Criminal Justice Treatment Account--State Appropriation	\$16,500,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$48,842,000
Problem Gambling ((Treatment)) Account--State Appropriation	(\$1,500,000)
	\$1,350,000
Public Safety and Education Account--State Appropriation	\$2,081,000
Pension Funding Stabilization Account--State Appropriation	\$39,000
TOTAL APPROPRIATION	(\$303,922,000)
	\$328,677,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$1,500,000)~~ \$100,000 of the general fund--state appropriation for fiscal year 2006, \$50,000 of the general fund--state appropriation for fiscal year 2007, and \$1,350,000 of the problem gambling ((treatment)) account appropriation ((s)) are provided solely for the program established in Engrossed Substitute House Bill No. 1031 (problem gambling). If legislation creating the account is not enacted by June 30, 2005, this amount shall lapse.

(2) \$1,339,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$1,338,000)~~ \$1,713,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the parent child assistance program, including an expansion of services to southwestern Washington and Skagit county. The department shall contract with the University of Washington and community-based providers in Spokane, Yakima, Skagit county, and southwestern Washington for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount. The amounts provided in this subsection are sufficient to fund section 303 of Senate Bill No. 5763 (mental disorders treatment).

(3) \$2,000,000 of the general fund--state appropriation for fiscal year 2006 and \$3,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for vendor rate adjustments for residential treatment providers for chemical dependency services.

(4) \$465,000 of the general fund--state appropriation for fiscal year 2006, \$934,000 of the general fund--state appropriation for fiscal year 2007, \$1,319,000 of the general fund--federal appropriation, and \$700,000 of the violence reduction and drug enforcement account appropriation are provided solely for vendor rate adjustments for residential treatment providers. To the extent that a portion of this funding is sufficient to maintain sufficient residential treatment capacity, remaining amounts may then be used to provide vendor rate adjustments to other types of providers as prioritized by the department in order to maintain or increase treatment capacity.

(5) \$1,916,000 of the general fund--state appropriation for fiscal year 2006 and \$4,278,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for integrated pilot programs as required by section 203 of Senate Bill No. 5763 (mental disorders treatment). If section 203 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$244,000 of the general fund--state appropriation for fiscal year 2006 and \$244,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for intensive case management pilot programs as required by section 220 of Senate Bill No. 5763 (mental disorders treatment). If section 220 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(7) \$159,000 of the general fund--state appropriation for fiscal year 2006, \$140,000 of the general fund--state appropriation for fiscal year 2007, and \$161,000 of the general fund--federal appropriation are provided solely for development of the integrated chemical dependency/mental health screening and assessment tool required by section 601 of Senate Bill No. 5763 (mental disorders treatment), and associated training and quality assurance. If section 601 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(8) \$5,475,000 of the general fund--state appropriation for fiscal year 2006, \$13,124,000 of the general fund--state appropriation for fiscal year 2007, and \$10,669,000 of the general fund--federal appropriation are provided solely to increase capacity of chemical dependency treatment services for adult medicaid eligible and general assistance-unemployable clients. The department shall monitor the number and type of clients entering treatment, for purposes of determining potential cost offsets.

(9) \$1,967,000 of the general fund--state appropriation for fiscal year 2006, \$2,523,000 of the general fund--state appropriation for fiscal year 2007, and \$1,496,000 of the general fund--federal appropriation are provided solely to increase capacity of chemical dependency treatment services for minors who are under 200 percent of the federal poverty level. The department shall monitor the number and type of clients entering treatment, for purposes of determining potential cost offsets.

Sec. 163. 2005 c 518 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2006)	(\$1,481,212,000)
	\$1,462,447,000
General Fund--State Appropriation (FY 2007)	(\$1,596,101,000)
	\$1,550,541,000
General Fund--Federal Appropriation	(\$4,036,615,000)
	\$4,001,987,000
General Fund--Private/Local Appropriation	\$2,000,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation	\$15,000,000
Health Services Account--State Appropriation	(\$636,942,000)
<u>Pension Funding Stabilization Account--State</u>	<u>\$677,288,000</u>

Appropriation	\$123,000
TOTAL APPROPRIATION ((\$7,767,870,000))	<u>\$7,709,386,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) The department shall continue to extend medicaid eligibility to children through age 18 residing in households with incomes below 200 percent of the federal poverty level.

(3) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(4) Sufficient amounts are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(5) Sufficient amounts are appropriated in this section for the department to provide an adult dental benefit that is equivalent to the benefit provided in the 2003-05 biennium.

(6) In accordance with RCW 74.46.625, \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments.

(7) (~~(\$1,660,000)~~) \$2,221,000 of the health services account appropriation, (~~(\$4,361,000)~~) \$5,402,000 of the general fund--federal appropriation, (~~(\$1,350,000)~~) \$1,590,000 of the general fund--state appropriation for fiscal year 2006, and (~~(\$1,351,000)~~) \$1,591,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(8) (~~(\$22,081,000)~~) \$21,092,000 of the health services account appropriation and (~~(\$20,714,000)~~) \$19,725,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(9) In response to the federal directive to eliminate intergovernmental transfer transactions effective June 30, 2005, the department is directed to implement the inpatient hospital certified public expenditures program for the 2005-07 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. Hospitals in the program shall be paid and shall retain (a) one hundred percent of the federal portion of each medicaid inpatient fee-for-service claim payable by the medical assistance administration; and (b)

one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Medicaid fee-for-service claim amounts shall be established by applying the department's ratio of costs to charges payment methodology. The department shall provide participating hospitals with the information and instructions needed by the hospital to certify the public expenditures required to qualify for the federal portions of both the medicaid inpatient fee-for-service payments and the disproportionate share hospital payments. In the event that any part of the program including, but not limited to, allowable certified public expenditures, is disallowed by the federal government, the department shall not seek recoupment of payments from the hospitals, provided the hospitals have complied with the directions of the department for participation in the program. The legislature intends that hospitals in the program receive no less in combined state and federal payments than they would have received under the methodology that was in place during fiscal year 2005. The department shall therefore make additional grant payments, not to exceed the amounts (~~provided~~) specified in this subsection, to hospitals whose total payments under the program would otherwise be less than the total state and federal payments they would have received under the methodology in effect during fiscal year 2005. (~~(\$37,034,000 of the general fund--state appropriation for fiscal year 2006, \$37,552,000 of the general fund--state appropriation for fiscal year 2007, \$8,300,000 of the emergency medical services and trauma care systems trust account--state appropriation, and \$45,450,000 of the general fund--federal appropriation are provided solely for new state grant and upper payment limit programs for the participating hospitals.))~~ Payments under these new state grant and upper payment limit programs shall not exceed \$54,054,000 from general fund--state appropriations in fiscal year 2006, of which \$5,600,000 is appropriated in section 204(1) of this 2006 act and the balance in this section; \$47,474,000 from general fund--state appropriations in fiscal year 2007, of which \$5,600,000 is appropriated in section 204(1) of this 2006 act and the balance in this section; and \$11,328,000 from the general fund--federal appropriations in this section.

(10) (~~(\$4,372,000)~~) \$4,077,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$4,014,000)~~) \$4,847,000 of the general fund--state appropriation for fiscal year 2007, and (~~(\$65,112,000)~~) \$70,100,000 of the general fund--federal appropriation are provided solely for development and implementation of a replacement system for the existing medicaid management information system.

(11) (~~(\$150,000)~~) \$188,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$75,000)~~) \$37,000 of the general fund--state appropriation for fiscal year 2007, and \$225,000 of the general fund--federal appropriation are provided solely for the department to contract for an independent analysis of the medical assistance administration's current system for establishing hospital inpatient payment rates, and for recommendations on a new or updated system. The department shall submit an interim report of study findings by December 1, 2005, and a final report by November 15, 2006. The interim report shall include a comparison of the strengths and weaknesses of the current rate-setting system relative to those used by other state, federal, and private payers. The final report shall include recommendations on the design and implementation of a new or updated system that will promote equity among hospitals, access to quality care and improved health outcomes for patients, and cost-control and efficiency for taxpayers. The study should make use of complete and current cost data from a wide variety of hospitals, recognize unique aspects of hospital service delivery structures and medicaid payment systems in Washington, recognize impacts on productivity and quality of care that may result from hospital compensation, recruitment, and retention policies, and provide

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

opportunities for comment and participation by key interest groups in the identification and assessment of alternatives.

(12) Payment rates for hospital inpatient and outpatient services shall be increased by an average of 1.3 percent effective July 1, 2005, and by an average of an additional 1.3 percent effective July 1, 2006. The inpatient increases shall be provided only on the portion of a hospital's rate that excludes medical education and outlier costs, and shall be allocated so that hospitals with lower costs of care (excluding medical education and outlier costs) receive larger percentage increases than those with higher costs of care. The inpatient increases shall be allocated in three percentage increments, with the lowest-cost hospitals receiving the largest percentage rate increase, highest-cost hospitals receiving the smallest percentage increase, and medium-cost hospitals receiving the average of the highest and the lowest percentage rate increase. Increases shall not be provided to those hospitals that are certified as critical access. Sufficient funds are appropriated in this section for Healthy Options contractors to increase hospital payment rates commensurate with the increases in fee-for-service payment rates.

(13) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(14) The medical assistance administration is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the administration determines it is cost-effective to do so.

(15) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(16) By October 1, 2005, the department shall recommend to the governor and legislature at least two pilot project designs which seem likely to reduce avoidable emergency room utilization at no net cost to the state within the projects' first eighteen months of operation.

(17) Within funds appropriated in this section, the department shall participate in the health technology assessment program required in section 213(6) of this act.

(18) The department is also required to participate in the joint health purchasing project described in section 213(7) of this act.

(19) The department shall, within available resources, continue operation of the medical care services care management pilot project for clients receiving general assistance benefits in King and Pierce counties. The project may use a full or partial capitation model that includes a mechanism for shared savings. The department shall provide a report to the appropriate committees of the legislature by January 1, 2006, on costs, savings, and any outcomes or quality measures associated with the pilot programs during the first year of operation.

(20) By October 1, 2005, the department shall report to the appropriate committees of the legislature on the potential fiscal and programmatic costs and benefits associated with an expansion of managed care pilot programs to SSI and other eligible medicaid elderly and disabled persons.

~~((22))~~ (21) By November 15, 2006, the department of social and health services, in consultation with the department of revenue and the health care authority, shall report to the health care and fiscal committees of the legislature on options for providing financial incentives for private practice physicians to serve uninsured, medicare, and medicaid patients. The report shall include an assessment of the relative costs and effectiveness of strategies including, but not limited to, tax credits and payment rate increases. The report shall further suggest alternative mechanisms and thresholds for varying tax credits and payment enhancements according to the extent to

which a provider serves uninsured, medicare, and medicaid patients.

(22) The department is directed to pursue all available administrative remedies to dispute and reverse recent large retroactive charges by the federal medicare program for payment of medicare part B premiums on behalf of medicaid recipients, to the extent that such premiums are for periods when medicare coverage was in fact never provided the beneficiaries, and their care was instead fully covered by the state medicaid program. The department shall report to the fiscal committees of the legislature by December 1, 2006, on the actions it has taken to dispute and reverse these charges.

(23) \$66,000 of the general fund--state appropriation for fiscal year 2007 and \$66,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 2002 (foster care support services). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(24) \$255,000 of the general fund--state appropriation for fiscal year 2007 and \$2,107,000 of the general fund--federal appropriation are provided solely to increase the availability of family planning services at the department of social and health services' community service offices. Resources will be prioritized for those offices where pregnancy rates are higher than the statewide average.

(25) \$17,000 of the general fund--state appropriation for fiscal year 2006, \$53,000 of the general fund--state appropriation for fiscal year 2007, and \$70,000 of the general fund--federal appropriation are provided solely for conducting a study of the employment status of enrollees in the basic health plan and the medical assistance program, pursuant to Engrossed Substitute House Bill No. 3079 (health care services). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

Sec. 164. 2005 c 518 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2006)	((11,202,000))
	\$10,694,000
General Fund--State Appropriation (FY 2007)	((11,350,000))
	\$11,014,000
General Fund--Federal Appropriation	((86,908,000))
	\$89,472,000
((General Fund--Private/Local Appropriation--	(\$440,000))
Telecommunications Devices for the Hearing and	
Speech Impaired--State Appropriation	((1,791,000))
\$1,792,000 Pension Funding Stabilization Account--State	
Appropriation	\$31,000
TOTAL APPROPRIATION	((111,691,000))
	\$113,003,000

The appropriations in this section are subject to the following conditions and limitations: The division of vocational rehabilitation shall maintain support for existing clubhouse programs at the 2003-2005 level.

Sec. 165. 2005 c 518 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2006)	((32,933,000))
	\$34,675,000
General Fund--State Appropriation (FY 2007)	((29,910,000))
	\$36,860,000
General Fund--Federal Appropriation	((51,489,000))
	\$62,376,000

FIFTY-NINTH DAY, MARCH 8, 2006

General Fund--Private/Local Appropriation	\$810,000
Public Safety and Education Account--State	
Appropriation	\$2,452,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation	(\$1,791,000)
	<u>\$1,793,000</u>
((Domestic Violence Prevention Account--State	
 Appropriation	\$1,345,000)
Pension Funding Stabilization Account--State	
Appropriation	\$300,000
TOTAL APPROPRIATION (\$120,730,000)	<u>\$139,266,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for funding of the teamchild project through the governor's juvenile justice advisory committee.

(2) \$2,452,000 of the public safety and education account--state appropriation, \$1,500,000 of the general fund--state appropriation for fiscal year 2007, and \$1,791,000 of the violence reduction and drug enforcement account--state appropriation are provided solely for the family policy council.

(3) ~~(\$3,195,000)~~ \$2,245,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$639,000)~~ \$1,589,000 of the general fund--state appropriation for fiscal year 2007, and \$3,834,000 of the general--fund federal appropriation are provided solely to implement the 2005-07 home care worker collective bargaining agreement.

~~(((4) \$1,345,000 of the domestic violence prevention account is provided solely for the implementation of Engrossed Substitute House Bill No. 1314 (domestic violence prevention). If legislation creating the account is not enacted by June 30, 2005, this amount shall lapse.))~~

Sec. 166. 2005 c 518 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2006) (\$46,381,000)	<u>\$48,755,000</u>
General Fund--State Appropriation (FY 2007) (\$46,380,000)	<u>\$49,277,000</u>
General Fund--Federal Appropriation	(\$45,103,000)
	<u>\$47,248,000</u>
TOTAL APPROPRIATION (\$137,864,000)	<u>\$145,280,000</u>

Sec. 167. 2005 c 518 s 213 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

General Fund--Federal Appropriation	(\$3,140,000)
	<u>\$3,710,000</u>
State Health Care Authority Administrative Account--	
State Appropriation	(\$29,394,000)
	<u>\$33,279,000</u>
Medical Aid Account--State Appropriation	(\$171,000)
	<u>\$345,000</u>
Health Services Account--State Appropriation (\$456,207,000)	<u>\$468,286,000</u>
TOTAL APPROPRIATION (\$488,912,000)	<u>\$505,620,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster

parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(2) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(3) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(4) ~~(\$19,108,000)~~ \$21,108,000 of the health services account--state appropriation is provided solely for funding for health care services provided through local community clinics.

(5) \$391,000 of the health services account appropriation is provided solely for implementation of Substitute Senate Bill No. 5471, chapter 129, Laws of 2005 (drug purchasing consortium).

(6) The health care authority shall conduct a health technology assessment pilot project to evaluate scientific evidence regarding current and evolving health care procedures, services and technology. The pilot shall be a joint effort of the departments of social and health services, labor and industries, corrections, and veteran's affairs and the health care authority. Upon completion of assessment of a procedure, service or technology, the agencies shall make every effort, consistent with federal and state law, to jointly decide: (a) On coverage of the procedure, service or technology by each agency, and (b) if covered, the guidelines or criteria that will be applied to medical necessity decisions.

(7) The departments of social and health services, labor and industries and the health care authority, in collaboration with affected health care providers, facilities, and contracted health plans, shall design and implement a joint health purchasing project that links payment to health care provider or facility performance, particularly where such performance is expected to improve patient outcomes or where there are wide variations in clinical practice used to treat a condition or illness. The purchasing effort shall utilize evidence-based performance measures that are designed to improve quality of care and yield measurable and significant savings. The project shall include payment mechanisms that create incentives to improve quality of care. On or before December 1, 2006, the agencies shall report to relevant policy and fiscal committees of the legislature on the status of the purchasing project, including actual and anticipated savings.

(8) \$395,000 of the health services account appropriation is provided solely for implementation of Substitute House Bill No. 1689 (dental residency program). If Substitute House Bill No. 1689 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(9) \$250,000 of the health services account appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1688 (certificate of need program). If Engrossed Second Substitute House Bill No. 1688 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(10) \$316,000 of the health services account--state appropriation and \$15,000 of the general fund--federal appropriation are provided solely for a study of electronic medical records systems pursuant to Substitute Senate Bill No. 5064 (electronic medical records). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(11) \$458,000 of the health services account appropriation, \$401,000 of the general fund--federal appropriation, \$205,000 of the state health care authority administrative account--state appropriation, and \$174,000 of the medical aid account--state appropriation are provided solely for establishment of a centralized evidence-based health technology assessment system as defined in Engrossed Second Substitute House Bill No. 2575 (health technology assessment), for supporting the activities of the health technology clinical committee, or other activities required to implement Engrossed Second Substitute House Bill No. 2575. Participating agencies will be the medical assistance administration in the department of social and health services, the department of labor and industries, the health care authority's uniform medical plan, the department of corrections, and the department of veterans affairs. If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) As provided in Engrossed Second Substitute Senate Bill No. 6459 (community-based health care solutions), the authority shall make grants of up to \$250,000 from the community health collaborative account to assist community-based organizations increase access to appropriate, affordable health care for Washington residents, particularly low-income working individuals and their families. State grant funds may be used to collect federal matching funds available through medicaid or through the state children's health insurance (SCHIP) program, to the extent allowed by federal rules, and to the extent funds are available in the state's SCHIP allotment in excess of those required for services funded in section 209 of this 2006 act.

(13) \$625,000 of the health services account appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2572 (small business health insurance assistance program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(14) \$450,000 of the state health care authority administrative account--state appropriation is provided solely for an on-line employee health assessment tool.

(15) \$499,000 of the health services account appropriation and \$65,000 of the general fund--federal appropriation are provided solely for conducting a study of the employment status of enrollees in the basic health plan and the medical assistance program, pursuant to Engrossed Substitute House Bill No. 3079. If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

Sec. 168. 2005 c 518 s 214 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 2006)	(\$2,596,000)
	\$2,779,000
General Fund--State Appropriation (FY 2007)	(\$2,634,000)
	\$3,032,000
General Fund--Federal Appropriation	(\$1,741,000)
\$1,321,000 Pension Funding Stabilization Account--State	
Appropriation	\$13,000
TOTAL APPROPRIATION	(\$6,971,000)

\$7,145,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing any changes in existing federal revenues for the remainder of the current fiscal year and changes in projections of federal revenue for the upcoming fiscal year.

(2) \$34,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a human rights commission investigator to travel to Vancouver once a week to provide complaint intake, outreach, and conduct investigations.

Sec. 169. 2005 c 518 s 215 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account--State	
Appropriation	\$20,000
Accident Account--State Appropriation	(\$16,399,000)
	\$16,452,000
Medical Aid Account--State Appropriation	(\$16,398,000)
	\$16,451,000
TOTAL APPROPRIATION	(\$32,817,000)
	\$32,923,000

Sec. 170. 2005 c 518 s 216 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Public Safety and Education Account--State	
Appropriation	(\$19,003,000)
	\$22,231,000
Death Investigations Account--State Appropriation	\$148,000
Municipal Criminal Justice Assistance Account--	
(Private/Local) State Appropriation	\$460,000
TOTAL APPROPRIATION	(\$19,611,000)
	\$22,839,000

The appropriations in this section are subject to the following conditions and limitations:

(1) During the 2005-2007 biennium, the criminal justice training commission is authorized to raise existing fees charged for firearms certification for security guards in excess of the fiscal growth factor established pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting the certification programs and the appropriation levels in this section.

(2) \$100,000 of the public safety and education account--state appropriation is provided solely for support of the coalition of small police agencies major crimes task force. The purpose of this task force is to pool its resources and to establish an efficient and cooperative approach in addressing major violent crimes.

(3) Amounts provided within this section are sufficient to implement the provisions of section 2 of House Bill No. 1136 (electronic monitoring system).

(4) \$163,000 of the public safety and education account--state appropriation is provided solely for the implementation of section 4 of Second Substitute House Bill No. 2805 (missing persons). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(5) The commission shall conduct a survey of local law enforcement and state agencies to collect data projecting future cadet enrollments for the 2007-2009 biennium. The commission shall report the findings to the legislature by October 1, 2006.

(6)(a) \$411,000 of the public safety and education account--state appropriation is provided solely for the implementation of

FIFTY-NINTH DAY, MARCH 8, 2006

Substitute Senate Bill No. 6502 (victim information system). If the bill is not enacted by June 30, 2006, the amount provided in this subsection is provided solely for a contract with the Washington association of sheriffs and police chiefs to implement a statewide automated victim information and notification system. This system shall be added to the city and county jail booking and reporting system. The statewide automated victim information and notification system shall:

(i) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when any of the following events affect an offender housed in any Washington state city or county jail or department of corrections facility: (A) Is transferred or assigned to another facility; (B) is transferred to the custody of another agency outside the state; (C) is given a different security classification; (D) is released on temporary leave or otherwise; (E) is discharged; (F) has escaped; or (G) has been served with a protective order that was requested by the victim;

(ii) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when an offender has: (A) An upcoming court event where the victim is entitled to be present, if the court information is made available to the statewide automated victim information and notification system administrator at the Washington association of sheriffs and police chiefs; (B) an upcoming parole, pardon, or community supervision hearing; or (C) a change in the offender's parole, probation, or community supervision status including a change in the offender's supervision status or a change in the offender's address;

(iii) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when a sex offender has: (A) Updated his or her profile information with the state sex offender registry; or (B) become noncompliant with the state sex offender registry;

(iv) Permit a registered victim to receive the most recent status report for an offender in any Washington state city and county jail, department of corrections, or sex offender registry by calling the statewide automated victim information and notification system on a toll-free telephone number or by accessing the statewide automated victim information and notification system via a public web site. All registered victims calling the statewide automated victim information and notification system will be given the option to have live operator assistance to help use the program on a twenty-four hour, three hundred sixty-five day per year basis;

(v) Permit a crime victim to register, or registered victim to update, the victim's registration information for the statewide automated victim information and notification system by calling a toll-free telephone number or by accessing a public web site; and

(vi) Ensure that the offender information contained within the statewide automated victim information and notification system is updated frequently to timely notify a crime victim that an offender has been released or discharged or has escaped.

(b) The purpose of the victim information and notification system is to protect the public health, safety, and welfare generally. Creation and implementation of the victim information and notification system does not create a private right of action.

(c) The Washington association of sheriffs and police chiefs will not require automated victim information and notification systems in existence and operational as of the effective date of this act to participate in the statewide system.

(d) Any vendor that the association contracts with to provide the statewide automated victim notification service must deliver the service with a minimum of 99.95-percent availability and with less than an average of one-percent notification errors as a result of the vendor's technology.

(e) The Washington association of sheriffs and police chiefs shall report to the appropriate fiscal and policy committees of

2006 REGULAR SESSION

the legislature by December 1, 2006, on the availability of federal grant funds to operate the victim information system.

(7) \$132,000 of the public safety and education account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6320 (sex offender information). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(8) \$1,575,000 of the public safety and education account--state appropriation is provided solely for the implementation of sections 103, 104, and 105 of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 171. 2005 c 518 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2006)	. ((\$7,554,000))
	\$7,561,000
General Fund--State Appropriation (FY 2007)	. ((\$7,648,000))
	\$7,681,000
Public Safety and Education Account--State	
Appropriation	..... ((\$27,277,000))
	\$29,519,000
Public Safety and Education Account--Federal	
Appropriation	..... \$10,000,000
Asbestos Account--State Appropriation	..... ((\$808,000))
	\$810,000
Electrical License Account--State Appropriation	((\$34,743,000))
	\$35,995,000
Farm Labor Revolving Account--Private/Local	
Appropriation	..... \$28,000
Worker and Community Right-to-Know Account--State	
Appropriation	..... ((\$1,836,000))
	\$1,827,000
Public Works Administration Account--State	
Appropriation	..... ((\$2,664,000))
	\$2,673,000
Accident Account--State Appropriation	..... ((\$206,490,000))
	\$211,084,000
Accident Account--Federal Appropriation	..... \$13,621,000
Medical Aid Account--State Appropriation	. ((\$205,011,000))
	\$208,033,000
Medical Aid Account--Federal Appropriation	..... \$3,185,000
Plumbing Certificate Account--State Appropriation	..... ((\$1,657,000))
	\$1,730,000
Pressure Systems Safety Account--State	
Appropriation	..... ((\$3,324,000))
\$3,357,000 Pension Funding Stabilization Account--State	
Appropriation	..... \$31,000
	TOTAL APPROPRIATION ((\$525,846,000))
	\$537,135,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$700,000 of the accident account--state appropriation and \$699,000 of the medical aid account--state appropriation are provided solely for the construction of a computer system to collect data from self-insured employers and are contingent on the passage of Substitute House Bill No. 1310 (workers compensation reporting) on mandatory electronic data reporting by self-insured employers. If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) ((~~\$27,227,000~~)) \$29,283,000 of the public safety and education account--state appropriation, and \$10,000,000 of the public safety and education account--federal appropriation are provided solely for the crime victims' compensation program, subject to the following conditions:

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(a) Reimbursement shall be provided throughout the 2005-2007 biennium for full reimbursement of sexual assault forensic exams at workers' compensation rates; ~~((and))~~

(b) Reimbursement shall be provided throughout fiscal year 2007 for full reimbursement of mental health care at workers' compensation rates; and

(c) In accordance with RCW 7.68.015, it is the policy of the state that the department of labor and industries operate the crime victims' compensation program within the amounts provided for this program in this subsection.

(3) \$200,000 of the accident account--state appropriation is provided solely to reimburse the department of agriculture for the agricultural worker pesticide handling and application training program.

(4) \$71,000 of the medical aid account--state appropriation and \$71,000 of the accident account--state appropriation are provided solely for the review of payment of medical bills and authorization for medical procedures by self-insurers.

(5) The department is required to participate in the health technology assessment program required in section 213(6) of this act.

(6) The department is also required to participate in the joint health purchasing project described in section 213(7) of this act.

(7) \$35,000 of the general fund--state appropriation for fiscal year 2006 and \$8,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1393 (older mobile homes). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(8) \$182,000 of the accident account--state appropriation and \$623,000 of the medical aid account--state appropriation are provided solely to ~~((expand the Spokane center of occupational health and education to include Yakima county. The Spokane center of occupational health will recruit and train approximately one hundred sixty physicians in Yakima county on best practices for occupational medicine and work with labor and business to improve quality and outcomes of medical care provided to injured workers))~~ (a) expand services in the centers of occupational health and education (COHE) in Spokane and Renton; (b) add two additional COHE locations in the state; and (c) include Yakima county in the Spokane COHE.

(9) \$158,000 of the accident account--state appropriation and \$158,000 of the medical aid account--state appropriation are provided solely to implement Substitute House Bill No. 1856 (annual audits of the state industrial insurance fund). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(10) The department shall delay the costs associated with implementation of phase II of its indirect cost allocation plan for the public works administration account until July 1, 2007.

(11) \$236,000 of the public safety and education account--state is provided solely for fiscal year 2007 to implement House Bill No. 2612 (failure to secure a load). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$83,000 of the electrical license account--state is provided solely for fiscal year 2007 to implement Substitute House Bill No. 1841 (electrical trainees). If the bill is not enacted by June 30, 2006 the amount provided in this subsection shall lapse.

(13) \$345,000 of the accident account--state appropriation and \$61,000 of the medical aid account--state appropriation are provided solely for costs pursuant to Engrossed House Bill No. 2623 (agricultural workers). If the bill is not enacted by June 30, 2006, the amounts provided for this purpose shall lapse.

(14) The department shall prepare a report identifying programs funded either directly or indirectly from state workers' compensation funds. The report shall describe the amounts and percentages of funds used to administer identified programs, as well as the criteria used to make funding decisions. In consultation with the workers' compensation advisory

committee, the department shall also develop recommendations for equitable, adequate, and stable funding sources for identified programs. The department shall submit the report and the recommendations to the house of representatives committees on appropriations and commerce and labor, or their successor committees, and the senate committees on ways and means and labor, commerce, research and development, or their successor committees, by December 1, 2006.

(15) \$61,000 of the electrical license account--state appropriation and \$55,000 of the plumbing certificate account--state appropriation are provided solely to implement Substitute Senate Bill No. 6225 (domestic water pumping systems). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(16) \$26,000 of the accident account--state appropriation and \$5,000 of the medical aid account--state appropriation are provided solely to implement Substitute Senate Bill No. 6185 (family and medical leave act). If the bill not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(17) \$10,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to prepare informational brochures summarizing RCW 60.04.250, with an emphasis on providing residential homeowners and small business owners with information about contracting for new construction or remodeling construction work, including information about the scope of coverage of contractor bonding, and how lien procedures work, to be made available for local government building departments, on the department's web page, and other locations determined by the department for distribution.

Sec. 172. 2005 c 518 s 218 (uncodified) is amended to read as follows:

FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund--State Appropriation (FY 2006)	...	\$1,092,000
General Fund--State Appropriation (FY 2007)	.	((1,096,000))
\$1,571,000 Pension Funding Stabilization Account--State		
Appropriation	.....	\$4,000
TOTAL APPROPRIATION	..	((2,188,000))
		\$2,667,000

The appropriations in this section are subject to the following conditions and limitations: \$374,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Engrossed House Bill No. 3261 (sentence review). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 173. 2005 c 518 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS		
General Fund--State Appropriation (FY 2006)	.	((1,918,000))
		\$1,917,000
General Fund--State Appropriation (FY 2007)	.	((1,880,000))
		\$1,982,000
Charitable, Educational, Penal, and Reformatory		
Institutions Account--State Appropriation	.....	\$10,000
Pension Funding Stabilization Account--State		
Appropriation	.....	\$10,000
TOTAL APPROPRIATION	..	((3,808,000))
		\$3,919,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall participate in the health technology assessment program required in section 213(6) of this act.

(b) The department shall participate in the joint health purchasing project described in section 213(7) of this act.

FIFTY-NINTH DAY, MARCH 8, 2006

(c) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided for the department to conduct a feasibility study of a veterans' cemetery in eastern Washington. The study shall include location, acquisition costs, projection of continued operations costs, and revenue sources for acquisition and operations. A final report of the findings shall be submitted no later than December 15, 2005.

(d) \$70,000 of the general fund--state appropriation for fiscal year 2006 and \$70,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Senate Bill No. 5539 (veterans conservation corps). If Senate Bill No. 5539 is not enacted by June 30, 2005, these amounts shall lapse.

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2006)	\$2,811,000
General Fund--State Appropriation (FY 2007)	(\$2,809,000)
	<u>\$3,317,000</u>
General Fund--Federal Appropriation	\$343,000
General Fund--Private/Local Appropriation	(\$2,016,000)
	<u>\$1,367,000</u>
<u>Veterans Estate Management Account--Local</u>	
Appropriation	\$651,000
<u>Veterans' Innovations Program Account--State</u>	
Appropriation	\$2,000,000
<u>Pension Funding Stabilization Account--State</u>	
Appropriation	\$11,000
TOTAL APPROPRIATION	(\$7,979,000)
	<u>\$10,500,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the development of a public service announcement outreach campaign directed at returning veterans from Operation Iraqi Freedom and Operation Enduring Freedom.

(b) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$95,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the post traumatic stress counseling program expansion to address the needs of veterans returning from Iraq and Afghanistan.

(c) \$2,000,000 of the veterans' innovations program account--state appropriation for fiscal year 2007 is provided solely to implement Second Substitute House Bill No. 2754 (veterans' innovations program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006)	(\$8,259,000)
	<u>\$5,283,000</u>
General Fund--State Appropriation (FY 2007)	(\$8,238,000)
	<u>\$5,946,000</u>
General Fund--Federal Appropriation	(\$31,436,000)
	<u>\$36,114,000</u>
General Fund--Private/Local Appropriation	(\$26,338,000)
<u>\$28,830,000 Pension Funding Stabilization Account--State</u>	
Appropriation	\$187,000
TOTAL APPROPRIATION	(\$74,271,000)
	<u>\$76,360,000</u>

Sec. 174. 2005 c 518 s 220 (uncodified) is amended to read as follows:

FOR THE HOME CARE QUALITY AUTHORITY

General Fund--State Appropriation (FY 2006)	(\$919,000)
	<u>\$724,000</u>
General Fund--State Appropriation (FY 2007)	(\$1,093,000)
	<u>\$1,401,000</u>
General Fund--Federal Appropriation	(\$1,034,000)
<u>\$1,167,000 Pension Funding Stabilization Account--State</u>	
Appropriation	\$2,000
TOTAL APPROPRIATION	(\$3,046,000)
	<u>\$3,294,000</u>

The appropriations in this section are subject to the following conditions and limitations: The legislature encourages the home care quality authority to move forward with implementation of a statewide referral registry system by use of any existing and future agency administrative moneys and by seeking other means of funding, including grants and additional funding resources.

Sec. 175. 2005 c 518 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2006)	(\$64,090,000)
	<u>\$62,835,000</u>
General Fund--State Appropriation (FY 2007)	(\$64,485,000)
	<u>\$70,954,000</u>
General Fund--Federal Appropriation	(\$455,467,000)
	<u>\$477,467,000</u>
General Fund--Private/Local Appropriation	(\$101,479,000)
	<u>\$104,867,000</u>
Hospital Commission Account--State Appropriation	(\$2,615,000)
	<u>\$1,521,000</u>
Health Professions Account--State Appropriation	(\$51,659,000)
	<u>\$53,975,000</u>
Aquatic Lands Enhancement Account--State	
Appropriation	\$600,000
Emergency Medical Services and Trauma Care Systems	
Trust Account--State Appropriation	(\$12,578,000)
	<u>\$12,579,000</u>
Safe Drinking Water Account--State Appropriation	(\$2,907,000)
	<u>\$2,917,000</u>
Drinking Water Assistance Account--Federal	
Appropriation	(\$16,158,000)
	<u>\$16,179,000</u>
Waterworks Operator Certification--State	
Appropriation	(\$1,098,000)
	<u>\$1,099,000</u>
Drinking Water Assistance Administrative Account--	
State Appropriation	\$326,000
Water Quality Account--State Appropriation	(\$3,680,000)
	<u>\$3,693,000</u>
State Toxics Control Account--State Appropriation	(\$2,843,000)
	<u>\$2,852,000</u>
Medical Test Site Licensure Account--State	
Appropriation	(\$1,790,000)
	<u>\$1,798,000</u>
Youth Tobacco Prevention Account--State Appropriation	\$1,806,000
Public Health Supplemental Account--Private/Local	
Appropriation	\$3,306,000
Accident Account--State Appropriation	(\$275,000)
	<u>\$277,000</u>
Medical Aid Account--State Appropriation	\$46,000
Health Services Account--State Appropriation	(\$38,101,000)
	<u>\$41,942,000</u>
Tobacco Prevention and Control Account--State	
Appropriation	(\$52,677,000)
	<u>\$52,684,000</u>
(Patient Safety Account--State Appropriation	(\$641,000)
<u>Pension Funding Stabilization Account--State</u>	
Appropriation	\$144,000
TOTAL APPROPRIATION	(\$878,625,000)
	<u>\$913,867,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department or any successor agency is authorized to raise existing fees charged for the clandestine drug lab program, the drinking water program, radioactive materials license fees,

FIFTY-NINTH DAY, MARCH 8, 2006

X-ray facility registration fees, shellfish commercial paralytic shellfish poisoning fees, the water recreation program, the wastewater management program, newborn specialty clinic fees, acute care hospitals, psychiatric hospitals, child birth centers, correctional medical facilities, alcoholism hospitals, and the midwifery program, in excess of the fiscal growth factor pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section. However, the department may not raise existing fees charged for the midwifery program by more than twenty percent over the biennium and from July 1, 2006, through June 30, 2007, the annual fees for new or renewed licenses shall be no greater than \$450.

(2) \$1,363,000 of the general fund--state fiscal year 2006 appropriation, \$1,363,000 of the general fund--state fiscal year 2007 appropriation, and \$676,000 of the general fund--local appropriation are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(3) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(4) \$383,000 of the general fund--state appropriation for fiscal year 2006, \$317,000 of the general fund--state appropriation for fiscal year 2007, and \$600,000 of the aquatic lands enhancement account appropriation are provided solely to assist counties in marine areas complete on-site sewage system management plans and electronic data bases to inventory on-site sewage systems.

(5) \$60,000 of the health professions account appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5470 (prescription importation). If Engrossed Substitute Senate Bill No. 5470 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) \$268,000 of the health professions account appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2266 (precursor drugs). If Engrossed Substitute House Bill No. 2266 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(7) \$42,000 of the health professions account appropriation is provided solely for implementation of Second Substitute House Bill No. 1168 (prescription reimportation). If Second Substitute House Bill No. 1168 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(8) ~~(\$82,000 of the general fund--state appropriation for fiscal year 2006, \$52,000 of the general fund--state appropriation for fiscal year 2007, and \$641,000 of the patient safety account appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1291 (patient safety practices). If Engrossed Second Substitute House Bill No. 1291 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.~~

~~(9))~~ \$100,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$200,000)~~ \$620,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the department to implement a multi-year pilot project covering

2006 REGULAR SESSION

Adams, Chelan, Douglas, Grant, Okanogan, Skagit, and Franklin counties for persons with household income at or below 200 percent of the federal poverty level who are ineligible for family planning services through the medicaid program. Individuals who will be served under the pilot program include women who have never been pregnant, are not currently pregnant, or are beyond the family planning extension period allowed for first steps program eligibility. It is anticipated that the pilot program will serve ~~((approximately))~~ over 500 women. The department will provide a preliminary report to the appropriate committees of the legislature by January 1, 2006, and a final report by January 1, 2007.

~~((+0))~~ (9) \$462,000 of the general fund--private/local appropriation is provided solely to support specialty clinics that provide treatment services to children that are identified with one of the five heritable or metabolic disorders added to the newborn screening panel by the state board of health in 2003.

~~((+1))~~ (10) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the farmers' market nutrition program of the special supplemental nutrition program for women, infants and children. It is anticipated that these funds will enable the department to expand 2004 participation levels by 8,000 persons annually.

~~((+2))~~ (11) \$100,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$100,000)~~ \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the infertility prevention project to implement effective prevention strategies designed to reduce the prevalence of chlamydia and gonorrhea and their potentially debilitating complications.

~~((+3))~~ (12) With funds appropriated in this section, the medical advisory committee to the early detection breast and cervical cancer screening program shall study and recommend strategies for adopting emerging technologies and best practices from the national, state, and local levels in the field of early prevention and detection for breast and cervical cancer, and assist the early detection breast and cervical cancer screening program in implementing policy that follows the best practices of high quality health care for clinical, diagnostic, preventative, pathologic, radiological, and oncology services. The committee will report its recommendations to the legislature by December 15, 2006.

~~((+4))~~ (13) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to develop and implement best practices in preventative health care for children. The department and the kids get care program of public health - Seattle and King county will work in collaboration with local health care agencies to disseminate strategic interventions that are focused on evidence-based best practices for improving health outcomes in children and saving health-care costs.

~~((+5))~~ (14) \$48,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1075 (nursing quality commission). If Substitute House Bill No. 1075 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((+6))~~ (15) \$74,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1137 (physical therapy). If Substitute House Bill No. 1137 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((+7))~~ (16) \$109,000 of the health professions account appropriation is provided solely for implementation of House Bill No. 1546 (naturopathic physicians). If House Bill No. 1546 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((+8))~~ (17) \$80,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1689 (dental health services). If

FIFTY-NINTH DAY, MARCH 8, 2006

Substitute House Bill No. 1689 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((+9))~~ (18) \$42,000 of the general fund--state appropriation for fiscal year 2006 and \$24,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1605 (soil contamination). If Engrossed Second Substitute House Bill No. 1605 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((20))~~ (19) \$40,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for implementation of Substitute House Bill No. 1951 (vision exams for children). If Substitute House Bill No. 1951 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((24))~~ (20) \$43,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for implementation of Engrossed Senate Bill No. 5049 (mold in residential units). If Engrossed Senate Bill No. 5049 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((23))~~ (21) \$26,000 of the general fund--state appropriation for fiscal year 2006 and \$12,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Senate Bill No. 5311 (autism task force). If Senate Bill No. 5311 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((23))~~ (22) \$168,000 of the health services account appropriation is provided solely for a two-year pilot project under which parents have the option to choose vaccines which do not contain mercury.

(23) \$750,000 of the health services account--state appropriation is provided solely to add one or more combination vaccines to the universal access to childhood immunizations program. The vaccine or vaccines to be added shall be selected by the department after a clinical and cost-effectiveness review by the state vaccine advisory committee. The review shall consider at least the following criteria: (a) The likelihood that use of the combination vaccine will increase childhood immunization rates; (b) the vaccine's relative effectiveness, and the prevalence and seriousness of the conditions it prevents; (c) the relative cost of the vaccine, after accounting for the extent to which it would replace some single injection antigens; and (d) the extent to which the vaccine is mercury-free. The projected 2007-09 state cost of the combination vaccine or vaccines added pursuant to this review shall not exceed \$3,000,000.

(24) \$151,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a grant to the Kitsap county health district. The funding shall be used to increase the number of women who receive professional support after delivery through a home visit or telephone call by the county health district. In order to receive the funds, Kitsap county health district must provide an equal amount of matching funds.

(25) \$13,000 of the general fund--state appropriation for fiscal year 2007 and \$208,000 of the health professions account appropriation are provided solely for implementation of Substitute House Bill No. 2431 (background checks/health care). If Substitute House Bill No. 2431 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(26) \$324,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Second Substitute House Bill No. 2342 (health care declarations). If Second Substitute House Bill No. 2342 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(27) \$432,000 of the general fund--state appropriation for fiscal year 2007 and \$21,000 of the health professions account appropriation are provided solely for implementation of Second Substitute House Bill No. 2292 (health care liability reform) including sections 105 through 112 of the bill. If Second

2006 REGULAR SESSION

Substitute House Bill No. 2292 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(28) \$96,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 2974 (health professions discipline). If Substitute House Bill No. 2974 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(29) The department of health shall evaluate alternative models for funding the regulation of the health professions, including charging an equivalent fee for all licensed, certified, and registered health professions. The department will provide a report to the appropriate committees of the legislature on the potential fiscal and programmatic benefits and challenges of such alternative models by December 1, 2006.

(30) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute House Bill No. 2985 (foster care health unit). If Substitute House Bill No. 2985 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(31) \$54,000 of the general fund--state appropriation for fiscal year 2007 and \$183,000 of the health professions account appropriation are provided solely for implementation of Engrossed Senate Bill No. 6194 (multicultural education/health). If Engrossed Senate Bill No. 6194 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(32) \$118,000 of the health professions account appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1850. If Engrossed Substitute House Bill No. 1850 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(33) \$173,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the state board of health to provide staff support to the governor's interagency committee on health disparities, as provided in Senate Bill No. 6197. If Senate Bill No. 6197 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(34) \$119,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the state board of health to conduct health impact assessments, as provided in Senate Bill No. 6197. If Senate Bill No. 6197 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(35) \$327,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to conduct a survey of health professional demographics and practice patterns, as provided in Senate Bill No. 6193. If Senate Bill No. 6193 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(36) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to develop and maintain a database showing the statewide incidence and provenance of hepatitis C infections, and to conduct a public information campaign on transmission, prevention, detection, and treatment of the disease.

(37) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to implement a prostate cancer public awareness and education campaign. The campaign shall place special emphasis on early education for men over forty, African-American men, and men who are at high risk for prostate cancer according to the guidelines of the American cancer society.

(38) \$130,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances) including sections 201 through 203 of the bill. If Engrossed Second Substitute Senate Bill No. 6239 is not enacted by June 30, 2006, the amount provide in this subsection shall lapse.

(39) Appropriations in this section assume savings attributable to House Bill No. 2632 (HIV insurance coverage program).

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(40) \$27,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute House Bill No. 2884 (reclaimed water). If the bill is not enacted by June 30, 2006, these funds shall be used solely for the department to coordinate with the department of ecology or development and adoption of rules relating to reclaimed water.

Sec. 176. 2005 c 518 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, 2006, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2006 between programs. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES

Table with 2 columns: Description and Amount. Includes General Fund--State Appropriation (FY 2006) \$46,867,000, General Fund--State Appropriation (FY 2007) \$59,681,000, General Fund--Federal Appropriation \$1,022,000, Violence Reduction and Drug Enforcement Account--State Appropriation \$26,000, Public Safety and Education Account--State Appropriation \$2,774,000, Pension Funding Stabilization Account--State Appropriation \$245,000, and TOTAL APPROPRIATION \$110,615,000.

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$5,250,000 of the general fund--state appropriation for fiscal year 2006 and \$17,250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for phase three of the department's offender-based tracking system replacement project. This amount is conditioned on the department satisfying the requirements of section 902 of this act.

(b) \$26,000 of the general fund--state appropriation for fiscal year 2006 and \$44,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1402 (offender travel or transfer). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(c) \$35,000 of the general fund--state appropriation for the fiscal year 2007 is provided solely for the establishment and support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will begin to investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including

their mental health, physiological, housing, employment, and job training needs.

(2) CORRECTIONAL OPERATIONS

Table with 2 columns: Description and Amount. Includes General Fund--State Appropriation (FY 2006) \$524,561,000, General Fund--State Appropriation (FY 2007) \$555,895,000, General Fund--Federal Appropriation \$3,447,000, Violence Reduction and Drug Enforcement Account--State Appropriation \$2,984,000, Pension Funding Stabilization Account--State Appropriation \$2,269,000, and TOTAL APPROPRIATION \$1,089,156,000.

The appropriations in this subsection are subject to the following conditions and limitations:

(a) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase work release beds in facilities throughout the state for \$8,561,000.

(b) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(c) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(d) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(e) During the 2005-07 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(f) The department shall participate in the health technology assessment program required in section 213(6) of this act. The department shall also participate in the joint health purchasing project described in section 213(7) of this act.

(g) The Harborview medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(h) \$1,060,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 3 of Second Substitute Senate Bill No. 6319 (failure to register). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(i) \$384,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Second Substitute Senate Bill No. 6460 (crimes with sexual motivation). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(j) \$91,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 2 of Second Substitute Senate Bill No. 6172 (possession of child pornography). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(k) \$763,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of sections 102, 301, and 302 of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2006)	((\$82,210,000))
	\$89,217,000
General Fund--State Appropriation (FY 2007)	((\$81,646,000))
	\$92,477,000
Public Safety and Education Account--State	
Appropriation	((\$16,736,000))
\$16,796,000 Pension Funding Stabilization Account--State	
Appropriation	\$449,000
TOTAL APPROPRIATION	((\$180,592,000))
	\$198,939,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$268,000 of the general fund--state appropriation for fiscal year 2006 and \$484,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1402 (offender travel or transfer). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(c) \$122,000 of the general fund--state appropriation for fiscal year 2006 and \$82,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1136 (electronic monitoring system). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(d) \$59,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 4 of Second Substitute Senate Bill No. 6319 (failure to register). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(e) \$666,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 303 of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2006)	..... \$838,000
General Fund--State Appropriation (FY 2007)	..... \$882,000
Pension Funding Stabilization Account--State	
Appropriation	..... \$3,000
TOTAL APPROPRIATION	((\$1,720,000))
	\$1,723,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2006 and \$110,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2006)	((\$33,839,000))
	\$37,289,000

General Fund--State Appropriation (FY 2007)	((\$33,838,000))
	\$38,662,000
TOTAL APPROPRIATION	((\$67,677,000))
	\$75,951,000

The appropriations in this subsection are subject to the following conditions and limitations: \$130,000 of the general fund--state appropriation for fiscal year 2006 and \$196,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for expenditures related to the *Farrakhan v. Locke* litigation.

Sec. 177. 2005 c 518 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 2006)	((\$1,887,000))
	\$2,037,000
General Fund--State Appropriation (FY 2007)	((\$1,939,000))
	\$1,962,000
General Fund--Federal Appropriation	((\$15,326,000))
	\$15,362,000
General Fund--Private/Local Appropriation	\$80,000
Pension Funding Stabilization Account--State	
Appropriation	\$5,000
TOTAL APPROPRIATION	((\$19,232,000))
	\$19,446,000

Sec. 178. 2005 c 518 s 224 (uncodified) is amended to read as follows:

FOR THE SENTENCING GUIDELINES COMMISSION

General Fund--State Appropriation (FY 2006)	..... \$864,000
General Fund--State Appropriation (FY 2007)	((\$861,000))
\$863,000 Pension Funding Stabilization Account--State	
Appropriation	..... \$4,000
TOTAL APPROPRIATION	((\$1,725,000))
	\$1,731,000

Sec. 179. 2005 c 518 s 225 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--State Appropriation (FY 2006)	..... \$60,000
General Fund--State Appropriation (FY 2007)	..... \$60,000
General Fund--Federal Appropriation	((\$259,865,000))
	\$260,228,000
General Fund--Private/Local Appropriation	((\$31,857,000))
	\$31,966,000
Unemployment Compensation Administration Account--	
Federal Appropriation	((\$199,217,000))
	\$200,541,000
Administrative Contingency Account--State	
Appropriation	((\$14,946,000))
	\$16,866,000
Employment Service Administrative Account--State	
Appropriation	((\$24,411,000))
	\$24,491,000
TOTAL APPROPRIATION	((\$530,416,000))
	\$534,212,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$2,087,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is provided to replace obsolete information technology infrastructure.

(2) \$12,735,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is authorized for

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

state choice administrative functions. The department shall submit recommendations by September 1, 2007, to the office of financial management and the legislative fiscal committees for options reducing the costs of the state choice administrative functions for the 2007-2009 biennium. If these options require any statutory changes, the department shall submit agency request legislation to the appropriate legislative policy committees and fiscal committees by December 15, 2007.

(3) \$2,300,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is authorized to continue implementation of chapter 4, Laws of 2003 2nd sp. sess. and for implementation costs relating to Engrossed House Bill No. 2255 (unemployment insurance).

(4) \$4,578,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the Social Security Act (Reed Act). These funds are authorized to provide direct services to unemployment insurance claimants and providing job search review.

(End of part)

**PART III
NATURAL RESOURCES**

Sec. 301. 2005 c 518 s 301 (unclassified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 2006)	.....	\$471,000
General Fund--State Appropriation (FY 2007)	...	(\$478,000)
		<u>\$479,000</u>
General Fund--Private/Local Appropriation	.....	(\$859,000)
		<u>\$862,000</u>
Pension Funding Stabilization Account--State		
Appropriation	.....	<u>\$2,000</u>
TOTAL APPROPRIATION	..	(\$1,808,000)
		<u>\$1,814,000</u>

Sec. 302. 2005 c 518 s 302 (unclassified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2006)	(\$40,648,000)	
	<u>\$40,744,000</u>	
General Fund--State Appropriation (FY 2007)	(\$40,344,000)	
	<u>\$44,131,000</u>	
General Fund--Federal Appropriation	(\$73,911,000)	
	<u>\$74,678,000</u>	
General Fund--Private/Local Appropriation	(\$13,287,000)	
	<u>\$13,290,000</u>	
Special Grass Seed Burning Research		
Account--State Appropriation	\$14,000
Reclamation Account--State Appropriation	(\$2,646,000)
		<u>\$2,778,000</u>
Flood Control Assistance Account--State		
Appropriation	(\$3,084,000)
		<u>\$3,422,000</u>
State Emergency Water Projects Revolving		
Account--State Appropriation	(\$1,456,000)
		<u>\$1,312,000</u>
Waste Reduction/Recycling/Litter Control--State		
Appropriation	(\$15,067,000)
		<u>\$15,081,000</u>
State Drought Preparedness Account--State		
Appropriation	(\$221,000)
		<u>\$225,000</u>
State and Local Improvements Revolving		
Account (Water Supply Facilities)--State		
Appropriation	(\$384,000)

Vessel Response Account--State Appropriation	...	\$386,000
		<u>\$2,876,000</u>
Site Closure Account--State Appropriation	.....	(\$655,000)
		<u>\$656,000</u>
Water Quality Account--State Appropriation	..	(\$28,021,000)
		<u>\$28,085,000</u>
Wood Stove Education and Enforcement		
Account--State Appropriation	.....	\$357,000
Worker and Community Right-to-Know		
Account--State Appropriation	.....	(\$2,142,000)
		<u>\$2,153,000</u>
State Toxics Control Account--State Appropriation	.....	(\$5,716,000)
		<u>\$84,319,000</u>
State Toxics Control Account--Private/Local		
Appropriation	.....	(\$379,000)
		<u>\$380,000</u>
Local Toxics Control Account--State Appropriation	.....	(\$5,258,000)
		<u>\$5,424,000</u>
Water Quality Permit Account--State Appropriation	.....	(\$31,909,000)
		<u>\$32,468,000</u>
Underground Storage Tank Account--State Appropriation	.....	(\$2,883,000)
		<u>\$2,889,000</u>
Environmental Excellence Account--State Appropriation	.....	\$504,000
Biosolids Permit Account--State Appropriation	...	(\$851,000)
		<u>\$853,000</u>
Hazardous Waste Assistance Account--State		
Appropriation	.....	(\$5,153,000)
		<u>\$5,171,000</u>
Air Pollution Control Account--State Appropriation	.....	(\$11,199,000)
		<u>\$11,206,000</u>
Oil Spill Prevention Account--State Appropriation	.....	(\$10,219,000)
		<u>\$11,078,000</u>
Air Operating Permit Account--State Appropriation	.....	(\$2,679,000)
		<u>\$2,922,000</u>
Freshwater Aquatic Weeds Account--State		
Appropriation	.....	(\$2,534,000)
		<u>\$2,144,000</u>
Oil Spill Response Account--State Appropriation	..	\$7,079,000
Metals Mining Account--State Appropriation	.....	\$14,000
Water Pollution Control Revolving Account--State		
Appropriation	.....	(\$413,000)
		<u>\$485,000</u>
Water Pollution Control Revolving Account--Federal		
Appropriation	.....	(\$1,995,000)
		<u>\$2,357,000</u>
Freshwater Aquatic Algae Control Account--State		
Appropriation	.....	\$509,000
Pension Funding Stabilization Account--State		
Appropriation	.....	<u>\$186,000</u>
TOTAL APPROPRIATION	(\$386,860,000)	
		<u>\$400,176,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,526,196 of the general fund--state appropriation for fiscal year 2006, \$2,526,195 of the general fund--state appropriation for fiscal year 2007, \$366,000 of the general fund--federal appropriation, \$2,581,000 of the state toxics account--state appropriation, \$540,806 of the water quality account--state appropriation, \$3,748,220 of the water quality permit account--state appropriation, and \$705,000 of the oil spill prevention account are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency

FIFTY-NINTH DAY, MARCH 8, 2006

action items DOE-01, DOE-02, DOE-04, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(3) \$4,054,000 of the state toxics control account appropriation is provided solely for methamphetamine lab clean-up activities and for the clean up of toxic waste, focusing on clean up within and around Puget Sound.

(4) \$170,000 of the oil spill prevention account appropriation is provided solely for implementation of the Puget Sound conservation and recovery plan action item UW-02 through a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(5) \$2,500,000 of the general fund--state appropriation for fiscal year 2006 and \$2,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for shoreline grants to local governments to implement Substitute Senate Bill No. 6012 (shoreline management), chapter 262, Laws of 2003.

(6) \$156,000 of the general fund--state appropriation for fiscal year 2006 and \$144,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to expand the department's pilot program for processing 401 water quality certification projects to a statewide process and timeline to meet improved permit processing accountability and timelines, which will result in 90 percent of routine certifications occurring within 90 days of application, and acknowledgement of receipt of the application being sent within 10 days.

(7) Fees approved by the department of ecology in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to support water measurement and water storage components of the Columbia River Initiative Program.

(9) ~~(\$661,000 of the reclamation account--state appropriation is provided solely to implement Senate Bill No. 5831 (well construction fees). If the bill is enacted by June 30, 2005, \$150,000 from the general fund--state appropriation for fiscal year 2006 and \$150,000 from the general fund--state appropriation for fiscal year 2007 provided in this section shall lapse. If the bill is not enacted by June 30, 2005, the amount provided from the reclamation account in this subsection shall lapse.~~

~~(10))~~ \$509,000 of the freshwater aquatic algae control account--state is provided solely for implementation of Engrossed Substitute Senate Bill No. 5699 (aquatic invasive species). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((11))~~ (10) \$250,000 of the state toxics control account--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1605 (soil contamination). If the bill is not enacted by June 30, 2005, the amount in this subsection shall lapse.

~~((12))~~ (11) \$200,000 of the water quality account--state appropriation is provided solely for the department to contract with the state conservation commission to provide statewide coordination and support for coordinated resource management.

(12) The department shall assist the office of regulatory assistance in implementing activities consistent with the governor's regulatory improvement program. The department shall support and provide expertise to facilitate, coordinate, and simplify citizen and business interactions so as to improve state regulatory processes involving state, local, and federal stakeholders.

(13) \$196,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed

Substitute House Bill No. 2884 (reclaimed water). If the bill is not enacted by June 30, 2006, the amount provided in this subsection is provided solely to adopt rules in coordination with the department of health for all aspects of reclaimed water including: Industrial and commercial uses, land applications, direct recharge, wetland discharge, surface percolation, constructed wetlands, stream flow augmentation, and graywater use. The department must adopt the rules in a phased approach: The first phase shall be proposed for adoption by June 1, 2007, and shall include the uses of constructed treatment wetlands; and the second phase shall be adopted by December 31, 2010.

(14) \$820,000 of the oil spill prevention account--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 6244 (oil spill prevention). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(15) \$2,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Second Substitute House Bill No. 2860 (Columbia river basin). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(16) \$48,000 of the state toxics control account--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1488 (brominated flame retardants). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(17) \$340,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to support development of a wetland mitigation program in Clark county. The program will engage local, state, and federal agencies, private investors, property owners, and others in the creation of one or more wetland banks and other measures to protect habitat functions and values while accommodating urban growth in the region.

(18) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to develop a pilot water management process that will include three federally recognized treaty Indian tribes.

(19) \$130,000 of the state toxics control account--state appropriation is provided solely to support pesticide container recycling activities in Washington.

(20) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to Walla Walla county and Columbia county conservation district for habitat conservation planning and related endangered species act assurances for small irrigators and landowners.

(21) To maximize the use of amounts appropriated during this biennium for the clean up of toxic waste, focusing on clean up within and around Puget Sound, the department shall prioritize for this purpose the use of existing staff, additional FTEs added this biennium, temporary project staff, and contracted services.

(22) \$25,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the department to collaborate with the Wenatchee watershed planning unit and Chelan county for development of a regulatory strategy, as required by the federal clean water act, to control total maximum daily loads of phosphorous to the Wenatchee river. A technically sound plan for managing phosphorous and restoring water quality in the Wenatchee river shall be provided to the appropriate committees of the legislature by July 1, 2008.

(23) \$55,000 of the general fund--state appropriation for fiscal year 2006 and \$150,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to address air quality issues for the Columbia river gorge in cooperation with the state of Oregon.

(24) \$67,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Senate Bill No. 6861 (domestic water users). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(25) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the restoration of Long

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

lake located in Kitsap county in accordance with the plan approved by the Kitsap county weed control board, the county commissioners, the citizens for improving Long lake, and the department of ecology.

(26) \$150,000 of the local toxics control account--state appropriation is provided solely for the contracting and production of the second phase report for establishing sustainable statewide regional CBRNE/Hazmat response capability. The report will, at a minimum include, a cost-benefit analysis, analysis of sustainable funding options, regional alignment and mutual aid agreements, and administration requirements.

(27) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a pilot project that demonstrates the value of long-term management plans for small forest landowners.

Sec. 303. 2005 c 518 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Table with 2 columns: Description and Amount. Includes rows for General Fund--State Appropriation (FY 2006), General Fund--State Appropriation (FY 2007), General Fund--Federal Appropriation, and various sub-accounts like Off-Road Vehicle Account, Snowmobile Account, etc. Total Appropriation is \$122,549,000.

The appropriations in this section are subject to the following conditions and limitations:

- (1) Fees approved by the state parks and recreation commission in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.
(2) \$79,000 of the general fund--state appropriation for fiscal year 2006 and \$79,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a grant for the operation of the Northwest avalanche center.
(3) \$191,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action item PRC-02.
(4) \$185,000 of the parks renewal and stewardship account--state appropriation is provided solely to develop a plan for public education and tourist orientation and interpretation at selected state park sites along the route of the ice age floods from Spokane to the Pacific ocean.
(5) Until July 1, 2007, the commission may not charge fees for general park access or parking. Funding of \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$2,636,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to compensate the state parks and

recreation commission for lost revenue from general park access or parking fees.

(6) \$750,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for repair and maintenance costs at state parks.

Sec. 304. 2005 c 518 s 304 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Table with 2 columns: Description and Amount. Includes rows for General Fund--State Appropriation (FY 2006), General Fund--State Appropriation (FY 2007), General Fund--Federal Appropriation, and various sub-accounts like Aquatic Lands Enhancement Account, Water Quality Account, etc. Total Appropriation is \$25,114,000.

The appropriations in this section are subject to the following conditions and limitations:

- (1) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.
(2) \$16,025,000 of the general fund--federal appropriation is provided solely for implementation of the forest and fish agreement rules. These funds will be passed through to the department of natural resources and the department of fish and wildlife.
(3) During the 2005-07 fiscal biennium, any county that purchased land before 1978 for off-road vehicle sports park recreation pursuant to 1972 ex.s. c 153 and 1975 1st ex.s. c 34 may discharge its contractual obligations for state-funded capital improvements on those lands if by no later than June 30, 2007:
(a) It sells on the open market, at the highest price achievable, all such lands and related facilities and equipment. After deducting reasonable expenses for the cost of sale, all remaining funds will be deposited within thirty days of closing to the nonhighway and off-road vehicle activities program account in the office of the state treasurer. Any funds derived from such sale shall be expended in accordance with RCW 46.09.170(2)(d)(ii)(A) in the same manner as funds the committee receives from RCW 46.09.110 and shall be used for off-road vehicle recreation facilities in areas west of the crest of the Cascade Mountains with preference for developing a new off-road vehicle sports park; or
(b) With the consent of the interagency committee, it gives all such lands and related facilities and equipment to a state or local agency. The state or local agency must agree to make the lands available for purposes related to motorized off-road vehicle recreation. The agency will not be responsible for contractual obligations for previous state-funded capital improvements on those lands. The interagency committee may award a one time noncompetitive grant to the agency for renovation and other capital improvements and for initial operating costs. If a transfer of property under this subsection (b) is not approved prior to June 30, 2006, then the property shall be sold according to (a) of this subsection.
(4) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state

FIFTY-NINTH DAY, MARCH 8, 2006

appropriation for fiscal year 2007 are provided solely for the biodiversity strategy.

(5) \$20,000 of the general fund--state appropriation for fiscal year 2006 and \$20,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for coordination of federal, state, tribal, local, and private aquatic monitoring efforts. The department shall provide a memorandum to the office of financial management and legislative fiscal committees in January of every year which specifies performance measures to reduce redundancy, increase efficiency, and help meet the goals and objectives of the various entities involved in monitoring and if these performance measures were met.

(6) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute Senate Bill No. 5385 (invasive species council). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 305. 2005 c 518 s 305 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund--State Appropriation (FY 2006)	....	\$1,057,000
General Fund--State Appropriation (FY 2007)	..	(\$1,064,000)
<u>\$1,066,000 Pension Funding Stabilization Account--State</u>		
<u>Appropriation</u>	.....	<u>\$5,000</u>
TOTAL APPROPRIATION	..	(\$2,121,000)
		<u>\$2,128,000</u>

Sec. 306. 2005 c 518 s 306 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund--State Appropriation (FY 2006)	....	\$2,235,000
General Fund--State Appropriation (FY 2007)	..	(\$2,253,000)
<u>\$2,256,000 General Fund--Federal Appropriation</u>		<u>\$250,000</u>
Water Quality Account--State Appropriation	..	(\$4,175,000)
<u>\$4,178,000 Pension Funding Stabilization Account--State</u>		
<u>Appropriation</u>	.....	<u>\$3,000</u>
TOTAL APPROPRIATION	..	(\$8,663,000)
		<u>\$8,922,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$197,000 of the general fund--state appropriation for fiscal year 2006 and \$197,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action item CC-01.

(2) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Substitute House Bill No. 1462 (relating to funding for conservation districts). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

Sec. 307. 2005 c 518 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2006)	(\$45,751,000)
	<u>\$46,692,000</u>
General Fund--State Appropriation (FY 2007)	(\$44,545,000)
	<u>\$46,856,000</u>
General Fund--Federal Appropriation	(\$42,261,000)
	<u>\$49,100,000</u>
General Fund--Private/Local Appropriation	(\$36,025,000)
	<u>\$36,089,000</u>

2006 REGULAR SESSION

Off-Road Vehicle Account--State Appropriation	....	\$392,000
Aquatic Lands Enhancement Account--State		
Appropriation	.....	(\$5,813,000)
		<u>\$5,820,000</u>
Recreational Fisheries Enhancement--State		
Appropriation	.....	(\$3,547,000)
		<u>\$3,753,000</u>
Warm Water Game Fish Account--State Appropriation	.....	(\$2,898,000)
		<u>\$2,904,000</u>
Eastern Washington Pheasant Enhancement		
Account--State Appropriation	.....	\$750,000
Wildlife Account--State Appropriation	.....	(\$62,776,000)
		<u>\$61,946,000</u>
Wildlife Account--Federal Appropriation	....	(\$30,966,000)
		<u>\$33,029,000</u>
Wildlife Account--Private/Local Appropriation	(\$10,379,000)	
		<u>\$10,386,000</u>
Game Special Wildlife Account--State Appropriation	.....	(\$2,147,000)
		<u>\$2,883,000</u>
Game Special Wildlife Account--Federal Appropriation	.....	(\$8,858,000)
		<u>\$8,863,000</u>
Game Special Wildlife Account--Private/Local		
Appropriation	.....	(\$468,000)
		<u>\$469,000</u>
Public Safety and Education Account--State		
Appropriation	.....	\$588,000
Environmental Excellence Account--State Appropriation	.....	\$15,000
Regional Fisheries Salmonid Recovery		
Account--Federal Appropriation	.....	(\$1,755,000)
		<u>\$2,755,000</u>
Oil Spill Prevention Account--State Appropriation	.....	(\$1,040,000)
		<u>\$1,043,000</u>
(Recreation Resources Account--State Appropriation		\$36,000)
Oyster Reserve Land Account--State Appropriation	..	\$411,000
(Freshwater Aquatic Algae Control Account--State		Appropriation
Appropriation	.....	\$750,000)
Aquatic Invasive Species Prevention Account--State		
Appropriation	.....	<u>\$528,000</u>
<u>\$528,000 Pension Funding Stabilization Account--State</u>		
<u>Appropriation</u>	.....	<u>\$248,000</u>
TOTAL APPROPRIATION	(\$302,171,000)	
		<u>\$315,520,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(2) \$1,556,714 of the general fund--state appropriation for fiscal year 2006 and \$1,556,713 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DFW-01 through DFW-06, DFW-08 through DFW-12, and DFW-16.

(3) \$225,000 of the general fund--state appropriation for fiscal year 2006 and \$225,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(4) The department shall support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(5) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of

FIFTY-NINTH DAY, MARCH 8, 2006

salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(6) \$180,000 of the wildlife account--state appropriation is provided solely to test deer and elk for chronic wasting disease and to document the extent of swan lead poisoning. Of this amount, \$65,000 is provided solely to document the extent of swan lead poisoning and to begin environmental cleanup.

(7) The department shall provide quarterly status reports to the office of financial management regarding the replacement of the Washington interactive licensing system and the implementation of the hydraulic permit management system.

(8) The department shall prepare a report detailing the hydraulic permit approval program applications and project types. The department shall coordinate with the office of financial management in determining the contents of the report. At minimum, the report shall include permits by applicant (name, state, local, federal, tribal entity, etc.), project type (pamphlet, minor, medium, major, extension, revision, etc.) and project location (county and water resource inventory area). The department shall submit the report to the office of financial management and legislative fiscal committees no later than September 1, 2006.

(9) \$700,000 of the general fund--federal appropriation is provided solely for environmental data quality and access projects in support of state salmon recovery efforts. The department shall coordinate planning and implementation of all activities with the department of information services and the governor's salmon recovery office. The department shall make certain that any activity using these funds is consistent with recommendations to be submitted (per section 405, chapter 488, Laws of 2005) in the joint report to the legislature and office of financial management on December 1, 2006.

(10) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$400,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. Army Corps of Engineers.

~~((+0))~~ (11) \$72,000 of the state wildlife account--state appropriation is provided solely to implement House Bill No. 1211 (multiple season big game permit). If the bill is not enacted by June 30, 2005, the amount provided in this section shall lapse.

(12) ~~((750,000))~~ \$528,000 of the ((freshwater aquatic algae control)) aquatic invasive species prevention account--state appropriation is provided solely to implement Senate Bill No. 5699 (preventing and controlling aquatic invasive species and algae). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(13) \$703,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to purchase six purse seine and three gill net licenses to meet the provisions of the United States/Canada salmon treaty.

~~((+5))~~ (14) \$10,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for chum salmon production at Minter creek hatchery.

~~((+6))~~ (15) \$45,000 of the general fund--federal appropriation for fiscal year 2006 and \$45,000 of the general fund--federal appropriation for fiscal year 2007 are provided solely for the management of Canada goose seasons to increase the number of hunting days in southwest Washington.

~~((+7))~~ (16) \$46,000 of the wildlife account--state appropriation is provided solely to increase the number of courses providing the hunter education training program created in RCW 77.32.155. The department shall reduce the current backlog of applicants waiting to take the training program and provide for a stable supply of training program courses in order to avoid future backlogs.

~~((+8))~~ (17) \$481,000 of the wildlife account--state appropriation is provided solely to continued operation of the

2006 REGULAR SESSION

Naselle Hatchery during the 2005-07 biennium. This will increase production by 3 million Chinook, 1 million Coho, and 30,000 trout.

~~((20))~~ (18) \$223,000 of the wildlife account--state appropriation is provided solely to implement Senate Bill No. 5227 (wildlife harvest reports). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(19) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for federal match funding for the control of predators that damage livestock, crops, and property.

(20) \$85,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to produce educational materials discouraging activities that harm or disturb the spawning beds of salmon and steelhead. Discouraged activities include, but are not limited to, wading on spawning beds, driving motor vehicles on spawning beds, use of high-powered jet or propeller-driven boats across spawning beds, dragging anchors through spawning beds, digging or removing gravel from spawning beds, or any other physical disturbance capable of disturbing spawning fish or damaging or destroying nests of incubating eggs.

(a) The educational materials produced by the department in accordance with this subsection must include, at a minimum, brochures that are to be disseminated to persons applying for fishing and boating licenses statewide. The department must also distribute the brochures widely to retail outlets that cater to outdoor recreation.

(b) The department shall work cooperatively with the tribal fishery comanagers in the development of the educational materials under this section.

(c) The department shall report to the legislature concerning the effectiveness of this subsection after at least two spawning cycles of salmon and steelhead have occurred.

(21) Within the amounts appropriated in this section, by December 1, 2006, the department shall:

(a) Submit a report detailing the reductions required by omnibus appropriations acts since 1997 for activities supported by the state wildlife fund;

(b) Submit quarterly revenue and expenditure reports for the state wildlife account based on current revenue forecasts to the office of financial management and the fiscal committees of the legislature; and

(c) Develop a model for forecasting state wildlife account revenues for the next six years. The department shall work with the office of financial management and the department of revenue in developing the model. The forecast shall be provided in an electronic format annually on September 1st to the office of financial management and the fiscal committees of the legislature.

(22) The department shall assist the office of regulatory assistance in implementing activities consistent with the governor's regulatory improvement program. The department shall support and provide expertise to facilitate, coordinate, and simplify citizen and business interactions so as to improve state regulatory processes involving state, local, and federal stakeholders.

(23) \$408,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for fire suppression and remediation activities on department lands and facilities that were impacted during the 2005 fire season. Funding shall be used for seeding, planting vegetation, fertilizing, weed control, and the establishment of water bars and other erosion control measures.

(24) \$266,000 of the general fund--state appropriation for fiscal year 2006 and \$214,000 of the state wildlife account--state appropriation are provided solely for the continued operation of the Nemah, Mossyrock, Omak, Colville, Arlington, and Columbia Basin hatcheries during the 2005-07 biennium. Funding shall be used to offset the increased cost of utilities, fuel, fish feed, and mitigation obligations previously funded from local sources. The department shall consult with the

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

appropriate natural resource and fiscal committees of the legislature prior to submitting a 2007-09 budget proposal that changes current hatchery operations, production, and/or maintenance to the office of financial management. Unless specifically authorized by the legislature, the department shall not close any hatchery facility currently in operation.

(25) \$43,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute Senate Bill No. 5385 (invasive species council). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(26) \$76,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to pay for the added level of fishery sampling and monitoring in the upper Columbia river area as required under the endangered species act and federal court orders.

(27) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an interagency working group scoping of a study of the sinking of ships as dive attractions. The department of fish and wildlife shall, as approved by the office of financial management, enter into an interagency agreement with the department of natural resources, the state parks and recreation commission, the department of ecology, and the department of community, trade, and economic development to delineate elements of this study. The department of fish and wildlife shall report to the office of financial management and the appropriate committees of the legislature no later than November 15, 2006.

(28) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to increase fish production levels on a statewide basis at state-operated fish hatcheries. By July 31, 2006, the department shall submit to the appropriate policy and fiscal committees of the legislature an implementation plan that outlines in specific detail how the amount provided in this subsection will be spent in order to increase fish production. The plan will include production implementation timelines, increased production goals, by species, at identified hatcheries that will receive financial assistance, and the amount to be retained by the department for administration and overhead costs, including the purchase of any new equipment. By July 31, 2007, the department shall submit to the appropriate policy and fiscal committees of the legislature a report documenting the increased production levels, using fiscal year 2006 as the base year for comparison purposes. If the department is unable to produce the implementation plan by July 31, 2006, the amount provided in this subsection shall lapse.

(29) \$75,000 of the general fund--state appropriation in fiscal year 2007 is provided solely for the department to prevent impacts to native species by controlling the nonnative nutria population in Skagit county.

(30) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the northwest straits commission to remove lost and abandoned fishing nets and crab and shrimp pots that may be dangerous to humans and that unintentionally trap and kill endangered salmon and other aquatic species.

~~((21))~~ (31) \$4,000 of the wildlife account--state appropriation is provided solely to implement House Bill No. 1210 (temporary fishing license). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(32) Within existing appropriations and utilizing all available federal moneys allocated for the crab buy-back program, the department shall develop and implement a crab buy-back program that allows commercial crab fishers the opportunity to sell their licenses back to the state and exit from the crabbing fishery. The department shall report to the office of financial management and the appropriate fiscal committees of the legislature its detailed implementation plan no later than December 1, 2006.

(33) \$660,000 of the general fund--federal appropriation is provided solely to initiate a review of the hydraulic project approval permit rules and to undergo a public process for adoption of new or revised rules that may be needed. Upon completion, the department shall complete a habitat conservation plan for the hydraulic project approval program, and shall seek legislative review prior to adoption of new or revised rules.

(34) \$125,000 of the state wildlife account--state appropriation is provided to implement Engrossed Senate Bill No. 5232 (turkey tags). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 308. 2005 c 518 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2006)	(\$49,220,000)
	\$40,473,000
General Fund--State Appropriation (FY 2007)	(\$43,757,000)
	\$53,999,000
General Fund--Federal Appropriation	(\$15,202,000)
	\$15,215,000
General Fund--Private/Local Appropriation	(\$1,275,000)
	\$1,276,000
Forest Development Account--State Appropriation	(\$54,441,000)
	\$54,697,000
Off-Road Vehicle Account--State Appropriation	(\$3,986,000)
	\$4,001,000
Surveys and Maps Account--State Appropriation	(\$2,436,000)
	\$2,447,000
Aquatic Lands Enhancement Account--State	
Appropriation	(\$8,344,000)
	\$8,451,000
Resources Management Cost Account--State	
Appropriation	(\$85,941,000)
	\$86,332,000
Surface Mining Reclamation Account--State	
Appropriation	(\$1,841,000)
	\$2,828,000
Disaster Response Account--State	
Appropriation	\$5,000,000
Water Quality Account--State Appropriation	(\$2,630,000)
	\$2,636,000
Aquatic Land Dredged Material Disposal Site	
Account--State Appropriation	(\$652,000)
	\$1,321,000
Natural Resources Conservation Areas Stewardship	
Account--State Appropriation	\$34,000
State Toxics Control Account--State Appropriation	\$2,155,000
Air Pollution Control Account--State Appropriation	(\$555,000)
	\$556,000
Derelict Vessel Removal Account--State Appropriation	
.	(\$1,137,000)
	\$1,138,000
Agricultural College Trust Management	
Account--State Appropriation	(\$1,962,000)
	\$1,966,000
Pension Funding Stabilization Account--State	
Appropriation	\$136,000
TOTAL APPROPRIATION	(\$280,568,000)
	\$284,661,000

The appropriations in this section are subject to the following conditions and limitations:

(1) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(2) \$18,000 of the general fund--state appropriation for fiscal year 2006, \$18,000 of the general fund--state appropriation for fiscal year 2007, and \$1,652,050 of the aquatic lands enhancement account appropriation are provided solely

FIFTY-NINTH DAY, MARCH 8, 2006

for the implementation of the Puget Sound conservation and recovery plan and agency action items DNR-01 and DNR-02.

(3) \$138,000 of the resource management cost account--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1896 (geoduck harvest). If the bill is not enacted by June 30, 2005, the amount in the subsection shall lapse.

(4) ~~(\$953,000)~~ \$972,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$950,000)~~ \$994,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(5) ~~(\$10,635,000)~~ \$10,689,000 of the general fund--state appropriation for fiscal year 2006, \$13,635,000 of the general fund--state appropriation for fiscal year 2007, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. Of these amounts, up to \$250,000 may be expended for staff and other necessary resources to design and implement a fire data-collection system that includes financial- and performance-management information for fires over 10 acres in size.

None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations.

(6) \$582,000 of the aquatic lands enhancement account appropriation is provided solely for spartina control.

(7) Fees approved by the board of natural resources in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(8) \$9,000,000 of the general fund--state appropriation for fiscal year ~~(2006)~~ 2007 and \$2,000,000 of the aquatic lands enhancement account--state appropriation are provided solely for the purposes of settling those claims identified in ~~(the consent decree and settlement agreement in)~~ *U.S., et al. v. State of Washington, et al.* Subproceeding No. 89-3 (Shellfish), United States District Court for the Western District of Washington at Seattle, Case No. C70-9213. The expenditure of this appropriation is contingent on ~~(the release of those claims in this subproceeding. In the event that the federal government does not appropriate \$22,000,000 for this purpose by June 30, 2006,)~~ a settlement agreement that includes the state of Washington as a party to the agreement which is fully executed by June 29, 2007, and a consent decree entered by June 29, 2007, by the United States District Court for the Western District of Washington settling and releasing the identified treaty claims to harvest shellfish previously negotiated in the settlement agreement. By June 29, 2007, the release of claims associated with the settlement agreement and consent decree must be fully effective and there must be no unfulfilled contingencies that could cause the settlement agreement or consent decree to be vacated at some future date if not fulfilled. In the event that these contingencies are not met, the amounts provided in this subsection shall lapse.

(9) \$2,155,000 of the state toxics account--state appropriation is provided solely for the department to meet its obligations with the U.S. environmental protection agency for the clean-up of Commencement Bay and other sites.

(10) The department shall not develop the Gull Harbor facility without first submitting a master plan to the appropriate committees of the legislature. The plan shall ensure continued public access to the waterfront. The plan shall also examine alternative locations to the Gull Harbor site that would colocate marine equipment for all state agencies needing water access in Thurston county. The report shall be submitted by December 1, 2006.

(11) \$250,000 of the general fund--state appropriation for fiscal year 2006, \$250,000 of the general fund--state

2006 REGULAR SESSION

appropriation for fiscal year 2007, and \$500,000 of the resource management cost account--state appropriation are provided solely for a report on the future of Washington forests. The purpose of the report is to examine economic, recreational, and environmental trends influencing the forest products industry and secondary manufacturing sectors in Washington state. The department shall contract with the University of Washington college of forestry resources. The college shall consult with the University of Washington economics department for the section on investment returns from granted lands. The report shall contain the following parts:

(a) An update of the 1992 timber supply study for Washington state that was conducted by the University of Washington. The update may be accomplished by reviewing the most recent similar data available in existing reports, examining a sample of the original 1992 study sample of lands, and through other existing data sources that may reveal relevant trends and changes since 1992.

(b) An independent assessment of the economic contribution of the forest products industry, and secondary manufacturing sectors, to the state. This assessment will also examine some of the macroeconomic trends likely to affect the industry in the future.

(c) A comparison of the competitive position of Washington's forest products industry globally, and with other leading forest products states, or regions, of the United States. This evaluation should compare the relative tax burden for growing and harvesting timber between the states or regions and the relative cost of adhering to regulations, and identify the competitive advantages of each state or region.

(d) An assessment of the trends and dynamics that commercial and residential development play in the conversion of the state's forests to nonforestry uses. The assessment will involve gathering relevant data, reviewing that data, and analyzing the relationship between development and the conversion of forest land uses.

(e) Recommendations on: (i) Policy changes that would enhance the competitive position of Washington's forest products industry in Washington state; (ii) policy changes that would, to the extent possible, ensure that a productive forest land base continues to be managed for forest products, recreation, and environmental and other public benefits into the future; and (iii) policy changes that would enhance the recreational opportunities on working forest lands in the state.

(f) Based on the information derived from (a) through (d) of this subsection, an assessment of the expected rate of return from state granted lands. This section of the reports shall also review reports prepared by the department over the past ten years that describe the investment returns from granted lands. The review of these previous reports shall compare and critique the methodology and indicators used to report investment returns. The review shall recommend appropriate measures of investment returns from granted lands.

(g) Analyze and recommend policies and programs to assist Cascade foothills area landowners and communities in developing and implementing innovative approaches to retaining traditional forestry while at the same time accommodating new uses that strengthen the economic and natural benefits from forest lands. For the purposes of this section, the Cascade foothills area generally encompasses the nonurbanized lands within the Cascade mountain range and drainages lying between three hundred and three thousand feet above mean sea level, and located within Whatcom, Skagit, Snohomish, King, Pierce, Thurston, and Lewis counties.

(12) \$4,000 of the general fund--state appropriation for fiscal year ~~(2005)~~ 2006 and \$4,000 of the general fund--state appropriation for fiscal year ~~(2006)~~ 2007 are provided solely to compensate the forest board trust for a portion of the lease to the Crescent television improvement district consistent with RCW 79.13.520.

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(13) The department shall develop a multiyear work plan and schedule for mapping all applicable areas of the state for landslide hazards and earthquake hazards. The work plan and schedule shall be based on a carryforward funding level, and shall be submitted to the office of financial management and to the fiscal committees of the legislature by June 30, 2006.

(14) \$654,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for geologic hazard research, activities, and mapping, including earthquake, landslide, and tsunami hazards.

(15) \$397,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to work with appropriate stakeholders and state agencies in determining how privately owned lands, in combination with other land ownership such as public and tribal lands, contribute to wildlife habitat. The assessment will also determine how commercial forest, forest lands on the urban fringe, and small privately-owned forest lands that are managed according to Washington's forest and fish prescriptions, in combination with other forest management activities, function as wildlife habitat now and in the future.

(16) Within existing appropriations, the department shall implement the wildfire prevention and protection work group as defined in Substitute Senate Bill No. 6603 (wildfire prevention).

(17) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to establish a work group to study existing legislation affecting the oil and natural gas industry, and to make recommendations to that legal framework to improve the regulatory, technical, environmental, and financial framework of the oil and gas industry. The department shall report its recommendations to the legislature by December 30, 2006.

(18) \$35,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Senate Bill No. 5179 (forest health). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(19) \$719,000 of the surface mining reclamation account--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 6175 (surface mining). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 309. 2005 c 518 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2006)	(\$11,000,000)
	\$10,979,000
General Fund--State Appropriation (FY 2007)	(\$10,443,000)
	\$12,271,000
General Fund--Federal Appropriation	(\$10,608,000)
	\$10,634,000
General Fund--Private/Local Appropriation	\$413,000
Aquatic Lands Enhancement Account--State	
Appropriation	(\$1,986,000)
	\$1,990,000
Water Quality Account--State Appropriation	(\$968,000)
	\$972,000
State Toxics Control Account--State Appropriation	
.	(\$3,416,000)
	\$3,555,000
Water Quality Permit Account--State Appropriation .	\$238,000
Pension Funding Stabilization Account--State	
Appropriation	\$39,000
TOTAL APPROPRIATION	(\$39,072,000)
	\$41,091,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$37,000 of the general fund--state appropriation for fiscal year 2006 and \$37,000 of the general fund--state

appropriation for fiscal year 2007 are provided solely for implementation of the Puget Sound conservation and recovery plan and agency action item WSDA-01.

(2) Fees and assessments approved by the department in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(3) Within funds appropriated in this section, the department, in addition to the authority provided in RCW 17.26.007, may enter into agreements with federal agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.

(4) \$36,000 of the general fund--state appropriation for fiscal year 2006 and \$37,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for an economic impact study of fairs in the state of Washington.

(5) \$12,000 of the general fund--state appropriation for fiscal year 2006 and \$13,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for indemnity payments for poultry that are ordered by the department to be slaughtered or destroyed.

(6) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for market promotion and trade barrier grants.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the small farm and direct marketing program.

(8) ~~(\$466,000)~~ \$306,000 of the general fund--state appropriation for fiscal year 2006 ~~(~~ts~~)~~ and \$160,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to complete a database application that would consolidate program information and enable the department to more effectively respond to a food safety or animal disease emergency.

(9) \$150,000 of the general fund--state appropriation for fiscal year 2006 and \$150,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement the Washington wine brand campaign.

(10) The department shall consult with affected agricultural industries before fees for fruit and vegetable inspections may be raised. The consultation shall include a review of current inspection services, the cost of providing those services, and the discontinuation of unnecessary services.

(11) \$85,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute House Bill No. 3033 (animal identification). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$30,000 of the general fund--state appropriation for fiscal year 2006 and \$110,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Engrossed Substitute Senate Bill No. 6508 (renewable fuel). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(13) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to support noxious weed boards.

(14) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the purchase of agricultural products equipment. The department shall negotiate an appropriate agreement with the agriculture industry for the use of the equipment.

(15) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for spartina eradication efforts.

(16) \$26,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute Senate Bill No. 5385 (invasive species council). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(17) \$30,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute Senate Bill No. 6377 (milk and milk products). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 310. 2005 c 518 s 310 (uncodified) is amended to read as follows:

FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Program Trust
Account--State Appropriation ((861,000))
\$864,000

(End of part)

PART IV TRANSPORTATION

Sec. 401. 2005 c 518 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund--State Appropriation (FY 2006) . ((1,886,000))
\$1,535,000
General Fund--State Appropriation (FY 2007) . ((1,787,000))
\$1,704,000
Architects' License Account--State Appropriation . ((728,000))
\$715,000
Cemetery Account--State Appropriation ((224,000))
\$220,000
Professional Engineers' Account--State Appropriation
. ((3,179,000))
\$3,217,000
Real Estate Commission Account--State Appropriation
. ((7,583,000))
\$7,605,000
Master License Account--State Appropriation . ((1,593,000))
\$1,557,000
Uniform Commercial Code Account--State Appropriation
. ((2,936,000))
\$2,861,000
Real Estate Education Account--State Appropriation \$275,000
Real Estate Appraiser Commission
Account--State Appropriation ((1,345,000))
\$1,566,000
Business and Professions Account--State Appropriation
. ((7,927,000))
\$9,605,000
Real Estate Research Account--State Appropriation ((301,000))
\$321,000
(Wildlife Account--State Appropriation \$13,000)
Funeral Directors and Embalmers
Account--State Appropriation ((534,000))
\$531,000
Geologists' Account--State Appropriation ((34,000))
\$47,000
Data Processing Revolving Account--State Appropriation
. \$29,000
Derelict Vessel Removal Account--State Appropriation \$31,000
Pension Funding Stabilization Account--State
Appropriation \$30,000
TOTAL APPROPRIATION . ((40,405,000))
\$41,849,000

(1) The appropriations in this section are subject to the following conditions and limitations: In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession,

occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2005-07 fiscal biennium. Pursuant to RCW 43.135.055, during the 2005-07 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs.

(2) \$7,685,000 of the business and professions account--state appropriation is subject to enactment of Substitute House Bill No. 1394 (business and professions account). If the bill is not enacted by June 30, 2005, the appropriations out of this account shall be made from the general fund.

(3) \$1,653,000 of the master license account--state appropriation is subject to enactment of House Bill No. 2131 (master licensing service). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(4) \$34,000 of the general fund--state appropriation for fiscal year 2006 are subject to enactment of House Bill No. 1241 (vehicle licensing and registration). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(5) \$180,000 of the real estate appraiser commission account--state appropriation is provided solely to implement Senate Bill No. 5274 (real estate appraisers). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) \$56,000 of the business and professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2596 (cosmetology apprenticeship). If the bill is not enacted by June 30, 2006, the amount provided for in this subsection shall lapse.

(7) \$148,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Second Substitute Senate Bill No. 6364 (recreational vehicles). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 402. 2005 c 518 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund--State Appropriation (FY 2006) ((36,089,000))
\$37,601,000
General Fund--State Appropriation (FY 2007) ((30,702,000))
\$32,753,000
General Fund--Federal Appropriation ((4,356,000))
\$4,364,000
General Fund--Private/Local Appropriation ((595,000))
\$596,000
Death Investigations Account--State Appropriation
. ((5,615,000))
\$4,628,000
Public Safety and Education Account--State
Appropriation ((4,941,000))
\$3,388,000
Enhanced 911 Account--State Appropriation \$573,000
County Criminal Justice Assistance
Account--State Appropriation ((2,883,000))
\$2,895,000
Municipal Criminal Justice Assistance
Account--State Appropriation ((1,154,000))
\$1,157,000
Fire Service Trust Account--State Appropriation \$131,000
Fire Service Training Account--State Appropriation
. ((7,550,000))
\$7,560,000
State Toxics Control Account--State Appropriation ((468,000))
\$469,000

FIFTY-NINTH DAY, MARCH 8, 2006

Violence Reduction and Drug Enforcement	
Account--State Appropriation	\$313,000
Fingerprint Identification	
Account--State Appropriation	(\$6,257,000)
	\$6,270,000
Disaster Response Account--State Appropriation	
	\$2,000
((DNA Data Base Account--State Appropriation	
	-\$150,000)
Aquatic Invasive Species Prevention Account--State	
Appropriation	-\$222,000))
Aquatic Invasive Species Enforcement Account--State	
Appropriation	\$145,000
Pension Funding Stabilization Account--State	
Appropriation	\$102,000
TOTAL APPROPRIATION ((\$102,001,000)	
	\$102,947,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of state fire marshal to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(2) ~~(\$222,000)~~ \$145,000 of the aquatic invasive species ~~(prevention)~~ enforcement account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5699 (aquatic invasive species). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(3) \$250,000 of the general fund--state appropriation for fiscal year 2006 ~~((~~is~~))~~ and \$240,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed House Bill No. 1241 (vehicle licensing and registration). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) \$395,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 5 of Second Substitute House Bill No. 2805 (missing persons). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(5) If funding is provided through a federal grant or through a memorandum of understanding with a local government, the Washington state patrol's automatic fingerprint identification system shall be capable of instantly accepting electronic latent search records from any Washington state local law enforcement agency, to be implemented on a timeline agreed to by the patrol and the agency granting the fund source. The Washington state patrol shall notify the appropriate fiscal and policy committees of the legislature in writing upon the receipt of such federal moneys or upon the effective date of a memorandum of understanding with a local government.

(6) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute Senate Bill No. 6519 (sex offender registration). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(End of part)

**PART V
EDUCATION**

Sec. 501. 2005 c 518 s 501 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC
INSTRUCTION**

(1) STATE AGENCY OPERATIONS

General Fund--State Appropriation (FY 2006) ~~((~~\$12,946,000~~)~~

	\$13,452,000
General Fund--State Appropriation (FY 2007) ((\$12,870,000)	
	\$17,151,000
General Fund--Federal Appropriation	((\$30,248,000)
	\$23,090,000
TOTAL APPROPRIATION . ((\$56,064,000)	
	\$53,693,000

The appropriations in this section are subject to the following conditions and limitations:

(a) ~~(\$10,836,000)~~ \$10,835,000 of the general fund--state appropriation for fiscal year 2006 and ~~((~~\$10,910,000~~)~~) \$10,980,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award. The students selected for the award must demonstrate understanding through completion of at least one of the classroom-based civics assessment models developed by the superintendent of public instruction, and through leadership in the civic life of their communities. The superintendent shall select two students from eastern Washington and two students from western Washington to receive the award, and shall notify the governor and legislature of the names of the recipients.

(b) \$428,000 of the general fund--state appropriation for fiscal year 2006 and ~~((~~\$428,000~~)~~) \$547,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(c) \$509,000 of the general fund--state appropriation for fiscal year 2006 and \$504,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the Washington professional educator standards board. Within the amounts provided in this subsection, the Washington professional educator standards board shall pursue the implementation of recent study recommendations including: (i) Revision of teacher mathematics endorsement competencies and alignment of teacher tests to the updated competencies, and (ii) development of mathematics specialist endorsement.

(d) ~~(\$100,000)~~ \$607,000 of the general fund--state appropriation for fiscal year 2006 ~~((~~is~~))~~ and \$592,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for increased attorney general fees related to *School Districts' Alliance for Adequate Funding of Special Education et al. v. State of Washington et al.*, Thurston County Superior Court Cause No. 04-2-02000-7.

(e) ~~(\$950,000)~~ \$1,900,000 of the general fund--state appropriation ~~((for fiscal year 2006 and \$950,000 of the general fund--state appropriation for fiscal year 2007 are provided solely))~~ is for replacement of the apportionment system, which includes the processes that collect school district budget and expenditure information, staffing characteristics, and the student enrollments that drive the funding process.

(f)(i) \$45,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the office of the superintendent of public instruction and the department of health to collaborate and develop a work group to assess school nursing services in class I school districts. The work group shall consult with representatives from the following groups: School nurses, schools, students, parents, teachers, health officials, and administrators. The work group shall:

(A) Study the need for additional school nursing services by gathering data about current school nurse-to-student ratios in each class I school district and assessing the demand for school nursing services by acuity levels and the necessary skills to meet those demands. The work group also shall recommend to the legislature best practices in school nursing services, including a dedicated, sustainable funding model that would best meet the

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

current and future needs of Washington's schools and contribute to greater academic success of all students. The work group shall make recommendations for school nursing services, and may examine school nursing services by grade level. The work group shall assess whether funding for school nurses should continue as part of basic education; and

(B) In collaboration with managed care plans that contract with the department of social and health services medical assistance administration to provide health services to children participating in the medicaid and state children's health insurance program, identify opportunities to improve coordination of and access to health services for low-income children through the use of school nurse services. The work group shall evaluate the feasibility of pooling school district and managed care plan funding to finance school nurse positions in school districts with high numbers of low-income children.

(ii) The office of superintendent of public instruction shall report the work group's findings and plans for implementation to the legislature by February 1, 2006.

(g) ~~\$78,000~~ of the general fund--state appropriation for fiscal year 2006 and ~~(\$78,000)~~ \$228,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to provide direct services and support to schools around an integrated, interdisciplinary approach to instruction in conservation, natural resources, sustainability, and human adaptation to the environment. Of this amount, \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided for deposit in the Washington natural science, wildlife, and environmental education partnership account for grants pursuant to RCW 28A.300.440. Specific integration efforts will focus on science, math, and the social sciences. Integration between basic education and career and technical education, particularly agricultural and natural sciences education, is to be a major element.

(h) \$2,896,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the creation of a statewide data base of longitudinal student information. This amount is conditioned on the department satisfying the requirements in section 902, chapter 518, Laws of 2005.

(i) \$325,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for comprehensive cultural competence and anti-bias education programs for educators and students. The office of superintendent of public instruction shall administer grants to school districts with the assistance and input of groups such as the anti-defamation league and the Jewish federation of Seattle.

(j) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Senate Bill No. 6219 (financial literacy). If the bill is not enacted by June 30, 2006, the amount in this section is provided solely for additional efforts at promoting financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(k) \$64,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the office of the superintendent of public instruction to conduct further evaluation of issues raised in the recently completed joint legislative audit and review committee report on the accounting of special education excess costs. Within the amounts provided in this subsection, the office of the superintendent of public instruction will convene a work group to evaluate modifying or replacing the current 1077 methodology. This work group will deliver a report to the appropriate committees of the legislature, including the joint legislative audit and review committee, and the office of financial management, by January 1, 2007. The work group will take into consideration recommendations of the Washington learns steering committee.

(l) \$15,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Engrossed House Bill No. 2910 (environmental education). If

the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2006)	(\$10,192,000)
	<u>\$12,341,000</u>
General Fund--State Appropriation (FY 2007)	(\$10,155,000)
	<u>\$18,884,000</u>
General Fund--Federal Appropriation	(\$47,465,000)
	<u>\$58,112,000</u>
TOTAL APPROPRIATION	(\$67,812,000)
	<u>\$89,337,000</u>

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

(a) HEALTH AND SAFETY

(i) A maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2007 are provided for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) A maximum of \$96,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$96,000 of the general fund--state appropriation for fiscal year 2007 are provided for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided for a school safety training program provided by the criminal justice training commission. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(iv) \$40,000 of the general fund--state appropriation is provided solely for the safety center advisory committee to develop and distribute a pamphlet to promote internet safety for children, particularly in grades seven through twelve. The pamphlet shall be posted on the superintendent of public instruction's web site. To the extent possible, the pamphlet shall be distributed in schools throughout the state and in other areas accessible to youth, including but not limited to libraries and community centers.

(v) ~~(\$11,600,000)~~ \$10,344,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies and \$800,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time backfill of the federal reductions to the safe and drug free schools and communities grant program.

(vi) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2007 are provided for a nonviolence and leadership training program

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

provided by the institute for community leadership. The program shall provide a request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(vii) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a pilot youth suicide prevention and information program. The office of superintendent of public instruction will work with selected school districts and community agencies in identifying effective strategies at preventing youth suicide.

(viii) \$40,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute Senate Bill No. 6580 (school notification about sex and kidnapping offenders), including section 2 of that act.

(ix) \$45,000 of the general fund state--state appropriation for fiscal year 2007 is provided solely for the development of safe school plan standards. By December 1, 2006, the Washington state school safety center advisory committee, in consultation with the superintendent of public instruction shall prepare a report with: (1) The recommended standards; (2) a potential implementation plan for those standards statewide; and (3) detailed information on the costs and other impacts on school districts from implementing the standards. The development of standards shall address requirements for school mapping and shall include a review of current research regarding safe school planning.

(b) TECHNOLOGY

A maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2007 are provided for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$787,000 of the fiscal year 2006 appropriation and \$799,000 of the fiscal year 2007 appropriation are provided solely for the special services pilot projects. The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of RCW 28A.630.015.

(ii) A maximum of \$548,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of ~~(\$548,000)~~ \$1,059,000 of the general fund--state appropriation for fiscal year 2007 are provided for alternative certification routes. Funds may be used by the professional educator standards board to continue existing alternative-route grant programs and to create new alternative-route programs in regions of the state with service shortages. Of this amount, \$511,000 of the general fund--state appropriation for fiscal year 2007 is provided for additional conditional scholarships to candidates seeking an endorsement in special education, math, science, and bilingual education.

(iii) A maximum of \$31,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$31,000 of the general fund--state appropriation for fiscal year 2007 are provided for operation of the Cispus environmental learning center.

(iv) A maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2007 are provided for in-service training and educational programs conducted by the Pacific Science Center.

(v) A maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2007 are provided for the Washington state leadership

assistance for science education reform (LASER) regional partnership coordinated at the Pacific Science Center.

(vi) A maximum of \$97,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$97,000 of the general fund--state appropriation for fiscal year 2007 are provided to support vocational student leadership organizations.

(vii) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2007 are provided for the Washington civil liberties education program.

(viii) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

~~(ix) ((\$1,521,000))~~ \$1,911,000 of the general fund--federal appropriation is provided for the advanced placement fee program to increase opportunities for low-income students and under-represented populations to participate in advanced placement courses and to increase the capacity of schools to provide advanced placement courses to students.

~~(x) ((\$8,292,000))~~ \$5,532,000 of the general fund--federal appropriation is provided for comprehensive school reform demonstration projects to provide grants to low-income schools for improving student achievement through adoption and implementation of research-based curricula and instructional programs.

~~(xi) ((\$19,587,000))~~ \$24,490,000 of the general fund--federal appropriation is provided for 21st century learning center grants, providing after-school and inter-session activities for students.

(xii) \$383,000 of the general fund--state appropriation for fiscal year 2006 and \$294,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Lorraine Wojahn dyslexia pilot reading program in up to five school districts.

(xiii) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for developing and disseminating curriculum and other materials documenting women's role in World War II.

(xiv) \$175,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for incentive grants for districts to develop preapprenticeship programs. Grant awards up to \$10,000 each shall be used to support the program's design, school/business/labor agreement negotiations, and recruiting high school students for preapprenticeship programs in the building trades and crafts.

(xv) \$3,980,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the dissemination of the Navigation 101 curriculum to all districts, including the development and dissemination of electronic student planning tools and the development of a software package to use to analyze the impact of the implementation of Navigation 101 on student performance, and grants to at least one hundred school districts for the implementation of the Navigation 101 program. The implementation grants will be limited to a maximum of two years and the school districts selected shall represent various regions of the state and reflect differences in school district size and enrollment characteristics.

(xvi) \$2,148,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for one-time grants to school districts to offset extraordinary rate increases for natural gas and heating oil.

(xvii) \$22,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Engrossed House Bill No. 2579 (educational assessments). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(xviii) \$1,500,000 of the general fund--state appropriation for fiscal year 2006 and \$1,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a pilot grant program related to serving students in staffed residential homes. The pilot grant program will be established in at least five school districts. The districts eligible for the pilot grant program shall be limited to school districts with a concentration of students residing in staffed residential homes greater than or equal to 1.3 full time equivalent students per 1,000 K-12 public students. The amount of funding for each pilot grant district shall be in proportion to the degree of concentration of staffed residential home students residing and served in each respective district, and other criteria as determined by the office of the superintendent of public instruction. Funding in the pilot grant program shall not be considered part of the basic education program.

(A) The pilot grant program is intended to: (I) Identify the fiscal and educational challenges posed to districts that serve staffed residential homes students; (II) provide resources to assist school districts in developing best practices for addressing these challenges; (III) address costs resulting from high concentrations of staffed residential home students in some school districts; (IV) develop models of collaboration between school districts and staffed residential homes; and (V) gain additional information on the variety of circumstances and needs present in the staffed residential home population, including both special education and nonspecial education eligible students.

(B) As a condition of the pilot grant program, the selected school districts must meet the following criteria: (I) Jointly develop, with staffed residential homes in their community, a model policy and plan for collaboration and information sharing, which includes an agreed upon routine of regular communication regarding each child's progress, including for special education students the development and regular updating of individualized education programs; (II) provide an annual progress report regarding the implementation of the model policy and plan and measured progress toward meeting the educational needs of students in staffed residential homes; and (III) provide information and data to the office of the superintendent of public instruction as required for the study detailed in (D) of this subsection (c)(xviii).

(C) \$40,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the office of the superintendent of public instruction, with the assistance of the department of social and health services, to prepare a report to the appropriate policy and fiscal committees of the legislature and the office of financial management on: (I) The number of students residing at each staffed residential home by school district; (II) the specific types of needs of students residing at each staffed residential home; and (III) an overview of the differences in the programs being offered at staffed residential homes and the ranges of costs associated with these programs; and (IV) a summary of the current types of collaboration between school districts and staffed residential homes. This report shall be submitted by November 30, 2006.

(D) \$15,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the office of the superintendent of public instruction to report to the appropriate policy and fiscal committees of the legislature and the office of financial management on the results of the pilot grant program established in this subsection (c)(xviii), including a description of the impact on the educational services delivered to the students residing at each staffed residential home. Based on the results of the pilot grant program, the office of the superintendent of public instruction may make recommendations regarding best practices for meeting the needs of students residing in staffed residential homes, and fostering collaboration with staffed residential homes. This report shall be submitted by June 30, 2007.

(E) For those students residing in staffed residential homes who are special education eligible, school districts are eligible to pursue safety net funding beyond the pilot grant program amounts so that the combined basic education allocation, special education excess cost allocation, pilot grant amount, and safety net grants recognize the costs associated with serving staffed residential home students potentially concentrated in a few school districts.

(F) For purposes of this subsection (c)(xviii), "staffed residential home" means a home licensed by the department of social and health services to provide twenty-four hour care for six or fewer children or expectant mothers, which employs staff to care for them.

Sec. 502. 2005 c 518 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT

General Fund--State Appropriation (FY 2006)	
.....	(\$4,180,957,000))
	\$4,193,442,000
General Fund--State Appropriation (FY 2007)	
.....	(\$4,243,010,000))
	\$4,281,807,000
Pension Funding Stabilization Account Appropriation	
.....	\$28,548,000
	TOTAL APPROPRIATION (\$8,423,967,000))
	\$8,503,797,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2005-06 and 2006-07 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iv) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4

FIFTY-NINTH DAY, MARCH 8, 2006

may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students may use allocations generated under this subsection (2)(a)(iv) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction with a waiver allowed for skills centers in current operation that are not meeting this standard until the 2007-08 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-

2006 REGULAR SESSION

time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2005-06 and 2006-07 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of ~~((10.90)) 11.21~~ percent in the 2005-06 school year and ~~((11.90)) 13.02~~ percent in the 2006-07 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of ~~((14.57)) 14.07~~ percent in the 2005-06 school year and ~~((15.82)) 15.99~~ percent in the 2006-07 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$9,112 per certificated staff unit in the 2005-06 school year and a maximum of ~~(\$9,285)~~ \$9,476 per certificated staff unit in the 2006-07 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$22,377 per certificated staff unit in the 2005-06 school year and a maximum of ~~(\$22,802)~~ \$23,272 per certificated staff unit in the 2006-07 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$17,362 per certificated staff unit in the 2005-06 school year and a maximum of ~~(\$17,692)~~ \$18,056 per certificated staff unit in the 2006-07 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$531.09 for the 2005-06 and 2006-07 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of ~~(\$7,621,000)~~ \$12,992,000 outside the basic education formula during fiscal years 2006 and 2007 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$513,000 may be expended in fiscal year 2006 and a maximum of ~~(\$523,000)~~ \$534,000 may be expended in fiscal year 2007;

(b) For summer vocational programs at skills centers, a maximum of \$2,035,000 may be expended for the 2006 fiscal year and a maximum of ~~(\$2,035,000)~~ \$2,385,000 for the 2007 fiscal year. 20 percent of each fiscal year amount may carry over from one year to the next;

(c) A maximum of ~~(\$365,000)~~ \$369,000 may be expended for school district emergencies;

(d) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs; and

(e) \$394,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$787,000)~~ \$850,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for

incentive grants to encourage school districts to increase enrollment in vocational skills centers. Up to \$500 for each full-time equivalent student may be proportionally distributed to a school district or school districts increasing skills centers enrollment above the levels in the 2004-05 school year. The office of the superintendent of public instruction shall develop criteria for awarding incentive grants pursuant to this subsection. The total amount allocated pursuant to this subsection shall be limited to ~~(\$1,181,000)~~ \$1,244,000 for the 2005-07 biennium. Funds provided in this subsection shall first be expended to provide incentive grants to school districts increasing skills center enrollment during the school year. If funds are available after making these allocations, funds may be distributed for: (i) Increasing enrollment including allowing up to an additional .2 full time equivalent student enrollment at skills centers; (ii) increasing enrollment and capacity of summer vocational programs at the skills centers.

(f) \$4,943,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time allocations for equipment replacement in vocational programs and skills centers. The funding shall be allocated based on \$75 per full time equivalent vocational student and \$125 per full time equivalent skills center student.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.2 percent from the 2004-05 school year to the 2005-06 school year and ~~(3.4)~~ 5.2 percent from the 2005-06 school year to the 2006-07 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

Sec. 503. 2005 c 518 s 503 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC
INSTRUCTION--BASIC EDUCATION EMPLOYEE
COMPENSATION.**

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 12E by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP Document 1Sb; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12E.

(2) For the purposes of this section:

(a) "LEAP Document 1Sb" means the computerized tabulation establishing staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on ~~(March 18, 2005)~~ March 6, 2006, at ~~(10:00)~~ 05:25 hours; and

FIFTY-NINTH DAY, MARCH 8, 2006

(b) "LEAP Document 12E" means the computerized tabulation of 2005-06 and 2006-07 school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on ~~((April 6, 2005))~~ March 6, 2006, at ~~((10:00))~~ 05:25 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of ~~((10.26))~~ 10.57 percent for school year 2005-06 and ~~((11.26))~~ 12.38 percent for school year 2006-07 for certificated staff and for classified staff ~~((11.07))~~ 10.57 percent for school year 2005-06 and ~~((12.32))~~ 12.49 percent for the 2006-07 school year.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

K-12 Salary Allocation Schedule For Certificated Instructional Staff

2005-06 School Year

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	30,383	31,204	32,054	32,906	35,640	37,401	36,426	39,161	40,924
1	30,792	31,624	32,485	33,375	36,137	37,889	36,831	39,594	41,345
2	31,181	32,022	32,892	33,850	36,605	38,375	37,239	39,994	41,764
3	31,583	32,431	33,311	34,299	37,049	38,861	37,626	40,373	42,187
4	31,977	32,862	33,747	34,770	37,536	39,361	38,031	40,796	42,623
5	32,384	33,273	34,167	35,247	38,002	39,864	38,442	41,199	43,061
6	32,802	33,672	34,596	35,729	38,472	40,344	38,864	41,607	43,478
7	33,536	34,420	35,356	36,551	39,334	41,258	39,655	42,437	44,362
8	34,612	35,543	36,502	37,796	40,616	42,611	40,899	43,720	45,714
9		36,707	37,713	39,054	41,940	44,002	42,156	45,044	47,106
10			38,938	40,376	43,301	45,432	43,479	46,405	48,535
11				41,737	44,726	46,900	44,840	47,830	50,003
12				43,055	46,189	48,428	46,255	49,292	51,532
13					47,688	49,993	47,720	50,791	53,096
14					49,194	51,618	49,227	52,396	54,721
15					50,474	52,961	50,507	53,758	56,144
16 or more					51,483	54,019	51,517	54,833	57,266

~~((K-12 Salary Allocation Schedule For Certificated Instructional Staff~~

~~2006-07 School Year~~

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	30,900	31,735	32,599	33,466	36,247	38,038	37,046	39,827	41,620
1	31,316	32,162	33,038	33,942	36,752	38,534	37,458	40,268	42,048
2	31,712	32,566	33,451	34,426	37,228	39,028	37,873	40,674	42,475

JOURNAL OF THE SENATE

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

3	32,121	32,983	33,878	34,883	37,679	39,523	38,266	41,060	42,905
4	32,521	33,421	34,321	35,362	38,174	40,031	38,678	41,491	43,348
5	32,935	33,840	34,748	35,846	38,649	40,543	39,097	41,900	43,794
6	33,360	34,245	35,185	36,337	39,127	41,031	39,526	42,315	44,218
7	34,107	35,005	35,957	37,173	40,003	41,960	40,330	43,159	45,116
8	35,201	36,148	37,123	38,439	41,307	43,336	41,594	44,464	46,492
9		37,332	38,355	39,718	42,654	44,751	42,873	45,810	47,908
10			39,601	41,063	44,038	46,205	44,219	47,194	49,361
11				42,448	45,487	47,698	45,603	48,644	50,853
12				43,788	46,975	49,252	47,042	50,131	52,409
13					48,499	50,844	48,532	51,655	54,000
14					50,031	52,496	50,065	53,287	55,652
15					51,333	53,862	51,366	54,673	57,099
16 or more					52,359	54,938	52,393	55,766	58,241)

K-12 Salary Allocation Schedule For Certificated Instructional Staff

2006-07 School Year

<u>Years of Service</u>	<u>BA</u>	<u>BA+15</u>	<u>BA+30</u>	<u>BA+45</u>	<u>BA+90</u>	<u>BA+135</u>	<u>MA</u>	<u>MA+45</u>	<u>MA+90 or PHD</u>
0	<u>31,386</u>	<u>32,234</u>	<u>33,112</u>	<u>33,992</u>	<u>36,817</u>	<u>38,636</u>	<u>37,629</u>	<u>40,454</u>	<u>42,275</u>
1	<u>31,808</u>	<u>32,668</u>	<u>33,557</u>	<u>34,476</u>	<u>37,330</u>	<u>39,140</u>	<u>38,047</u>	<u>40,901</u>	<u>42,710</u>
2	<u>32,211</u>	<u>33,079</u>	<u>33,978</u>	<u>34,967</u>	<u>37,813</u>	<u>39,641</u>	<u>38,469</u>	<u>41,314</u>	<u>43,143</u>
3	<u>32,626</u>	<u>33,502</u>	<u>34,410</u>	<u>35,432</u>	<u>38,272</u>	<u>40,144</u>	<u>38,868</u>	<u>41,706</u>	<u>43,579</u>
4	<u>33,033</u>	<u>33,947</u>	<u>34,861</u>	<u>35,918</u>	<u>38,775</u>	<u>40,661</u>	<u>39,286</u>	<u>42,143</u>	<u>44,030</u>
5	<u>33,453</u>	<u>34,372</u>	<u>35,295</u>	<u>36,410</u>	<u>39,257</u>	<u>41,180</u>	<u>39,711</u>	<u>42,559</u>	<u>44,483</u>
6	<u>33,885</u>	<u>34,784</u>	<u>35,738</u>	<u>36,909</u>	<u>39,742</u>	<u>41,676</u>	<u>40,147</u>	<u>42,981</u>	<u>44,913</u>
7	<u>34,644</u>	<u>35,556</u>	<u>36,523</u>	<u>37,758</u>	<u>40,633</u>	<u>42,620</u>	<u>40,964</u>	<u>43,838</u>	<u>45,826</u>
8	<u>35,755</u>	<u>36,717</u>	<u>37,707</u>	<u>39,044</u>	<u>41,957</u>	<u>44,018</u>	<u>42,249</u>	<u>45,163</u>	<u>47,223</u>
9		<u>37,919</u>	<u>38,958</u>	<u>40,343</u>	<u>43,325</u>	<u>45,455</u>	<u>43,547</u>	<u>46,531</u>	<u>48,661</u>
10			<u>40,224</u>	<u>41,709</u>	<u>44,730</u>	<u>46,932</u>	<u>44,915</u>	<u>47,937</u>	<u>50,137</u>
11				<u>43,115</u>	<u>46,202</u>	<u>48,448</u>	<u>46,321</u>	<u>49,409</u>	<u>51,653</u>
12				<u>44,476</u>	<u>47,714</u>	<u>50,026</u>	<u>47,782</u>	<u>50,919</u>	<u>53,233</u>
13					<u>49,262</u>	<u>51,644</u>	<u>49,295</u>	<u>52,468</u>	<u>54,849</u>
14					<u>50,818</u>	<u>53,322</u>	<u>50,852</u>	<u>54,125</u>	<u>56,528</u>
15					<u>52,140</u>	<u>54,709</u>	<u>52,174</u>	<u>55,533</u>	<u>57,998</u>
16 or more					<u>53,183</u>	<u>55,802</u>	<u>53,217</u>	<u>56,643</u>	<u>59,157</u>

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

- (a) "BA" means a baccalaureate degree.
- (b) "MA" means a masters degree.
- (c) "PHD" means a doctorate degree.

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP Document 12E and the salary schedules in subsection (4)(a) of this section include two learning improvement days. A school district is eligible for the learning improvement day funds only if the learning improvement days have been added to the 180-day contract year. If fewer days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional days shall be limited to specific activities identified in the state required school improvement plan related to improving student learning that are consistent with education reform implementation, and shall not be considered part of basic education. The principal in each school shall assure that the days are used to provide the necessary school-wide, all staff professional development that is tied directly to the school improvement plan. The school principal and the district superintendent shall maintain documentation as to their approval of these activities. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2) and subsection (7) of this section.

Sec. 504. 2005 c 518 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund--State Appropriation (FY 2006)	(\$73,981,000)
	<u>\$74,336,000</u>
General Fund--State Appropriation (FY 2007)	(\$186,968,000)
	<u>\$241,576,000</u>
Education Legacy Trust Account--State Appropriation	\$470,000
Pension Funding Stabilization Account Appropriation	\$1,543,000
General Fund--Federal Appropriation	(\$864,000)
	<u>\$1,043,000</u>
TOTAL APPROPRIATION	(\$262,283,000)
	<u>\$318,968,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$135,669,000)~~ \$190,375,000 is provided for a cost of living adjustment of 1.2 percent effective September 1, 2005, and another ~~(+7)~~ 3.3 percent effective September 1, 2006, for state formula staff units. The appropriations include associated incremental fringe benefit allocations at rates of ~~(+0.26)~~ 10.57 percent for the 2005-06 school year and ~~(+1.26)~~ 12.38 percent for the 2006-07 school year for certificated staff and ~~(+1.07)~~ 10.57 percent for the 2005-06 school year and ~~(+2.32)~~ 12.49 percent for the 2006-07 school year for classified staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections

502 and 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(b) The appropriations in this section provide cost of living and incremental fringe benefit allocations based on formula adjustments as follows:

	School Year	
	2005-06	2006-07
Pupil Transportation (per weighted pupil mile)	(\$0.28) <u>\$0.27</u>	(\$0.68) <u>\$1.06</u>
Highly Capable (per formula student)	\$2.96	(\$7.26) <u>\$11.40</u>
Transitional Bilingual Education (per eligible bilingual student)	(\$7.92) <u>\$7.94</u>	(\$19.44) <u>\$30.52</u>
Learning Assistance (per formula student)	\$1.69	(\$4.14) <u>\$6.50</u>

(c) The appropriations in this section include \$251,000 for fiscal year 2006 and ~~(\$676,000)~~ \$1,022,000 for fiscal year 2007 for salary increase adjustments for substitute teachers.

(2) ~~(\$126,614,000)~~ \$129,905,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$582.47 per month for the 2005-06 and 2006-07 school years. The appropriations in this section provide for a rate increase to \$629.07 per month for the 2005-06 school year and ~~(\$679.39)~~ \$682.54 per month for the 2006-07 school year. The adjustments to health insurance benefit allocations are at the following rates:

	School Year	
	2005-06	2006-07
Pupil Transportation (per weighted pupil mile)	\$0.42	(\$0.88) <u>\$0.91</u>
Highly Capable (per formula student)	(\$2.89) <u>\$2.88</u>	(\$5.97) <u>\$6.16</u>
Transitional Bilingual Education (per eligible bilingual student)	\$7.54	(\$15.69) <u>\$16.20</u>
Learning Assistance (per formula student)	\$1.49	(\$3.11) <u>\$3.21</u>

(3) The rates specified in this section are subject to revision each year by the legislature.

Sec. 505. 2005 c 518 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2006)	(\$242,170,000)
	<u>\$247,541,000</u>
General Fund--State Appropriation (FY 2007)	(\$248,575,000)
	<u>\$252,607,000</u>
Pension Funding Stabilization Account Appropriation	\$755,000
TOTAL APPROPRIATION	(\$490,745,000)
	<u>\$500,903,000</u>

The appropriations in this section are subject to the following conditions and limitations:

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$796,000 of this fiscal year 2006 appropriation and a maximum of ~~(\$812,000)~~ \$828,000 of the fiscal year 2007 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the fiscal year 2006 appropriation and \$5,000 of the fiscal year 2007 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of ~~(\$41.51)~~ \$42.52 per weighted mile in the 2005-06 school year and ~~(\$42.01)~~ \$42.30 per weighted mile in the 2006-07 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Included in the 2005-06 school year rate is a one-time increase of \$1.12 to offset extraordinary increases in the price of diesel fuel. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

(5) For busses purchased between July 1, 2005, and June 30, 2007, the office of superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts.

(6) Beginning with the 2005-06 school year, the superintendent of public instruction shall base depreciation payments for school district buses on the five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the current state price. The superintendent may include a weighting or other adjustment factor in the averaging formula to ease the transition from the current-price depreciation system to the average depreciation system. Prior to making any depreciation payment in the 2005-06 school year, the superintendent shall notify the office of financial management and the fiscal committees of the legislature of the specific depreciation formula to be used. The replacement cost shall be based on the lowest bid in the appropriate bus category for that school year. A maximum of \$50,000 of the fiscal year 2006 appropriation may be expended for software programming costs associated with the implementation of this subsection.

Sec. 506. 2005 c 518 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation (FY 2006) \$3,147,000

General Fund--State Appropriation (FY 2007)	\$3,159,000
General Fund--Federal Appropriation	(\$288,774,000)
	\$270,423,000
TOTAL APPROPRIATION (\$295,080,000)	\$276,729,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the general fund--state appropriation for fiscal year 2006 and \$3,000,000 of the general fund--state appropriation for fiscal year 2007 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the 2007 fiscal year appropriation are provided for summer food programs for children in low-income areas.

(3) \$47,000 of the general fund--state appropriation for fiscal year 2006 and \$59,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to reimburse school districts for school breakfasts served to students enrolled in the free or reduced price meal program pursuant to House Bill No. 1771 (requiring school breakfast programs in certain schools). If House Bill No. 1771 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

Sec. 507. 2005 c 518 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2006) (\$460,032,000)	\$464,812,000
General Fund--State Appropriation (FY 2007) (\$471,961,000)	\$478,191,000
General Fund--Federal Appropriation	(\$435,464,000)
	\$435,664,000
<u>Pension Funding Stabilization Account Appropriation</u>	\$3,234,000
TOTAL APPROPRIATION (\$1,367,457,000)	\$1,381,901,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall use the excess cost methodology developed and implemented for the 2001-02 school year using the S-275 personnel reporting system and all related accounting requirements to ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The S-275 and accounting changes in effect since the 2001-02 school year shall supercede any prior excess cost methodologies and shall be required of all school districts.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state and federal funds to school districts based on two

FIFTY-NINTH DAY, MARCH 8, 2006

categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

(5)(a) For the 2005-06 and 2006-07 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, \$18,940,000 of the general fund--state appropriation and \$28,698,000 of the general fund--federal appropriation are provided for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (8), the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy,

service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(12) A maximum of \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(13) A maximum of \$100,000 of the general fund--federal appropriation shall be expended to create a special education ombudsman program within the office of superintendent of public instruction. The purpose of the program is to provide support to parents, guardians, educators, and students with disabilities. The program will provide information to help families and educators understand state laws, rules, and regulations, and access training and support, technical information services, and mediation services. The ombudsman program will provide data, information, and appropriate recommendations to the office of superintendent of public instruction, school districts, educational service districts, state need projects, and the parent and teacher information center.

(14) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(15) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services.

(16) \$1,400,000 of the general fund--federal appropriation shall be expended for one-time grants to school districts for the start-up costs of implementing web-based programs that assist schools in meeting state and federal requirements regarding individualized education plans.

(17) The superintendent, consistent with the new federal IDEA reauthorization, shall continue to educate school districts

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

on how to implement a birth-to-three program and review the cost effectiveness and learning benefits of early intervention.

(18) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended in the special education program.

Sec. 508. 2005 c 518 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund--State Appropriation (FY 2006)	. ((\$3,694,000))
	<u>\$3,691,000</u>
General Fund--State Appropriation (FY 2007)	. ((\$3,724,000))
	<u>\$3,711,000</u>
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$28,000</u>
TOTAL APPROPRIATION	. ((\$7,418,000))
	<u>\$7,430,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 509. 2005 c 518 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2006)	((\$174,465,000))
	<u>\$173,153,000</u>
General Fund--State Appropriation (FY 2007)	((\$182,702,000))
	<u>\$190,957,000</u>
TOTAL APPROPRIATION	((\$357,167,000))
	<u>\$364,110,000</u>

Sec. 510. 2005 c 518 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2006)	((\$19,084,000))
	<u>\$18,078,000</u>
General Fund--State Appropriation (FY 2007)	((\$19,673,000))
	<u>\$18,237,000</u>
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$117,000</u>
TOTAL APPROPRIATION	. ((\$38,757,000))
	<u>\$36,432,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) ((~~\$219,000~~)) \$236,000 of the general fund--state appropriation for fiscal year 2006 and ((~~\$219,000~~)) \$236,000 of the general fund-- state appropriation for fiscal year 2007 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 511. 2005 c 518 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2006)	. ((\$6,860,000))
	<u>\$6,900,000</u>
General Fund--State Appropriation (FY 2007)	. ((\$6,926,000))
	<u>\$6,974,000</u>
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$44,000</u>
TOTAL APPROPRIATION	. ((\$13,786,000))
	<u>\$13,918,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of ((~~\$347.24~~)) \$347.93 per funded student for the 2005-06 school year and ((~~\$349.48~~)) \$351.98 per funded student for the 2006-07 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$170,000 of the fiscal year 2006 appropriation and \$170,000 of the fiscal year 2007 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$90,000 of the fiscal year 2006 appropriation and \$90,000 of the fiscal year 2007 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

Sec. 512. 2005 c 518 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2006)	((\$43,076,000))
	<u>\$45,382,000</u>
General Fund--State Appropriation (FY 2007)	((\$40,427,000))
	<u>\$51,297,000</u>
General Fund--Federal Appropriation	. . . . . ((\$123,345,000))
	<u>\$147,799,000</u>
TOTAL APPROPRIATION	((\$206,848,000))
	<u>\$244,478,000</u>

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

The appropriations in this section are subject to the following conditions and limitations:

(1) ASSESSMENT

~~(\$19,810,000)~~ (a) \$21,946,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$16,105,000)~~ \$21,491,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$16,111,000)~~ \$18,560,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington assessments of student learning (WASL), including development and implementation of retake assessments for high school students who are not successful in one or more content areas of the WASL and development of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student WASL results, on or around June 10th of each year. \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to: (i) Investigate the use of existing mathematics assessments in languages other than English as possible means of measuring tenth grade essential academic learnings and standards, including examining the content and rigor of the assessments as well as their reliability and validity; (ii) estimate the cost of translating the tenth grade mathematics WASL into other languages and scoring these assessments should they be implemented; and (iii) develop recommendations for (i) and (ii) of this subsection (a). Funds provided in this section are sufficient to implement section 5 of Engrossed Substitute Senate Bill No. 6475 (alternative assessment options).

(b) \$1,327,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Engrossed Substitute House Bill No. 3127 (education), including section 2 of that act. If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(c) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 4 of Engrossed Substitute Senate Bill No. 6255 (student-centered planning) regarding reimbursement of diagnostic assessments.

(2) MATH REMEDIATION

The purpose of this subsection (2) is to strengthen high school student performance in meeting the state standards in mathematics.

(a) Included in the general fund--state amounts provided in subsection (1) of this section is \$2,350,000 which is provided solely for the development of a new tenth grade mathematics assessment tool that: (i) Presents the mathematics essential learnings in segments for assessment; (ii) is comparable in content and rigor to the tenth grade mathematics WASL when all segments are considered together; (iii) is reliable and valid; and (iv) can be used to determine a student's academic performance level.

(b) \$110,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the development of WASL knowledge and skill learning modules to assist students performing at tenth grade Level 1 in mathematics.

(c) \$330,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for development of mathematics knowledge and skill learning modules to teach middle and high school students specific skills that have been identified as areas of difficulty for tenth grade students. The office of the superintendent of public instruction shall develop materials for classroom use and for tutorial learning activities.

(d) \$600,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for development of web-based applications of the curriculum and materials produced under (b) and (c) of this subsection as well as mathematics knowledge and skill modules and materials previously developed by the office of the superintendent of public

instruction. The products are to be designed as on-line courses for students needing Level 1 instruction; learning modules accessible to classroom teachers for incorporation into classroom instruction; tutorials that can be used as WASL assessment skill refreshers and as tutor-guided and parent-guided learning modules; and on-line practice WASLs with supporting item scoring information and student response examples.

(3) PROFESSIONAL DEVELOPMENT

(a) \$548,000 of the fiscal year 2006 general fund--state appropriation and \$548,000 of the fiscal year 2007 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(b) \$2,348,000 of the general fund--state appropriation for fiscal year 2006 and \$2,348,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(c) \$705,000 of the general fund--state appropriation for fiscal year 2006 and \$705,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) ~~(\$3,010,000)~~ \$3,180,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$4,018,000)~~ \$4,358,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for salary bonuses, and mandatory fringe benefits, for teachers who attain certification by the national board for professional teaching standards, subject to the following conditions and limitations:

(i) Teachers who hold a valid certificate from the national board during the 2005-06 or 2006-07 school years shall receive an annual bonus not to exceed \$3,500 in each of these school years in which they hold a national board certificate.

(ii) The annual bonus shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(e) ~~(\$90,399,000)~~ \$98,761,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

(4) SCHOOL IMPROVEMENT

(a) \$338,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$338,000)~~ \$488,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (i) Development of an individualized professional growth plan for a new principal or principal candidate; and (ii) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan. Within the amounts provided, \$25,000 per year shall be used to support additional participation of secondary principals.

(b) \$3,046,000 of the general fund--state appropriation for fiscal year 2006 and \$3,046,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

audit and the community. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(c) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a high school and school district improvement program modeled after the office of the superintendent of public instruction's existing focused assistance program in (b) of this subsection. The state funding for this improvement program will match an equal amount committed by a nonprofit foundation in furtherance of a jointly funded program.

(d) A maximum of \$250,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided for summer accountability institutes offered by the superintendent of public instruction. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, social studies, including civics, and guidance and counseling. The superintendent of public instruction shall emphasize issues of high school reform and mathematics instruction when offering summer institute programs supported by funds provided in this subsection.

(e) \$515,000 of the general fund--state appropriation for fiscal year 2006 and \$515,000 of the general fund--state appropriation for fiscal year 2007 are provided for the evaluation of reading and mathematics textbooks, other instructional materials, and diagnostic tools to determine the extent to which they are aligned with the state standards. A scorecard of the analysis shall be made available to school districts. The superintendent shall also develop and disseminate information on essential components of comprehensive, school-based math and reading programs and shall develop and disseminate grade level expectations for reading and math which shall include professional development modules and web-based materials.

(f) \$1,764,000 of the general fund--state appropriation for fiscal year 2006 and \$1,764,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(i) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(ii) The school improvement specialists shall provide the following:

(A) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(B) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(C) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(D) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(E) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(F) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(G) Other assistance to schools and school districts intended to improve student mathematics learning.

(g) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the improvement of reading achievement and implementation of research-based reading models. The superintendent shall evaluate reading curriculum programs and other instructional materials to determine the extent to which they are aligned with state standards. A report of the analyses shall be made available to school districts. The superintendent shall report to districts the assessments that are available to screen and diagnose reading difficulties, and shall provide training on how to implement a reading assessment system. Resources may also be used to disseminate grade level expectations and develop professional development modules and web-based materials.

(h) ~~(\$16,758,000)~~ \$30,401,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

(i) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided for the office of the superintendent of public instruction to award five grants to parent, community, and school district partnership programs that will meet the unique needs of different groups of students in closing the achievement gap. The legislature intends that the pilot programs will help students meet state learning standards, achieve the skills and knowledge necessary for college or the workplace, reduce the achievement gap, prevent dropouts, and improve graduation rates. The office of the superintendent of public instruction shall develop and publish the criteria for awarding grants by July 2006.

(i) The pilot programs shall be designed in such a way as to be supplemental to educational services provided in the district and shall utilize a community partnership based approach to helping students and their parents.

(ii) The grant recipients shall work in collaboration with the office of the superintendent of public instruction to develop measurable goals and evaluation methodologies for the pilot programs. \$25,000 of this appropriation may be used by the office of the superintendent of public instruction to hold a statewide meeting to disseminate successful strategies developed by the grantees.

(iii) The office of the superintendent of public instruction shall issue a report to the legislature in the 2007 session on the progress of each of the pilot programs.

~~((+))~~ (5) STUDENT SUPPORTS

(a) \$2,500,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$2,500,000)~~ \$4,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for: (i) The meals for kids program under RCW 28A.235.145 through 28A.235.155; (ii) to eliminate the co-pay for students eligible for reduced price lunch eating breakfast; and (iii) for additional assistance for school districts initiating a summer food service program.

(b) \$125,000 of the general fund--state appropriation for fiscal year 2006 ~~(and \$125,000 of the general fund--state appropriation for fiscal year 2007 are)~~ is provided solely for an early reading grant program for community-based initiatives that develop prereading and early reading skills through parental and community involvement, public awareness, coordination of resources, and partnerships with local school districts. Grant awards shall include funding for one-time start up costs for local affiliates and a one-time partial payment of school district dues to local affiliates of up to 30 percent of the per student dues amount. Grant applications shall include:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

(i) Strategies for parental involvement emphasizing ages birth to five and outreach to diverse communities;

(ii) Evidence of collaboration with, and support from, local school districts, and how the activities funded in the grant are complementary to the reading improvement efforts of local school districts;

(iii) A plan for community participation and coordination of resources including in-kind and financial support by public and private sector partners;

(iv) Measurable goals and evaluation methodology to determine impact;

(v) Integration of reading strategies from the Washington state early learning and development benchmarks;

(vi) A plan for marketing and public relations;

(vii) Strategies for sustaining the program when grant funding is no longer available; and

(viii) Evidence of district commitment to reading improvement, aligned curriculum, progress monitoring, and time-on-task.

(c) \$850,000 of the general fund--state appropriation for fiscal year 2006 and \$850,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs. Grants provided under this section may be used by school districts for expenditures from September 2005 through August 31, 2007.

(d) \$3,594,000 of the general fund--state appropriation for fiscal year 2006 and \$3,594,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

~~((5))~~ (6) TECHNOLOGY

(a) \$1,959,000 of the general fund--state appropriation for fiscal year 2006 and \$1,959,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(b) \$126,000 of the general fund--state appropriation for fiscal year 2006 and \$126,000 of the general fund--state appropriation for fiscal year 2007 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

Sec. 513. 2005 c 518 s 514 (uncodified) is amended to read as follows:

General Fund--State Appropriation (FY 2006)	((59,673,000))
	\$58,205,000
General Fund--State Appropriation (FY 2007)	((63,535,000))
	\$61,608,000
General Fund--Federal Appropriation	((45,561,000))
	\$51,741,000
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$504,000</u>
TOTAL APPROPRIATION	((168,769,000))
	\$172,058,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of ~~((757.72))~~ \$759.58 per eligible bilingual student in the 2005-06 school year and ~~((763.70))~~ \$770.40 in the 2006-07 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

(3) The superintendent may withhold up to 1.5 percent of the school year allocations to school districts in subsection (2) of this section, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).

(4) \$70,000 of the amounts appropriated in this section are provided solely to develop a system for the tracking of current and former transitional bilingual program students.

(5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

Sec. 514. 2005 c 518 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2006)	((65,434,000))
	\$65,018,000
General Fund--State Appropriation (FY 2007)	((65,367,000))
	\$64,626,000
Education Legacy Trust Account--State Appropriation	\$24,605,000
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$553,000</u>
General Fund--Federal Appropriation	((343,227,000))
	\$348,351,000
TOTAL APPROPRIATION	((498,633,000))
	\$503,153,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state ~~((and education legacy trust account))~~ appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of ~~((184.29))~~ \$184.69 per funded student for the 2005-06 school year and ~~((186.03))~~ \$187.97 per funded student for the 2006-07 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) A school district's funded students for the learning assistance program shall be the sum of the following as appropriate:

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(i) The district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year; and

(ii) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch exceeded forty percent, subtract forty percent from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the prior school year.

(d) In addition to amounts allocated in (b) and (c) of this subsection, an additional amount shall be allocated to a school district for each school year in which the district's allocation is less than the amount the district received for the general fund--state learning assistance program allocation in the 2004-05 school year. The amount of the allocation in this section shall be sufficient to maintain the 2004-05 school year allocation.

(2) Increases in a school district's allocation above the 2004-05 school year level shall be directed to grades nine through ~~((twelve)) ten for the 2006-07 school year. ((Districts are encouraged to offer remediation courses in the summer for students who fail the tenth grade WASL.))~~

(3) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(4) Small school districts are encouraged to make the most efficient use of the funding provided by using regional educational service district cooperatives to hire staff, provide professional development activities, and implement reading and mathematics programs consistent with research-based guidelines provided by the office of the superintendent of public instruction.

(5) A school district may carry over from one year to the next up to 10 percent of the general fund--state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(6) School districts are encouraged to coordinate the use of these funds with other federal, state, and local sources to serve students who are below grade level and to make efficient use of resources in meeting the needs of students with the greatest academic deficits.

NEW SECTION. Sec. 515. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--PROMOTING ACADEMIC SUCCESS

General Fund--State Appropriation (FY 2006)	...	\$3,842,000
General Fund--State Appropriation (FY 2007)	...	\$23,879,000
Pension Funding Stabilization Account Appropriation		\$189,000
TOTAL APPROPRIATION	...	\$27,910,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts appropriated in this section are provided solely for remediation for students who have not met standard in one or more content areas of the WASL in the spring of their tenth grade year and on each retake thereafter. The funds may be used for extended learning activities, including summer school, before and after school, Saturday classes, skill seminars, assessment preparation, and in-school or out-of-school tutoring. Extended learning activities may occur on the school campus, via the internet, or at other locations and times that meet student needs. Funds allocated under this section shall not be considered basic education funding. Amounts allocated under this section shall fund new extended learning opportunities, and shall not supplant funding for existing programs and services.

(2) School district allocations for promoting academic success programs shall be calculated as follows:

(a) A portion of the district's student units shall be the number of content area assessments (reading, writing, and mathematics) on which students were more than one standard error of measurement from meeting standard on the Washington assessment of student learning for the current class of eleventh grade students.

(b) The other portion of the district's student units shall be the number of content area assessments (reading, writing, and mathematics) on which students were less than one standard error of measurement from meeting standard but did not meet standard on the Washington assessment of student learning for the current class of eleventh grade students. Districts with at least one but less than 20 student units combining the student units generated from this subsection and (a) of this subsection shall be counted as having 20 student units for the purposes of the allocations in (d) and (e)(i) of this subsection.

(c) The legislature recognizes that professional development and planning for teachers is an important component of high quality extended learning activities. Accordingly, a one-time funding amount equal to 12 hours of certificated instructional staff units per 13.0 student units, as calculated in (a) and (b) of this subsection, is provided in this section to ensure that extended learning activities are of high quality and aligned to the state's essential academic learning requirements.

(d) Allocations for certificated instructional staff salaries and benefits shall be determined using formula-generated staff units calculated pursuant to this subsection. Ninety-four hours of certificated instructional staff units are allocated per 13.0 student units as calculated under (a) of this subsection and thirty-four hours of certificated instructional staff units are allocated per 13.0 student units as calculated under (b) of this subsection. Allocations for salaries and benefits for the staff units calculated under this subsection shall be calculated in the same manner as provided under section 503 of this act. Salary and benefit increase funding for staff units generated under this section is included in section 504 of this act.

(e) The following additional allocations are provided per student unit, as calculated in (a) and (b) of this subsection:

- (i) \$12.50 for maintenance, operations, and transportation;
- (ii) \$12.00 for pre- and post-remediation assessments;
- (iii) \$17.00 per reading remediation student unit;
- (iv) \$8.00 per mathematics remediation student unit; and
- (v) \$8.00 per writing remediation student unit.

(f) The superintendent of public instruction shall distribute school year allocations according to the monthly apportionment schedule defined in RCW 28A.510.250.

(3) School districts shall report annually to the office of the superintendent of public instruction on the use of these funds, including the types of assistance selected by students, the number of students receiving each type of assistance, and the impact on WASL test scores.

(4) \$708,000 of the general fund--state appropriation for fiscal year 2006 and \$3,408,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for additional one-time allocations to offer remedial programs for students in the class of 2007 or other students who have not achieved success on the tenth grade WASL. The formula for distributing the allocations to school districts shall include amounts for students in the class of 2007 who register to retake the WASL and want remedial assistance, and other factors as determined by the office of the superintendent of public instruction. Before making the allocations from the funding provided in this subsection, the office of the superintendent of public instruction shall consult with the office of financial management to ensure that the proposed allocations will achieve efficient and effective program delivery and that they are one-time in nature.

(5) \$1,500,000 of the general fund--state appropriation for fiscal year 2007 is provided for competitive innovation grants awarded to schools and school districts for implementing high school remediation programs that are unique in program

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

delivery, program accessibility, program content, or a combination of these factors and that serve students who have not achieved success on the tenth grade WASL.

(6) School districts may carry over from one year to the next up to 20 percent of funds allocated under this program; however, carryover funds shall be expended for promoting academic success programs, and may be used to provide extended learning programs for students beyond their eleventh grade year who want continued remedial assistance to pass the WASL.

Sec. 516. 2005 c 518 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM

Student Achievement Account--State Appropriation
..... (~~(\$629,356,000)~~)
\$630,537,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$300.00 per FTE student for the 2005-06 school year and \$375.00 per FTE student for the 2006-07 school year. For the purposes of this section, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year, as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) The superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

NEW SECTION. Sec. 517. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

(1) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as

required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, except as expressly provided in subsection (2) of this section.

(2) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2006, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2006 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; and learning assistance programs.

(3) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

NEW SECTION. Sec. 518. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE DEPARTMENT OF EARLY LEARNING

General Fund--State Appropriation (FY 2006) \$100,000
General Fund--State Appropriation (FY 2007) . . . \$32,504,000
General Fund--Federal Appropriation \$180,000
TOTAL APPROPRIATION \$32,784,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$29,941,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for providing early childhood education assistance. Of this amount, \$1,497,000 is provided solely to increase the number of children receiving education and \$2,146,000 is provided solely for a targeted vendor rate increase.

(2) \$525,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an early reading grant program for community-based initiatives that develop prereading and early reading skills through parental and community involvement, public awareness, coordination of resources, and partnerships with local school districts. If Substitute House Bill No. 2836 (reading achievement account) is enacted by June 30, 2006, this amount shall be deposited in the reading achievement account. Grant awards shall include funding for one-time start up costs for local affiliates and a one-time partial payment of school district dues to local affiliates of up to 30 percent of the per student dues amount. Grant applications shall include:

(a) Strategies for parental involvement emphasizing ages birth to five and outreach to diverse communities;

(b) Evidence of collaboration with, and support from, local school districts, and how the activities funded in the grant are complementary to the reading improvement efforts of local school districts;

(c) A plan for community participation and coordination of resources including in-kind and financial support by public and private sector partners;

(d) Measurable goals and evaluation methodology to determine impact;

(e) Integration of reading strategies from the Washington state early learning and development benchmarks;

(f) A plan for marketing and public relations;

(g) Strategies for sustaining the program when grant funding is no longer available; and

(h) Evidence of district commitment to reading improvement, aligned curriculum, progress monitoring, and time-on-task.

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(3) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the child care career and wage ladder program created by chapter 507, Laws of 2005.

(4) If a bill creating the department of early learning is not enacted by June 30, 2006, the appropriations for the department of early learning in this section shall lapse and shall be appropriated as follows:

(a) FOR THE DEPARTMENT OF COMMUNITY TRADE AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 2007) . . . \$29,941,000

This appropriation is provided solely for providing early childhood education assistance. Of this amount, \$1,497,000 is provided solely to increase the number of children receiving education and \$2,146,000 is provided solely for a targeted vendor rate increase.

(b) FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--STATE AGENCY OPERATIONS

General Fund--State Appropriations (FY 2007) \$525,000

This appropriation is provided solely for an early reading grant program for community-based initiatives that develop prereading and early reading skills through parental and community involvement, public awareness, coordination of resources, and partnerships with local school districts and shall be used in accordance with the requirements set forth in subsection (2) of this section.

(c) FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2007) \$1,000,000

General Fund--Federal Appropriation \$180,000

TOTAL APPROPRIATION \$1,180,000

The appropriations in this subsection are subject to the following conditions and limitations:

(i) \$180,000 of the general fund--federal appropriation is provided solely for the headstart--state collaboration office.

(ii) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the child care career and wage ladder program created by chapter 507, Laws of 2005.

(d) The remainder of the appropriations in this section shall lapse.

(End of part)

**PART VI
HIGHER EDUCATION**

Sec. 601. 2005 c 518 s 602 (uncodified) is amended to read as follows:

(1) The appropriations in sections ~~((603))~~ 602 through ~~((609))~~ 608 of this act provide state general fund support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

	2005-06 Annual Average	2006-07 Annual Average	
University of Washington			
Main campus	33,037	((33,217))	<u>33,367</u>
Bothell branch	1,340	1,540	
Tacoma branch	1,644	1,869	

Washington State University

Main campus	((18,695))	<u>18,696</u>	((18,910))	<u>19,007</u>
Tri-Cities branch	((675))	<u>690</u>	((700))	<u>715</u>
Vancouver branch	1,353		1,678	
Central Washington University	8,323		8,649	
Eastern Washington University	8,593		8,919	
The Evergreen State College	4,038		4,143	
Western Washington University	((11,559))	<u>11,534</u>	((11,729))	<u>11,704</u>
State Board for Community and Technical Colleges	130,905		((133,040))	<u>133,227</u>
<u>Higher Education Coordinating Board</u>			<u>80</u>	

(2) For the state universities, the number of full-time equivalent student enrollments enumerated in this section for the branch campuses are the minimum required enrollment levels for those campuses. At the start of an academic year, the governing board of a state university may transfer full-time equivalent student enrollments from the main campus to one or more branch campus. Intent notice shall be provided to the office of financial management and reassignment of funded enrollment is contingent upon satisfying data needs of the forecast division who is responsible to track and monitor state-supported college enrollment.

Sec. 602. 2005 c 518 s 603 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 2006)	((556,499,000))
	<u>\$558,880,000</u>
General Fund--State Appropriation (FY 2007)	((556,220,000))
	<u>\$587,085,000</u>
Administrative Contingency Account--State	
Appropriation	\$2,950,000
Education Legacy Trust--State Appropriation	\$46,669,000
<u>Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	<u>\$1,276,000</u>
TOTAL APPROPRIATION	((1172,338,000))
	<u>\$1,196,860,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(2) \$539,000 of the general fund--state appropriation for fiscal year 2006 and \$540,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the displaced homemakers program.

(3) Access to baccalaureate and graduate degree programs continues to be limited for residents of North Snohomish, Island, and Skagit counties. The higher education consortium created to serve the region has not been able to successfully address the region's access needs. The university center model of service delivery, centered on a community college campus with a single point of accountability, has proven more effective in developing degree programs and attracting students.

Therefore, the management and leadership responsibility for consortium operations are assigned to Everett community college. Everett community college shall collaborate with community and business leaders, other local community colleges, the public four-year institutions of higher education, and the higher education coordinating board to develop an educational plan for the North Snohomish, Island, and Skagit county region based on the university center model.

(4) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$50,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(5) \$28,761,000 of the general fund--state appropriation for fiscal year 2006 and \$28,761,000 of the general fund--state appropriation for fiscal year 2007 are provided solely as special funds for training and related support services, including financial aid, as specified in chapter 226, Laws of 1993 (employment and training for unemployed workers). Funding is provided to support up to 6,200 full-time equivalent students in each fiscal year.

(6) \$2,000,000 of the education legacy trust appropriation for fiscal year 2006 and \$2,000,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely for basic skills education at community and technical colleges and community-based providers. These funds may be used to align or integrate adult basic education and English as a second language courses with vocational training.

(7) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the community and technical colleges as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, the state board for community and technical colleges shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Increase the number of academic students who are eligible to transfer to baccalaureate institutions;
- (b) Increase the number of students prepared for work; and
- (c) Increase the number of basic skills students who demonstrate substantive skill gain.

FIFTY-NINTH DAY, MARCH 8, 2006

Specific six-year targets for the goals stated in this subsection shall be established by the state board and the office of financial management and shall be determined based on the per student funding level assumed in this act.

The state board for community and technical colleges shall provide a summary of the progress and ongoing efforts toward meeting the provisions of this section to the governor and the appropriate fiscal and policy committees of the legislature prior to November 1, 2006.

(8) \$11,070,000 of the education legacy trust appropriation for fiscal year 2006 and \$22,599,000 of the education legacy trust appropriation for fiscal year 2007 are provided to increase budgeted enrollments by 2,050 student FTEs in academic year 2006 and an additional 2,135 student FTEs in academic year 2007. By December 15th of each year of the 2005-07 fiscal biennium, the board shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs enrolled with the funding provided in this subsection.

(9) \$2,250,000 of the education legacy trust appropriation for fiscal year 2006 and \$2,250,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely to increase salaries and related benefits for part-time faculty. A college district may match the state funds with local revenue. The board shall report by January 30, 2006, to the office of financial management and the appropriate fiscal and policy committees of the legislature on (a) the distribution of state funds, and (b) wage adjustments for part-time faculty.

(10) \$2,250,000 of the education legacy trust appropriation for fiscal year 2006, \$1,500,000 of the general fund--state appropriation for fiscal year 2007, and \$2,250,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide salary increments and associated benefits for faculty who qualify through professional development and training. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount. Beginning in fiscal year 2007, the state board shall determine the method of allocating to the community and technical colleges the appropriations granted for academic employee increments, provided that the amount of the appropriation attributable to the proportionate share of the part-time faculty salary base shall only be accessible for part-time faculty.

(11) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 and \$2,950,000 of the administrative contingency account--state appropriation ((†s)) are provided solely for administration and customized training contracts through the job skills program, which shall be made available broadly and not to the exclusion of private nonprofit baccalaureate degree granting institutions or vocational arts career schools operating in Washington state who partner with a firm, hospital, group, or industry association concerned with commerce, trade, manufacturing, or the provision of services to train current or prospective employees. The state board shall make an annual report by January 1 of each fiscal year to the governor and appropriate policy and fiscal committees of the legislature regarding the implementation of this section listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the successful partnerships supported by these state funds. The board, through the smart buy program, is encouraged to seek efficiencies in purchasing goods and services. Additional funds may be expended for the job skills program to the extent that savings are achieved from more efficient procurement processes.

(12) \$904,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for start-up and planning funds for four applied baccalaureate degree programs at community and technical colleges as authorized in RCW 28B.50.810. The applied baccalaureate degrees shall be

2006 REGULAR SESSION

specifically designed for individuals who hold associate or applied science degrees, or equivalent, in order to maximize application of their technical course credits toward the applied baccalaureate degree.

(13) \$156,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for three community and technical college partnerships with universities as authorized in RCW 28B.50.820. This appropriation is in addition to funding provided for 2005-07 general growth enrollments. The community and technical college system shall serve 120 student FTEs in this program within the targeted enrollments established by section 601 of this act.

(14) \$761,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(15) \$4,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the opportunity grants pilot program to provide funding for a program designed to test strategies for increasing access to postsecondary education for low income students in job-specific programs.

(a) Grant funds may be used for tuition, books, fees, and other expenses associated with attending a work force education program.

(b) Students must be enrolled and maintain satisfactory progress in a program linked to skills standards or industry credentials.

(c) Community and technical colleges that are selected as pilot colleges to administer the opportunity grants shall coordinate student benefits with the higher education coordinating board for those students who are also accessing traditional forms of financial aid, such as the state need grant, pell grant, and other aid programs administered by the higher education coordinating board under their authority in RCW 28B.76.500. Funds disbursed under this section shall not supplant federal grant or work-study forms of financial aid.

(d) The state board for community and technical colleges and the higher education coordinating board shall jointly conduct an evaluation and submit a report to the legislature and the governor no later than November 15, 2008.

(16) \$75,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for community and technical colleges to work with a nonprofit organization that has been established to address work force development issues by a recognized statewide organization of employers representing a majority of employers in the state and the workforce education training board, to identify high demand occupations, convene industry groups to develop or utilize skills standards and credentials in those occupations and market the standards and credentials to educational institutions and employers.

(17) \$325,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement the provisions of Substitute House Bill No. 3113 (access to higher education). This appropriation is in addition to funding provided for 2005-07 general growth enrollments. The community and technical college system shall serve 250 student FTEs in this program within the targeted enrollments established by section 601 of this act. If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(18) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely as matching funds for strategic statewide partnerships with health care providers or facilities to address the health workforce shortage. Partnerships funded under this subsection may include efforts to increase the capacity of community and technical colleges to educate students enrolled in health professions programs, improve retention of health care workers, improve knowledge of the health industry workforce, and increase the number of youth and diverse populations in the health work force. Health care providers or facilities participating in partnerships under this subsection shall provide a one dollar match for each state dollar provided.

FIFTY-NINTH DAY, MARCH 8, 2006

(19) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the fire fighter apprenticeship program at South Seattle Community College.

(20) \$275,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the transitions math project. The state board will serve as the fiscal agent for the project. The project will include representation from the K-12 system, the community and technical colleges, and public four-year institutions. The project will: (a) Provide outreach and standards-based instructional materials to support local high school and college partnerships to enhance student expectations regarding college math courses; and (b) improve the math placement testing process at Washington's colleges and universities.

(21) \$1,500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to increase enrollments by 187 full-time equivalent students in high-demand fields in fiscal year 2007. High-demand fields are programs where enrollment access is limited and employers are experiencing difficulty finding qualified graduates to fill job openings. The state board for community and technical colleges shall track enrollments, graduation rates, and job placement for each program that receives high-demand enrollments using data provided by each recipient institution. The board shall report on these outcomes by November 1 of each fiscal year to the office of financial management and the fiscal and higher education committees of the legislature. The enrollment increases provided in this subsection shall be limited to new students only and may not be used to pay for students currently enrolled by the institutions.

(22) \$140,000 of the general fund--state appropriation is provided solely to implement a nursing faculty retention and recruitment pilot project. Yakima valley community college and another community college located in the western part of the state selected by the board will receive funding to raise nursing faculty salaries by \$10,000 for fiscal year 2007. The board will report to the legislature by January 1, 2007, on the impact of the pilot project on nursing faculty retention and recruitment.

(23)(a) \$75,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Second Substitute Senate Bill No. 6326 (customized workforce). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(b) \$3,075,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for deposit into the employment training finance account, pursuant to Second Substitute Senate Bill No. 6326 (customized workforce). If the bill is not enacted by June 30, 2006, the amount deposited in this subsection shall lapse.

(24) \$768,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement the provisions of Second Substitute House Bill No. 2583 (community and technical college employees). If the bill is not enacted by June 30, 2006, the amount provided shall lapse.

(25) Funding is sufficient within the general fund--state appropriation for fiscal year 2007 for implementation of Engrossed Second Substitute House Bill No. 2582 (high school completion program).

Sec. 603. 2005 c 518 s 604 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2006)	(\$336,644,000)
	\$337,629,000
General Fund--State Appropriation (FY 2007)	(\$344,118,000)
	\$352,714,000
General Fund--Private/Local Appropriation	\$300,000
Accident Account--State Appropriation	(\$6,204,000)
	\$6,209,000
Medical Aid Account--State Appropriation	(\$6,141,000)

Education Legacy Trust--State Appropriation	\$6,143,000
Pension Funding Stabilization Account--State	\$10,748,000
Appropriation	\$604,000
TOTAL APPROPRIATION	(\$704,155,000)
	\$714,347,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$165,000 of the general fund--state appropriation for fiscal year 2006 and \$165,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(2) \$300,000 of the general fund--private/local appropriation is provided solely for shellfish biotoxin monitoring as specified in chapter 263, Laws of 2003 (SSB 6073, shellfish license fee).

(3)(a) \$3,057,000 of the education legacy trust appropriation for fiscal year 2006 and \$7,691,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 360 new enrollments at the Seattle campus, 325 new enrollments at the Tacoma campus, and 275 new enrollments at the Bothell campus. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(b) \$2,500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for 150 additional high-demand student enrollments. The university shall make it a priority to expand access to baccalaureate programs in engineering, math, and science. By December 15, 2006, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs enrolled with the funding provided in this subsection.

(4) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, the University of Washington shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that are ranked in the top twenty nationally;
- (e) Sustain the quality of its research programs as measured by the national ranking for federal research grants received; and
- (f) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before (~~October~~) November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

appropriate fiscal and policy committees of the legislature prior to ~~(November)~~ December 1, 2006.

(5) \$200,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to assist the transition of University of Washington-Tacoma and University of Washington-Bothell from branch campuses serving upper-division students, to four-year campuses serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. Consistent with the recommendations of the higher education coordinating board, UW-Tacoma and UW-Bothell may begin enrolling lower-division students beginning in fiscal year 2007.

(6) \$30,000 of the general fund--state appropriation for fiscal year 2006 and \$30,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for research on labor and economic issues in Washington state through the Harry Bridges center.

(7) \$146,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$146,000)~~ \$296,000 of the general fund--state appropriation for the fiscal year 2007 are provided solely to the Burke Museum to enhance the museum's public outreach capabilities.

(8) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for the fiscal year 2007 are provided solely to the institute for learning and brain sciences (ILABS) to develop a partnership, linking ILABS to policymakers, private sectors and user-groups.

(9) The University of Washington medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department of corrections has negotiated with other community hospitals in Washington state.

(10) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Olympic natural resources center.

(11) \$350,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$350,000)~~ \$450,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to maintain the autism center at the University of Washington-Tacoma campus. The facility will continue to function as a satellite facility to the autism center at the University of Washington medical center in Seattle and provide clinical service and professional training.

(12) \$2,400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to increase the university's capacity to conduct research in the life science fields.

(13) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for improvements to the Pacific Northwest seismic network.

(14) \$1,008,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(15) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the university to implement a department of global health. The school of medicine and the school of public health and community medicine will jointly form and operate the department. The focus will be establishing sustainable improvements in global health through public health policy, practice, and medical care.

(16) \$2,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to pay for operations and maintenance costs of the bioengineering and genome sciences buildings that will come on line during the 2005-07 biennium.

(17) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to expand the Washington search for young scholars program at the Robinson center at the University of Washington.

(18) \$125,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the college of education at the University of Washington to conduct a review of curriculum offered by public schools in Washington. The purpose of this review is to examine the extent to which the curriculum offered by these institutions fully and accurately include the history, contributions, and contemporary experiences of people of color. The review will include the identification of barriers which may impede school districts from successfully adopting and using these types of curriculum. The report by the university is due to the legislature by December 1, 2007.

(19) \$300,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for math engineering science achievement (MESA) Washington to establish centers throughout the state.

Sec. 604. 2005 c 518 s 605 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2006) (\$206,494,000)	\$206,511,000
General Fund--State Appropriation (FY 2007) (\$211,870,000)	\$213,500,000
Education Legacy Trust--State Appropriation	\$11,162,000
Pension Funding Stabilization Account--State	
Appropriation	\$293,000
<u>TOTAL APPROPRIATION (\$429,526,000)</u>	<u>\$431,466,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$210,000 of the general fund--state appropriation for fiscal year 2006 and \$210,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

(2)(a) \$2,741,000 of the education legacy trust appropriation for fiscal year 2006 and \$6,900,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 430 new enrollments at the Pullman campus, 450 new enrollments at the Vancouver campus, and 25 new enrollments at the Tri-Cities campus. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(b) \$1,174,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for 80 additional high demand student enrollments. The university shall make it a priority to expand baccalaureate and graduate level access to nursing programs and to expand baccalaureate programs in engineering and construction management. By December 15, 2006, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs enrolled with the funding provided in this subsection.

(3) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Washington State University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

(a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;

(b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;

(c) Improve freshman retention rates;

(d) Improve and sustain the quality of its degree programs as measured by the number of programs that are ranked in the top twenty nationally;

(e) Sustain the quality of its research programs as measured by the national ranking for federal research grants received; and

(f) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before ~~(October)~~ November 1, 2006 the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to ~~(November)~~ December 1, 2006.

(4) \$507,000 of the education legacy trust appropriation for fiscal year 2006 and \$1,014,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely to expand the entering class of veterinary medicine students by 16 resident student FTEs each academic year during the 2005-2007 biennium.

(5) \$350,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to assist the transition of Washington State University-Vancouver from a branch campus serving only upper-division students, to a four-year campus serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. Consistent with the recommendations of the higher education coordinating board, WSU-Vancouver may begin enrolling lower-division students beginning in fiscal year 2007.

(6) The university shall give consideration to reprioritizing agricultural research funding to allow for expansion of the center for precision agricultural systems and development of the biologically intensive and organic agriculture program.

(7) \$25,000 of the general fund--state appropriation for fiscal year 2006 and \$25,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to study the cost of complying with vehicle licensing and registration laws. Funding is subject to the passage of House Bill No. 1241 (modifying vehicle licensing and registration penalties). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(8) \$42,000 of the general fund--state appropriation for fiscal year 2006 and \$43,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Senate Bill No. 5101 (providing incentives to support renewable energy). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(9) \$200,000 of the general fund--state appropriation for fiscal year 2006 and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to conduct research on alternatives for controlling ghost shrimp in Willapa bay.

(10) \$716,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(11) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to assist the Washington State University (WSU) Tri-Cities in planning the transition from a branch campus serving upper-division students, to a four-year campus serving freshmen, sophomores, and

upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. WSU Tri-Cities may begin enrolling lower-division students beginning in Fall 2007.

(12) \$800,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the university to operate the AgWeatherNet system.

(13) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the center for sustaining agriculture and natural resources to create a biologically intensive and organic agriculture program.

(14) \$5,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the university to publish a comprehensive reference book on Washington state local governments through the division of governmental studies and services. Copies of the publication shall be provided to the appropriate policy and fiscal committees of the legislature.

(15) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for allocation to a private nonprofit medical and scientific research institute to be located in Spokane for the purposes of developing and implementing new medical treatment therapies involving systems biology, genomics, and nanotechnology. The allocation shall be matched by the nonprofit institute by an equal amount of funds from nonstate sources. The university shall not retain any of these funds for administrative purposes.

(16) \$98,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to establish a biofuels consumer education and outreach program at the Washington State University extension energy program.

Sec. 605. 2005 c 518 s 606 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2006)	(\$46,137,000)
	\$46,300,000
General Fund--State Appropriation (FY 2007)	(\$47,069,000)
	\$47,200,000
Education Legacy Trust--State Appropriation	\$6,461,000
Pension Funding Stabilization Account--State	
Appropriation	\$110,000
TOTAL APPROPRIATION	(\$99,667,000)
	\$100,071,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,147,000 of the education legacy trust appropriation for fiscal year 2006 and \$4,314,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 650 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Eastern Washington University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

(a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;

(b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;

(c) Improve freshman retention rates;

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation; and

(d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation; and

(e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

(e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before (~~October~~) November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to (~~November~~) December 1, 2006.

On or before (~~October~~) November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to (~~November~~) December 1, 2006.

(3) \$212,000 of the general fund--state appropriation for fiscal year 2006 and (~~(\$213,000)~~) \$313,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the northeast autism center to provide community based approaches to assisting children and adults with autism spectrum disorder and to include the establishment of a preschool at Eastern Washington University to serve children identified with autism spectrum disorder.

(3) For the 2006-07 and 2007-08 academic years, the legislature hereby increases the limit on total gross authorized operating fees revenue waived, exempted, or reduced by Central Washington University pursuant to RCW 28B.15.910 to eleven percent.

(4) \$158,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(4) \$206,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(5) \$85,000 of the general fund--state appropriation for fiscal year 2006 and \$245,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to fund additional tuition waiver authority granted to the university in the 2005-07 biennial budget.

Sec. 606. 2005 c 518 s 607 (uncodified) is amended to read as follows:

Sec. 607. 2005 c 518 s 608 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

FOR THE EVERGREEN STATE COLLEGE

General Fund--State Appropriation (FY 2006)	(\$45,379,000)
	<u>\$45,671,000</u>
General Fund--State Appropriation (FY 2007)	(\$46,739,000)
	<u>\$47,006,000</u>
Education Legacy Trust--State Appropriation	\$6,461,000
<u>Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	<u>\$103,000</u>
TOTAL APPROPRIATION	(\$98,579,000)
	<u>\$99,241,000</u>

General Fund--State Appropriation (FY 2006)	(\$25,586,000)
	<u>\$25,661,000</u>
General Fund--State Appropriation (FY 2007)	(\$26,174,000)
	<u>\$26,980,000</u>
Education Legacy Trust--State Appropriation	\$2,116,000
<u>Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	<u>\$75,000</u>
TOTAL APPROPRIATION	(\$53,876,000)
	<u>\$54,832,000</u>

The appropriations in this section are subject to the following conditions and limitations:

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,147,000 of the education legacy trust appropriation for fiscal year 2006 and \$4,314,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 650 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(1) \$705,000 of the education legacy trust appropriation for fiscal year 2006 and \$1,411,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 210 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the college shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Central Washington University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the college as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, The Evergreen State College shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

(a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;

(a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;

(b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;

(c) Improve freshman retention rates;

FIFTY-NINTH DAY, MARCH 8, 2006

(b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;

(c) Improve freshman retention rates;

(d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation;

(e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before (~~October~~) November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to (~~November~~) December 1, 2006.

(3) \$40,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington state institute for public policy to conduct an analysis of the availability, services, and effectiveness of programs in community and technical colleges that serve the educational needs of recent immigrant students who are not proficient in English and who are or have been enrolled in high school but have not met graduation requirements. The analysis shall include, but not be limited to, the type of programs provided, the geographic availability of programs, the identification of best practices, how the programs are funded, and the effectiveness of the programs. The analysis shall also include recommendations for improving the programs to better meet the needs of recent immigrant students and for expanding the availability of programs statewide. A report shall be submitted to the fiscal and education committees of the legislature, the superintendent of public instruction, and the state board for community and technical colleges by December 1, 2006.

(4) \$170,000 of the general fund--state appropriation for fiscal year 2006 and \$140,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for sections 217 and 605 of Senate Bill No. 5763 (mental disorders treatment). If neither section 217 nor section 605 is enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(5) \$69,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(6) \$61,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state institute for public policy to begin conducting the study of continued foster care support services outlined in Second Substitute House Bill No. 2002 (foster care support services). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(7) \$80,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to meet the demand for collective bargaining and bargaining unit training. All of the funding provided in this subsection shall be allocated to the labor education and research center to support such training and shall not be used for overhead expenses.

(8) \$40,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state institute for public policy to update the list of cost-beneficial juvenile justice programs that the institute has previously published and to update the cost parameters used to estimate the benefits of such programs as outlined in Fourth Substitute

2006 REGULAR SESSION

House Bill No. 1483 (investing in youth program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(9) \$30,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state institute for public policy to begin a study of the pilot program created in section 204(1)(w) of this act. Subject to the approval of the institute's board, the study shall measure improvements in the delivery of mental health services to children and shall include, at a minimum, an assessment of program outcomes and cost-effectiveness, including consideration of hospital utilization, residential or out-of-home placements, utilization of child welfare services, school attendance, and involvement in the juvenile justice system. The institute shall provide the appropriate committees of the legislature with an initial study plan and activity report by June 30, 2007.

(10) \$20,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for The Evergreen State College to record and document oral histories of tribal elders of the tribes in the area surrounding Hood canal and other long-term residents of the Hood canal area who have similar knowledge of the history of the conditions along Hood canal, including but not limited to reports of fish kills, changes in marine species behavior, fishing and harvesting histories, and other conditions related to the environmental health of Hood canal. Any documents, information, photographs, or other materials identified by a tribe as relating to tribal archaeological sites according to this subsection are exempt from public disclosure pursuant to RCW 42.17.310(1)(k). The Evergreen State College may retain no more than five percent of the funding in this section for costs associated with administering and conducting the program.

(11) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state institute for public policy to perform a quantitative analysis of the effectiveness of the remedial programs funded as part of the promoting academic success program. The analysis should focus on determining: (a) The effectiveness of the remedial programs in helping students pass the WASL; (b) the relative effectiveness of different remedial strategies offered; and (c) the relative effectiveness of the remediation disaggregated by student characteristics, including, at a minimum, economic status, limited English proficiency, and ethnicity. The office of the superintendent of public instruction shall provide all data necessary to conduct such analyses, and shall help coordinate data collection directly from districts administering the remedial programs as necessary. An interim update shall be delivered to the education committees of the legislature on December 15, 2006, and a final report shall be delivered December 15, 2007.

(12) \$55,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state institute for public policy to hire a meeting facilitator to conduct a series of meetings with a broad group of stakeholders to examine the strengths and weaknesses of educational services available to deaf and hard of hearing children throughout the state. By June 30, 2007, the institute must develop recommendations that would establish an integrated system of instructional and support programs that would provide deaf and hard of hearing children with the knowledge and skills necessary for them to be successful in their adult lives and the "hearing" world of work.

(13) \$48,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state institute for public policy to conduct the studies required by sections 304 and 305 of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances). The institute shall report its findings to the governor and the appropriate standing committees of the legislature by January 1, 2007. If Engrossed Substitute Senate Bill No. 6239 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(14) \$275,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state institute for public policy to conduct the study required by Substitute Senate Bill No. 6618 (high school assessments). Specifically, the study will consist of three components: (a) An analysis of WASL data to identify the characteristics of the students who have failed to meet standard; (b) a review and identification of additional alternative assessment options that will augment the current assessment system; and (c) a review and identification of additional alternative methods, procedures, or combinations of performance measures to assess whether students have met the state learning standards. The institute must provide an interim report by December 1, 2006, and a final report by December 2007.

(15) \$125,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state institute for public policy to begin the development of a repository of research and evaluations of the cost-benefits of various K-12 educational programs and services. The goal for the effort is to provide policymakers with additional information to aid in decision making. Further, the legislative intent for this effort is not to duplicate current studies, research, and evaluations but rather to augment those activities on an on-going basis. Therefore, to the extent appropriate, the institute shall utilize and incorporate information from the Washington learns study, the joint legislative audit and review committee, and other entities currently reviewing certain aspects of K-12 finance and programs. The institute shall provide the following: (a) By September 1, 2006, a detailed implementation plan for this project; (b) by March 1, 2007, a report with preliminary findings; and (c) annual updates each year thereafter.

Sec. 608. 2005 c 518 s 609 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2006)	((\$58,896,000))
	\$58,993,000
General Fund--State Appropriation (FY 2007)	((\$60,514,000))
	\$61,435,000
Education Legacy Trust--State Appropriation	\$3,475,000
Pension Funding Stabilization Account--State	
Appropriation	\$161,000
TOTAL APPROPRIATION	((\$122,885,000))
	\$124,064,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,158,000 of the education legacy trust appropriation for fiscal year 2006 and \$2,317,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 340 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Western Washington University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

(a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;

(b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;

(c) Improve freshman retention rates;

(d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation; and

(e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before (~~October~~) November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to (~~November~~) December 1, 2006.

(3) Access to baccalaureate and graduate degree programs continues to be limited for residents of North Snohomish, Island, and Skagit counties. The higher education consortium created to serve the region has not been able to successfully address the region's access needs. The university center model of service delivery, centered on a community college campus with a single point of accountability, has proven more effective in developing degree programs and attracting students.

Therefore, the management and leadership responsibility for consortium operations are assigned to Everett community college. Everett community college shall collaborate with community and business leaders, other local community colleges, the public four-year institutions of higher education, and the higher education coordinating board to develop an educational plan for the North Snohomish, Island, and Skagit county region based on the university center model.

(4) \$98,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(5) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided to help planning efforts to coordinate expansion of the university's campus to the Bellingham waterfront.

(6) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to establish a planning and emergency management program at Western Washington University.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to support the border policy research institute at Western Washington University.

Sec. 609. 2005 c 518 s 610 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (FY 2006)	.. ((\$2,665,000))
	\$5,666,000
General Fund--State Appropriation (FY 2007)	.. ((\$2,684,000))
	\$6,549,000
General Fund--Federal Appropriation	((\$4,289,000))
\$4,291,000 Pension Funding Stabilization Account--State	
Appropriation	\$29,000
TOTAL APPROPRIATION	.. ((\$9,638,000))
	\$16,535,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the general fund--state appropriation for fiscal year 2006 and \$300,000 of the general fund--state appropriation

FIFTY-NINTH DAY, MARCH 8, 2006

for fiscal year 2007 are provided solely to develop college readiness standards for English and science.

(2) \$2,914,000 of the general fund--state appropriation for fiscal year 2006 and \$2,877,000 of the general fund--state appropriation for fiscal year 2007 are provided for financial aid administration, in addition to the four percent cost allowance provision for state work study under section 610(7) of this act. These amounts are provided to administer all the financial aid and grant programs assigned to the board by the legislature and administered by the agency. To the extent the executive director finds the agency will not require the full sum provided in this subsection, a portion may be transferred to supplement financial grants-in-aid to eligible clients contained in section 610 of this act after notifying the board and the office of financial management of the transfer.

(3) \$900,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to contract for 80 full-time equivalent students in high-demand fields in fiscal year 2007. High-demand fields are programs where enrollment access is limited and employers are experiencing difficulty finding qualified graduates to fill job openings. Of the amounts provided, up to \$20,000 may be used for management of the competitive process for awarding high-demand student FTEs during the 2005-07 biennium.

(a) The board will manage a competitive process for awarding high-demand student FTEs. Regional universities, as defined by RCW 28B.10.016, and The Evergreen State College are eligible to apply for funding and may submit proposals.

(b) The board will establish a proposal review committee that will include, but not be limited to, representatives from the board, the office of financial management, and economic development and labor market analysts. The board will develop the request for proposals, including the criteria for awarding grants, in consultation with the proposal review committee.

(c) Institutions that receive grants shall provide the board and the forecast division of the office of financial management with data specified by the board or the office of financial management that shows the impact of this subsection, particularly the degree of improved access to high-demand programs for students and successful job placements for graduates. The board will report on the implementation of this subsection by November 1st of each fiscal year to the office of financial management and the fiscal and higher education committees of the legislature.

Sec. 610. 2005 c 518 s 611 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation (FY 2006)	(\$159,363,000)
	\$156,449,000
General Fund--State Appropriation (FY 2007)	(\$164,634,000)
	\$162,843,000
General Fund--Federal Appropriation	(\$13,073,000)
	\$13,075,000
Education Legacy Trust--State Appropriation	\$62,910,000
Pension Funding Stabilization Account--State	
Appropriation	\$1,000
TOTAL APPROPRIATION	(\$399,980,000)
	\$395,278,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$299,000 of the general fund--state appropriation for fiscal year 2006 and \$308,000 of the general fund--state appropriation for fiscal year 2007 are ~~((provided solely))~~ for the western interstate commission for higher education.

(2) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are ~~((provided solely))~~ for

higher education student child care matching grants under chapter 28B.135 RCW.

(3) \$25,000 of the general fund--state appropriation for fiscal year 2006 and \$25,000 of the general fund--state appropriation for fiscal year 2007 are ~~((provided solely))~~ for the benefit of students who participate in college assistance migrant programs (CAMP) operating in Washington state. To ensure timely state aid, the board may establish a date after which no additional grants would be available for the 2005-06 and 2006-07 academic years. The board shall disperse grants in equal amounts to eligible post-secondary institutions so that state money in all cases supplements federal CAMP awards.

(4) \$124,901,000 of the general fund--state appropriation for fiscal year 2006, \$134,506,000 of the general fund--state appropriation for fiscal year 2007, \$28,400,000 of the education legacy trust appropriation for fiscal year 2006, and \$31,654,000 of the education legacy trust appropriation for fiscal year 2007 are ~~((provided solely))~~ for the state need grant program. After April 1st of each fiscal year, ~~((up to one percent of))~~ uncommitted funds from the annual appropriation for the state need grant program may be transferred to the state work study ~~((program))~~ or educational opportunity grant programs and up to one percent may be transferred to the state education trust account as authorized in RCW 28B.92.140.

~~((5))~~ \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are ~~provided solely~~ Of the amounts provided in this subsection, up to \$500,000 is to implement House Bill No. 1345 (part-time student financial aid). ~~((If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.))~~ The board may not expend more than the amount provided in this subsection to implement the bill.

~~((6))~~ (5) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are ~~((provided solely))~~ for the implementation of Second Substitute House Bill No. 1050 (foster care endowed scholarship program). The purpose of the program is to help students who are or were in foster care attend an institution of higher education in the state of Washington. ~~((If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.))~~

~~((7))~~ (6) \$250,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$250,000)~~ \$750,000 of the general fund--state appropriation for the fiscal year 2007 are ~~((provided solely))~~ to support the future teachers' conditional scholarship and loan repayment program. Of this amount, \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to expand the program by up to 70 additional slots for prospective teachers in special education, bilingual education, secondary mathematics, and secondary science.

~~((8))~~ (7) \$17,048,000 of the general fund--state appropriation for fiscal year 2006, \$17,048,000 of the general fund--state appropriation for fiscal year 2007, \$863,000 of the education legacy trust appropriation for fiscal year 2006, and \$1,993,000 of the education legacy trust appropriation for fiscal year 2007 are ~~((provided solely))~~ for the state work study program. After April 1st of each fiscal year, ~~((up to one percent of))~~ uncommitted funds from the annual appropriation for the state work study program may be transferred to the state need grant or educational opportunity grant programs. In addition to the administrative allowance in ~~((subsection (11) of this))~~ section ~~609(2)~~ of this act, four percent of the general fund--state amount and the education legacy trust amounts in this subsection may be transferred to and expended for state work study program administration.

~~((9))~~ (8) \$2,867,000 of the general fund--state appropriation for fiscal year 2006 and \$2,867,000 of the general fund--state appropriation for fiscal year 2007 are ~~((provided solely))~~ for educational opportunity grants pursuant to chapter 233, Laws of 2003 (ESB 5676). The board may deposit

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

sufficient funds from its appropriation into the state education trust fund as established in RCW ~~((28B.10.821))~~ 28B.92.140 to provide a one-year renewal of the grant for each new recipient of the educational opportunity grant award. After April 1st of each fiscal year, uncommitted funds from the annual appropriation for the educational opportunity grant program may be transferred to the state work study or state need grant programs.

~~((+0))~~ (9) \$2,384,000 of the general fund--state appropriation for fiscal year 2006 and \$2,361,000 of the general fund--state appropriation for fiscal year 2007 are ~~((provided solely))~~ to implement the Washington scholars program. Any Washington scholars program moneys not awarded by April 1st of each year may be transferred by the board to the Washington award for vocational excellence. Amounts provided in this subsection are sufficient for the higher education coordinating board to select three Washington scholars in fiscal year 2006 and two Washington scholars in fiscal year 2007 from each legislative district under the provisions of RCW 28A.600.100 through 28A.600.150.

~~((+1))~~ (10) \$794,000 of the general fund--state appropriation for fiscal year 2006 and \$847,000 of the general fund--state appropriation for fiscal year 2007 are ~~((provided solely))~~ to implement Washington award for vocational excellence program. Any Washington award for vocational program moneys not awarded by April 1st of each year may be transferred by the board to the Washington scholars program.

~~((+2))~~ (11) \$246,000 of the general fund--state appropriation for fiscal year 2006 and \$246,000 of the general fund--state appropriation for fiscal year 2007 are ~~((provided solely))~~ for community scholarship matching grants of \$2,000 each and up to a total of \$46,000 per year in grants for nonprofit community organizations with preference given to organizations affiliated with scholarship America to administer the scholarship matching grants. To be eligible for the matching grant, a nonprofit community organization organized under section 501(c)(3) of the internal revenue code must demonstrate that it has raised \$2,000 in new moneys for college scholarships after the effective date of this section. An organization may receive more than one \$2,000 matching grant and preference shall be given to organizations affiliated with scholarship America.

~~((+3))~~ (12) Subject to state need grant service requirements pursuant to chapter 28B.119 RCW, ~~(((\$4,265,000))~~ \$4,325,000 of the general fund--state appropriation for fiscal year 2006 is ~~((provided solely))~~ for the Washington promise scholarship program. The Washington promise scholarship program is terminated following fiscal year 2006. No Washington promise scholarship awards may be offered to students beyond the graduating high school class of 2004. Unexpended funds remaining after June 30, 2006, may be transferred to the state education trust account authorized in RCW 28B.92.140.

~~((+4))~~ \$2,963,000 of the general fund--state appropriation for fiscal year 2006 and \$2,958,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for financial aid administration, in addition to the four percent cost allowance provision for state work study under subsection (5) of this section. ~~These funds are provided to administer all the financial aid and grant programs assigned to the board by the legislature and administered by the agency. To the extent the executive director finds the agency will not require the full sum provided in this subsection, a portion may be transferred to supplement financial grants-in-aid to eligible clients after notifying the board and the office of financial management of the intended transfer.)~~

(13) \$75,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time costs associated with stabilizing the GEAR-UP scholarship program.

(14) \$3,100,000 of the general fund--state appropriation for fiscal year 2006 and \$3,100,000 of the general fund--state appropriation for fiscal year 2007 are for the health professions loan repayment and scholarship program.

(15) \$60,000 of the general fund--state appropriation for fiscal year 2006 and \$60,000 of the general fund--state appropriation for fiscal year 2007 are for the Washington center scholarship program.

(16) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the board to contract with the Washington leadership 1000 scholarship fund. The funds shall be used to support, develop, and implement the leadership 1000 scholarship program which matches private benefactors with selected economically disadvantaged students who would otherwise be unable to attend college after depleting all other sources of scholarship and financial aid.

(17) By December 1st of each fiscal year, the board shall submit a report to the legislature detailing the outcomes from the previous year and a progress report on the current year for each of the student aid programs listed in this section: (a) The number of students served; (b) the award amount provided to students by sector; (c) the total amount spent; and (d) an explanation for any variation between the amount listed in the subsections and the amount expended.

Sec. 611. 2005 c 518 s 612 (uncodified) is amended to read as follows:

FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation (FY 2006)	....	\$1,225,000
General Fund--State Appropriation (FY 2007)	.	(((\$1,231,000))
		\$1,480,000
General Fund--Federal Appropriation	.....	(((\$53,890,000))
\$53,897,000 Pension Funding Stabilization Account--State		
Appropriation	.....	\$7,000
TOTAL APPROPRIATION	.	(((\$56,346,000))
		\$56,609,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$52,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement House Bill No. 2597 (private vocational schools). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(2) \$75,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the purpose of a study in coordination with the state board for community and technical colleges. The study shall include:

(a) A review of and recommendations for consolidating and simplifying the delivery of state-funded and federally funded work force education programs and work force education aid offered to students in this state, with a goal of achieving easier access to postsecondary education for students;

(b) A description of barriers that exist to combining work force education programs and work force education aid, such as state or federal statutes, rules, or regulations, and the relief that may be available through federal waivers;

(c) An estimate of the funding gap between available work force education aid and the financial needs of students living in this state;

(d) A description of barriers to access and completion of work force education programs in this state; and

(e) Recommendations for increasing participation and completion rates for work force education programs.

The work force training and education coordinating board must submit its report on the study to the legislature by November 15, 2006, and must coordinate its study and research with the Washington Learns study of postsecondary education.

(3) \$67,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute House Bill No. 2565 (worker training b & o tax). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(4) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Second Substitute Senate Bill No. 5717 (K-12 skill centers). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 612. 2005 c 518 s 613 (uncodified) is amended to read as follows:

FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE

General Fund--State Appropriation (FY 2006)	. . . . .	(\$1,446,000)
		\$1,483,000
General Fund--State Appropriation (FY 2007)	. . . . .	(\$1,476,000)
\$1,514,000 Pension Funding Stabilization Account--State		
Appropriation	.....	\$8,000
TOTAL APPROPRIATION	..	(\$2,922,000)
		\$3,005,000

The appropriations in this section are subject to the following conditions and limitations:

The legislature finds that economic development, especially in emerging technologies, is critical to Spokane and Eastern Washington. The principal goal of the state's investment in the Spokane intercollegiate research and technology institute (SIRTI) is to bridge the gap between academic discovery and economic development, thereby leveraging the state's investment in research. However, it is essential to find appropriate ways to mark the success of these efforts. By September 15, 2005, SIRTI shall develop a plan for review by the house of representatives higher education committee and the senate labor, commerce, research and development committee, describing the agency's strategy and budget for commercial application of academic research. The plan shall include actions to be taken to select, develop, commercialize, and graduate clients. The plan shall also detail how to measure significant impacts to the overall economic climate of the Spokane region, including job creation and wages, that are attributable to SIRTI.

Sec. 613. 2005 c 518 s 614 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (FY 2006)	....	\$2,322,000
General Fund--State Appropriation (FY 2007)	. . . . .	(\$2,349,000)
		\$2,356,000
General Fund--Federal Appropriation	.....	(\$1,300,000)
		\$1,350,000
General Fund--Private/Local Appropriation (FY 2007)	(\$1,000)	
\$151,000 Pension Funding Stabilization Account--State		
Appropriation	.....	\$6,000
TOTAL APPROPRIATION	..	(\$5,972,000)
		\$6,185,000

Sec. 614. 2005 c 518 s 615 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2006)	. . . . .	(\$3,408,000)
		\$3,407,000
General Fund--State Appropriation (FY 2007)	. . . . .	(\$2,757,000)
\$3,254,000 Pension Funding Stabilization Account--State		
Appropriation	.....	\$13,000
TOTAL APPROPRIATION	..	(\$6,165,000)
		\$6,674,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$102,000 of the general fund--state appropriation for fiscal year 2006 and \$95,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Senate Bill No. 5707 (women's history consortium).

If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) \$262,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to coordinate and fund programs related to the Lewis and Clark bicentennial commemoration.

(3) \$155,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for reimbursement of costs incurred by the Pacific county sheriff's office resulting from Lewis and Clark bicentennial commemoration events.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for reimbursement of costs incurred by local law enforcement resulting from Lewis and Clark bicentennial commemoration events scheduled in the cities of Clarkston, Dayton, Kennewick, Stevenson, Toppenish, and Vancouver.

(5) \$491,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for increased costs associated with the discovery of Native American remains at the station camp unit of the Lewis and Clark national historic park. However, the funds provided in this subsection may not be used for financial settlement of any claims for Native American cultural damages or equitable relief.

Sec. 615. 2005 c 518 s 616 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2006)	. . . . .	(\$1,636,000)
		\$1,633,000
General Fund--State Appropriation (FY 2007)	. . . . .	(\$1,630,000)
\$1,631,000 Pension Funding Stabilization Account--State		
Appropriation	.....	\$8,000
TOTAL APPROPRIATION	..	(\$3,266,000)
		\$3,272,000

Sec. 616. 2005 c 518 s 617 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2006)	. . . . .	(\$5,133,000)
		\$5,149,000
General Fund--State Appropriation (FY 2007)	. . . . .	(\$5,251,000)
		\$5,285,000
General Fund--Private/Local Appropriation	.....	\$1,335,000
Pension Funding Stabilization Account--State		
Appropriation	.....	\$38,000
TOTAL APPROPRIATION	..	(\$11,719,000)
		\$11,807,000

Sec. 617. 2005 c 518 s 618 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation (FY 2006)	. . . . .	(\$8,419,000)
		\$8,439,000
General Fund--State Appropriation (FY 2007)	. . . . .	(\$8,613,000)
		\$8,709,000
General Fund--Private/Local Appropriation	.....	\$232,000
Pension Funding Stabilization Account--State		
Appropriation	.....	\$50,000
TOTAL APPROPRIATION	..	(\$17,264,000)
		\$17,430,000

(End of part)

Sec. 701. 2005 c 518 s 701 (uncodified) is amended to read as follows:

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2006)	(\$694,444,000)
	\$640,544,000
General Fund--State Appropriation (FY 2007)	(\$668,119,000)
	\$683,019,000
State Building Construction Account--State Appropriation	(\$3,924,000)
	\$5,924,000
State Taxable Building Construction Account--State Appropriation	(\$139,000)
	\$539,000
Gardner-Evans Higher Education Construction Account--State Appropriation	(\$1,215,000)
	\$1,395,000
(Debt-Limit General Fund Bond Retirement Account--State Appropriation)	(\$4,113,000)
Debt-Limit Reimbursable Bond Retirement Account--State Appropriation	\$2,583,000
TOTAL APPROPRIATION	(\$1,374,537,000)
	\$1,334,004,000

General Fund--State Appropriation (FY 2006)	.... \$1,357,000
General Fund--State Appropriation (FY 2007)	.... \$1,357,000
State Building Construction Account--State Appropriation	..... \$1,080,000
State Taxable Building Construction Account--State Appropriation	(\$13,000)
	\$78,000
Gardner-Evans Higher Education Construction Account--State Appropriation	..... \$452,000
TOTAL APPROPRIATION	(\$4,259,000)
	\$4,324,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2006 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2006.

Sec. 705. 2005 c 518 s 705 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT-- FIRE CONTINGENCY POOL

Disaster Response Account--State Appropriation	(\$4,000,000)
	\$8,000,000

The sum of ~~(\$4,000,000)~~ \$8,000,000 is appropriated from the disaster response account for the purpose of making allocations to the Washington state patrol for fire mobilizations costs or to the department of natural resources for fire suppression costs.

NEW SECTION. Sec. 706. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT-- FIRE CONTINGENCY

General Fund--State Appropriation (FY 2006) \$1,600,000
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit into the disaster response account for the purposes specified in section 705 of this act.

NEW SECTION. Sec. 707. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

- (1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:
 - (a) Kirk F. Schultz, claim number SCJ 2006-01 .. \$12,312
 - (b) Scott A. King, claim number SCJ 2006-02 \$9,922
 - (c) Mark D. Huckaba, claim number SCJ 2006-03 .. \$10,000
 - (d) James D. Brittain, claim number SCJ 2006-02 .. \$20,000
- (2) Payment from the state wildlife account for damage to crops by wildlife pursuant to RCW 77.36.050:
 - (a) For deposit into the self-insurance liability account for reimbursement of payment made to Circle S Landscape, claim number SCG 2004-05 .. \$21,926
 - (b) Venture Farms, claim number SCG 2005-03 .. \$57,448
 - (c) Patrick O'Hagen, claim number SCG 2006-02 .. \$1,673
 - (d) Patrick O'Hagen, claim number SCG 2006-03 .. \$2,389
 - (e) Swampapple Enterprises, Inc., claim number SCG 2006-04 .. \$3,574
 - (f) Wilbur H. Mundy, claim number SCG 2006-05 .. \$10,307
 - (g) Sam Kayser, claim number SCG 2006-08 .. \$1,108
 - (h) Richard Cordell, claim number SCG 2006-09 .. \$4,076

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Account--State Appropriation	..... \$29,411,000
Accident Account--State Appropriation	(\$5,111,000)
	\$5,112,000
Medical Aid Account--State Appropriation	(\$5,111,000)
	\$5,112,000
TOTAL APPROPRIATION	(\$39,633,000)
	\$39,635,000

Sec. 703. 2005 c 518 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2006)	... \$24,588,000
General Fund--State Appropriation (FY 2007)	... \$26,743,000
Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation	(\$131,844,000)
	\$130,909,000
TOTAL APPROPRIATION	(\$183,175,000)
	\$182,240,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

Sec. 704. 2005 c 518 s 704 (uncodified) is amended to read as follows:

(3) Payment for reinterment of human remains from historic graves pursuant to RCW 68.60.050: Darrin Erdahl, claim number SCO 2006-01 \$3,000

Sec. 708. 2005 c 518 s 713 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS. The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2005, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:
General Fund--State Appropriation (FY 2006) . . . \$32,450,000
General Fund--State Appropriation (FY 2007) ~~(((\$38,550,000))~~
\$38,750,000

(a) \$100,000 of the general fund--state appropriations for fiscal year 2006 and \$200,000 of the general fund--state appropriations for fiscal year 2007 are provided solely to implement Substitute House Bill No. 1936 (emergency medical technicians). If the bill is not enacted by June 30, 2005, the amounts provided shall lapse.

(b) \$950,000 of the general fund--state appropriation for fiscal year 2006 and \$950,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the state contributions required under Substitute Senate Bill No. 5615 (law enforcement officers' and fire fighters' retirement system plan 2 disability benefit). If the bill is not enacted by June 30, 2005, the amounts provided shall lapse.

(c) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement House Bill No. 2932 (catastrophic disability). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(d) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute House Bill No. 2934 (survivor health benefits). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(2) There is appropriated for contributions to the judicial retirement system:
General Fund--State Appropriation (FY 2006) . ~~(((\$6,000,000))~~
\$6,601,000
General Fund--State Appropriation (FY 2007) . ~~(((\$6,000,000))~~
\$9,539,000

(3) There is appropriated for contributions to the judges retirement system:
General Fund--State Appropriation (FY 2006) \$300,000
General Fund--State Appropriation (FY 2007) \$300,000
TOTAL APPROPRIATION . ~~(((\$83,600,000))~~
\$87,940,000

NEW SECTION. Sec. 709. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE GOVERNOR--EMERGENCY COMMUNICATIONS INTEROPERABILITY

General Fund--State Appropriation (FY 2007) \$500,000
The appropriation in this section is subject to the following conditions and limitations: Funds are provided for acquisition and deployment of interoperable telecommunications devices to local jurisdictions. One program manager position is provided to assist local and state public safety providers improve their interoperability readiness and enhance levels of cooperation and coordination. The governor shall allocate these funds as necessary with consultive assistance from the state interoperability executive committee. The military department shall transfer ownership of the buildings and sufficient land

currently used by the Camas school district to the Camas school district. The transfer shall not require any compensation.

Sec. 710. 2005 c 518 s 716 (uncodified) is amended to read as follows:

FOR THE GOVERNOR--LIFE SCIENCES DISCOVERY FUND AUTHORITY

General Fund--State Appropriation (FY 2006) \$150,000
General Fund--State Appropriation (FY 2007) \$992,000
TOTAL APPROPRIATION \$1,142,000

The ~~((appropriation))~~ appropriations in this section ~~((ts))~~ are subject to the following conditions and limitations: The ~~((appropriation))~~ appropriations in this section ~~((ts))~~ are provided solely for a grant to the life sciences discovery fund authority to be used in accordance with ~~((Engrossed Second Substitute Senate Bill No. 5581 (life sciences)))~~ chapter 424, Laws of 2005 (life sciences research). ~~((If the bill is not enacted by June 30, 2005, the appropriation in this section shall lapse.))~~

Sec. 711. 2005 c 518 s 720 (uncodified) is amended to read as follows:

STRATEGIC PURCHASING STRATEGY. (1) The office of financial management shall work with the appropriate state agencies to generate savings of ~~(((\$50,000,000, of which \$25,000,000 shall be))~~ \$22,202,000 from the state general fund, that can arise from a strategic purchasing strategy. From appropriations in this act, the office of financial management shall reduce general fund--state allotments by ~~(((\$8 million))~~ \$3,368,000 for fiscal year 2006 and by ~~(((\$17 million))~~ \$18,834,000 for fiscal year 2007 to reflect the savings from the strategic purchasing strategy. The allotment reductions shall be placed in unallotted status and remain unexpended. These unexpended amounts shall lapse to the state general fund at the end of each fiscal year.

(2) The department of general administration, with the assistance of the department of information services and the department of printing and in consultation with the office of financial management, shall conduct an analysis of the state's purchasing processes to identify the most reasonable strategy of attaining a statewide savings target of ~~(((\$50,000,000))~~ \$22,202,000 from the state general fund without affecting direct program activities. The analysis shall identify savings by agency and fund that will result from the implementation of a strategic purchasing strategy. The results of this analysis shall then be provided to the director of financial management by October 1, 2005, and updated as needed, so the director may use it as the basis to achieve the savings identified in subsection (1) of this section.

(3) Before the purchase of goods and services, all state agencies and higher education institutions shall first consider the utilization of current or existing master contracts. All state agencies and higher education institutions shall strive to use master contracts when that use is consistent with the agency's requirements and purchase is financially cost-effective.

(4) The state board for community and technical colleges shall not be subject to any allotment reduction resulting from the strategic purchasing strategy under this section.

NEW SECTION. Sec. 712. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--ENERGY FREEDOM ACCOUNT

General Fund--State Appropriation (FY 2007) . . . \$23,000,000
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit into the energy freedom account. If Engrossed Third Substitute House Bill No. 2939 (energy freedom) is not enacted by June 30, 2006, the appropriation in this section shall lapse.

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

NEW SECTION. Sec. 713. A new section is added to 2005 c 518 (uncodified) to read as follows:

General Fund--State Appropriation (FY 2007) \$2,000,000

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--
CONTRIBUTIONS TO RETIREMENT SYSTEMS**

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit into the veterans innovations program account. If Engrossed Second Substitute House Bill No. 2754 (veterans' programs) is not enacted by June 30, 2006, the appropriation in this section shall lapse.

General Fund--State Appropriation (FY 2007) \$1,100,000
Special Account Retirement Contribution
Increase Revolving Account Appropriation \$200,000
TOTAL APPROPRIATION \$1,300,000

Sec. 717. 2005 c 518 s 724 (uncodified) is amended to read as follows:

The appropriations in this subsection are subject to the following conditions and limitations:

INCENTIVE SAVINGS--FY 2006. The sum of one hundred million dollars or so much thereof as may be available on June 30, 2006, from the total amount of unspent fiscal year 2006 state general fund appropriations, exclusive of amounts placed in unallotted status pursuant to section 711 of this act, is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) \$500,000 of the general fund--state appropriation for fiscal year 2007 and \$200,000 of the special account retirement contribution appropriation are provided solely to adjust agency appropriations to reflect increased employer contributions pursuant to Senate Bill No. 6453 (\$1000 minimum benefit). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) \$600,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to reflect increased employer contributions pursuant to Substitute House Bill No. 2684 (plan 3 five-year vesting). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

(3) To facilitate the transfer of moneys to dedicated funds and accounts, the state treasurer shall transfer sufficient moneys to each dedicated fund or account from the special account retirement contribution increase revolving account in accordance with schedules provided by the office of financial management.

Sec. 718. 2005 c 518 s 725 (uncodified) is amended to read as follows:

NEW SECTION. Sec. 714. A new section is added to 2005 c 518 (uncodified) to read as follows:

INCENTIVE SAVINGS--FY 2007. The sum of one hundred million dollars or so much thereof as may be available on June 30, 2007, from the total amount of unspent fiscal year 2007 state general fund appropriations, exclusive of amounts placed in unallotted status pursuant to section 711 of this act, is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--
WASHINGTON HOUSING TRUST FUND**

General Fund--State Appropriation (FY 2007) . . . \$14,000,000

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit into the Washington housing trust fund. If Engrossed Second Substitute House Bill No. 2418 (affordable housing) is not enacted by June 30, 2006, the appropriation in this section shall lapse.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

NEW SECTION. Sec. 715. A new section is added to 2005 c 518 (uncodified) to read as follows:

NEW SECTION. Sec. 719. A new section is added to 2005 c 518 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--
PERSONNEL LITIGATION SETTLEMENT**

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--
EXTRAORDINARY CRIMINAL JUSTICE COSTS**

General Fund--State Appropriation (FY 2007) . . . \$11,813,000
Special Personnel Litigation Revolving
Account Appropriation \$10,689,000
TOTAL APPROPRIATION \$22,502,000

General Fund--State Appropriation (FY 2007) \$54,000

The appropriations in this section are subject to the following conditions and limitations:

The appropriation in this section is subject to the following conditions and limitations: The director of financial management shall distribute the appropriation to Grant county for extraordinary criminal justice costs.

(1) The entire appropriation is provided solely for the purposes of the settlement of litigation involving compensation differentials among personnel classes, *W.P.E.A. v. State of Washington*.

NEW SECTION. Sec. 720. A new section is added to 2005 c 518 (uncodified) to read as follows:

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer shall transfer sufficient moneys from each dedicated fund or account, including local funds of state agencies and institutions of higher education, to the special personnel litigation revolving account in accordance with LEAP document number 2006-S11 dated March 3, 2006.

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--
COMMUNITY HEALTH CARE COLLABORATIVE
ACCOUNT**

NEW SECTION. Sec. 716. A new section is added to 2005 c 518 (uncodified) to read as follows:

General Fund--State Appropriation (FY 2007) \$1,400,000

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--
VETERANS INNOVATIONS PROGRAM ACCOUNT**

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit to the community health care collaborative account under Second Substitute Senate Bill No. 6459. If the bill is not enacted by June 30, 2006, the appropriation in this section shall lapse.

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

NEW SECTION. Sec. 721. A new section is added to 2005 c 518 (uncodified) to read as follows:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6239. Amounts provided in this act are sufficient to implement the provisions of sections 101 through 404 of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances).

(End of part)

PART VIII OTHER TRANSFERS AND APPROPRIATIONS

Sec. 801. 2005 c 518 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Table listing various appropriations for state revenues for distribution, including items like General Fund Appropriation for fire insurance premium distributions, public utility district excise tax distributions, etc.

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 802. 2005 c 518 s 802 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Table listing Impaired Driving Safety Account Appropriation with amounts in parentheses and underlined.

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2005-07 biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 803. 2005 c 518 s 803 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Table listing Impaired Driving Safety Account Appropriation with amounts in parentheses and underlined.

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2005-07 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 804. 2005 c 518 s 804 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

Table listing various appropriations for federal revenues for distribution, including items like General Fund Appropriation for federal grazing fees distribution, federal flood control funds distribution, etc.

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 805. 2005 c 518 s 805 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS. For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs. State Convention and Trade Center Account:

For transfer to the state general fund, \$5,150,000 for fiscal year 2006 and \$5,150,000

FIFTY-NINTH DAY, MARCH 8, 2006

for fiscal year 2007 \$10,300,000

General Fund: For transfer to the tourism development and promotion account, \$150,000 for fiscal year 2006 and \$150,000 for fiscal year 2007 \$300,000

Financial Services Regulation Account: For transfer to the state general fund, \$778,000 for fiscal year 2006 and \$779,000 for fiscal year 2007 \$1,557,000

Public Works Assistance Account: For transfer to the drinking water assistance account, \$8,400,000 for fiscal year 2006 \$8,400,000

Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual balance of the tobacco settlement account \$185,823,000

Health Services Account: For transfer to the state general fund, \$45,000,000 for fiscal year 2006 \$45,000,000

Health Services Account: For transfer to the tobacco prevention and control account ~~(\$23,366,000)~~
\$25,086,000

Health Services Account: For transfer to the water quality account \$7,885,000

Health Services Account: For transfer to the violence reduction and drug enforcement account \$6,932,000

Public Employees' and Retirees' Insurance Account: For transfer to the state general fund, \$40,000,000 for fiscal year 2006 and \$45,000,000 for fiscal year 2007 \$85,000,000

Department of Retirement Systems Expense Account: For transfer to the state general fund, \$2,000,000 for fiscal year 2006 \$2,000,000

Secretary of State's Revolving Account: For transfer to the state general fund, \$250,000 for fiscal year 2006 and \$250,000 for fiscal year 2007 \$500,000

State Treasurer's Service Account: For transfer to the state general fund, ~~(\$5,500,000)~~ \$9,500,000 for fiscal year 2006 and ~~(\$5,000,000)~~ \$7,000,000 for fiscal year 2007 ~~(\$10,500,000)~~
\$16,500,000

General Fund: For transfer to the water quality account, \$318,000 for fiscal year 2006 and \$319,000 for fiscal year 2007 \$637,000

State Toxics Control Account: For transfer to the water quality account \$12,500,000

Water Quality Account: For transfer to the water pollution control revolving account ~~(\$10,534,000)~~
\$16,534,000

Pollution Liability Insurance Trust Account: For transfer to the state general fund ~~(\$7,500,000)~~
\$3,750,000

Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account, an amount not to exceed ~~(\$15,000,000)~~
\$21,800,000

Waste Reduction, Recycling, and Litter Control Account: For transfer to the state general fund, \$1,000,000 for fiscal year 2006 and \$1,000,000 for fiscal year 2007 \$2,000,000

Public Works Assistance Account: For transfer to the public facility construction loan revolving account, \$4,500,000 for fiscal year 2006 \$4,500,000

Nisqually Earthquake Account: For transfer to the disaster response account, \$3,000,000 for fiscal year 2006 \$3,000,000

Natural Resources Equipment Revolving Fund: For transfer to the state general fund for fiscal

year 2006 \$1,000,000

General Fund: For transfer to the violence reduction and drug enforcement account, \$1,500,000 for fiscal year 2006 and \$1,500,000 for fiscal year 2007 \$3,000,000

Education Legacy Trust Account: For transfer to the student achievement account, ~~(\$35,541,000)~~ \$35,555,000 for fiscal year 2006 and ~~(\$102,697,000)~~ \$103,046,000 for fiscal year 2007 ~~(\$138,238,000)~~
\$138,601,000

Sec. 806. 2005 c 518 s 806 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS. For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs. The transfers are subject to the enactment of Senate Bill No. 5391 (tricare supplemental insurance), chapter 46, Laws of 2005.

Public Employees' and Retirees' Insurance Account: For transfer to the state general fund, \$5,000,000 ~~(for fiscal year 2006 and \$12,000,000)~~ for fiscal year 2007 ~~(\$17,000,000)~~
\$5,000,000

~~(General Fund--State Account: For transfer to the tourism development and promotion account, \$150,000 for fiscal year 2006 and \$150,000 for fiscal year 2007 \$300,000)~~

(End of part)

**PART IX
MISCELLANEOUS**

Sec. 901. 2005 c 518 s 948 (uncodified) is amended to read as follows:

COMPENSATION--INSURANCE BENEFITS. The appropriations for state agencies, including institutions of higher education are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$663.00 per eligible employee for fiscal year 2006. For fiscal year 2007 the monthly employer funding rate shall not exceed \$744.00 per eligible employee represented by a collective bargaining unit under the personnel system reform act of 2002, or \$618.00 per eligible nonrepresented employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2006, through December 31, 2006, the subsidy shall be \$131.87. Starting January 1, 2007, the subsidy shall be \$149.67 per month.

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$48.42 per month beginning September 1, 2005, and (~~(\$55.73))~~ \$55.15 beginning September 1, 2006;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$48.42 each month beginning September 1, 2005, and (~~(\$55.73))~~ \$55.15 beginning September 1, 2006, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

NEW SECTION. Sec. 902. A new section is added to 2005 c 518 (uncodified) to read as follows:

**COLLECTIVE BARGAINING AGREEMENT--
WASHINGTON STATE UNIVERSITY, WFSE BU 2.**

Budget amounts reflect the collective bargaining agreement reached between Washington State University and the Washington federation of state employees bargaining unit 2 -- service employees under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective retroactive to July 1, 2005. Provisions also include a one-time 2% lump sum payment effective July 1, 2006, and implementation of the department of personnel 2002 salary survey for classes more than 25% below market rate.

Sec. 903. RCW 2.36.150 and 2004 c 127 s 1 are each amended to read as follows:

Jurors shall receive for each day's attendance, besides mileage at the rate determined under RCW 43.03.060, the following expense payments:

(1) Grand jurors may receive up to twenty-five dollars but in no case less than ten dollars;

(2) Petit jurors may receive up to twenty-five dollars but in no case less than ten dollars;

(3) Coroner's jurors may receive up to twenty-five dollars but in no case less than ten dollars;

(4) District court jurors may receive up to twenty-five dollars but in no case less than ten dollars:

PROVIDED, That a person excused from jury service at his or her own request shall be allowed not more than a per diem and such mileage, if any, as to the court shall seem just and equitable under all circumstances: PROVIDED FURTHER, That the state shall fully reimburse the county in which trial is held for all jury fees and witness fees related to criminal cases which result from incidents occurring within an adult or juvenile correctional institution: PROVIDED FURTHER, That the expense payments paid to jurors shall be determined by the county legislative authority and shall be uniformly applied within the county.

For the fiscal year ending June 30, 2007, jurors participating in pilot projects in superior, district, and municipal courts may receive juror fees of up to sixty-two dollars for each day of attendance in addition to mileage reimbursement at the rate determined under RCW 43.03.060.

Sec. 904. RCW 28A.500.030 and 2005 c 518 s 914 are each amended to read as follows:

Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(1) Funds raised by the district through maintenance and operation levies shall be matched with state funds using the following ratio of state funds to levy funds:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; to

(b) The statewide average twelve percent levy rate.

(2) The maximum amount of state matching funds for districts eligible for local effort assistance shall be the district's twelve percent levy amount, multiplied by the following percentage:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; divided by

(b) The district's twelve percent levy rate.

(3) Calendar year 2003 allocations and maximum eligibility under this chapter shall be multiplied by 0.99.

(4) From January 1, 2004, to December 31, 2005, allocations and maximum eligibility under this chapter shall be multiplied by 0.937.

(5) From January 1, 2006, to (~~June 30, 2007)~~ December 31, 2006, allocations and maximum eligibility under this chapter shall be multiplied by 0.9563.

Sec. 905. RCW 73.04.135 and 1994 c 147 s 3 are each amended to read as follows:

(1) The director may place a claim against the estate of an incapacitated or deceased veteran who is a veteran estate management program client. The claim shall not exceed the amount allowed by rule of the United States department of veterans affairs and charges for reasonable expenses incurred in the execution or administration of the estate. The director shall waive all or any portion of the claim if the payment or a portion thereof would pose a hardship to the veteran.

(2) (~~Any fees collected shall be deposited in the state general fund local and shall be available for the cost of managing and supporting the veteran estate management program. All expenditures and revenue control shall be subject to chapter 43.88 RCW.)~~ The veteran estate management account is hereby created in the custody of the state treasurer. Fees, reimbursements, and grants collected from estates of incapacitated veterans or incapacitated veterans' dependents shall be deposited into the account. Funds in the account shall be expended solely for the purpose of providing financial operating and maintenance support to the veteran estate management program and shall be the sole source of funding for the program. Only the director or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 906. RCW 79A.05.070 and 2003 c 186 s 1 are each amended to read as follows:

The commission may:

(1) Make rules and regulations for the proper administration of its duties;

(2) Accept any grants of funds made with or without a matching requirement by the United States, or any agency thereof, for purposes in keeping with the purposes of this chapter; accept gifts, bequests, devises and endowments for purposes in keeping with such purposes; enter into cooperative agreements with and provide for private nonprofit groups to use state park property and facilities to raise money to contribute gifts, grants, and support to the commission for the purposes of this chapter. The commission may assist the nonprofit group in a cooperative effort by providing necessary agency personnel and services, if available. However, none of the moneys raised may inure to the benefit of the nonprofit group, except in furtherance of its purposes to benefit the commission as provided in this chapter. The agency and the private nonprofit group shall agree on the nature of any project to be supported by such gift or grant prior to the use of any agency property or facilities for raising money. Any such gifts may be in the form of recreational facilities developed or built in part or in whole for public use on agency property, provided that the facility is consistent with the purposes of the agency;

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(3) Require certification by the commission of all parks and recreation workers employed in state aided or state controlled programs;

(4) Act jointly, when advisable, with the United States, any other state agencies, institutions, departments, boards, or commissions in order to carry out the objectives and responsibilities of this chapter;

(5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and considerations as the commission shall specify;

(6) Charge such fees for services, utilities, and use of facilities as the commission shall deem proper. Until July 1, 2007, the commission may not charge fees for general park access or parking;

(7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed forty years;

(8) Determine the qualifications of and employ a director of parks and recreation who shall receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040 and determine the qualifications and salary of and employ such other persons as may be needed to carry out the provisions hereof; and

(9) Without being limited to the powers hereinbefore enumerated, the commission shall have such other powers as in the judgment of a majority of its members are deemed necessary to effectuate the purposes of this chapter: PROVIDED, That the commission shall not have power to supervise directly any local park or recreation district, and no funds shall be made available for such purpose.

Sec. 907. RCW 90.56.120 and 2005 c 304 s 2 are each amended to read as follows:

(1)(a) There is established in the office of the governor the oil spill advisory council.

(b) The primary purpose of the council is to maintain the state's vigilance in, by ensuring an emphasis on, the prevention of oil spills to marine waters, while recognizing the importance of also improving preparedness and response.

(c) The council shall be an advisory body only.

(2)(a) In addition to members appointed under (b) of this subsection, the council is composed of the chair-facilitator and sixteen members representing various interests as follows:

(i) Three representatives of environmental organizations;

(ii) One representative of commercial shellfish interests;

(iii) One representative of commercial fisheries that primarily fishes in Washington waters;

(iv) One representative of marine recreation;

(v) One representative of tourism interests;

(vi) Three representatives of county government from counties bordering Puget Sound, the Columbia river/Pacific Ocean, and the Strait of Juan de Fuca/San Juan Islands;

(vii) One representative of marine labor;

(viii) Two representatives of marine trade interests;

(ix) One representative of major oil facilities;

(x) One representative of public ports; and

(xi) An individual who resides on a shoreline who has an interest, experience, and familiarity in the protection of water quality.

(b) In addition to the members identified in this subsection, the governor shall invite the participation of tribal governments through the appointment of two representatives to the council.

(3) Appointments to the council shall reflect a geographical balance and the diversity of populations within the areas potentially affected by oil spills to state waters.

(4) Members shall be appointed by the governor and shall serve four-year terms, except the initial members appointed to the council. Initial members to the council shall be appointed as follows: Six shall serve two-year terms, six shall serve three-

year terms, and seven shall serve four-year terms. Vacancies shall be filled by appointment in the same manner as the original appointment for the remainder of the unexpired term of the position vacated. Members serve at the pleasure of the governor.

(5) The governor shall appoint a chair-facilitator who shall serve as a nonvoting member of the council. The chair shall not be an employee of a state agency, nor shall the chair have a financial interest in matters relating to oil spill prevention, preparedness, and response. The chair shall convene the council at least four times per year. At least one meeting per year shall be held in a Columbia river community, an ocean coastal community, and a Puget Sound community. The chair shall consult with councilmembers in setting agendas and determining meeting times and locations.

(6) All members shall be reimbursed for travel expenses while attending meetings of the council or technical advisory committees, or when on official business authorized by the chair-facilitator, as provided in RCW 43.03.050 and 43.03.060. Members of the council identified in subsection (2)(a)(i), (ii), (iii), (iv), (v), (vi), (vii), and (xi) of this section and the chair-facilitator shall each be compensated on a per diem basis as a class two group according to RCW 43.03.230.

(7) The first meeting of the council shall be convened by the governor or the governor's designee. Other meetings may be convened by a vote of at least a majority of the voting members of the council, or by call of the chair. All meetings are subject to the open public meetings act. The council shall maintain minutes of all meetings.

(8) To the extent possible, all decisions of the council shall be by the consensus of the members. If consensus is not possible, nine voting members of the council may call for a vote on a matter. When a vote is called, all decisions shall be determined by a majority vote of the voting members present. Two-thirds of the voting members are required to be present for a quorum for all votes. The subject matter of all votes and the vote tallies shall be recorded in the minutes of the council.

(9) The council may form subcommittees and technical advisory committees.

NEW SECTION. Sec. 908. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 909. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

(End of part)

INDEX

PAGE #

ADMINISTRATOR FOR THE COURTS 8
 ATTORNEY GENERAL 21
 BOARD FOR VOLUNTEER FIREFIGHTERS 52
 BOARD OF ACCOUNTANCY 48
 BOARD OF INDUSTRIAL INSURANCE APPEALS 108
 BOARD OF TAX APPEALS 45
 CASELOAD FORECAST COUNCIL 22
 CENTRAL WASHINGTON UNIVERSITY 240
 CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS 20
 COLLECTIVE BARGAINING AGREEMENT
 WASHINGTON STATE UNIVERSITY, WFSE BU 2 279
 COLUMBIA RIVER GORGE COMMISSION 136
 COMMISSION ON AFRICAN-AMERICAN AFFAIRS ... 40
 COMMISSION ON ASIAN-PACIFIC-AMERICAN AFFAIRS
 18
 COMMISSION ON HISPANIC AFFAIRS 40
 COMMISSION ON JUDICIAL CONDUCT 7
 COMPENSATION--INSURANCE BENEFITS 278

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

CONSERVATION COMMISSION 146
 COURT OF APPEALS 8
 CRIMINAL JUSTICE TRAINING COMMISSION 109
 DEPARTMENT OF AGRICULTURE 160
 DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION 57
 DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT 22
 DEPARTMENT OF CORRECTIONS 127
 DEPARTMENT OF EARLY LEARNING 220
 DEPARTMENT OF ECOLOGY 136
 DEPARTMENT OF FISH AND WILDLIFE 147
 DEPARTMENT OF GENERAL ADMINISTRATION 46
 DEPARTMENT OF HEALTH 119
 DEPARTMENT OF INFORMATION SERVICES 47
 DEPARTMENT OF LABOR AND INDUSTRIES 112
 DEPARTMENT OF LICENSING 164
 DEPARTMENT OF NATURAL RESOURCES 154
 DEPARTMENT OF PERSONNEL 39
 DEPARTMENT OF RETIREMENT SYSTEMS
 CONTRIBUTIONS TO RETIREMENT SYSTEMS .. 264
 OPERATIONS 41
 DEPARTMENT OF REVENUE 43
 DEPARTMENT OF SERVICES FOR THE BLIND 133
 DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 ADMINISTRATION AND SUPPORTING SERVICES PROGRAM 103
 AGING AND ADULT SERVICES PROGRAM 86
 ALCOHOL AND SUBSTANCE ABUSE PROGRAM 93
 CHILDREN AND FAMILY SERVICES PROGRAM .. 60
 DEVELOPMENTAL DISABILITIES PROGRAM 79
 ECONOMIC SERVICES PROGRAM 91
 JUVENILE REHABILITATION PROGRAM 65
 MEDICAL ASSISTANCE PROGRAM 96
 MENTAL HEALTH PROGRAM 68
 PAYMENTS TO OTHER AGENCIES PROGRAM .. 104
 VOCATIONAL REHABILITATION PROGRAM 102
 DEPARTMENT OF VETERANS AFFAIRS 116
 EASTERN WASHINGTON STATE HISTORICAL SOCIETY 259
 EASTERN WASHINGTON UNIVERSITY 238
 ECONOMIC AND REVENUE FORECAST COUNCIL ... 34
 EMPLOYMENT SECURITY DEPARTMENT 133
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6239 271
 ENVIRONMENTAL HEARINGS OFFICE 146
 FOR THE OFFICE OF FINANCIAL MANAGEMENT
 PERSONNEL LITIGATION SETTLEMENT 268
 VETERANS INNOVATIONS PROGRAM ACCOUNT 269
 FORENSIC INVESTIGATION COUNCIL 48
 GOVERNOR
 E M E R G E N C Y C O M M U N I C A T I O N S
 INTEROPERABILITY 265
 LIFE SCIENCES DISCOVERY FUND AUTHORITY 266
 GOVERNOR'S OFFICE OF INDIAN AFFAIRS 18
 GROWTH MANAGEMENT HEARINGS BOARD 56
 HIGHER EDUCATION COORDINATING BOARD
 FINANCIAL AID AND GRANT PROGRAMS 251
 POLICY COORDINATION AND ADMINISTRATION 249
 HOME CARE QUALITY AUTHORITY 118
 HORSE RACING COMMISSION 49
 HOUSE OF REPRESENTATIVES 1
 HUMAN RIGHTS COMMISSION 108
 INCENTIVE SAVINGS
 FY 2006 269
 FY 2007 270
 INDETERMINATE SENTENCE REVIEW BOARD 116
 INSURANCE COMMISSIONER 48
 INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION 144
 JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE2

JOINT LEGISLATIVE SYSTEMS COMMITTEE 6
 LAW LIBRARY 7
 LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE 5
 LIEUTENANT GOVERNOR 14
 LIQUOR CONTROL BOARD 49
 MILITARY DEPARTMENT 52
 MUNICIPAL RESEARCH COUNCIL 46
 OFFICE OF ADMINISTRATIVE HEARINGS 38
 OFFICE OF CIVIL LEGAL AID 11
 OFFICE OF FINANCIAL MANAGEMENT 34
 COMMUNITY HEALTH CARE COLLABORATIVE ACCOUNT 270
 CONTRIBUTIONS TO RETIREMENT SYSTEMS .. 267
 ENERGY FREEDOM ACCOUNT 267
 EXTRAORDINARY CRIMINAL JUSTICE COSTS .. 270
 FIRE CONTINGENCY 263
 FIRE CONTINGENCY POOL 263
 WASHINGTON HOUSING TRUST FUND 268
 OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES 46
 OFFICE OF PUBLIC DEFENSE 10
 OFFICE OF THE GOVERNOR 12
 OFFICE OF THE STATE ACTUARY 6
 PERSONNEL APPEALS BOARD 40
 PUBLIC DISCLOSURE COMMISSION 15
 PUBLIC EMPLOYMENT RELATIONS COMMISSION .. 56
 SECRETARY OF STATE 15
 SENATE 1
 SENTENCING GUIDELINES COMMISSION 133
 SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE 256
 STATE AUDITOR 19
 STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES 224
 STATE CONVENTION AND TRADE CENTER 57
 STATE HEALTH CARE AUTHORITY 104
 STATE INVESTMENT BOARD 43
 STATE PARKS AND RECREATION COMMISSION .. 142
 STATE PATROL 166
 STATE SCHOOL FOR THE BLIND 259
 STATE SCHOOL FOR THE DEAF 259
 STATE TREASURER 19
 BOND RETIREMENT AND INTEREST 261, 262
 COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT 273
 FEDERAL REVENUES FOR DISTRIBUTION 274
 MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT 273
 STATE REVENUES FOR DISTRIBUTION 272
 TRANSFERS 275, 277
 STATUTE LAW COMMITTEE 6
 STRATEGIC PURCHASING STRATEGY 266
 SUNDRY CLAIMS 263
 SUPERINTENDENT OF PUBLIC INSTRUCTION . 169, 219
 BASIC EDUCATION EMPLOYEE COMPENSATION 187
 EDUCATION REFORM PROGRAMS 204
 EDUCATIONAL SERVICE DISTRICTS 201
 GENERAL APPORTIONMENT 180
 INSTITUTIONAL EDUCATION PROGRAMS 202
 LEARNING ASSISTANCE PROGRAM 213
 LOCAL EFFORT ASSISTANCE 201
 PROGRAMS FOR HIGHLY CAPABLE STUDENTS 203
 PROMOTING ACADEMIC SUCCESS 215
 PUPIL TRANSPORTATION 193
 SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS 191
 SCHOOL FOOD SERVICE PROGRAMS 195
 SPECIAL EDUCATION PROGRAMS 196
 STUDENT ACHIEVEMENT PROGRAM 218
 TRANSITIONAL BILINGUAL PROGRAMS 212

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

SUPREME COURT 7
 THE EVERGREEN STATE COLLEGE 242
 UNIVERSITY OF WASHINGTON 230
 UTILITIES AND TRANSPORTATION COMMISSION .. 51
 WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM 163
 WASHINGTON STATE ARTS COMMISSION 257
 WASHINGTON STATE HISTORICAL SOCIETY 258
 WASHINGTON STATE LOTTERY 39
 WASHINGTON STATE UNIVERSITY 235
 WESTERN WASHINGTON UNIVERSITY 247
 WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD 255"

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 2.36.150, 28A.500.030, 73.04.135, 79A.05.070, and 90.56.120; amending 2005 c 518 ss 101, 102, 103, 104, 106, 107, 105, 109, 112, 110, 111, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 513, 514, 515, 516, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 701, 702, 703, 704, 705, 713, 716, 720, 724, 725, 801, 802, 803, 804, 805, 806, and 948 (uncodified); adding new sections to 2005 c 518 (uncodified); making appropriations; and declaring an emergency." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Prentice moved that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6386 be adopted.

Senator Prentice spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Prentice that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6386 be adopted.

The motion by Senator Prentice carried and the Report of the Conference Committee was adopted by voice vote.

Senator Zarelli spoke against passage of the bill.

POINT OF INQUIRY

Senator Keiser: "Would the gentleman from the 18th District yield to a question? My question concerns section 206. I see in the first proviso of section 206 of the conference report, that the Department of Social & Health Services, in consultation with the Home Care Quality Authority, and the Health Care authority must examine how the state determines the appropriate level of health care cost when establishing state contribution rates for home care workers. The department must recommend options as to how benefits can be purchased in a more cost effective manner to the office of financial management and the fiscal committees by October 1, 2006. Does this proviso modify or weaken, in any way, the parties obligations under initiative 775, the home care quality initiative or other labor laws or the terms of any agreements bargained under the initiative. Does it modify or weaken in any way the terms of the Substitute House Bill No. 2333; the bill providing parity for agency home care workers?"

Senator Zarelli: "Thank you Senator Keiser. It's my understanding, although I wasn't a part of the process of putting together the conference report; in reading through it and looking at the budget note, it's my understanding and, based on previous efforts in the area of collective bargaining, that no, it is not. It's my understanding that collective bargaining process and the study have different purposes and involve different parties. That purpose of collective bargaining is to determine the wage, hours, working conditions of individuals providers. This process involves the Governor and exclusive bargaining representatives of the providers. The purpose of the study is to obtain certain additional information and involve studies like the home care quality authority and the health care authority, so, in conclusion, I would say that the, that report won't be issued until well after the next collective bargaining cycle and well before the one after that, so I would say no. Thank you."

Senators Doumit and Brown spoke in favor of passage of the bill.

Senator Schoesler spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6386, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6386, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Deccio, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 29

Voting nay: Senators Benson, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Johnson, Morton, Mulliken, Oke, Parlette, Pflug, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 19

Excused: Senator Honeyford - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6386, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Doumit: "Mr. President, if I may, I would like permission to bring the Ways & Means staff out to the floor because, both sides of the aisle know, there is no way that we could do the job that we do here without the wonderful staff that we have, I would like to ask them to come out on the floor to be recognized by the Senate."

PERSONAL PRIVILEGE

Senator Prentice: "Thank you Mr. President. The way we have developed this budget I believe is unique and it could not of happened without Senator Mark Doumit and also without Senator Karen Fraser. We work together as a team, try our ideas out on each other and I couldn't ask for two harder working Vice Chairs. I've been so fortunate for the two years that I have chaired this committee, so I want to thank both of the publically."

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

MOTION

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

MOTION

On motion of Senator Eide, the rules were suspended and Engrossed Substitute House Bill No. 3316 which was previously held at the desk on March 2, 2006 was placed on the second reading calendar.

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3316, by House Committee on Capital Budget (originally sponsored by Representatives Dunshee, Linville, Grant and Kessler)

Authorizing the issuance of general obligation bonds.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Engrossed Substitute House Bill No. 3316 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 3316.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 3316 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Oke - 1

Excused: Senator Honeyford - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3316, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5358,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5355,
SUBSTITUTE SENATE BILL NO. 6223,
SUBSTITUTE SENATE BILL NO. 6225,
SENATE BILL NO. 6364,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6428,
SUBSTITUTE SENATE BILL NO. 6439,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6896,
SUBSTITUTE SENATE BILL NO. 6241,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6384,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6386,
MOTION

On motion of Senator Hewitt, Senator Oke was excused.

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

The House had adopted the report of Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6384, and has passed the bill as recommended by the Conference Committee.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A supplemental capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2007, out of the several funds specified in this act.

SUPPLEMENTAL APPROPRIATIONS

NEW SECTION. Sec. 101. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

Life-cycle Cost Model Update (06-2-851)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely to update the life-cycle cost model developed by the joint legislative audit and review committee. The joint legislative audit and review committee shall:

- (1) Update the model's assumptions;
- (2) Enhance the model's ability to inform decision-makers about the current and long-term capital and operating impacts of facility leasing options compared to state ownership; and
- (3) Revise the model to allow for comparisons of alternate financing approaches, including but not limited to the use of certificates of participation, 63-20 financing, and state general obligation bond funding.

Appropriation:

State Building Construction Account--State	.....	\$50,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$50,000

NEW SECTION. Sec. 102. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE OFFICE OF THE SECRETARY OF STATE

Acquisition of Historic Photographs (06-2-950)

Appropriation:

Archives and Record Management Account--State \$50,000

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$50,000

Sec. 103. 2005 c 488 s 109 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water Assistance Program (06-4-003)
 Appropriation:
 Drinking Water Assistance Account--State \$8,100,000
 Drinking Water Assistance Repayment Account--State ((~~\$11,500,000~~))
 \$21,780,000
 Subtotal Appropriation ((~~\$19,600,000~~))
 \$29,880,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$78,400,000
 TOTAL ((~~\$98,000,000~~))
 \$108,280,000

Sec. 104. 2005 c 488 s 112 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Building for the Arts (06-4-005)
 The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 43.63A.750.
- (2) The appropriation is provided solely for the following list of projects:

Projects	Location	Recommendation
((African-American museum	Seattle	\$700,000))
McIntyre hall	Mount Vernon	\$350,000
Northwest film forum	Seattle	\$100,000
Historic Cooper school	Seattle	\$500,000
Merc playhouse	Twisp	\$6,000
Masquers theatre	Soap Lake	\$145,000
Cornish College of the Arts	Seattle	\$700,000
Dahmen barn workshop	Uniontown	\$79,000
Roxy theatre	Morton	\$75,000
Duwamish longhouse	Seattle	\$65,000
Everett symphony	Everett	\$215,000
Admiral theatre	Bremerton	\$180,000
Pratt fine arts center	Seattle	\$300,000
Arlington performing arts	Arlington	\$375,000
Seattle Academy of Fine Art	Seattle	\$35,000
Academy of children's theatre	Richland	\$150,000
Empire theatre	Tekoa	\$25,000

Children's museum	Spokane	\$75,000
World kite museum	Long Beach	\$115,000
McCaw hall	Seattle	\$1,000,000
		0
KidsQuest children's museum	Bellevue	\$200,000
Total		((\$5,390,000)) \$4,690,000 0

Appropriation:
 State Building Construction Account--State ((~~\$5,390,000~~))
 \$4,690,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$16,000,000
 TOTAL ((~~\$21,390,000~~))
 \$20,690,000

Sec. 105. 2005 c 488 s 125 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing Assistance, Weatherization, and Affordable Housing (04-4-003)

The reappropriations in this section ((~~is~~)) are subject to the following conditions and limitations:

- (1) \$1,700,000 of the reappropriation is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.
- (2) \$700,000 of the reappropriation is provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.
- (3) \$84,500 of the reappropriation is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.
- (4) \$600,000 of the reappropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers. It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C. Sec. 1342. The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need. Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.
- (5) \$1,400,000 of the reappropriation is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children.
- (6) ~~((Up to \$1,000,000 of the reappropriation is provided to help capitalize a self-insurance risk pool for nonprofit corporations in Washington that develop housing units for low-income persons and families. The self-insurance risk pool shall be approved by the state risk manager. The self-insurance risk pool shall repay to the state the amount of the reappropriation provided to the risk pool under this section whenever the capitalization exceeds the minimum requirements established by the office of the risk manager. Any reappropriation authority not expended by June 30, 2007, shall lapse.))~~ (a) \$960,000 of the reappropriation in this section is provided solely for the department to contract with the Washington state housing finance commission to establish a multiunit residential building construction liability revolving fund program to provide supplemental funding for liability claims arising from the construction or rehabilitation of condominium or other multiunit residential buildings, as defined in RCW 64.55.010, that are

FIFTY-NINTH DAY, MARCH 8, 2006

owned or controlled by nonprofit corporations, as defined in RCW 43.180.300, for developing affordable housing for low-income households. The revolving fund program shall include the following elements:

(i) Criteria for the eligibility of multiunit residential projects and project owners for participation in the revolving fund program;

(ii) Provisions governing the scope of coverage and other policies and operating procedures for the revolving fund program;

(iii) Establishment of premiums to be paid by project owners to ensure the viability of the revolving fund program. Costs incurred by the commission in administering the revolving fund program will be paid or reimbursed from premiums and other program funds;

(iv) Provisions for the reimbursement of premiums to the extent not required for the orderly and cost-effective administration of the revolving fund program;

(v) Establishment of procedures for the investigation, defense, and payment of claims and the recoupment of claim payments made and costs associated with respect to participating projects from the project owners over time; and

(vi) Any other elements necessary and desirable to implement the revolving fund program in order to provide a cost-effective source of liability funding that is supplemental to insurance and other resources available to project owners.

(b) The authority to enter into a contract with the Washington state housing finance commission under this subsection is contingent on the commission's contribution of one million dollars of commission funds to assist in capitalizing the revolving fund program.

(c) Any claims against the Washington state housing finance commission arising from or with respect to the revolving fund program may be paid only from amounts provided by the commission for this purpose, provided by the contract entered into pursuant to this subsection, or provided by premiums paid under the revolving fund program, and neither the commission, the department, nor the state of Washington shall have any liability with respect to such claims.

Reappropriation:

State Taxable Building Construction	
Account--State	\$25,780,000
Prior Biennia (Expenditures)	\$55,220,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$81,000,000

Sec. 106. 2005 c 488 s 131 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Local/Community Projects (06-4-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

(2) Funding for the Inland Northwest Science and Technology Center shall be held in reserve until the balance of phase I funding has been secured or committed from local government and community sources.

(3) The Washington state arts commission shall design a plaque that shall be affixed to buildings or displayed as part of a project receiving any appropriation from this section. The plaque shall provide information to the public that the building or project has been made possible by the tax dollars of Washington citizens. The commission may contact the secretary of state to obtain approval for use of the Washington seal in the design of the plaque. The final design shall be approved by the chairs and ranking members of the house of

representatives capital budget committee and the senate ways and means committee.

(4) The appropriation is provided solely for the following list of projects:

Projects	Recommendation
7th street theatre	\$600,000
Alder creek pioneer association carousel museum	\$450,000
Asian counseling and referral service	\$2,000,000
<u>Auburn veterans' memorial park improvements</u>	<u>\$50,000</u>
Bailey Gatzert children's play area	\$75,000
Bridge for kids	\$850,000
Brookside school ADA playground equipment	\$25,000
Buena library	\$50,000
<u>Camp prime time repairs-- families with terminally ill children</u>	<u>\$100,000</u>
Cannon house	\$250,000
Central area motivation program (CAMP)	\$250,000
Cesar Chavez park	\$150,000
<u>Chambers creek footbridge</u>	<u>\$177,000</u>
Childhaven	\$150,000
Clark Lake park and retreat center	\$500,000
Colman school <u>preconstruction activities</u>	(\$500,000) <u>\$1,200,000</u>
<u>Colored women's association meeting house</u>	<u>\$60,000</u>
Columbia breaks fire interpretive center	\$150,000
<u>Community center at Greenbridge</u>	<u>\$400,000</u>
Covington aquatics center phase 1	\$350,000
Crossroads community center and park	\$250,000
Cutter theater	\$71,000
<u>Deming library</u>	<u>\$85,000</u>
Des Moines beach park historic buildings	\$300,000

FIFTY-NINTH DAY, MARCH 8, 2006

JOURNAL OF THE SENATE

1471
2006 REGULAR SESSION

Discovery park	\$1,000,000	<u>Miners' memorial</u>	<u>\$36,500</u>
East Whatcom regional resource center	\$1,750,000	<u>Miracle league handicapped baseball</u>	<u>\$57,000</u>
Eatonville family park	\$50,000	MOBIUS/Inland Northwest science and technology center	\$1,500,000
El Centro de la Raza	\$900,000		
Filipino community center	\$200,000	Mt. Baker theater	\$200,000
<u>Financial assistance to the town of Hamilton</u>	<u>\$150,000</u>	Mt. Vernon Jasper Gates statue	\$12,000
<u>Food bank refrigeration projects</u>	<u>\$365,000</u>	Multicultural center of Kitsap county	\$250,000
Foster creek	\$150,000	Nathaniel Orr home site museum interpretive center	\$29,000
Fox theater	\$2,398,000	<u>Neighborhood house rainier vista</u>	<u>\$200,000</u>
<u>Garfield county agricultural museum</u>	<u>\$150,000</u>	New Lakewood clinic	\$350,000
GC health clinic	\$12,000	Northeast community center expansion	\$250,000
Grand Army of the Republic cemetery	\$5,000	Northshore performing arts center	\$1,000,000
Granite Falls museum expansion	\$50,000	Northwest communities education center	\$1,000,000
Greenbridge plaza in White Center	\$200,000	Oak Harbor multi-purpose community and sports facility	\$50,000
Habitat park south hill	\$400,000	Omak grandstand	\$250,000
<u>Hanford reach interpretive center</u>	<u>\$2,000,000</u>	<u>Orting fire station</u>	<u>\$250,000</u>
Hidden river environmental education center	\$50,000	Pacific Northwest salmon center	\$1,000,000
ICL education center	\$200,000	Pacific science center	\$900,000
Japanese cultural and community center	\$200,000	Performing arts center (PACE)	\$500,000
Joel Pritchard park	\$2,500,000	<u>Pike Place Market health center emergency repairs</u>	<u>\$1,000,000</u>
Joe's creek project	\$856,000	<u>Port of Quincy</u>	<u>\$400,000</u>
Juanita creek channel and riparian restoration	\$500,000	Puget Sound freight building warehouse--Thea Foss waterway	\$2,000,000
<u>Juanita highlands</u>	<u>\$275,000</u>	<u>Puyallup river walking trail</u>	<u>\$200,000</u>
Julia Butler Hansen home restoration	\$10,000	<u>Rainier historical heating system</u>	<u>\$75,000</u>
<u>Kettle falls park</u>	<u>\$100,000</u>	<u>Red mountain</u>	<u>\$200,000</u>
<u>Kirkland nonmotorized facilities</u>	<u>\$200,000</u>	Relocation of Sieke Japanese gardens	\$250,000
LeRoi smelter smokestack monument	\$3,000		
Lewis and Clark confluence project	(\$1,500,000) <u>\$2,000,000</u>		
McCaw hall	\$2,000,000		
<u>Meridian habitat park</u>	<u>\$400,000</u>		

River walk and Sammamish river restoration	\$200,000
Roslyn city hall	\$150,000
Ruth Dykeman children's center	\$27,000
Sandman historical tug restoration	\$10,000
<u>Seattle Aquarium</u>	<u>\$2,000,000</u>
Seattle community center (1115 E. Pike street)	\$13,000
<u>Seattle mental health emerald house</u>	<u>\$28,000</u>
Seward park environmental and audubon center	\$400,000
Snohomish senior center	\$150,000
Sno-Valley senior activity center kitchen	\$50,000
Sound way property preservation	\$500,000
Spokane river whitewater course	\$400,000
Sumas ballpark	\$250,000
Synthetic sportsfield partnership at Robinswood park	\$400,000
Tall ships moorage	\$300,000
<u>Tritrail feasibility study</u>	<u>\$150,000</u>
Tukwila kayak and canoe launching facility	\$20,000
Undeveloped woodlands linked to interurban nature trail	\$150,000
Vancouver museum	\$125,000
Vancouver national historical reserve west barracks	\$1,000,000
Veterans memorial museum	\$100,000
<u>Wapato Lake renovations and water quality</u>	<u>\$250,000</u>
West Seattle community resource center	\$500,000
West central community center	\$500,000
West Hylebos wetlands boardwalk	\$100,000

Wilson playfield land acquisition	\$200,000
Wing Luke Asian art museum	\$2,000,000
Youth housing/drop-in center	\$400,000
Total	<u>(\$39,391,000)</u> <u>\$49,949,500</u>

Appropriation:

State Building Construction Account--State	<u>(\$39,391,000)</u>
	<u>\$49,949,500</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>(\$39,391,000)</u> <u>\$49,949,500</u>

Sec. 107. 2005 c 488 s 138 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Job/Economic Development Grants (06-4-950)
 The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the following list of projects:

Projects	Recommendation
Belfair sewer improvements	<u>(\$8,000,000)</u> <u>\$3,200,000</u>
Bellingham waterfront restoration	\$2,000,000
<u>Bremerton facility for alternative energy technology research</u>	<u>\$800,000</u>
Bremerton Harborside	\$4,000,000
Burien town square	\$2,000,000
Carnation sewer	\$2,000,000
City of Covington	<u>(\$1,000,000)</u> <u>\$2,000,000</u>
<u>Grays Harbor PUD bioenergy project</u>	<u>\$1,500,000</u>
<u>Hops Initiative</u>	<u>\$500,000</u>
Infrastructure for Renton Boeing property	\$5,000,000
<u>Infrastructure for Washington farm produce exports</u>	<u>\$1,000,000</u>
Military communities infrastructure projects	\$5,000,000
Pacific Northwest national labs campus infrastructure project	\$6,000,000
Rainier court	\$1,500,000

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

Redevelop Snohomish riverfront	\$1,500,000
Ridgefield employment center project	\$2,000,000
Tukwila Southcenter parkway infrastructure	\$6,000,000
Yakima town center restoration	\$4,000,000
Total	\$50,000,000

Housing Assistance, Weatherization, and Affordable Housing--Home Security Fund (E2SHB 2418) (06-4-851)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,800,000 of the appropriation from the Washington housing trust account is provided solely for the backlog, as defined by the department, of projects determined by the department to be eligible under chapter 43.185 or 43.185A RCW.

(2) \$1,000,000 of the appropriation from the Washington housing trust account is provided solely for short-term, long-term, or emergency housing vouchers for homeless persons, victims of domestic violence, low-income persons, or seasonal farm workers. The department shall establish guidelines for housing voucher programs.

(a) Housing vouchers for low-income persons or seasonal farm workers are specifically to be used for: (i) Privately owned and operated rental units, including single-family homes; or (ii) on-farm housing units. Housing and rental units for which farm worker housing vouchers may be used must meet temporary worker housing standards, when applicable. Housing voucher programs shall be administered by local public housing authorities or other local organizations.

(b) Housing vouchers for homeless persons and victims of domestic violence shall be administered by local public housing authorities, other local organizations with existing housing voucher programs, homeless shelters, or domestic violence shelters. Any of this appropriation that is unspent on June 30, 2007, shall be added to the amount appropriated for the backlog identified in subsection (1) of this section.

(3) \$4,500,000 of the appropriation from the Washington housing trust account is provided solely for weatherization administered through the energy matchmakers program.

(4) \$850,000 of the appropriation from the Washington housing trust account is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(5) \$500,000 of the appropriation from the Washington housing trust account is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

(6) \$3,000,000 of the appropriation from the Washington housing trust account is provided solely for farm worker housing projects and programs to meet the full spectrum of housing needs of Washington's farm workers and their families. The department shall work with stakeholders representing a diversity of farm worker housing interests to develop a strategic plan in implementing this provision.

(7) \$200,000 of the appropriation from the Washington housing trust account is provided solely for the implementation and management of a manufactured/mobile home landlord-tenant ombudsman conflict resolution program by the office of mobile home affairs as generally described in section 3, chapter 429, Laws of 2005. The office of mobile home affairs shall also determine the number of complaints made to the department since May of 2005 that, in the best estimate of the department, do in fact present violations of chapter 59.20 RCW and shall produce a summary of the number and types of complaints. The office of mobile home affairs shall also continue to maintain and update a database with information about all mobile home parks and manufactured housing communities. The office of mobile home affairs shall provide a report regarding the activities and results of the program to the appropriate committees of the house of representatives and the senate by December 31, 2006.

(8) \$4,000,000 of the appropriation from the homeless families services account is provided solely for the purposes of RCW 43.330.167, but limited to residents living in housing subject to a regulatory agreement related to rent and/or income restrictions.

(2) \$1,000,000 of the appropriation for the Pacific Northwest national labs campus infrastructure project is provided solely for giga-pop infrastructure.

(3) \$5,000,000 of the appropriation is provided solely for military communities infrastructure projects ~~(is provided solely for grants to support projects in Island county, Kitsap county, Pierce county, Snohomish county, and Spokane county when a military base in that county is identified for potential closure in the federal base realignment and closure process. The grants will be used to address infrastructure improvements that will aid in the removal of the base from the closure list. The office of financial management shall establish a process for selecting projects for funding based on criteria used to determine the federal base realignment and closure list and recommendations by the department of community, trade, and economic development and the military department. Final allocation of the grants shall be at the discretion and with the approval of the director of the office of financial management).~~ Military communities infrastructure projects shall include:

(a) Grants to counties and cities for the purchase of development easements to restrict the use of accident potential zones and clear zones. The office of financial management shall establish a competitive process for selecting projects to receive the grants. Final allocation of these grants shall be at the discretion and with the approval of the director of the office of financial management.

The grants are subject to the following conditions:

(i) The county or city must be subject to and in compliance with RCW 36.70A.530;

(ii) The grants may not be used to remove encroachments into these zones allowed by county or city zoning or permitting actions;

(iii) The county or city must have an encroachment prevention plan preventing future encroachment into these zones; and

(iv) The grant provided by the state must not exceed one-third of the project cost with funds from local and federal sources providing the balance of the funds.

(b) \$481,000 of the appropriation is provided solely for improvements to a military department site on Fairchild air force base.

(4) The legislature finds that the need to restore the health of Hood Canal will require funding over multiple biennia. It is the intent of the legislature to provide \$4,800,000 for the Belfair sewer improvement project in the 2007-2009 biennium.

Appropriation:

Public Works Assistance Account--State	\$50,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	(\$0)
	\$4,800,000
TOTAL	(\$50,000,000)
	\$54,800,000

NEW SECTION. Sec. 108. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

FIFTY-NINTH DAY, MARCH 8, 2006

(9) \$150,000 of the appropriation from the Washington housing trust account is provided solely for a program to assist individuals and communities in the home-buying process, including, but not limited to: Homebuyer education classes, credit and budget counseling, financial literacy training, and down payment assistance programs. The department shall contract with a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code or similar successor provision that has experience and expertise in addressing language access barriers in the home-buying process to implement this program.

(10) Appropriations in this section shall be included in the calculation of annual funds available for determining the administrative costs of the department, which shall not exceed five percent of the annual funds available for the housing assistance program and the affordable housing program as authorized under RCW 43.185.050 and 43.185A.030.

Appropriation:

Washington Housing Trust Account--State . . .	\$17,000,000
Homeless Families Services Account--State . . .	\$4,000,000
Subtotal Appropriation	\$21,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$21,000,000

NEW SECTION. Sec. 109. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Grays Harbor PUD Bioenergy Project (06-04-852)

Appropriation:

Energy Freedom Account--State	\$6,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

Sec. 110. 2005 c 488 s 142 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building: Rehabilitation and Capital Addition (01-1-008)

Reappropriation:

Thurston County Capital Facilities Account--State	(\$100,000)
	\$214,063
Prior Biennia (Expenditures)	\$106,280,442
Future Biennia (Projected Costs)	\$0
TOTAL	(\$106,380,442)
	\$106,494,505

NEW SECTION. Sec. 111. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Pritchard-Legislative Support Building Predesign (06-2-851)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$225,000 of the appropriation in this section is provided solely for predesign of the Joel M. Pritchard building as a legislative support facility and public cafeteria. The predesign must be concurrently prepared with the North Capital Campus executive office building(s) predesign in section 112 of this act, but this predesign is to be a distinct document and analysis. The predesign shall include, but not be limited to, the following: (a) A rehabilitation plan addressing electrical and mechanical systems, plumbing, seismic safety, fire protection, accessibility,

energy consumption, and space use including the benefits and costs of the conversion of the upper floor stack space into usable office space or alternative uses; (b) an assessment of the facility requirements of legislative support agencies including the statute law committee, the joint legislative audit and review committee, the legislative service center, and the legislative evaluation and accountability program as potential building tenants; and (c) a financing strategy for the facility that may consider a combination of funding sources including state general obligation bonds and the use of alternative financing mechanisms that utilize dedicated revenue streams through the conversion of existing lease payments into debt service payments.

(2) \$150,000 of the appropriation in this section is provided solely for the planning and initial building demolition to relocate the statute law committee from the Pritchard building basement into the east wing, provided that the initial planning and demolition is determined to conform with the completed Pritchard predesign. The office of financial management shall not allot funding for the planning and initial building demolition for the statute law committee until the Pritchard predesign has been submitted and approved by the legislative fiscal committees and the office of financial management.

Appropriation:

State Building Construction Account--State . . .	\$375,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$375,000

Sec. 112. 2005 c 488 s 152 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

~~((General Administration Building Rehabilitation))~~ North Capital Campus Executive Office Building(s) (06-1-002)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for predesign for replacement or renovation of the general administration building combined with the development of an office building on the block adjoining Capital Way and 11th avenue. The combined development is intended to provide: (1) Executive office space for statewide elected officials; (2) public access space for the state library collection and historically significant documents from the state archives and the state historical museum; and (3) high density general office space that can adapt to changing state needs. The project will maximize interagency sharing of support services such as information technology, printing and mailing, management and storage of supplies, reception areas, and other common functions. The project will also include sufficient parking to provide a significant net increase in parking spaces beyond what is required for the new office space. The project shall also include leasable ground floor retail space on Capital Way. The department shall consult with statewide elected officials and the city of Olympia in developing the predesign. ~~((The predesign shall evaluate the use of the Pritchard building as one of the options for use by the state library and historically significant documents from the state archives and state historical museum.))~~ Due to the intended replacement of the building adjoining Capital Way and 11th avenue, the department shall not charge the facility depreciation component of lease charges for nonprofit tenants in that facility during the 2005-2007 biennium.

Appropriation:

Thurston County Capital Facilities Account--State	(\$750,000)
	\$1,620,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	(\$65,500,000)
	\$312,017,000

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

TOTAL ((~~\$66,250,000~~))
\$313,637,000

Sec. 113. 2005 c 488 s 156 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Statewide Office Facilities: Preservation Minor Works (06-1-003)

The appropriations in this section are subject to the following conditions and limitations: Funding is provided for electrical and elevator upgrades in the insurance building.

Appropriation:

Thurston County Capital Facilities Account--State \$2,965,000
General Administration Service Account--State \$1,850,000
Subtotal Appropriation \$4,815,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$16,239,000
TOTAL \$21,054,000

Sec. 114. 2005 c 488 s 161 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building Omnibus (06-1-005)

The appropriations in this section are subject to the following conditions and limitations: The department shall assist in the relocation of the statute law committee offices from the legislative building to the Pritchard building. The vacated space is intended for additional offices for the house of representatives.

Appropriation:

State Building Construction Account--State ((~~\$1,100,000~~))
\$1,460,000
Thurston County Capital Facilities Account--State \$878,000
Subtotal Appropriation ((~~\$1,978,000~~))
\$2,338,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL ((~~\$1,978,000~~))
\$2,338,000

NEW SECTION. Sec. 115. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capital Campus Master Plan (06-2-001)

The appropriation in this section is subject to the following conditions and limitations: The master plan shall include a review of the need for meeting space and training facilities to support state government in Thurston county. The review must compare existing facilities with other states' capitals with similar populations. The master plan must also consider the need for transportation access to the campus.

Appropriation:

General Administration Services Account--State \$200,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$200,000

Sec. 116. 2005 c 488 s 162 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

ADA Access Between Legislative, Cherberg, O'Brien, and Pritchard Buildings (06-1-951)

The appropriation in this section is subject to the following conditions and limitations: The design and construction of the Americans with Disabilities Act-compliant pathway to the Pritchard building shall be included in the Pritchard predesign funded in section 111 of this act.

Appropriation:

State Building Construction Account--State .. \$1,349,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,349,000

NEW SECTION. Sec. 117. A new section is added to 2005 c 488 (uncodified) to read as follows:

WASHINGTON STATE PATROL

Vancouver Crime Lab - Phase 2 (06-2-003)

Appropriation:

State Building Construction Account--State .. \$2,940,000
Prior Biennia (Expenditures) \$9,947,000
Future Biennia (Projected Costs) \$0
TOTAL \$12,887,000

Sec. 118. 2005 c 488 s 201 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

School Mapping (06-1-100)

The appropriations in this section ((~~ts~~)) are subject to the following conditions and limitations: ~~((The appropriation is provided solely for the initial mapping of schools and production of software and may not be used to supplant any local government's existing school or other building mapping program that can transfer data to a statewide first responder building mapping information system.))~~ Mapping of ~~((public buildings, including))~~ school buildings((~~r~~)) shall be undertaken under standards adopted by the Washington association of sheriffs and police chiefs mapping software standards as required by RCW 36.28A.070. The ~~((criminal justice training commission))~~ Washington association of sheriffs and police chiefs shall work with the office of the superintendent of public instruction to ensure school mapping is part of newly constructed or renovated construction projects ~~((and shall develop policies and procedures to ensure efficient use and implementation of such procedures)).~~ For school construction projects funded through the state board of education's state school construction assistance program during the 2005-2007 biennium, the Washington association of sheriffs and police chiefs shall prioritize the initial mapping or remapping of the state board of education's state school construction assistance program projects that are colocated with schools funded by the appropriation in this section. Additionally, the Washington association of sheriffs and police chiefs shall develop policies and procedures to ensure efficient use and implementation of such procedures.

It is the intention of the legislature that the design of new and remodeled facilities incorporate mapping and remapping as needed.

The Washington association of sheriffs and police chiefs will consult with the office of the superintendent of public instruction and report to the fiscal committees of the legislature by September 1, 2006, on efficient and low-cost ways to maintain up-to-date maps.

Appropriation:

Education Construction Account--State \$4,500,000
Common School Construction Account--State \$1,000,000
Subtotal Appropriation \$5,500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

TOTAL (~~\$4,500,000~~)
\$5,500,000

Sec. 119. 2005 c 488 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen Children's Center - Housing Units (00-1-041)

Reappropriation:

State Building Construction Account--State ... \$500,000

Appropriation:

State Building Construction Account--State ... \$5,800,000

Prior Biennia (Expenditures) \$5,605,495

Future Biennia (Projected Costs) (~~\$16,100,000~~)

\$10,300,000

TOTAL \$22,205,495

NEW SECTION. Sec. 120. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School: New Intensive Management Unit Building, and Health Center and Administration Building (06-2-202)

Appropriation:

State Building Construction Account--State .. \$1,250,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$12,500,000

TOTAL \$13,750,000

NEW SECTION. Sec. 121. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Rainier School: Storm and Sewer Phase 3 (06-1-853)

Appropriation:

State Building Construction Account--State ... \$100,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$100,000

Sec. 122. 2005 c 488 s 238 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Washington Information Network 2-1-1 (06-2-850)

The appropriation in this section is subject to the following conditions and limitations: The department shall require the organizations to prepare a financing plan that specifies the full cost of implementing the system statewide including capital costs and operating costs by September 1, 2006. The financing plan shall identify appropriate sources of revenue to support full implementation and ongoing operational costs. Allowable uses of appropriated funds include the purchase of software, equipment, programming, and improvements located in states adjacent to Washington and that support the 2-1-1 information network in Washington.

Appropriation:

State Building Construction Account--State .. \$1,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,000,000

NEW SECTION. Sec. 123. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

Retsil Building 9 Renovation - Transient Program (06-1-008)

Appropriation:

General Fund--Federal \$318,000

State Building Construction Account--State ... \$171,000

Subtotal Appropriation \$489,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$489,000

Sec. 124. 2005 c 488 s 252 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Coyote Ridge Corrections Center: Expansion (98-2-011)

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$179,000,000)~~) The appropriation in this section is provided solely to design and construct a (~~(1,280)~~) 1,792 bed medium-security prison at Coyote Ridge corrections center in Connell.

(2) The facility shall be a publicly-owned and operated facility.

(3) The new facility shall include at least 512 hybrid-security beds that have a lower cost to construct than conventional medium security beds but still maintain a medium security perimeter.

(4) Design of the facility shall incorporate efficiencies in administrative space and support services realized by sharing services within the region. The department shall examine other states' and private industry standard designs, and report on how efficiencies will be incorporated into the design of the facility to the office of financial management and to legislative fiscal staff not later than September 1, 2005. Nothing in this subsection requires the department to adopt design parameters that would endanger public safety or generate increased operating costs.

(5) Once opened, a portion of the new facility shall be used to alleviate the crowded conditions in reception at the Washington corrections center in Shelton.

Reappropriation:

State Building Construction Account--State ... \$921,140

Appropriation:

State Building Construction Account--State

..... (~~(\$179,000,000)~~)

\$229,000,000

Prior Biennia (Expenditures) \$986,347

Future Biennia (Projected Costs) \$0

TOTAL (~~(\$180,907,487)~~)

\$230,907,487

Sec. 125. 2005 c 488 s 255 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Center: 100-Bed Management and Segregation Unit (00-2-008)

Reappropriation:

General Fund--Federal \$819,229

State Building Construction Account--State(~~\$18,674,000~~)

\$17,747,000

Subtotal Reappropriation (~~(\$19,493,229)~~)

Appropriation:

General Fund--Federal \$927,000

Prior Biennia (Expenditures) \$19,944,803

Future Biennia (Projected Costs) \$0

TOTAL \$39,438,032

Sec. 126. 2005 c 488 s 264 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

Washington State Penitentiary: North Close Security Compound (04-2-005)

Reappropriation:

State Building Construction Account--State \$124,000,000

Appropriation:

~~((General Fund--Federal \$927,000))~~

State Building Construction Account--State ~~((\$5,891,000))~~

\$6,818,000

~~((Subtotal Appropriation \$6,818,000))~~

Prior Biennia (Expenditures) \$9,940,000

Future Biennia (Projected Costs) \$0

TOTAL \$140,758,000

NEW SECTION. Sec. 127. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: Replace Correctional Industry Roof (06-1-023)

Appropriation:

State Building Construction Account--State .. \$1,553,000

Charitable, Educational, Penal, and Reformatory

Institutions Account--State \$1,898,000

Subtotal Appropriation \$3,451,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$3,451,000

NEW SECTION. Sec. 128. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Cedar Creek Corrections Center: 100 Bed Expansion (06-2-851)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for implementation of penalties for driving under the influence of intoxicating liquor or any drug authorized in chapter . . . (House Bill No. 3317), Laws of 2006. If the bill is not enacted by June 30, 2006, the amounts in this section shall lapse.

Appropriation:

State Building Construction Account--State .. \$6,228,500

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$6,228,500

NEW SECTION. Sec. 129. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Larch Corrections Center: 80 Bed Expansion (06-2-852)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for implementation of penalties for driving under the influence of intoxicating liquor or any drug authorized in chapter . . . (House Bill No. 3317), Laws of 2006. If the bill is not enacted by June 30, 2006, the amounts in this section shall lapse.

Appropriation:

State Building Construction Account--State .. \$3,071,500

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$3,071,500

Sec. 130. 2005 c 488 s 287 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely ~~((to))~~ for services and activities including the purchase and ~~((install))~~ installation of state of the art equipment for a 40,000 square foot facility supporting work force development programs using funds available to the state in section 903(d) of the Social Security Act (Reed act).

Reappropriation:

Unemployment Compensation Administration

Account--Federal \$6,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$6,000,000

Sec. 131. 2005 c 488 s 323 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (06-4-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$10,000,000 of the state building construction account--state appropriation is provided for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.

(2) \$5,000,000 of the state building construction account--state appropriation is provided solely for water quality grants for hardship communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality rules; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.

(3) \$1,000,000 of the state building construction account--state appropriation is provided solely to design appropriate wastewater treatment facilities to serve the Hoodspout to Skokomish reservation areas of Hood Canal. The exact facilities will be based upon the recommendations from an analysis of wastewater management options for the Hoodspout to Skokomish river currently being undertaken by Mason county.

(4) \$750,000 of the state building construction account--state appropriation is provided solely for assistance in management and clean up activities at Long Lake in Kitsap county and \$50,000 of the state building construction account--state appropriation is provided solely for assistance in cleaning up Wapato Lake in Pierce county. The assistance is contingent on the lake communities adopting a lake management plan that meets the department's requirement.

(5) \$320,000 of the water quality account--state appropriation is provided solely to Mason county to develop a septic system data base and identify failing septic systems in Hood Canal.

(6) \$70,000 of the water quality account--state appropriation is provided solely to Kitsap county for surveys of septic systems in Hood Canal.

(7) \$70,000 of the water quality account--state appropriation is provided solely to Jefferson county for surveys of septic systems in Hood Canal.

(8) Up to \$1,500,000 of the water quality account--state appropriation is for grants for on-site sewage replacement. This appropriation may be used to: (a) Establish new or expand existing on-site sewage repair and replacement loan or grant programs by county governments or tribes; or (b) develop a pilot program to administer an on-site sewage repair and replacement loan program through a qualified private or nonprofit lending institution. This appropriation must be used in conjunction with the water pollution control revolving account--state appropriation in section 135 of this act provided for this purpose. Of this amount, up to \$1,000,000 may be used to help financially distressed homeowners repair and replace

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

failing on-site sewage systems, and up to \$500,000 may be used to help local governments plan, implement, and administer the local loan fund assistance programs. The total overall local government and tribal administration costs may not exceed seven percent of the total statewide grant and loan on-site program. The department must report on the use of these funds to the Puget Sound water quality action team as part of its activities under the 2005-2007 Puget Sound conservation and recovery plan.

(9) \$3,500,000 of the state toxics control account--state appropriation is provided solely for wastewater treatment upgrades at Twanoh, Dosewallips, Fort Casey, Fort Ebey, Birch Bay, and Sequim Bay state parks.

(10) \$600,000 of the state building construction account--state appropriation is provided solely for the community of Klickitat to supplement other local, state, and federal funds for wastewater treatment facility construction. Klickitat will not be required to accept a state revolving loan as a match to the grant.

(11) \$1,250,000 of the state toxics control account--state appropriation is provided solely for accelerating toxic cleanup in the Spokane area.

(12) \$1,500,000 of the state building construction account--state appropriation is provided solely for the city of Carnation wastewater treatment system construction.

(13) \$1,150,000 of the state building construction account--state appropriation is provided solely for activities required to determine the total daily maximum load (TMDLs) for the Spokane river.

(14) The remaining appropriation in this section is provided for statewide water quality implementation and planning grants and loans.

Appropriation:

State Building Construction Account--State	(\$20,000,000)
	\$23,250,000
Water Quality Account--State	(\$7,500,000)
	\$9,000,000
State Toxics Control Account--State	(\$10,500,000)
	\$15,250,000
Subtotal Appropriation	(\$38,000,000)
	\$47,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$211,808,000
TOTAL	(\$249,808,000)
	\$259,308,000

Sec. 132. 2005 c 488 s 324 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

State Drought Preparedness (05-4-009)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for response to the statewide drought that was declared pursuant to chapter 43.83B RCW. The department of ecology may provide funding or compensation for purchase or lease of water rights and to public bodies as defined in RCW 43.83B.050 in connection with projects and measures designed to alleviate drought conditions which may affect: Public health and safety; drinking water supplies; agricultural activities; or fish and wildlife survival.

(2) Projects or measures for which funding or compensation will be provided must be connected with a water system, water source, or water body which is receiving, or has been projected to receive, less than seventy-five percent of normal water supply, as the result of natural drought conditions. This reduction in water supply must be such that it is causing, or will cause, undue hardship for the entities or fish or wildlife depending on the water supply. General criteria for guidelines to be established by the department of ecology for distribution of funds must include: A balanced and equitable distribution of

the funds among the different sectors affected by drought; a funding process that ensures funds are available for drought impacts that arise both early and later during the course of the drought; and preference for projects that leverage other federal and local funds.

(3) Up to \$1,500,000 of the reappropriation in this section is provided to the Roza irrigation district for the purchase or lease of water rights.

(4) \$150,000 of the reappropriation in this section is provided solely to support the development and demonstration of water management measures in the Walla Walla Basin that improve and protect instream flow and water quality, and which also help sustain agricultural and economic vitality. The director of the department shall report to the legislature by December 31, 2006, with any findings, conclusions, and recommendations regarding such water management measures.

(5) \$50,000 of the reappropriation in this section is provided solely to Chelan county to assess the feasibility of storing water in Campbell creek canyon to supplement instream flows in Peshastin creek, as part of the Peshastin irrigation district.

(6) \$100,000 of the reappropriation in this section is provided solely for a study of ground water and other issues related to drought in the Quilcene watershed.

Reappropriation:

State Drought Preparedness Account--State	(\$8,200,000)
	\$7,330,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$8,200,000)
	\$7,330,000

Sec. 133. 2005 c 488 s 325 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Local Toxics Grants for Clean up and Prevention (06-4-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,000,000 of the appropriation is provided solely for grants to local governments for local projects that implement the state "never waste" plan. Grant funds will emphasize additional organics composting and conversion, green building, and moderate risk waste projects described in the plan. Of this amount, up to \$1,600,000 may be used for one-time funding for auto switch recycling consistent with the memorandum of agreement being finalized with the auto recyclers association.

(2) \$2,000,000 of the appropriation is provided for emission reduction projects for local governments to retrofit public sector diesel engines with exhaust emission control devices or to make other modifications or operational changes, including cleaner fuels, to allow public sector fleets to reduce their emissions.

(3) \$3,000,000 of the appropriation is provided solely for grants to local governments needing assistance in complying with the new phase II storm water permit requirements. Of this amount, \$300,000 is provided solely for Mason county to prepare storm water management plans for Belfair and Hoodspout consistent with the storm water program in the Puget Sound conservation and recovery plan.

~~(4) (\$60,000,000)~~ \$70,900,000 of the appropriation is provided solely for remedial action grants. Of this amount, \$1,000,000 is provided to the town of Warden to respond to contamination of their existing water system.

(5) From within this appropriation, the department shall prepare an online guide to help small businesses and homeowners learn what to do if they discover toxic wastes on their property. The guide shall provide information about local resources for clean up and disposal of toxic wastes.

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(6) \$8,000,000 of the appropriation is provided solely for coordinated prevention grants provided to local governments for local government solid and hazardous waste planning, household and small business hazardous waste collection and disposal, recycling capital purchases and program development, and local solid waste enforcement.

Appropriation:

Local Toxics Control Account--State	((\$80,000,000))
	\$98,900,000
Prior Biennia (Expenditures)	\$45,000,000
Future Biennia (Projected Costs)	\$180,000,000
TOTAL	(\$315,000,000)
	\$323,900,000

Sec. 134. 2005 c 488 s 327 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Safe Soil Remediation and Awareness Projects (06-2-001) The appropriation in this section is subject to the following conditions and limitations: \$700,000 of the appropriation is provided solely to continue clean up of the Everett Asarco residential area.

Appropriation:

State Toxics Control Account--State	(\$2,000,000)
	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$2,000,000)
	\$5,000,000

Sec. 135. 2005 c 488 s 329 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Account (06-4-002)

The appropriations in this section are subject to the following conditions and limitations:

- (1) The department shall give priority loan funding consideration to on-site septic system rehabilitation and replacement programs in Mason, Kitsap, and Jefferson counties for at least \$1,000,000 from the water pollution control revolving account--state in the second year of the funding cycle.
- (2) Up to \$5,000,000 of the water pollution control revolving account--state appropriation is for loans for on-site sewage replacement. This appropriation may be used to: (a) Establish new or expand existing on-site sewage repair and replacement loan programs by county governments or tribes; or (b) develop a pilot program to administer an on-site sewage repair and replacement loan program through a qualified private or nonprofit lending institution. This appropriation must be used in conjunction with water quality account--state appropriation in section 131 of this act provided for this purpose. The department must work with the department of health, the Puget Sound water quality action team, local governments, and the lending industry in developing and piloting this program. The department shall provide a status report on the loan program to the governor and the appropriate legislative fiscal committees by June 30, 2007, including any recommendations for improving the program. The department must report on the use of these funds to the Puget Sound water quality action team as part of its activities under the 2005-2007 Puget Sound conservation and recovery plan.

Appropriation:

Water Pollution Control Revolving Account--State	\$162,839,146
Water Pollution Control Revolving Account--Federal	\$76,777,140
Subtotal Appropriation	\$239,616,286
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$912,000,000

TOTAL \$1,151,616,286
Sec. 136. 2005 c 488 s 330 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (06-2-003)

The appropriations in this section ((~~is~~)) are subject to the following conditions and limitations: \$12,000,000 of the appropriation is provided solely for projects and water right acquisitions to support watershed planning efforts and achieving instream flows subject to the following project types, conditions, and limitations:

(1) Up to \$1,353,172 of the appropriation is provided to improve irrigation efficiency and to achieve associated flow improvements in the Twisp and Methow rivers by providing for cleaning and lining and/or piping of 30,943 linear feet of the irrigation canal within the lower (downstream) seven miles of the Methow Valley irrigation district's west canal. Of this amount, up to \$100,000 is provided for a neutral independent consultant to provide management assistance to the Methow Valley irrigation district for purposes of identifying structural and operational improvements to increase overall system water use efficiency.

(2) Up to \$200,000 of the appropriation is provided for a portion of the costs of the project level environmental impact statement for the Ahtanum creek watershed restoration program, including construction of the Pine Hollow reservoir, provided there is agreement among the Yakama nation, Ahtanum irrigation district, and other jurisdictional federal, state, and local agencies and entities to proceed with the environmental impact statement.

(3) Up to \$75,000 of the appropriation is provided to formalize the Ahtanum creek watershed restoration program, including identification of site specific habitat improvement projects and determination of the most appropriate restoration program alternative to implement.

(4) Up to \$1,500,000 of the appropriation is provided to reduce diversions from the Dungeness river through pipeline projects identified in the Dungeness river comprehensive irrigation district management plan. For at least one year from the effective date of this section, while the parties seek resolution of the court action filed in Thurston county superior court, No. 04-2-00078-2, none of these funds may be allocated to any projects in the Dungeness river basin that are within the area that is the zone of contribution for ground and surface water infiltration to the existing Graysmarsh wetland.

(5) \$100,000 of the appropriation is provided solely to the city of Normandy Park to implement the basin plan for the Miller/Walker and Salmon creek basins.

(6) Water storage grants for the development of plans, engineering and financing reports, acquiring lands and facilities, and other preconstruction activities associated with the development of water storage and groundwater storage and recovery projects. Proposed projects should be consistent with the recommendations of the water storage task force. The department of ecology would issue grants in consultation with the departments of agriculture and fish and wildlife.

(7) Infrastructure improvement projects and other water management actions that benefit stream flows and enhance water supply to resolve conflicts among water needs for municipal water supply, agriculture water supply, and fish restoration. The stream flow improvements and other public benefits secured from these projects should be commensurate with the investment of state funds.

(8) Projects for planning, acquisition, construction, and improvement of agriculture water supply facilities and achieving water conservation and water use efficiency improvements.

(9) Financial assistance to purchase and install water measuring devices at points of diversion and withdrawal.

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

Preference would be given to fish-critical basins, to areas participating in the department of fish and wildlife fish screening and cooperative compliance programs, and to basins where watershed planning has determined additional water diversion and withdrawal information is needed.

(10) Funding for acquisition of either water or water rights, or both, for instream flow achievement and establishment of water accounts. The appropriation is provided for either the purchase or lease, or both, of water rights. It is also provided for the purpose of improving stream and river flows in fish critical basins under the trust water rights program under chapters 90.42 and 90.38 RCW.

(11) The department shall provide small grants to watershed councils that have completed watershed plans. The grants are intended to support periodic meetings and other monitoring activities of the councils so that they can monitor the implementation of watershed plans.

(12) \$400,000 of the water quality account--state appropriation is provided solely to support the Skagit comprehensive irrigation district management plan.

(13) \$400,000 of the state building construction account--state appropriation is provided solely for grants for watershed planning, including \$250,000 for King county, \$75,000 for planning for the Little Spokane river, and \$75,000 in enhanced funding for the Chehalis watershed council.

Appropriation:

State Building Construction Account--State	(\$12,000,000)
	\$12,400,000
Water Quality Account--State	\$400,000
Subtotal Appropriation	\$12,800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$48,000,000
TOTAL	(\$60,000,000)
	\$60,800,000

NEW SECTION, Sec. 137. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Motor Vehicle Mercury Removal Program (06-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is for one-time funding to implement the memorandum of agreement establishing the Washington motor vehicle mercury switch removal program. If chapter ... (Second Substitute House Bill No. 1731), Laws of 2006 is enacted by June 30, 2006, then the amount in this section shall be appropriated to the Hood Canal aquatic rehabilitation program under the interagency committee for outdoor recreation in section 155 of this act.

Appropriation:

State Toxics Control Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION, Sec. 138. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Early Spill Response Equipment Caching (06-1-003)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for grants to local governments to secure and place hazardous material spill response equipment at critical locations around the state. Grant funds will emphasize strategic placement of equipment that will allow for quick access and deployment by state, local, or tribal responders in the event of a spill.

Appropriation:

Local Toxics Control Account--State	\$1,450,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs)	\$0
TOTAL	\$1,450,000

NEW SECTION, Sec. 139. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Local Innovative Storm Water Grants (06-2-006)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for grants to local governments in Puget Sound to fund innovative, low-impact development storm water management projects to meet critical storm water management needs and protect or restore water quality. Projects may include use of bioretention, rainwater harvest, permeable pavement, vegetated roofs, and other low-impact development techniques. Projects funded in Puget Sound must meet the design guidelines contained in the low impact development technical guidance manual for Puget Sound, unless the municipality can demonstrate that site conditions warrant a deviation from the design guidelines and the deviations in design shall provide similar performance. All projects must include performance monitoring. The department must report on the use of these funds to the Puget Sound water quality action team as part of its activities under the 2005-2007 Puget Sound conservation and recovery plan.

Appropriation:

State Toxics Control Account--State	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,500,000

NEW SECTION, Sec. 140. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Waste Tire Clean Up (06-1-002)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the department to initiate clean up of waste tires at the highest risk sites statewide. This clean up work must include major progress at the Goldendale site in Klickitat county.

Appropriation:

Waste Tire Removal Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION, Sec. 141. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxics Sites - Puget Sound (06-4-001)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the clean up of contaminated sites that lie adjacent to and are within one-half mile of Puget Sound. Clean ups must include orphan and abandoned sites that pose a threat to Puget Sound with the highest priority sites being cleaned up first. The department must report on the use of these funds to the Puget Sound water quality action team as part of its activities under the 2005-2007 Puget Sound conservation and recovery plan.

Appropriation:

State Toxics Control Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION, Sec. 142. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

Clean Up Toxic Sites - Upland and Aquatics (06-1-005)

The appropriation in this section is subject to the following conditions and limitations: The department must report on the use of these funds to the Puget Sound water quality action team as part of its activities under the 2005-2007 Puget Sound conservation and recovery plan.

Appropriation:

State Toxics Control Account--State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 143. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Columbia River Basin Water Supply Development Program (06-2-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for implementation of the Columbia river basin water supply development program in chapter 6, Laws of 2006.

Appropriation:

Columbia River Basin Water Supply Development Account--State	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

Sec. 144. 2005 c 488 s 340 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Minor Works: Facility Preservation (04-1-001)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations in this section are provided solely to continue minor works projects that reduce the deferred maintenance backlog.

Reappropriation:

State Building Construction Account--State	\$147,269
Parks Renewal and Stewardship Account--State	(\$2,600,000)
	<u>\$679,079</u>
Subtotal Reappropriation	(\$2,747,269)
	<u>\$826,348</u>
Prior Biennia (Expenditures)	\$4,990,231
Future Biennia (Projected Costs)	\$0
TOTAL	(\$7,737,500)
	<u>\$5,816,579</u>

Sec. 145. 2005 c 488 s 341 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Parkland Acquisition (04-2-013)

Reappropriation:

Parkland Acquisition Account--State	(\$412,690)
	<u>\$191,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$412,690)
	<u>\$191,000</u>

Sec. 146. 2005 c 488 s 342 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Recreation Development (04-2-002)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Up to \$100,000 of the reappropriation shall be used to retain a consultant to conduct a predesign study for a headquarters building located in Thurston county. The predesign shall compare a new leased facility against options to build and evaluate appropriate funding strategies.

(2) ~~(\$900,000)~~ Up to \$700,000 of the reappropriation is provided ~~(solely)~~ to install fee collection stations at selected parks statewide. Any unused funding of this reappropriation may be expended on other recreation development projects including up to \$35,000 for the artificial reef project at Saltwater state park.

(3) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the commission shall file quarterly project progress reports with the office of financial management.

Reappropriation:

State Building Construction Account--State	\$700,000
Prior Biennia (Expenditures)	\$2,200,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,900,000

Sec. 147. 2005 c 488 s 346 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Beacon Rock - Pierce Trust (06-1-030)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for improvements to ~~(the group camp at)~~ Beacon Rock state park.

(2) The funding has been provided solely and directly for this project.

Appropriation:

Parks Renewal and Stewardship Account--Private/Local	\$350,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$350,000

NEW SECTION. Sec. 148. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Sustainable Development and Restoration (06-1-011)

Appropriation:

State Toxics Control Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

Sec. 149. 2005 c 488 s 360 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Parkland Acquisition Account (06-2-020)

The appropriation in this section is subject to the following conditions and limitations: The state parks and recreation commission shall provide lists of potential purchases and sales to the office of financial management and the legislature prior to committing the state parks and recreation commission to any sale or purchase of land or buildings and prior to any allotments made for those purchases. Included in the lists will be any potential operating or capital cost impacts known to the state parks and recreation commission.

Appropriation:

Parkland Acquisition Account--State	(\$4,000,000)
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	<u>\$6,000,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	((\$20,000,000))
	<u>\$22,000,000</u>

Sec. 150. 2005 c 488 s 365 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Park Development (06-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 is provided solely to construct a pedestrian/emergency vehicle access bridge across Connor creek to allow for beach access.

(2) \$500,000 is provided solely to determine long-term park zoning, design park amenities and services, and provide site permit and initial construction development at Nisqually-Mashel. The state parks and recreation commission shall provide a predesign in accordance with the office of financial management's predesign instructions.

(3) \$150,000 is provided solely for initial park development at Sequim Bay-Miller Peninsula. The state parks and recreation commission shall provide a predesign in accordance with the office of financial management's predesign instructions.

Appropriation:

State Building Construction Account--State ...	\$900,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$900,000

NEW SECTION. Sec. 151. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Hood Canal Wastewater and Improvement Projects (06-1-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for wastewater and clean water improvement projects at the following locations:

Projects	Amount
Twanoh state park	\$100,000
Dosewallips state park	\$1,200,000
Belfair state park	\$700,000
Potlatch state park	\$1,050,000
Kitsap Memorial state park	\$500,000
Scenic Beach state park	\$900,000
Twanoh and Triton Cove state parks	\$300,000
Shine Tidelands state park	\$850,000
Pleasant Harbor state park	\$150,000
Triton Cove state park	\$170,000
Total	\$5,920,000

Appropriation:

Hood Canal Aquatic Rehabilitation Bond

Account--State	\$5,920,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,920,000

NEW SECTION. Sec. 152. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Puget Sound Wastewater and Improvement Projects (06-1-851)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for wastewater and clean water improvement projects at the following locations:

Projects	Amount
Sequim Bay state park	\$125,000
Fort Flagler state park	\$750,000
Larabee state park	\$750,000
Fort Worden state park	\$300,000
Camano Island state park	\$300,000
Deception Pass state park	\$350,000
Possession Point	\$250,000
Illahee state park	\$1,100,000
Kopachuck state park	\$1,200,000
Penrose Point state park	\$700,000
Blake Island state park	\$250,000
Fay Bainbridge state park	\$1,300,000
Total	\$7,375,000

Appropriation:

State Building Construction Account--State ..	\$7,375,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,375,000

NEW SECTION. Sec. 153. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Bear Creek Corridor Land Acquisition (06-2-951)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for acquisition of land near Bear creek and Pearygin lake state park.

Appropriation:

State Building Construction Account--State ..	\$1,600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,600,000

NEW SECTION. Sec. 154. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Deferred Maintenance - Facilities (06-1-036)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

to reduce the backlog of maintenance and preservation of state park facilities.

Appropriation:

State Building Construction Account--State ..	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 155. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Hood Canal Aquatic Rehabilitation Program (06-4-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) The Puget Sound action team and the local management board shall develop a list of projects, studies, and activities relating to the recovery of Hood Canal in accordance with RCW 90.88.030. The list developed shall be based upon the project's likely value in addressing and resolving Hood Canal's low dissolved oxygen concentrations.

(2) The Puget Sound action team and the local management board shall recommend to the interagency committee for outdoor recreation and the governor a prioritized list of projects to be funded under subsection (1) of this section. The governor may remove projects from the list recommended by the Puget Sound action team and the local management board and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and the amount of recommended state funding.

(3) The interagency committee for outdoor recreation shall not sign contracts or otherwise financially obligate funds from the Hood Canal aquatic rehabilitation bond account before the legislature has appropriated funds for a specific list of projects. The legislature may remove projects from the list recommended by the Puget Sound action team and the local management board.

Appropriation:

Hood Canal Aquatic Rehabilitation Bond Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

Sec. 156. 2005 c 488 s 368 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms and Archery Range Program (FARP) (98-2-004)

Reappropriation:

Firearms Range Account--State	(\$31,478)
	<u>\$61,478</u>
Prior Biennia (Expenditures)	\$542,191
Future Biennia (Projected Costs)	\$0
TOTAL	(\$573,669)
	<u>\$603,669</u>

Sec. 157. 2005 c 488 s 369 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway Off-road Vehicle Program (NOVA) (98-2-002)

Reappropriation:

Nonhighway and Off-Road Vehicle Activities Program Account--State	(\$1,243,986)
	<u>\$1,322,986</u>

Prior Biennia (Expenditures)	\$9,851,937
Future Biennia (Projected Costs)	\$0
TOTAL	(\$11,095,923)
	<u>\$11,174,923</u>

Sec. 158. 2005 c 488 s 370 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington Wildlife and Recreation Program (WWRP) (98-2-003)

The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may be used to fund alternate projects approved by the legislature from the same account in biennia succeeding that in which the moneys were originally appropriated.

Reappropriation:

Outdoor Recreation Account--State	\$4,547,515
Habitat Conservation Account--State	(\$1,170,894)
	<u>\$4,382,894</u>
Subtotal Reappropriation	(\$5,718,409)
	<u>\$8,930,409</u>
Prior Biennia (Expenditures)	\$71,883,173
Future Biennia (Projected Costs)	\$0
TOTAL	(\$77,601,582)
	<u>\$80,813,582</u>

Sec. 159. 2005 c 488 s 372 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Salmon Recovery Funding Board Programs (SRFB) (00-2-001)

Reappropriation:

General Fund--Federal	(\$11,227,424)
	<u>\$13,320,424</u>
Salmon Recovery Account--State	(\$2,366,010)
	<u>\$3,597,010</u>
Subtotal Reappropriation	(\$13,593,434)
	<u>\$16,917,434</u>
Prior Biennia (Expenditures)	\$88,031,707
Future Biennia (Projected Costs)	\$0
TOTAL	(\$101,625,141)
	<u>\$104,949,141</u>

Sec. 160. 2005 c 488 s 376 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms and Archery Range Program (02-0-001)

Reappropriation:

Firearms Range Account--State	(\$44,677)
	<u>\$120,677</u>
Prior Biennia (Expenditures)	\$355,323
Future Biennia (Projected Costs)	\$0
TOTAL	(\$400,000)
	<u>\$476,000</u>

Sec. 161. 2005 c 488 s 382 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Wildlife and Recreation Program (WWRP) (02-4-003)

The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

be used to fund projects in the following order: (1) The department of natural resources Cypress Island project; and (2) alternate projects approved by the legislature from the same account in biennia succeeding that in which the funds were originally appropriated.

Reappropriation:

Outdoor Recreation Account--State	.....	(\$2,041,864)
		<u>\$3,525,864</u>
Habitat Conservation Account--State	.....	\$6,928,926
Subtotal Reappropriation	.....	(\$8,970,790)
		<u>\$10,454,790</u>
Prior Biennia (Expenditures)	.....	\$36,029,210
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	(\$45,000,000)
		<u>\$46,484,000</u>

Sec. 162. 2005 c 488 s 385 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Facilities Program (BFP) (04-4-003)

Reappropriation:

Recreation Resources Account--State	....	(\$3,753,480)
		<u>\$4,484,480</u>
Prior Biennia (Expenditures)	.....	\$3,753,479
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	(\$7,506,959)
		<u>\$8,237,959</u>

Sec. 163. 2005 c 488 s 386 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms and Archery Range Program (04-4-006)

Reappropriation:

Firearms Range Account--State	.....	(\$144,997)
		<u>\$154,997</u>
Prior Biennia (Expenditures)	.....	\$105,003
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	(\$250,000)
		<u>\$260,000</u>

Sec. 164. 2005 c 488 s 387 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Family Forest Fish Blockages Program (04-4-011)

Reappropriation:

State Building Construction Account--State	..	(\$780,379)
		<u>\$1,191,379</u>
Prior Biennia (Expenditures)	.....	\$1,219,621
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	(\$2,000,000)
		<u>\$2,411,000</u>

Sec. 165. 2005 c 488 s 390 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

National Recreation Trails Program (NRTP) (04-4-008)

Reappropriation:

General Fund--Federal	.....	(\$1,130,000)
		<u>\$1,447,000</u>
Prior Biennia (Expenditures)	.....	\$1,130,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	(\$2,260,000)
		<u>\$2,577,000</u>

Sec. 166. 2005 c 488 s 391 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway and Off-Road Vehicle Activities Program (NOVA) (04-4-004)

Reappropriation:

NOVA Program Account--State	.....	(\$5,492,729)
		<u>\$5,620,729</u>
Prior Biennia (Expenditures)	.....	\$1,433,581
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	(\$6,926,310)
		<u>\$7,054,310</u>

Sec. 167. 2005 c 488 s 392 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Salmon Recovery Funding Board Programs (SRFB) (04-4-001)

Reappropriation:

General Fund--Federal	.....	(\$32,832,305)
		<u>\$35,876,305</u>
State Building Construction Account--State	.....	(\$11,500,000)
		<u>\$13,885,000</u>
Subtotal Reappropriation	.....	(\$44,332,305)
		<u>\$49,761,305</u>
Prior Biennia (Expenditures)	.....	\$1,000,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	(\$45,332,305)
		<u>\$50,761,305</u>

Sec. 168. 2005 c 488 s 395 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Facilities Program (BFP) (06-4-003)

Appropriation:

Recreation Resources Account--State	....	(\$8,350,000)
		<u>\$7,271,000</u>
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$36,597,535
TOTAL	.....	(\$44,947,535)
		<u>\$43,868,535</u>

Sec. 169. 2005 c 488 s 398 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Family Forest Fish Passage Program (06-4-011)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is provided solely for the salmon recovery funding board in consultation with the small forest landowner office of the department of natural resources and the department of fish and wildlife to provide grants to correct fish passage blockages on nonindustrial forest lands. Selection of projects must be coordinated with the other salmon recovery grant programs provided in section 403 of this act.

(2) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the committee shall file quarterly project progress reports with the office of financial management.

Appropriation:

State Building Construction Account--State	..	\$4,150,000
General Fund--Federal	.....	<u>\$217,000</u>

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

Subtotal Appropriation	\$4,367,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$4,150,000)
	\$4,367,000

Sec. 170. 2005 c 488 s 401 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway and Off-Road Vehicle Program (NOVA) (06-4-004)

The appropriation in this section is subject to the following conditions and limitations: \$100,000 of the appropriation is for the following studies:

(1) The committee shall prepare cost estimates for creating a database of motorized and nonmotorized off-road trails and facilities in Washington state. The cost estimate shall consider the possibility of a database that allows the downloading of maps formatted for the most widely used GPS devices, including the feasibility and cost to make GPS maps readily available for all users of Washington recreational lands and facilities. For this purpose, available GPS maps shall include GPS maps developed by state agencies, by federal agencies, and proprietary maps offered by private companies.

(2) The committee shall recommend a program for enhanced education and enforcement regarding excessive noise from off-road vehicles. The study shall include a review of relevant existing laws and regulations. The recommendations shall address the appropriate equipment needed for enforcement, model ordinances, enhanced educational strategies, and a proposed grant program to assist local governments to more effectively reduce the impact of excessive ORV noise in rural residential neighborhoods and nonresidential areas, including consideration of grant programs for planning departments, code enforcement departments, health departments, or other entities of local government.

Appropriation:

Nonhighway and Off-Road Vehicle Activities	
Program Account--State	\$7,579,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$39,946,858
TOTAL	\$47,525,858

Sec. 171. 2005 c 488 s 402 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

National Recreation Trails Program (N RTP) (06-4-008)

Appropriation:

General Fund--Federal	(\$2,350,000)
	\$2,800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$9,400,000
TOTAL	(\$11,750,000)
	\$12,200,000

NEW SECTION. Sec. 172. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Youth Athletic Fields (06-2-952)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for competitive grants for acquisition, development, and renovation of youth athletic fields. The committee shall follow the applicable rules of the youth athletic facilities program, except that grants for maintenance are not eligible. The

committee shall accept private donations for youth athletic fields and deposit them in the youth athletic facility account. For every \$500,000 in private donations received, the committee shall match those funds with \$500,000 from the appropriation provided in this section and award grants totaling \$1,000,000 to the highest priority projects. The committee is authorized to expend up to five percent of the appropriation for administration of the program and for publicizing the program, especially to owners, players, and fans of Washington's major league professional sports teams.

Appropriation:

State Building Construction Account--State	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,500,000

Sec. 173. 2005 c 488 s 414 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION

Skokomish Anaerobic Digester (06-4-009)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a grant to the Mason conservation district for construction of an anaerobic digester in the Skokomish river watershed. Up to ~~(\$50,000)~~ \$65,000 of this amount may be spent on completing design concepts and feasibility analysis. The remaining funds shall be allotted only after the following has occurred: (1) Mason conservation district secures nonstate matching funds or in-kind contributions of at least twenty-five percent of the total project cost; (2) a feasibility study is completed and submitted to the Puget Sound action team and the state conservation commission; and (3) the Puget Sound action team and the state conservation commission approve the project proposal.

Appropriation:

State Building Construction Account--State	\$560,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$560,000

Sec. 174. 2005 c 488 s 425 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Facility, Infrastructure, Lands, and Access Condition Improvements (06-1-002)

The appropriations in this section are subject to the following limitations: \$5,000 of the appropriation in this section is provided solely for bank stabilization of the south Toledo access road.

Appropriation:

General Fund--Federal	\$650,000
State Building Construction Account--State	\$6,457,000
Subtotal Appropriation	\$7,107,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$26,600,000
TOTAL	\$33,707,000

Sec. 175. 2005 c 488 s 427 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Fish and Wildlife Population and Habitat Protection (06-1-003)

The appropriations in this section are subject to the following conditions and limitations:

~~((2))~~ (1) It is the intent of the legislature that expenditures from the wildlife account--state appropriation shall only be made to the extent funds are available in the account and will not result in a reduction to other programs or activities.

FIFTY-NINTH DAY, MARCH 8, 2006

(2) The department of fish and wildlife, in coordination with the department of natural resources, shall seek compensation for state-owned capital structures in the Wooten wildlife area damaged in the school fire. Any compensation received by the department shall be deposited in the state wildlife account.

Appropriation:

General Fund--Federal	\$2,830,000
General Fund--Private/Local	\$3,500,000
State Building Construction Account--State	(\$500,000)
	\$525,000
Wildlife Account--State	\$600,000
Subtotal Appropriation	(\$7,430,000)
	\$7,455,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$34,920,000
TOTAL	(\$42,350,000)
	\$42,375,000

NEW SECTION. Sec. 176. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Land Acquisition Pass-Thru Grants (06-4-018)

Appropriation:

Wildlife Account--Federal	\$3,300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,300,000

NEW SECTION. Sec. 177. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Department of Natural Resources - Department of Fish and Wildlife Land Exchange - Shrub Steppe (06-2-851)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely to appraise the value of lands for exchange with the department of natural resources. Forest lands transferred to the department of natural resources under this section shall be actively managed by the department under a cooperative agreement with surrounding public and private landowners to implement landscape scale restoration and other management objectives.

Appropriation:

State Building Construction Account--State ...	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 178. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Alternative Mitigation Exchange Service (06-2-852)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for contract services with the association of Washington cities and the Washington state association of counties for the purpose of developing and demonstrating an alternative mitigation exchange service in Vancouver and Clark county. The purposes of the exchange are to improve the environmental value of permit decision-making and to accomplish permit streamlining objectives.

Appropriation:

State Building Construction Account--State ...	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 179. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Estuary and Salmon Restoration in Puget Sound (06-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for nearshore estuary and shoreline projects supporting salmon recovery in Puget Sound.

(2) Project selection and funding decisions shall be submitted for approval to the executive committee of the Puget Sound nearshore partnership between the department and the United States army corps of engineers.

(3) Funded projects require a nonstate match or in-kind contributions. The match requirements must be approved by the executive committee identified in subsection (2) of this section.

(4) Project selection and funding decisions must be coordinated with the salmon recovery funding board to ensure that project funding and matching requirements are maximized to the greatest extent possible.

(5) The department shall not utilize any amount of this appropriation to support administration or overhead. Funding to support the administration of the funds and the implementation of selected projects must be obtained from the department's operating budget.

(6) Eligible projects must be within Puget Sound and identified in a current salmon recovery plan.

(7) All funds must be obligated to a specific project or projects no later than October 15, 2006.

(8) The department shall submit a report to the legislature and the office of financial management by November 1, 2006. The report must describe the status of all projects authorized for funding under this appropriation, including project location, implementation timeline, performance measures, funding structure, matching funds, and expected results.

Appropriation:

State Building Construction Account--State ..	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,000,000
TOTAL	\$7,500,000

NEW SECTION. Sec. 180. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Consolidate Downtown Olympia Functions (06-2-950)

The appropriation in this section is subject to the following conditions and limitations: The department shall consolidate functions and services provided at its downtown Olympia facilities with other state agencies providing those functions. The department shall vacate the downtown Olympia facilities by June 30, 2007, and transfer responsibility to dispose of the surplus property to the department of general administration. The department of general administration will work with the city of Olympia on necessary plans and permits that will allow sale of the property at the highest price. The department of general administration will submit a plan for disposal of the property to the fiscal committees of the legislature by June 30, 2007. The proceeds of the eventual disposal of the surplus property shall be deposited in the wildlife account for future use in the construction of the Deschutes watershed center.

Appropriation:

State Building Construction Account--State ...	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000

NEW SECTION. Sec. 181. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Skookumchuck Habitat Preservation (06-2-951)

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the acquisition of shrub steppe lands in Kittitas county near Skookumchuck creek.

Appropriation:

State Building Construction Account--State . . .	\$800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$800,000

NEW SECTION, Sec. 182. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Department of Fish and Wildlife Ranch Lands Irrigation Efficiencies (06-2-952)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for irrigation efficiency projects on ranch lands owned by the department.

Appropriation:

State Building Construction Account--State . . .	\$600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$600,000

NEW SECTION, Sec. 183. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Deschutes Watershed Center (06-2-008)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the design of the Deschutes Watershed center.

Appropriation:

State Building Construction Account--State . . .	\$850,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$24,700,000
TOTAL	\$25,550,000

Sec. 184. 2005 c 488 s 443 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Land Bank (06-2-015)

The appropriation in this section is subject to the following conditions and limitations:

(1) Prior to purchase or disposal of properties, the department shall consult with other natural resource agencies to ensure the properties marked for purchase or disposal are not eligible for trust land transfers.

(2) The department shall not acquire new commercial properties prior to the completion of the study by the state investment board of the performance of the department's commercial properties portfolio. The department shall cooperate with the state investment board and their consultants in the work required by the study.

(3) The department shall also prepare an inventory of acquisitions, sales, transfers, or exchanges of water rights within the past ten years. This inventory shall be submitted in a report to the appropriate committees of the legislature by December 1, 2006. The report shall also estimate the cost of a study to inventory all water rights that are connected to existing state lands.

Appropriation:

Resources Management Cost Account--State . .	\$5,000,000
Prior Biennia (Expenditures)	\$10,462,000
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$55,462,000

Sec. 185. 2005 c 488 s 451 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Small Timber Landowner (FREP) (06-2-019)

The appropriation in this section is subject to the following conditions and limitations:

(1) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.

(2) The department may not expend more than ~~(\$200,000)~~ \$300,000 of the appropriation for administrative or staff costs.

Appropriation:

State Building Construction Account--State ..	\$8,000,000
Prior Biennia (Expenditures)	\$7,750,000
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$55,750,000

NEW SECTION, Sec. 186. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Federal HCP Land Acquisition Grants (06-2-950)

Appropriation:

General Fund--Federal	\$6,720,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,720,000

Sec. 187. 2005 c 488 s 453 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Statewide Aquatic Restoration Projects (06-2-008)

The appropriations in this section are subject to the following conditions and limitations: \$2,000,000 of the state toxics control account--state appropriation is provided solely for costs related to removal of creosote logs and pilings in Puget Sound.

Appropriation:

Aquatic Lands Enhancement Account--State . . .	\$300,000
State Toxics Control Account--State	\$2,000,000
State Building Construction Account--State . . .	\$150,000
Subtotal Appropriation	(\$450,000)
	<u>\$2,450,000</u>
Prior Biennia (Expenditures)	\$200,000
Future Biennia (Projected Costs)	\$1,200,000
TOTAL	(\$1,850,000)
	<u>\$3,850,000</u>

NEW SECTION, Sec. 188. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Natural Heritage Program (06-2-854)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the natural heritage program to conduct surveys and inventory rare plants, animals, and vegetation communities on state lands needed for long-term asset management decisions.

Appropriation:

State Building Construction Account--State . . .	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION, Sec. 189. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Old Growth Forest Inventory (06-2-855)

FIFTY-NINTH DAY, MARCH 8, 2006

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely to conduct an inventory of old growth forests located on state lands east of the crest of Cascade mountains. The inventory is intended to be a continuation of the inventory conducted pursuant to section 905, chapter 277, Laws of 2004, and must be completed in two phases.

(2) In conducting the inventory required by this section, the department of natural resources shall reconvene a scientific panel with membership consistent with the structure created in section 905, chapter 277, Laws of 2004, and direct the panel to review the best available applicable scientific information. The panel shall also develop a definition for old-growth trees and stands located east of the crest of the Cascade mountains using attributes measured in department of natural resources inventory plots.

(3) The first phase of the inventory required by this section shall be completed by July 1, 2007. In the first phase, the panel shall identify reference stands for old-growth ponderosa pine, dry mixed conifer species, and pine-oak plant associations.

(4) The second phase of the inventory required by this section shall be completed by December 15, 2007. In the second phase, the department of natural resources shall use the definition provided by the scientific panel under subsection (2) of this section to produce an inventory of old growth forests located on state lands east of the crest of Cascade mountains. The inventory must include:

(a) Maps that illustrate the distribution of forest stands containing old-growth ponderosa pine, dry mixed-conifer species, and pine-oak plant associations, including sites with residual old-growth ponderosa pine trees; and

(b) Tables describing the number of acres of old-growth stands in each county, forest type, and department of natural resources' administrative unit.

(5) The department of natural resources shall report the information required by this section to the appropriate committees of the legislature.

(6) Until the completion of the inventory required by this section, the department of natural resources may not cut or remove any Douglas fir, ponderosa pine, or larch trees from state lands located east of the crest of the Cascade mountains if the tree is one hundred sixty years in age or older and has a diameter of twenty-eight inches or more when measured at breast height, unless removal of the tree is determined by the department of natural resources to be necessary to prevent an imminent physical or ecological hazard or otherwise satisfy a safety concern.

Appropriation:

Resource Management Cost Account--State . . .	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000

NEW SECTION. Sec. 190. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Deep Water Geoduck and Sea Cucumber Population Surveys (06-2-850)

Appropriation:

State Building Construction Account--State . . .	\$650,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$650,000

NEW SECTION. Sec. 191. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Energy Freedom Program (E3SHB No. 2939) (06-2-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely to implement the energy freedom program created in chapter . . . (Engrossed Third Substitute House Bill No. 2939), Laws of 2006. If the bill is not enacted by June 30, 2006, the appropriation shall lapse.

(2) The department shall not expend more than \$202,000 of the appropriation on administrative costs.

Appropriation:

Energy Freedom Account--State	\$6,750,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,750,000

NEW SECTION. Sec. 192. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Energy Freedom Program (06-2-851)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) The appropriation is provided solely for low-interest loans to political subdivisions for renewable energy projects including the development of biofuel oilseed crushers, supporting infrastructure, and facilities. The political subdivision may negotiate an appropriate agreement with the bioenergy industry for the use of the oilseed crushers, supporting infrastructure, and facilities.

(b) For purposes of this section, political subdivision means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state.

(2) The appropriation is provided solely for the following list of projects:

Project	Recommendation
Spokane Conservation district	\$2,000,000
Port of Warden	\$2,500,000
Odessa public development authority	\$2,500,000
Port of Columbia county	\$2,500,000
Port of Sunnyside	\$750,000
Total	\$10,250,000

(3) All agreements negotiated between the political subdivision and the bioenergy industry for use of the oilseed crushers, supporting infrastructure, or facilities funded in this section must provide for at least a fifty percent match by the industry partner. The industry match may include, but is not limited to, investments in rail, buildings, refining capacity, or seed stock.

(4) All other project funds must be disbursed prior to energy freedom loans, except where required on a matching basis by other federal or state programs.

(5) The department shall disburse loans to the political subdivision on a reimbursement basis only.

(6) The department may defer loan repayment for up to twenty-four months or until the projects start to receive revenue from operations, whichever is sooner.

(7) Upon written notice to the political subdivision, the department may suspend or cancel its loans if any of the following occur:

(a) The political subdivision fails to make satisfactory and reasonable progress to complete the project, or the department concludes the political subdivision will be unable to complete the project or any portion of it; or

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(b) The political subdivision or bioenergy industry partners have made misrepresentations in any information furnished to the department or the legislature in connection with the project.

(8) In the event that any portion of the loan has been paid to the political subdivision under this section at the time of breach, or failure of the political subdivision to satisfactorily perform, the department may require that the full amount of the loan, or a portion thereof, be repaid within a period specified by the department.

(9) Future loan repayments shall be deposited into the energy freedom account created in section 6, chapter . . . (Engrossed Third Substitute House Bill No. 2939), Laws of 2006.

(10) It is the intent of the legislature to provide loans for the development of a Washington state biodiesel industry based on Washington grown oilseed. The legislature is aware that in the development of this industry, the start-up process may necessitate the use of other oilseeds until Washington state growers plant sufficient crops to support this industry. The legislature also understands the realities of weather and market conditions in this process. The conversion to maximum Washington grown oilseed must be accomplished as quickly as possible. The political subdivision shall: (a) Develop a plan for outreach to local growers and an estimate of when maximum Washington state oilseed-based production will be reached; (b) develop a goal for the political subdivision to return a portion of the biofuel to local oilseed producers; and (c) report this information to the department of agriculture by December 1, 2006. The department shall report on the implementation of this section by January 1, 2007, to the appropriate committees of the legislature.

Appropriation:

Energy Freedom Account--State	\$10,250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,250,000

Sec. 193. 2005 c 488 s 601 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Common School Construction Account Deposits

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$15,000,000)~~ \$33,766,000 in fiscal year 2006 and \$15,000,000 in fiscal year 2007 of the education savings account appropriation shall be deposited in the common school construction account.

(2) \$99,737,000 of the education construction account appropriation shall be deposited in the common school construction account.

Appropriation:

Education Savings Account--State	(\$30,000,000)
	\$48,766,000
Education Construction Account--State	\$99,737,000
Subtotal Appropriation	(\$129,737,000)
	\$148,503,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$129,737,000)
	\$148,503,000

Sec. 194. 2005 c 488 s 605 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

School Construction Assistance Program (06-4-100)

The appropriations in this section are subject to the following conditions and limitations:

(1) For state assistance grants for purposes of calculating square foot eligibility, kindergarten student headcount shall not be reduced by fifty percent.

(2) ~~(\$14,439,000)~~ (a) \$14,889,000 from this appropriation is provided solely for projects at skills centers that are included on the prioritized list of capital items and major capital project list submitted by the state board of education ~~((and))~~.

(b) \$150,000 from this appropriation is provided solely for a comprehensive feasibility study for the development of a skills center in Skagit county.

(c) \$400,000 from this appropriation is provided solely for comprehensive feasibility studies for the development of skills centers in the following targeted areas: Moses Lake, northeast King county, Pierce county, and Seattle. Skills centers shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures and the proposed expenditures shall conform to state board of education rules and procedures for reimbursement of capital items. The state board of education shall develop a plan to include skills center capital requests within the state construction assistance program.

(3) \$156,155,000 of this appropriation is provided solely to increase the area cost allowance by \$12.14 per square foot for grades K-12 for fiscal year 2006, an additional \$12.27 per square foot for grades K-12 for fiscal year 2007, the student square footage allocation in fiscal year 2007 in accordance with the first step in the state board of education six-year plan, and the amount of state assistance provided for modernization and new in-lieu projects to one hundred percent of the area cost allowance.

(4) The appropriation in this section includes the amounts deposited in the common school construction account under section 601 of this act.

Appropriation:

State Building Construction Account--State	\$130,200,000
Common School Construction Account--State	

~~(\$474,853,000)~~

\$511,566,000

~~(\$605,053,000)~~

\$641,766,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$2,832,159,000

TOTAL ~~(\$3,437,212,000)~~

\$3,473,925,000

Sec. 195. 2005 c 488 s 606 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Environmental Learning Centers (06-2-951)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,950,000 from this appropriation is provided solely for capital projects at the Chewelah peak learning center. The Chewelah peak learning center shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures.

(2) \$400,000 of this appropriation is provided solely for capital projects at Camp Waskowitz learning center. Camp Waskowitz shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures.

(3) \$500,000 of the appropriation from the common school construction account is provided solely for capital projects at IslandWood education center on Bainbridge island. IslandWood shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures.

Appropriation:

State Building Construction Account--State .. \$2,350,000

Common School Construction Account--State . . \$500,000

Subtotal Appropriation	\$2,850,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$2,350,000)
	\$2,850,000

Sec. 196. 2005 c 488 s 607 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Apple Award Construction Achievement Grants (06-4-850)

The appropriation in this section is subject to the following conditions and limitations: Grants of \$25,000 are provided to public elementary schools whose students have shown the greatest combined average increase in the percentage of students meeting the fourth grade reading, mathematics, and writing standards on the Washington assessment of student learning from school year 2003-04 as compared to school year 2004-05 and school year 2004-05 as compared to school year 2005-06 ~~(and 2006-07)~~. \$250,000 shall be available for awards in ~~(2005-06)~~ fiscal year 2006 and \$250,000 in ~~(2006-07)~~ fiscal year 2007. The program shall be administered by the state board of education which shall determine categories for selection that provides geographic and school district size representation.

The grants shall be used for capital construction purposes as determined by the students in the schools and approved by the district's school directors. The funds may be used exclusively for capital construction projects on school property or on other public property in the community, city, or county in which the school is located.

Appropriation:

Education Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

Sec. 197. 2005 c 488 s 609 (uncodified) is amended to read as follows:

~~(FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION))~~ FOR THE STATE BOARD OF EDUCATION

High Performance Buildings (06-4-852)

The appropriation in this section is subject to the following conditions and limitations: Additional funding will be provided to school districts constructing public schools to recognized standards for high performance public buildings for a transition period of three years. The districts building high performance public schools will be granted funding per school project for capital-related costs associated with the design and construction of public K-12 schools that meet or exceed comprehensive design, construction, and operating standards for high performance and sustainable school buildings. No more than \$250,000 will be allotted for each elementary school built to high performance standards, no more than \$350,000 will be allotted for each middle school built to high performance standards, and no more than \$500,000 will be allotted to each high school built to high performance standards. These levels may be modified, in a limited manner, if specific project conditions warrant and as determined by the office of the superintendent of public instruction. The state board of education and the office of the superintendent of public instruction shall not expend more than \$195,000 of the appropriation for administrative costs.

Appropriation:

State Building Construction Account--State ..	\$6,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$13,000,000
TOTAL	\$19,500,000

Sec. 198. 2005 c 488 s 610 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

State School Construction Assistance Program Administration (06-2-001)

The appropriation in this section is subject to the following conditions and limitations: \$76,000 of the common school construction account--state appropriation is provided solely to implement chapter ... (Substitute House Bill No. 3098), Laws of 2006. If the bill is not enacted by June 30, 2006, the appropriation shall lapse.

Appropriation:

Common School Construction Account--State	(\$2,279,004)
	\$2,355,004
Prior Biennia (Expenditures)	\$3,969,379
Future Biennia (Projected Costs)	\$10,554,882
TOTAL	(\$16,803,265)
	\$16,879,265

NEW SECTION. Sec. 199. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE STATE BOARD OF EDUCATION

School Acoustic Grants (06-2-953)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for grants to school districts for demonstration projects to test the effect of using sound amplification technology in classrooms to improve student learning. The school districts selected shall represent various regions of the state and reflect differences in school district size and enrollment characteristics. Grant recipients must provide a one to one match and must provide outcome measures that show the effect on student learning five years after implementation of the technology. The state board of education shall compile the outcome data and report it to the appropriate committees of the legislature. The state board may retain a maximum of ten percent of the appropriation for administration of the grant program.

Appropriation:

Common School Construction Account--State ..	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

Sec. 200. 2005 c 488 s 612 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

Campus Preservation (06-1-003)

Appropriation:

State Building Construction Account--State ..	(\$700,000)
	\$900,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,800,000
TOTAL	(\$3,500,000)
	\$3,700,000

Sec. 201. 2005 c 488 s 613 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE DEAF

Omnibus Minor Works - Preservation (06-1-002)

Appropriation:

State Building Construction Account--State ..	(\$200,000)
	\$400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$775,000

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

TOTAL ((\$975,000))
\$1,175,000

Sec. 202. 2005 c 488 s 632 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Guggenheim Hall Renovation (06-1-006)

The appropriations in this section ((~~is~~)) are subject to the following conditions and limitations: No money from the appropriation in this section may be expended on surge space.

Appropriation:

State Building Construction Account--State((~~\$24,500,000~~))
\$15,211,500

Education Construction Account--State \$9,288,500

Subtotal Appropriation \$24,500,000

Prior Biennia (Expenditures) \$1,812,000

Future Biennia (Projected Costs) \$0

TOTAL \$26,312,000

NEW SECTION. Sec. 203. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Cleanup More Hall and Other Toxics/Shift Funds to Nanotechnology (06-1-950)

Appropriation:

State Toxics Control Account--State \$4,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,500,000

NEW SECTION. Sec. 204. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma Land Acquisition (06-2-852)

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$4,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,000,000

Sec. 205. 2005 c 488 s 650 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Biotechnology/Life Sciences 2 (04-2-085)

Reappropriation:

Washington State University Building Account--State

..... \$1,400,000

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$10,000,000

Prior Biennia (Expenditures) \$3,250,000

Future Biennia (Projected Costs) ((\$45,000,000))

\$56,000,000

TOTAL ((\$49,650,000))

\$70,650,000

NEW SECTION. Sec. 206. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

Martin Williamson Renovation (06-1-706)

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$200,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$24,238,000

TOTAL \$24,438,000

NEW SECTION. Sec. 207. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

Patterson Hall Remodel (06-2-002)

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$200,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$26,078,000

TOTAL \$26,278,000

NEW SECTION. Sec. 208. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

Replace Chiller (06-1-025)

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$1,880,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,880,000

Sec. 209. 2005 c 488 s 696 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Seminar Building Phase II - Construction (02-2-004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall not be used for

vehicles, laptop computers, small printers, disposable items, or other items with a useful life of less than one year.

Reappropriation:

The Evergreen State College Capital Projects

Account--State \$700,000

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$4,250,000

Prior Biennia (Expenditures) \$42,550,000

Future Biennia (Projected Costs) \$0

TOTAL ((\$43,250,000))

\$47,500,000

Sec. 210. 2005 c 488 s 714 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

Campus Roadway Development (04-2-073)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The purpose of the reappropriation is to complete a predesign of potential south campus roadway options and general circulation issues that avoids significant impacts on adjacent neighborhoods and conforms to the city of Bellingham traffic plans.

(2) The predesign shall also investigate options to achieve higher rates of alternative modes of transportation among faculty, staff, and students, minimize surface parking, and make improvements for traffic circulation, including public transit. Safe movement of pedestrians and bicyclists shall be a priority.

(3) Allotment for predesign is contingent upon the completion of a communication and public involvement plan for this project that is consistent with the significant projects section of the Western Washington University institutional master plan and adjacent neighborhood plans adopted by the city of Bellingham, the city of Bellingham Western Washington University neighborhood plan, and the neighborhood meeting

FIFTY-NINTH DAY, MARCH 8, 2006

requirements contained in Bellingham municipal code 20.40.060. The communication and public involvement plan shall seek to maximize public input through coordination of the planning effort with established neighborhood advisory groups and boards recognized by the city of Bellingham.

Reappropriation:

Western Washington University Capital Projects Account--State	(\$38,826)
Prior Biennia (Expenditures)	\$36,466
Future Biennia (Projected Costs)	\$290,174
<u>TOTAL</u>	<u>\$0</u>
<u>TOTAL</u>	<u>\$326,640</u>

NEW SECTION. Sec. 211. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE STATE ARTS COMMISSION

State Capitol Sundial Repair (06-4-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for a competitive grant for the redesign and repair of the gnomon on the capitol campus sundial. All Washington public community and technical colleges are encouraged to submit design proposals to the Washington state arts commission by December 31, 2006. Final selection shall be made by the commission.

Appropriation:

State Building Construction Account--State	\$5,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
<u>TOTAL</u>	<u>\$5,000</u>

Sec. 212. 2005 c 488 s 733 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Statewide - Washington Heritage Project Grants (06-4-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 27.34.330.

(2) The appropriation is provided solely for the following list of projects:

Project	Amount Recommended
Whatcom museum of history and art	\$133,303
Fort Walla Walla museum	\$150,000
Northwest maritime center	\$345,000
Squaxin Island tribal museum library & research cntr	\$210,539
Confluence project	\$500,000
City of Tumwater	\$70,901
City of Tacoma	\$350,000
Fox theater	\$102,000
Shoreline historical museum	\$143,578
Metro park district of Tacoma	\$35,000
Seattle parks department	\$150,000
Armed forces and aerospace museum	\$295,000
City of Lynnwood	\$85,294
Meadowbrook farm interpretive center	\$72,149
Center for wooden boats	\$100,000
Bainbridge Island historical society	\$207,957
Quileute tribal council	\$150,000
Northwest railway museum	\$360,000
Port Gamble S'Klallam tribe	\$363,579
Concrete heritage museum association	\$12,750
Quincy Valley historical society and museum	\$23,300
Foss waterway development authority	\$250,000
Broadway center for the performing arts	\$225,000
Village theatre	\$65,581
White river valley museum	\$99,069
Cascade land conservancy	\$112,500

2006 REGULAR SESSION

<u>Nunez Gaona veterans park</u>	<u>\$51,000</u>
TOTAL	(\$4,612,500)
	<u>\$4,663,500</u>

Appropriation:

State Building Construction Account--State	(\$4,612,500)
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
<u>TOTAL</u>	<u>(\$20,612,500)</u>
	<u>\$20,663,500</u>

NEW SECTION. Sec. 213. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Preservation of Women's History Documents (06-2-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the preservation of documents that are important in revealing the role of women in the history of the region and the role Washington women played in the nation's history.

Appropriation:

State Building Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
<u>TOTAL</u>	<u>\$200,000</u>

Sec. 214. 2005 c 488 s 777 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College: Undergraduate Education Center (04-2-692)

Appropriation:

State Building Construction Account--State	\$7,363,700
<u>Gardner-Evans Higher Education Construction Account--State</u>	<u>\$3,844,000</u>
<u>Subtotal Appropriation</u>	<u>\$11,207,700</u>
Prior Biennia (Expenditures)	\$126,000
Future Biennia (Projected Costs)	(\$27,407,540)
<u>TOTAL</u>	<u>(\$34,897,240)</u>
	<u>\$49,437,291</u>

Sec. 215. 2005 c 488 s 795 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Skagit Valley College: Science Building Replacement (04-1-209)

Reappropriation:

State Building Construction Account--State	\$14,664
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Appropriation:

State Building Construction Account--State	\$2,693,000
<u>Gardner-Evans Higher Education Construction Account--State</u>	<u>\$325,000</u>
<u>Subtotal Appropriation</u>	<u>\$3,018,000</u>
Prior Biennia (Expenditures)	\$285,336
Future Biennia (Projected Costs)	(\$24,268,049)
<u>TOTAL</u>	<u>(\$26,693,049)</u>
	<u>\$30,011,049</u>

NEW SECTION. Sec. 216. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

Seattle Central Community College: Maritime Academy Repairs (06-1-502)

Appropriation:

Gardner-Evans Higher Education Construction	
Account--State	\$268,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,588,000
TOTAL	\$1,856,000

NEW SECTION. Sec. 217. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River College: Water System Replacement (06-1-501)

Appropriation:

Gardner-Evans Higher Education Construction	
Account--State	\$1,951,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,951,000

NEW SECTION. Sec. 218. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Highline Community College: Primary Power Branch Replacement (06-1-503)

Appropriation:

Gardner-Evans Higher Education Construction	
Account--State	\$1,717,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,717,000

NEW SECTION. Sec. 219. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Skagit Valley College: Campus Fire Loop Replacement (06-1-504)

Appropriation:

Gardner-Evans Higher Education Construction	
Account--State	\$1,634,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,634,000

Sec. 220. 2005 c 488 s 905 (uncodified) is amended to read as follows:

(1) To ensure that minor works appropriations are carried out in accordance with legislative intent, funds appropriated in this act shall not be allotted until project lists are on file at the office of financial management ~~((and the office of financial management has formally approved the lists. Proposed revisions)), the house of representatives capital budget committee, and the senate ways and means committee. All projects must meet the criteria included in subsection (2)(a) of this section. Revisions to the lists must be filed with ((and approved by)) the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee and include an explanation of variances from the prior list before funds may be expended on the revisions.~~

(2)(a) Minor works projects are single line appropriations that shall include multiple projects valued between \$25,000 and \$1,000,000 each that are of a similar nature and can ~~((generally))~~ be completed within two years of the appropriation with the funding provided. These projects cannot be combined

with or be a part of an overall project, that if combined over a continuous period of time, would exceed \$1,000,000. Minor works categories include (i) health, safety, and code requirements; (ii) facility preservation; (iii) infrastructure preservation; and (iv) program improvement or expansion. Improvements for accessibility in compliance with the Americans with disabilities act may be included in any of the above minor works categories.

(b) Minor works appropriations shall not be used for, among other things: Studies, except for technical or engineering reviews or designs that lead directly to and support a project on the same minor works list; planning; design outside the scope of work on a minor works list; moveable, temporary, and traditionally funded operating equipment not in compliance with the equipment criteria established by the office of financial management; software not dedicated to control of a specialized system; moving expenses; land or facility acquisition; or to supplement funding for projects with funding shortfalls unless expressly authorized elsewhere in this act. The office of financial management may make an exception to the limitations described in this subsection (2)(b) for exigent circumstances after notifying the legislative fiscal committees and waiting ten days for comments by the legislature regarding the proposed exception.

(3) The ~~((office of financial management))~~ agency shall ~~((forward))~~ provide copies of these project lists and revised lists to the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee. No expenditure may be incurred or obligation entered into for minor works appropriations until the office of financial management has approved the allotment of the funds to be expended. The office of financial management shall encourage state agencies to incorporate accessibility planning and improvements into the normal and customary capital program.

(4) It is generally not intended to make future appropriations for capital expenditures or for maintenance and operating expenses for an acquisition project or a significant expansion project that is initiated through the minor works process and therefore does not receive a policy and fiscal analysis by the legislature. Minor works projects are intended to be one-time expenditures that do not require future state resources to complete.

NEW SECTION. Sec. 221. A new section is added to 2005 c 488 (uncodified) to read as follows:

Executive Order No. 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions shall comply with the requirements set forth in this executive order.

Sec. 222. 2005 c 488 s 909 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(1) Department of general administration:

(a) Enter into a financing contract for up to \$12,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the fifth and final phase of the roof membrane replacement at the east plaza parking structure as well as safety improvements to the parking garage below the plaza.

(b) Enter into a financing contract for up to \$6,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the fourth phase of the office building-2 rehabilitation that will renew failing building systems, correct code deficiencies, and improve access.

(c) Enter into a financing contract for up to \$13,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the rehabilitation of the Cherberg building.

(2) Liquor control board: Enter into a financing contract for up to \$17,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an extension to the liquor control board's distribution center to meet liquor sales growth through 2018.

(3) Department of corrections:

(a) Enter into a financing contract for up to \$400,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a waste transfer station and purchase a garbage truck at the McNeil Island corrections center.

(b) Enter into a financing contract for up to \$4,588,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a transportation services warehouse and offices for correctional industries.

(c) Enter into a financing contract for up to \$4,536,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct additions to the food factory and warehouses at the Airway Heights corrections center for correctional industries.

(4) Parks and recreation commission: Enter into a financing contract in an amount not to exceed \$4,800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop Cama Beach state park.

(5) Community and technical colleges:

(a) ~~((Enter into a financing contract on behalf of Bellevue Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase the North Center building.~~

~~((b)))~~ Enter into a financing contract on behalf of Clark College for up to \$9,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a ~~((parking structure))~~ building for a training center.

~~((c)))~~ (b) Enter into a financing contract on behalf of Clover Park Technical College for up to \$14,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student center.

~~((d)))~~ (c) Enter into a financing contract on behalf of Columbia Basin College for up to \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the Hawk Union building.

(d) Enter into a financing contract on behalf of Edmonds Community College for up to \$8,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a bookstore and student center.

(e) Enter into a financing contract on behalf of Edmonds Community College for up to \$4,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a black box theater as a part of the Instructional Lab building.

(f) Enter into a financing contract on behalf of Green River Community College for up to \$7,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Kent Station higher education center.

(g) Enter into a financing contract on behalf of Olympic College for up to \$3,600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an addition to the student center bookstore.

(h) Enter into a financing contract on behalf of Shoreline Community College for up to \$15,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student union building.

(i) Enter into a financing contract on behalf of Skagit Valley Community College for up to \$3,200,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate existing space into a new student center.

(j) Enter into a financing contract on behalf of Walla Walla Community College for up to \$2,175,100 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land, make site improvements, and construct a building for ~~((the enology program))~~ professional-technical instruction.

(k) Enter into a financing contract on behalf of Walla Walla Community College for up to \$640,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an addition to the health sciences building at the Clarkston center.

(l) Enter into a financing contract on behalf of Seattle Central Community College for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a math and science building.

(m) Enter into a financing contract on behalf of Pierce College/Puyallup for up to \$8,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student gym and fitness center.

(n) Enter into a financing contract on behalf of Pierce College/Ft. Steilacoom for up to \$5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an addition to the college health and wellness center.

(o) Enter into a financing contract on behalf of Columbia Basin College for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the Richland health sciences center.

(p) The projects in ~~((a)), (f), ((h)), (j), (l), (m), and (n))~~ of this subsection are reauthorizations of projects originally authorized in the 2003-2005 biennium. If the college enters into a financing contract before the effective date of this section, then the appropriate reauthorization contained in this section is null and void.

(6) Washington State University: Enter into a financing contract for up to \$11,650,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a bioproducts facility in the Tri-Cities.

(7) Western Washington University: Enter into a financing contract for up to \$2,590,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Lincoln Creek transportation center.

Sec. 223. RCW 43.--- (section 6, chapter ---, Laws of 2006, (E3SHB No. 2939)) is amended to read as follows:

The energy freedom account is created in the state treasury. All receipts from appropriations made to the account and any loan payments of principal and interest derived from loans made under this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for assistance

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

for projects consistent with this chapter or otherwise authorized by the legislature. Administrative costs of the department may not exceed three percent of the total funds available for this program.

NEW SECTION. Sec. 224. A new section is added to 2005 c 488 (uncodified) to read as follows:

The legislature finds that financing costs are only one important dimension to consider when analyzing and comparing the use of conventional bonds with other capital project financing mechanisms in the development of major public facilities. Other factors to consider include total project and life-cycle costs, long-term costs of capital, scheduling, generally accepted accounting principles, transfer of risk, project management, project complexity, public works contracting procedures, and applicability of private sector strategies or practices in the development and ongoing maintenance of public facilities.

The office of financial management shall provide a report based on available information to the appropriate fiscal committees of the legislature by September 1, 2007, including:

Best practices for managing capital project costs including long-term forecasting information for facility preservation, major facility or system replacement, and new capacity to result in more effective investment decisions for major public facilities and infrastructure;

(2) Best practices in the state's capital budgeting process and public works contracting procedures;

(3) Appropriate uses of alternative capital project financing; and

(4) Management of risk and reduction of potential claims and litigation associated with state construction projects, including the enumeration of best practices for the management of project risk and conflicts, in order to minimize future expenses related to construction claims.

The office of financial management shall collaborate with staff of the appropriate fiscal committees of the legislature while collecting this information.

NEW SECTION. Sec. 225. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF VETERANS' AFFAIRS. The department shall develop a business plan for a state operated veterans' cemetery located in eastern Washington. The department shall submit the business plan to the legislature and the office of financial management by September 1, 2006. The business plan must include, but not be limited to the following:

(1) A 10-year financial plan including:

(a) Capital investment costs including a schedule for design and construction;

(b) Biennial operating costs; and

(c) Forecasted revenues including license plate sales, veterans administration plot allowances, endowments, and grants.

(2) An assessment of cemetery needs for veterans and veterans' families in eastern Washington.

(3) An evaluation of potential sites for the cemetery that would be within a reasonable distance of the majority of veterans' families. The department shall work closely with the department of natural resources to determine potential sites.

(4) An analysis of lands that are currently owned by the department that could be sold in exchange for land for a cemetery in eastern Washington.

NEW SECTION. Sec. 226. A new section is added to 2005 c 488 (uncodified) to read as follows:

Eastern Washington University is authorized to sell its Spokane center. Proceeds from the sale must be deposited into the higher education construction account. Proceeds may be used to acquire or design a facility on or adjacent to the Riverpoint higher education campus for the university's Spokane-based program offerings. Eastern Washington University must report to the office of financial management

and the appropriate fiscal committees of the legislature upon sale of the center as well as expenditure of the proceeds.

Sec. 227. RCW 43.99N.060 and 2000 c 137 s 1 are each amended to read as follows:

(1) The stadium and exhibition center account is created in the custody of the state treasurer. All receipts from the taxes imposed under RCW 82.14.0494 and distributions under RCW 67.70.240(5) shall be deposited into the account. Only the director of the office of financial management or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW. An appropriation is not required for expenditures from this account.

(2) Until bonds are issued under RCW 43.99N.020, up to five million dollars per year beginning January 1, 1999, shall be used for the purposes of subsection (3)(b) of this section, all remaining moneys in the account shall be transferred to the public stadium authority, created under RCW 36.102.020, to be used for public stadium authority operations and development of the stadium and exhibition center.

(3) After bonds are issued under RCW 43.99N.020, all moneys in the stadium and exhibition center account shall be used exclusively for the following purposes in the following priority:

(a) On or before June 30th of each year, the office of financial management shall accumulate in the stadium and exhibition center account an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued under RCW 43.99N.020;

(b) An additional reserve amount not in excess of the expected average annual principal and interest requirements of bonds issued under RCW 43.99N.020 shall be accumulated and maintained in the account, subject to withdrawal by the state treasurer at any time if necessary to meet the requirements of (a) of this subsection, and, following any withdrawal, reaccumulated from the first tax revenues and other amounts deposited in the account after meeting the requirements of (a) of this subsection; and

(c) The balance, if any, shall be transferred to the youth athletic facility account under subsection (4) of this section.

Any revenues derived from the taxes authorized by RCW 36.38.010(5) and 36.38.040 or other amounts that if used as provided under (a) and (b) of this subsection would cause the loss of any tax exemption under federal law for interest on bonds issued under RCW 43.99N.020 shall be deposited in and used exclusively for the purposes of the youth athletic facility account and shall not be used, directly or indirectly, as a source of payment of principal of or interest on bonds issued under RCW 43.99N.020, or to replace or reimburse other funds used for that purpose.

(4) Any moneys in the stadium and exhibition center account not required or permitted to be used for the purposes described in subsection (3)(a) and (b) of this section shall be deposited in the youth athletic facility account hereby created in the state treasury. Expenditures from the account may be used only for purposes of grants or loans to cities, counties, and qualified nonprofit organizations for community outdoor athletic facilities. For the 2005-2007 biennium, moneys in the account may also be used for a recreation level of service study for local and regional active recreation facilities. Only the director of the interagency committee for outdoor recreation or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. The athletic facility grants or loans may be used for acquiring, developing, equipping, maintaining, and improving community outdoor athletic facilities. Funds shall be divided equally between the development of new community outdoor athletic facilities, the improvement of existing community outdoor athletic facilities, and the maintenance of

FIFTY-NINTH DAY, MARCH 8, 2006

existing community outdoor athletic facilities. Cities, counties, and qualified nonprofit organizations must submit proposals for grants or loans from the account. To the extent that funds are available, cities, counties, and qualified nonprofit organizations must meet eligibility criteria as established by the director of the interagency committee for outdoor recreation. The grants and loans shall be awarded on a competitive application process and the amount of the grant or loan shall be in proportion to the population of the city or county for where the community outdoor athletic facility is located. Grants or loans awarded in any one year need not be distributed in that year. The director of the interagency committee for outdoor recreation may expend up to one and one-half percent of the moneys deposited in the account created in this subsection for administrative purposes.

NEW SECTION. Sec. 228. A new section is added to 2005 c 488 (uncodified) to read as follows:

The interagency committee for outdoor recreation shall develop recommendations for a statewide approach to a recreation level of service for local and regional active recreation facilities, including indicators with which to measure progress in achieving level of service objectives. The recommendations must be coordinated with those of the priorities of government effort. The interagency committee for outdoor recreation shall also recommend standardized definitions for types of parks and recreational facilities, and a process for periodically measuring performance indicators and reporting the results. The interagency committee for outdoor recreation may enter into a contract with an entity with expertise in parks facility planning, level of service standards, and geographic information systems. The interagency committee for outdoor recreation shall submit a report to the appropriate committees of the legislature by January 1, 2007. The report must include the following: (1) Level of service standards including individual participation measures; (2) service area analysis using geographic information system tools and techniques; and (3) recommendations to incorporate level of service reporting into grant-in-aid programs.

Sec. 229. RCW 44.28.801 and 2005 c 425 s 5 are each amended to read as follows:

(1) The joint legislative audit and review committee, in consultation with staff from the appropriate fiscal committees of the legislature and the office of financial management, shall conduct an inventory of all state public infrastructure programs and funds. The inventory shall identify: The public infrastructure state programs and funds and the purposes each serve; how the program or fund is implemented; the types of public infrastructure projects supported by the program or fund; the dollar amount of the projects funded by each program or fund; the balance of a fund, if applicable; and the geographic distribution of projects supported by a program or fund. Where applicable, the inventory shall identify overlaps or gaps in types of public infrastructure projects supported through state programs or funds. Where appropriate, the inventory shall evaluate the return on investment for economic development infrastructure programs. The inventory shall be delivered to the appropriate committees of the legislature by December ((±)) 2006. It is the intent of the legislature to use the inventory information to identify or develop a comprehensive funding structure to support the integration, consolidation, and standardization of processes, procedures, and infrastructure programs.

(2) By September ((±)) 2010, the joint legislative audit and review committee shall submit a report on the outcomes of the job development fund program to the appropriate committees of the legislature. The report shall apply the performance and evaluation criteria developed by the community economic revitalization board and the committee and shall include a project by project review detailing how the funds were used and whether the performance measures were met. The report shall also include impacts to the availability of low-interest and interest-free loans to local governments under RCW 43.155.055,

2006 REGULAR SESSION

43.155.060, 43.155.065, and 43.155.068, resulting from appropriations to the job development fund. Information in the report shall include, but not be limited to:

(a) The total funds appropriated from the public works assistance account to the job development account;

(b) The ratio of loan requests submitted to the public works board as compared to actual money available for loans in the public works assistance account since July 24, 2005;

(c) The total amount that would have been available for loans from the public works assistance account had this act not taken effect;

(d) Identification of specific loan requests that would have qualified for funding under chapter 43.155 RCW had money been available in the public works assistance account;

(e) Assessment of increased costs for otherwise qualifying projects where local governments were compelled to seek alternate funding sources.

NEW SECTION. Sec. 230. A new section is added to 2005 c 488 (uncodified) to read as follows:

(1) Space used by the department of services for the blind for food services and vending machines shall be treated as common space for the purposes of rent. The rental charges will be apportioned to other tenant occupants of each individual building that has blind vendors. The department of general administration shall provide preventative maintenance on all permanently attached fixtures in these facilities.

(2) Private office buildings located in the capital area that lease space to at least one hundred state employees must contract with the department of services for the blind to provide vending facilities and/or vending machines in those facilities. If the department indicates to the building owner that a vendor is not available, or that the building does not meet the needs of the blind vendors' program, the building owner may then seek other vendors for the facility. However, all vending machines in such facilities shall be provided by the department.

(3) For purposes of this section, "capital area" includes the area within the boundaries of Olympia, Tumwater, and Lacey, Washington.

(4) Within existing funds, the department of services for the blind, in conjunction with the office of financial management and the department of community, trade, and economic development shall study the establishment of a process enabling blind vendors to enter into franchise agreement with commercial food service providers. The department of services for the blind shall report its findings and recommendations to the appropriate legislative committees by October 1, 2006.

Sec. 231. RCW 27.34.330 and 2005 c 333 s 16 and 2005 c 160 s 3 are each reenacted and amended to read as follows:

The Washington state historical society shall establish a competitive process to solicit proposals for and prioritize heritage capital projects for potential funding in the state capital budget. The society shall adopt rules governing project eligibility and evaluation criteria. Application for funding of specific projects may be made to the society by local governments, public development authorities, nonprofit corporations, tribal governments, and other entities, as determined by the society. The society, with the advice of leaders in the heritage field, including but not limited to representatives from the office of the secretary of state, the eastern Washington state historical society, and the department, shall establish and submit a prioritized list of heritage capital projects to the governor and the legislature in the society's biennial capital budget request. The list shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed ((four)) ten million dollars. ~~((The department may provide an additional prioritized alternate project list which shall not exceed two million dollars.))~~ The prioritized list shall be developed through

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

open and public meetings and the amount of state funding shall not exceed thirty-three percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions. The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects. In contracts for grants authorized under this section, the society shall include provisions requiring that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Sec. 232. RCW 27.34.330 and 2005 c 160 s 3 are each amended to read as follows:

The Washington state historical society shall establish a competitive process to solicit proposals for and prioritize heritage capital projects for potential funding in the state capital budget. The society shall adopt rules governing project eligibility and evaluation criteria. Application for funding of specific projects may be made to the society by local governments, public development authorities, nonprofit corporations, tribal governments, and other entities, as determined by the society. The society, with the advice of leaders in the heritage field, including but not limited to representatives from the office of the secretary of state, the eastern Washington state historical society, and the ~~(state office)~~ department of archaeology and historic preservation, shall establish and submit a prioritized list of heritage capital projects to the governor and the legislature in the society's biennial capital budget request. The list shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed ~~((four)) ten~~ million dollars. ~~((The department may provide an additional prioritized alternate project list which shall not exceed two million dollars.))~~ The prioritized list shall be developed through open and public meetings and the amount of state funding shall not exceed thirty-three percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions. The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects. In contracts for grants authorized under this section, the society shall include provisions requiring that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Sec. 233. RCW 43.63A.125 and 2005 c 160 s 1 are each amended to read as follows:

(1) The department shall establish a competitive process to solicit proposals for and prioritize projects that assist nonprofit organizations in acquiring, constructing, or rehabilitating facilities used for the delivery of nonresidential social services.

(2) The department shall establish a competitive process to prioritize applications for the assistance as follows:

(a) The department shall conduct a statewide solicitation of project applications from local governments, nonprofit organizations, and other entities, as determined by the department. The department shall evaluate and rank

applications in consultation with a citizen advisory committee using objective criteria. At a minimum, applicants must demonstrate that the requested assistance will increase the efficiency or quality of the social services it provides to citizens. The evaluation and ranking process shall also include an examination of existing assets that applicants may apply to projects. Grant assistance under this section shall not exceed twenty-five percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

(b) The department shall submit a prioritized list of recommended projects to the governor and the legislature in the department's biennial capital budget request beginning with the 2001-2003 biennium and thereafter. For the 1999-2001 biennium, the department shall conduct a solicitation and ranking process, as described in (a) of this subsection, for projects to be funded by appropriations provided for this program in the 1999-2001 capital budget. The list shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed ~~((four)) ten~~ million dollars. ~~((The department may provide an additional prioritized alternate project list which shall not exceed two million dollars.))~~ Except for the 1999-2001 biennium, the department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects.

(c) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements shall be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities shall be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Sec. 234. RCW 43.63A.135 and 2005 c 160 s 4 are each amended to read as follows:

(1) The department of community, trade, and economic development must establish a competitive process to solicit proposals for and prioritize projects whose primary objective is to assist nonprofit youth organizations in acquiring, constructing, or rehabilitating facilities used for the delivery of nonresidential services, excluding outdoor athletic fields.

(2) The department of community, trade, and economic development must establish a competitive process to prioritize applications for the assistance as follows:

(a) The department of community, trade, and economic development must conduct a statewide solicitation of project applications from local governments, nonprofit organizations, and other entities, as determined by the department of community, trade, and economic development. The department of community, trade, and economic development must evaluate and rank applications in consultation with a citizen advisory committee using objective criteria. Projects must have a major recreational component, and must have either an educational or social service component. At a minimum, applicants must demonstrate that the requested assistance will increase the efficiency or quality of the services it provides to youth. The evaluation and ranking process must also include an examination of existing assets that applicants may apply to projects. Grant assistance under this section may not exceed twenty-five percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

(b) The department of community, trade, and economic development must submit a prioritized list of recommended

FIFTY-NINTH DAY, MARCH 8, 2006

projects to the governor and the legislature in the department of community, trade, and economic development's biennial capital budget request beginning with the 2005-2007 biennium and thereafter. The list must include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list must not exceed ~~((two))~~ eight million dollars. ~~((The department of community, trade, and economic development may provide an additional prioritized alternate project list that must not exceed one million dollars.))~~ The department of community, trade, and economic development may not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects.

(c) In contracts for grants authorized under this section the department of community, trade, and economic development must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee must repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Sec. 235. RCW 43.63A.750 and 2005 c 160 s 2 are each amended to read as follows:

(1) A competitive grant program to assist nonprofit organizations in acquiring, constructing, or rehabilitating performing arts, art museums, and cultural facilities is created.

(2)(a) The department shall submit a list of recommended performing arts, art museum projects, and cultural organization projects eligible for funding to the governor and the legislature in the department's biennial capital budget request beginning with the 2001-2003 biennium and thereafter. The list, in priority order, shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed ~~((four))~~ twelve million dollars. ~~((The department may provide an additional prioritized alternate project list which shall not exceed two million dollars.))~~

(b) The department shall establish a competitive process to prioritize applications for state assistance as follows:

(i) The department shall conduct a statewide solicitation of project applications from nonprofit organizations, local governments, and other entities, as determined by the department. The department shall evaluate and rank applications in consultation with a citizen advisory committee, including a representative from the state arts commission, using objective criteria. The evaluation and ranking process shall also consider local community support for projects and an examination of existing assets that applicants may apply to projects.

(ii) The department may establish the amount of state grant assistance for individual project applications but the amount shall not exceed twenty percent of the estimated total capital cost or actual cost of a project, whichever is less. The remaining portions of the project capital cost shall be a match from nonstate sources. The nonstate match may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions. The department is authorized to set matching requirements for individual projects. State assistance may be used to fund separate definable phases of a project if the project demonstrates adequate progress and has secured the necessary match funding.

(iii) The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects. In contracts for grants authorized under this section, the department shall include provisions requiring that capital improvements be held by the

grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Sec. 236. RCW 43.185.050 and 2005 c 219 s 1 and 2005 c 518 s 1801 are each reenacted and amended to read as follows:

(1) The department shall use moneys from the housing trust fund and other legislative appropriations to finance in whole or in part any loans or grant projects that will provide housing for persons and families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. At least thirty percent of these moneys used in any given funding cycle shall be for the benefit of projects located in rural areas of the state as defined by the department. If the department determines that it has not received an adequate number of suitable applications for rural projects during any given funding cycle, the department may allocate unused moneys for projects in nonrural areas of the state.

(2) Activities eligible for assistance from the housing trust fund and other legislative appropriations include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of low and very low-income housing units;

(b) Rent subsidies;

(c) Matching funds for social services directly related to providing housing for special-need tenants in assisted projects;

(d) Technical assistance, design and finance services and consultation, and administrative costs for eligible nonprofit community or neighborhood-based organizations;

(e) Administrative costs for housing assistance groups or organizations when such grant or loan will substantially increase the recipient's access to housing funds other than those available under this chapter;

(f) Shelters and related services for the homeless, including emergency shelters and overnight youth shelters;

(g) Mortgage subsidies, including temporary rental and mortgage payment subsidies to prevent homelessness;

(h) Mortgage insurance guarantee or payments for eligible projects;

(i) Down payment or closing cost assistance for eligible first-time home buyers;

(j) Acquisition of housing units for the purpose of preservation as low-income or very low-income housing; ~~((and))~~

(k) Projects making housing more accessible to families with members who have disabilities; and

(l) During the 2005-2007 fiscal biennium, a manufactured/mobile home landlord-tenant ombudsman conflict resolution and park registration program.

(3) During the 2005-2007 fiscal biennium, revenues generated under RCW 36.22.178 may be used for the development of affordable housing projects and other activities funded in section 108 of this act.

(4) Legislative appropriations from capital bond proceeds may be used only for the costs of projects authorized under subsection (2)(a), (i), and (j) of this section, and not for the administrative costs of the department.

~~((4))~~ (5) Moneys from repayment of loans from appropriations from capital bond proceeds may be used for all activities necessary for the proper functioning of the housing assistance program except for activities authorized under subsection (2)(b) and (c) of this section.

~~((5))~~ (6) Administrative costs of the department shall not exceed five percent of the annual funds available for the housing assistance program ~~((except in fiscal year 2005 when administrative costs shall not exceed five percent))~~.

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

Sec. 237. 2005 c 488 s 927 (uncodified) is amended to read as follows:

488 (uncodified); creating new sections; providing an effective date; providing expiration dates; and declaring an emergency." and the same are herewith transmitted.

FOR THE STATE TREASURER--TRANSFERS

RICHARD NAFZIGER, Chief Clerk

MOTION

Local Toxics Control Account: For transfer to the state toxics control account \$13,900,000
State Drought Preparedness Account: For transfer to the charitable, education, penal and reformatory institutions account \$870,000
Washington Housing Trust Account: For transfer to the homeless families services account . . \$4,000,000

NEW SECTION. Sec. 238. (1) Section 229 of this act expires June 30, 2011.

(2) Section 231 of this act expires June 30, 2007.

NEW SECTION. Sec. 239. Section 232 of this act takes effect June 30, 2007.

NEW SECTION. Sec. 240. Part headings in this act are not any part of the law.

NEW SECTION. Sec. 241. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 242. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Senator Fraser moved the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6384 be adopted.

Senators Fraser, Brandland and Kline spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Fraser that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6384 be adopted.

The motion by Senator Fraser carried and the Report of the Conference Committee was adopted by voice vote.

Senator Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6384, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6384, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Oke - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6384, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Fraser: "Thank you Mr. President. I would just, as we conclude the capital budget bonds and the budget itself, I'd just like to take a quick moment to express special appreciation to Brian Simms, who is the Capital Budget Coordinator. I'd appreciate it if he could be invited to stand at the side so we could give him special thanks for working on every letter and number in here. It's quite an effort."

PERSONAL PRIVILEGE

Senator Fairley: "Thank you Mr. President. Well, as highly as I think of Ways & Means staff and I love them all, I also feel the need to thank my staff in Financial Institutions, Housing & Consumer Protection. Jennifer Arnold and Joanne Conrad have done a great deal of work. They work their hearts out with a chair who doesn't appreciate the subject matter much but is willing to hear about it over and over again. I really do have to thank them. They are some of the nicest people I've ever met. Thank you."

MESSAGE FROM THE HOUSE

INDEX PAGE #
CENTRAL WASHINGTON UNIVERSITY 74
CRIMINAL JUSTICE TRAINING COMMISSION 20
DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT 2
DEPARTMENT OF CORRECTIONS 23
DEPARTMENT OF ECOLOGY 26
DEPARTMENT OF FISH AND WILDLIFE 54
DEPARTMENT OF GENERAL ADMINISTRATION 15
DEPARTMENT OF NATURAL RESOURCES 59
DEPARTMENT OF SOCIAL AND HEALTH SERVICES 21
DEPARTMENT OF VETERANS AFFAIRS 22
EASTERN WASHINGTON UNIVERSITY 74
EMPLOYMENT SECURITY DEPARTMENT 26
INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION 45
JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE 1
OFFICE OF THE SECRETARY OF STATE 2
STATE ARTS COMMISSION 76
STATE BOARD OF EDUCATION 66, 69
STATE BOARD OF EDUCATION 71
STATE PARKS AND RECREATION COMMISSION 39
STATE SCHOOL FOR THE BLIND 71
THE EVERGREEN STATE COLLEGE 74
UNIVERSITY OF WASHINGTON 72
WASHINGTON STATE HISTORICAL SOCIETY 76
WASHINGTON STATE HISTORICAL SOCIETY 78
WASHINGTON STATE PATROL 19
WESTERN WASHINGTON UNIVERSITY 75"

On page 1, line 2 of the title, after "improvements;" strike the remainder of the title and insert "amending RCW 43.99N.060, 44.28.801, 27.34.330, 43.63A.125, 43.63A.135, and 43.63A.750; amending RCW 43.---,--- (section 8, chapter ---, Laws of 2006, (E3SHB No. 2939)); amending 2005 c 488 ss 109, 112, 125, 131, 138, 142, 152, 156, 161, 162, 201, 206, 238, 252, 255, 264, 287, 323, 324, 325, 327, 329, 330, 340, 341, 342, 346, 360, 365, 368, 369, 370, 372, 376, 382, 385, 386, 387, 390, 391, 392, 395, 398, 401, 402, 414, 425, 427, 443, 451, 453, 601, 605, 606, 607, 609, 610, 612, 613, 632, 650, 696, 714, 733, 777, 795, 905, 909, and 927 (uncodified); reenacting and amending RCW 27.34.330 and 43.185.050; adding new sections to 2005 c

March 7, 2006

MR. PRESIDENT:

Under suspension of rules SUBSTITUTE SENATE BILL NO. 6519 was returned to second reading for purpose of an amendment: 6519-S AMH STRO MORI 070, and passed the House as amended by the House.

On page 9, line 9, after "level" insert "II or"

On page 9, line 10, after "registered" strike ", for a period of five years"

On page 9, line 14, after "period of" insert "at least"

On page 9, line 14, after "community" strike "is no longer subject to" and insert "may petition the superior court to be relieved of"

On page 9, line 15, after "days." insert "The petition shall be made to the superior court in the county where the offender resides or reports under this section. The prosecuting attorney of the county shall be named and served as respondent in any such petition. The court shall relieve the petitioner of the duty to report if the petitioner shows, by a preponderance of the evidence, that the petitioner has complied with the reporting requirement for a period of at least five years and that the offender has not been convicted of a criminal violation of this section for a period of at least five years, and the court determines that the reporting no longer serves a public safety purpose."

On page 20, line 3, after "level" insert "II or"

On page 20, line 4, after "registered" strike ", for a period of five years"

On page 20, line 8, after "period of" insert "at least"

On page 20, line 8, after "community" strike "is no longer subject to" and insert "may petition the superior court to be relieved of"

On page 20, line 9, after "days." insert "The petition shall be made to the superior court in the county where the offender resides or reports under this section. The prosecuting attorney of the county shall be named and served as respondent in any such petition. The court shall relieve the petitioner of the duty to report if the petitioner shows, by a preponderance of the evidence, that the petitioner has complied with the reporting requirement for a period of at least five years and that the offender has not been convicted of a criminal violation of this section for a period of at least five years, and the court determines that the reporting no longer serves a public safety purpose."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Benton moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6519.

Senators Benton and Hargrove spoke in favor of passage of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Benton that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6519.

The motion by Senator Benton carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6519 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6519, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6519, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 6519, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

The House insists on position on its amendment{s} to SENATE BILL NO. 6680 and asks Senate to concur therein. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Brandland moved that the Senate concur in the House amendment(s) to Senate Bill No. 6680.

Senator Brandland spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Brandland that the Senate concur in the House amendment(s) to Senate Bill No. 6680.

The motion by Senator Brandland carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6680 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6680, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6680, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SENATE BILL NO. 6680, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2006

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

MR. PRESIDENT:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 2431 and asks the Senate for a conference thereon. Speaker has appointed the following members as Conferees:

Representatives Campbell, Morrell and Hinkle and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate insist on its position on the House amendment(s) to Substitute House Bill No. 2431 and ask the House to concur thereon.

Senator Keiser spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Keiser that the Senate insist on its position on the House amendment(s) to Substitute House Bill No. 2431 and ask the House to concur hereon.

The motion by Senator Keiser carried and the Senate insisted on its position in the House amendment(s) to Substitute House Bill No. 2431 and asked the House to concur thereon.

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5385,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5535,
SUBSTITUTE SENATE BILL NO. 6223,
SUBSTITUTE SENATE BILL NO. 6225,
SENATE BILL NO. 6364,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6428,
SUBSTITUTE SENATE BILL NO. 6439,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6896,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2778, by House Committee on Finance (originally sponsored by Representatives Murray, Kristiansen, Dickerson, Clements, Chase, McDonald and Dunn)

Allowing tax deductions for nonprofit convention and tourism promotion corporations. Revised for 1st Substitute: Exempting certain amounts received by nonprofit convention and tourism promotion corporations from business and occupation tax.

The measure was read the second time.

MOTION

Senator Shin moved that the following committee amendment by the Committee on International Trade & Economic Development be adopted.

On page 1, line 11, after "quasi-municipal corporation," insert "federally recognized Indian tribe,"

Senator Shin spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on International Trade & Economic Development to Substitute House Bill No. 2778.

The motion by Senator Shin carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Shin, the rules were suspended, Substitute House Bill No. 2778 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2778 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2778 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senators Benton and Deccio - 2

SUBSTITUTE HOUSE BILL NO. 2778 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

The House passed Conference Committee report on SUBSTITUTE SENATE BILL NO. 6241, and has passed the bill as recommended by the Conference Committee.

Strike everything after the enacting clause and insert the following:

"2005-07 BIENNIUM

Sec. 1. 2005 c 313 s 1 (uncodified) is amended to read as follows:

(1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2007.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2006" or "FY 2006" means the fiscal year ending June 30, 2006.

(b) "Fiscal year 2007" or "FY 2007" means the fiscal year ending June 30, 2007.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

GENERAL GOVERNMENT AGENCIES--OPERATING

NEW SECTION. Sec. 101. A new section is added to 2005 c 313 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account--State Appropriation \$217,000

Sec. 102. 2005 c 313 s 102 (uncodified) is amended to read as follows:

FOR THE MARINE EMPLOYEES COMMISSION

Puget Sound Ferry Operations Account--State
Appropriation ~~(\$390,000)~~
\$394,000

The appropriation in this section is subject to the following conditions and limitations: To address its growing caseload, the marine employees commission shall develop a plan for prioritizing cases to schedule for hearings. The commission shall report back to the transportation committees of the legislature on its case prioritization plan by December 15, 2005.

Sec. 103. 2005 c 313 s 104 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account--State Appropriation ~~(\$329,000)~~
\$330,000

The appropriation in this section is subject to the following conditions and limitations: ~~(\$329,000)~~ \$330,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the motor fuel quality program.

Sec. 104. 2005 c 313 s 105 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHEOLOGY AND HISTORIC PRESERVATION

Motor Vehicle Account--State Appropriation ~~(\$200,000)~~
\$487,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~(If Second Substitute Senate Bill No. 5056 is not enacted by June 30, 2005, the entire appropriation shall lapse.~~

~~(2) The entire~~) \$200,000 of the motor vehicle account--state appropriation is for additional staffing costs to be dedicated to state transportation activities. Furthermore, any staff hired to support transportation activities must have practical experience with complex construction projects.

(2) \$236,000 of the motor vehicle account--state appropriation is provided solely for legal expenses related to the Lower Elwha Klallam Tribe v. Washington (graving dock) case.

(3) \$51,000 of the motor vehicle account--state appropriation is provided solely for a pilot project testing remote sensing technology in archeological investigations and surveys for transportation projects.

NEW SECTION. Sec. 105. A new section is added to 2005 c 313 (uncodified) to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor Vehicle Account--State Appropriation \$50,000

The appropriation in this section is subject to the following conditions and limitations: The total appropriation is provided solely for an evaluation of the current business needs of the legislative transportation fiscal committee staffs with respect to the transportation executive information system (TEIS). The committee shall work with the staffs of the transportation committees, the office of financial management, and the department of transportation to perform the evaluation. Results of the evaluation, including any recommendation for system improvements and usability, shall be submitted to the transportation committees of the legislature and the office of financial management by December 1, 2006.

GENERAL GOVERNMENT AGENCIES--CAPITAL

Sec. 106. 2005 c 313 s 106 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE PARKS AND RECREATION--CAPITAL PROJECTS

Motor Vehicle Account--State Appropriation \$1,400,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,300,000 of the motor vehicle account--state appropriation is a one-time appropriation and is provided solely for the SR 14 interchange and bridge portion of the Beacon Rock state park entrance road project. Any portion of the appropriation not expended by June 30, 2007, shall revert to the motor vehicle account--state.

(2) \$100,000 of the appropriation is provided solely for road work on state route 20 at Deception Pass state park.

TRANSPORTATION AGENCIES--OPERATING

Sec. 201. 2005 c 313 s 201 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account--State Appropriation . ~~(\$2,135,000)~~
\$2,145,000

Highway Safety Account--Federal Appropriation
..... ~~(\$15,828,000)~~
\$15,833,000

School Zone Safety Account--State Appropriation . \$3,300,000
Bicycle and Pedestrian Safety Account--State

Appropriation \$40,000

TOTAL APPROPRIATION . ~~(\$21,303,000)~~
\$21,318,000

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

The appropriations in this section are subject to the following conditions and limitations: The Washington traffic safety commission shall contract with the Washington state institute for public policy to conduct a study of the impact of state programs concerning the reduction of DUI recidivism. The study must include, on a prioritized basis to the extent federal funds are made available for the study, the following components: (1) The state's existing deferred prosecution program; (2) the state's vehicle impound program; and (3) other states' programs that restrict a person's access to the vehicle, or suspend the vehicle license and registration, upon arrest or conviction.

The completed study must be submitted to the appropriate legislative committees by December 1, 2006.

Sec. 202. 2005 c 313 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation	((\$821,000))
	\$823,000
Motor Vehicle Account--State Appropriation . . .	((\$1,942,000))
	\$1,950,000
County Arterial Preservation Account--State Appropriation	
.....	((\$777,000))
	\$780,000
TOTAL APPROPRIATION . . .	((\$3,540,000))
	\$3,553,000

Sec. 203. 2005 c 313 s 203 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation	
.....	((\$1,624,000))
	\$1,630,000
Transportation Improvement Account--State Appropriation	
.....	((\$1,625,000))
	\$1,632,000
TOTAL APPROPRIATION . . .	((\$3,249,000))
	\$3,262,000

Sec. 204. 2005 c 313 s 204 (uncodified) is amended to read as follows:

FOR THE BOARD OF PILOTAGE COMMISSIONERS

Pilotage Account--State Appropriation	((\$417,000))
	\$1,020,000

The appropriation in this section is subject to the following conditions and limitations: \$500,000 of the appropriation is provided solely for stipends to trainees in the training program as set forth in rules adopted by the board; however, if Engrossed Substitute Senate Bill No. 6870 (pilot trainees stipends) is enacted by June 30, 2006, then \$600,000 of the total appropriation provided in this act shall lapse and the appropriation provided in Engrossed Substitute Senate Bill No. 6870 shall govern.

Sec. 205. 2005 c 313 s 205 (uncodified) is amended to read as follows:

FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account--State Appropriation . . .	((\$1,400,000))
	\$1,679,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$200,000 of the total appropriation is provided solely for the joint transportation committee to conduct a finance study of the Washington state ferry system. The purpose of the study is to facilitate policy discussions and decisions by members of the

legislature regarding the Washington state ferry system. The legislature recognizes there is a need within the Washington state ferry system for predictable cash flows, transparency, assessment of organizational structure, verification that the Washington state ferry system is operating at maximum efficiency, and better labor relations. The committee shall report the study to the house of representatives and senate transportation committees by January 1, 2007.

(b) The study must include, at a minimum, a review and evaluation of the ferry system's financial plan, including current assumptions and past studies, in the following areas:

(i) Operating program, including ridership, revenue, and cost forecasts and the accuracy of those forecasts; and

(ii) Capital program, including project scoping, prioritization and cost estimating, project changes including legislative input regarding significant project changes, and performance measures.

(c) In addition to committee members, or their designees, the governor shall appoint a representative for this study. The committee may retain consulting services to assist the committee in conducting the study, including the evaluation of financial, operating, and capital plans. The committee may also appoint other persons to assist with the study.

(2) The joint transportation committee shall conduct a study regarding the feasibility of a statewide uniform motor vehicle excise tax (MVET) depreciation schedule. In addition to committee members, the participants in the study must include at a minimum the following individuals: (a) A representative of a regional transit authority (Sound Transit); (b) a representative of a regional transportation planning organization; (c) the secretary of transportation, or his or her designee; (d) a representative of the attorney general's office; (e) a representative of the department of licensing; and (f) a representative of the financial community. The purpose of the study is to develop an MVET depreciation schedule that more accurately reflects vehicle value but does not hinder outstanding contractual obligations.

(3) Funds provided in this section are sufficient for the committee to administer a study of the most reliable and cost-effective means of providing passenger-only ferry service.

(a) The study shall be guided by a 18 member task force consisting of the chairs and ranking members of the house of representatives and senate transportation committees, a designee of the director of the office of financial management, a member of the transportation commission, a designee of the secretary of transportation, a representative of organized labor, and ten stakeholders to be appointed by the governor as follows: Six representatives of ferry user communities, two representatives of public transportation agencies, and two representatives of commercial ferry operators.

(b) The study shall examine issues including but not limited to the long-term viability of different service providers, cost to ferry passengers, the state subsidies required by each provider, and the availability of federal funding for the different service providers.

(c) By November 30, 2005, the task force shall make its recommendations to the house of representatives and senate transportation committees.

(4) \$450,000 of the motor vehicle account--state appropriation is provided solely to administer a consultant study of the long-term viability of the state's transportation financing methods and sources.

(a) At a minimum, the study must examine the following:

(i) The short and long-term viability of the motor fuel tax (both state and federal) as a major source of funding for transportation projects and programs; (ii) the desirability and effectiveness of state-distributed transportation funds for the benefit of local units of government; (iii) the potential for alternative and/or emerging sources of transportation revenues, with particular emphasis on user-based fees and charges; and (iv) trends and implications of debt financing for transportation projects. The

FIFTY-NINTH DAY, MARCH 8, 2006

scope of work for the study may be expanded to include analysis of other financing issues relevant to the long-term viability of the state's transportation system.

(b) The findings and recommendations must be submitted to the fiscal committees of the legislature by November 1, 2006.

(5) \$75,000 of the motor vehicle account--state appropriation is provided solely for the joint transportation committee to contract for a review of existing research on programs and policies which decrease accidents by teenage drivers, including but not limited to publicly operated driver education and intermediate drivers licensing programs. The institute shall also evaluate the costs and benefits of programs and policies showing the greatest positive impact on teenage driving safety.

(6) The committee shall conduct an evaluation of the department of transportation surface transportation program enhancement grant program. The evaluation will include (a) information about the categories of projects submitted for consideration; (b) a review of the allocation of funds awarded across the categories of STP enhancement eligible activities; (c) a review of the criteria used to score projects; and (d) a finding by the committee whether certain categories of projects are disproportionately funded or unfunded.

Sec. 206. 2005 c 313 s 206 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account--State Appropriation	(\$4,607,000)
	\$3,954,000
Multimodal Transportation Account--State	
Appropriation	(\$1,150,000)
	\$1,252,000
TOTAL APPROPRIATION	(\$5,757,000)
	\$5,206,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the motor vehicle fund account--state appropriation is provided solely for a comprehensive tolling study. The transportation commission, with the technical assistance of the department, must conduct a study of the state's transportation system to determine the feasibility of administering tolls on specific transportation facilities or a network of facilities. This study shall serve as the statewide tolling feasibility study required in Engrossed Substitute House Bill No. 1541, and shall serve as the tolling study necessary to implement toll facilities within a regional transportation investment district or its successor entity.

(a) The study must include an analysis of the only currently-authorized toll facility, the Tacoma Narrows bridge project. The study findings must include (i) the development of more uniform and equitable policies regarding the distribution of financial obligations imposed on those paying the tolls on the Tacoma Narrows bridge, and (ii) opportunities and options for reducing the outstanding indebtedness on the bridge project, including the possibility of buy-downs and other means of spreading the cost of the project more equitably.

(b) The study element for the benefit of a regional transportation investment district or regional transportation improvement authority must also address the state highway system and other transportation facilities in King, Pierce, and Snohomish counties to determine the feasibility of value pricing on a facility or network of facilities. This study element should: (i) Determine the potential for value pricing to generate revenues for needed transportation facilities; (ii) maximize the efficient operation of facilities and the transportation network; and (iii) provide economic indicators for future system investments. This element of the study must take into account congestion levels, facility and corridor capacity, time of use, economic considerations, and other factors deemed appropriate. The study must recommend any additional laws, rules, procedures, resources, studies, reports, or support infrastructure

necessary or desirable before proceeding with the review, evaluation, or implementation of any toll projects or a system-wide, value priced transportation structure.

(c) The study must specifically analyze the potential for a toll facility on SR 704, the cross-base highway located in Pierce county.

(2) ~~(\$2,270,000)~~ \$1,362,000 of the motor vehicle account--state appropriation is provided solely for the transportation performance audit board. ~~(Within this amount, the transportation performance audit board shall conduct a study and make recommendations to the legislature regarding the modification RCW 47.01.012, state transportation goals and benchmarks. In conducting the study, the board shall consider at a minimum: Original recommendations of the Blue Ribbon Commission on Transportation; the current policy goals and benchmark categories; the goals outlined in Substitute House Bill No. 1969; the recent work related to benchmarks completed by the transportation commission and the Washington state department of transportation; the measures review completed by TPAB; and best practices.~~

~~The board shall submit study results, including any legislative recommendations, to the transportation committees of the legislature by January 1, 2006.)~~

(3) \$1,150,000 of the multimodal account--state appropriation is provided solely for a statewide rail capacity and needs analysis. The purpose of this study is to (a) assess the rail freight and rail passenger infrastructure needs in this state; (b) review the current powers, authorities, and interests the state has in both passenger and freight rail; (c) recommend public policies for state participation and ownership in rail infrastructure and service delivery, including but not limited to planning and governance issues; and (d) develop a rail asset management plan. The commission shall report their findings and conclusions of the study to the transportation committees of the legislature by December 1, 2006.

(4) The transportation commission shall implement tolls on the Tacoma Narrows bridge that create an incentive for electronic toll payers.

Sec. 207. 2005 c 313 s 207 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account--State Appropriation	(\$664,000)
	\$666,000

The appropriation in this section is subject to the following conditions and limitations: The board shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects funded by this act.

Sec. 208. 2005 c 313 s 208 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

State Patrol Highway Account--State Appropriation	
.....	(\$202,530,000)
	\$201,063,000
State Patrol Highway Account--Federal Appropriation	
.....	\$10,544,000
State Patrol Highway Account--Private/Local Appropriation	
.....	\$169,000
TOTAL APPROPRIATION	(\$213,243,000)
	\$211,776,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol. The patrol shall report to the house of representatives and senate transportation committees by December 31, 2005, on the use of agency vehicles by officers engaging in the off-duty employment specified in this subsection. The report shall include an analysis that compares cost reimbursement and cost-impacts, including increased vehicle mileage, maintenance costs, and indirect impacts, associated with the private use of patrol vehicles.

(2) In addition to the user fees, the patrol shall transfer into the state patrol nonappropriated airplane revolving account under RCW 43.79.470 no more than the amount of appropriated state patrol highway account and general fund funding necessary to cover the costs for the patrol's use of the aircraft. The state patrol highway account and general fund--state funds shall be transferred proportionately in accordance with a cost allocation that differentiates between highway traffic enforcement services and general policing purposes.

(3) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the transportation committees of the senate and house of representatives by December 31st of each year.

(4) The state patrol highway account--state appropriation for DUI reimbursements shall only be spent for pursuit vehicle video cameras, datamaster DUI testing equipment, tire deflator equipment, and taser guns. The Washington state patrol prior to the issuance of any taser guns will train the troopers on using the equipment. The agency will provide a report to the transportation committees of the senate and house of representatives by December 31st of each year on the occurrences where the taser guns were utilized along with any issues that have been identified.

(5) \$29,000 of the state patrol highway account--state appropriation is provided solely for the implementation of House Bill No. 1469. If House Bill No. 1469 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) \$5,580,000 of the total appropriation is provided solely for a 3.8% salary increase for commissioned officers effective July 1, 2005, in addition to any other salary increases provided for in this act.

((8)) (7) The Washington state patrol is authorized to use certificates of participation to fund the King Air aircraft replacement over a term of not more than ten years and an amount not to exceed \$1,900,000.

(8)(a) \$834,000 of the state patrol highway account--state appropriation is provided solely for the collective bargaining agreement reached between the governor and the Washington state patrol troopers association under chapter 438, Laws of 2005. For commissioned troopers and sergeants covered under this section, funding is provided for a 2.6% salary increase effective July 1, 2006. This increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Provisions of the collective bargaining agreement contained in this subsection are described in general terms. Only major economic terms are included in this description. This description does not contain the complete contents of the agreement. Due to the timing challenges in negotiating the initial collective bargaining agreement under chapter 438, Laws of 2005, this agreement was not concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

(b) \$62,000 of the state patrol highway account--state appropriation is provided solely for salary increases for

commissioned captains and lieutenants covered under this section, if a new collective bargaining agreement is reached between the governor and the Washington state patrol lieutenants association by July 1, 2006. The amount provided in this subsection is contingent on an agreement being reached by July 1, 2006, and shall be held in reserve status until the agreement is reached. If an agreement is not reached by July 1, 2006, the amount provided in this subsection shall lapse. If an agreement is reached by July 1, 2006, the increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Due to the timing challenges in negotiating a collective bargaining agreement funded under this subsection, the agreement will not have been concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

(9) The Washington state patrol, in consultation with the department of licensing, local law enforcement agencies, and other appropriate organizations, shall study the options for implementing an inspection program for tow truck operators that are not licensed as registered tow truck operators. This study shall also evaluate prospective sources of funding and the amount of funding necessary for the program. The Washington state patrol shall report to the transportation committees of the legislature by December 1, 2006, on the options, strategies, and recommendations for implementing an inspection program for tow truck operators that are not licensed as registered tow truck operators.

(10) \$2,040,000 of the state patrol highway account--state appropriation is provided solely for eighteen additional commissioned officers in the vessel and terminal security division.

(11) The office of financial management shall conduct a review of the state patrol highway account and report its findings to the legislature by January 1, 2007.

NEW SECTION. Sec. 209. A new section is added to 2005 c 313 (uncodified) to read as follows:

**FOR THE WASHINGTON STATE PATROL--
INVESTIGATIVE SERVICES BUREAU**

State Patrol Highway Account--State Appropriation \$1,358,000
Sec. 210. 2005 c 313 s 209 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--
TECHNICAL SERVICES BUREAU**

State Patrol Highway Account--State Appropriation	
.....	(\$82,748,000)
	\$91,359,000
State Patrol Highway Account--Private/Local	
Appropriation	\$2,008,000
TOTAL APPROPRIATION .	(\$84,756,000)
	\$93,367,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$247,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Second Substitute House Bill No. 1188. If Second Substitute House Bill No. 1188 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(2) The Washington state patrol is instructed to work with the risk management division in the office of financial management in compiling the state patrol data for establishing the agency's risk management insurance premiums to the tort claims account. The office of financial management and the Washington state patrol shall submit a report to the transportation committees of the senate and house of representatives by December 31st of each year on the number of

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

claims, estimated claims to be paid, method of calculation, and the adjustment in the premium.

(3) ~~(\$6,228,000 of the total appropriation is provided solely for automobile fuel in the 2005-2007 biennium.~~

~~(4))~~ (4) \$8,678,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

~~((5))~~ (4) \$5,254,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.

~~((6))~~ (5) \$384,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the patrol.

(6)(a) \$28,000 of the state patrol highway account--state appropriation is provided solely for the collective bargaining agreement reached between the governor and the Washington state patrol troopers association under chapter 438, Laws of 2005. For commissioned troopers and sergeants covered under this section, funding is provided for a 2.6% salary increase effective July 1, 2006. This increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Provisions of the collective bargaining agreement contained in this subsection are described in general terms. Only major economic terms are included in this description. This description does not contain the complete contents of the agreement. Due to the timing challenges in negotiating the initial collective bargaining agreement under chapter 438, Laws of 2005, this agreement was not concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

(b) \$2,000 of the state patrol highway account--state appropriation is provided solely for salary increases for commissioned captains and lieutenants covered under this section, if a new collective bargaining agreement is reached between the governor and the Washington state patrol lieutenants association by July 1, 2006. The amount provided in this subsection is contingent on an agreement being reached by July 1, 2006, and shall be held in reserve status until the agreement is reached. If an agreement is not reached by July 1, 2006, the amount provided in this subsection shall lapse. If an agreement is reached by July 1, 2006, the increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Due to the timing challenges in negotiating a collective bargaining agreement funded under this subsection, the agreement will not have been concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

Sec. 211. 2005 c 313 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--
MANAGEMENT AND SUPPORT SERVICES**

Marine Fuel Tax Refund Account--State Appropriation	\$3,000
Motorcycle Safety Education Account--State Appropriation	
.....	\$96,000
Wildlife Account--State Appropriation	((82,000))
	\$95,000
Highway Safety Account--State Appropriation	((11,418,000))
	\$11,574,000
Motor Vehicle Account--State Appropriation	((7,043,000))
	\$7,381,000
DOL Services Account--State Appropriation	((88,000))
	\$102,000
((Biometric Security Account--State Appropriation	.. \$57,000))
TOTAL APPROPRIATION	((18,787,000))
	\$19,251,000

The appropriations in this section are subject to the following conditions and limitations: \$1,134,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6103. If Engrossed Substitute Senate Bill No. 6103 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

Sec. 212. 2005 c 313 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--
INFORMATION SERVICES**

Marine Fuel Tax Refund Account--State Appropriation	\$2,000
Motorcycle Safety Education Account--State Appropriation	
.....	\$35,000
Wildlife Account--State Appropriation	\$102,000
Highway Safety Account--State Appropriation	((20,698,000))
	\$22,632,000
Motor Vehicle Account--State Appropriation	((12,095,000))
	\$12,135,000
Motor Vehicle Account--Private/Local Appropriation	\$500,000
DOL Services Account--State Appropriation	((7,825,000))
	\$5,919,000
((Biometric Security Account--State Appropriation	.. \$728,000))
TOTAL APPROPRIATION	((41,985,000))
	\$41,325,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall submit a report to the transportation committees of the legislature, detailing the progress made in transitioning from the HP3000 system, by December 30, 2005, and each December 1st thereafter until the project is fully completed.

(2) \$357,000 of the motor vehicle account--state appropriation is provided solely for the implementation of all special license plate bills introduced during the 2005 legislative session and approved by the special license plate review board. The amount provided in this subsection shall be reduced accordingly for any of those bills that are not enacted by June 30, 2005.

(3) \$58,000 of the state wildlife account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5423. If Substitute Senate Bill No. 5423 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) \$145,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6103. If Engrossed Substitute Senate Bill No. 6103 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(5) \$8,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6287 (parking privileges for persons who are legally blind). If Substitute Senate Bill No. 6287 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(6) \$15,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2389 (parking privileges for persons with porphyria). If Substitute House Bill No. 2389 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(7) \$12,000 of the highway safety account--state appropriation is provided solely for the implementation of House Bill No. 2829 (driver training schools). If House Bill No. 2829 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 213. 2005 c 313 s 212 (uncodified) is amended to read as follows:

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

TOTAL APPROPRIATION . ((~~\$89,587,000~~))
\$90,092,000

Marine Fuel Tax Refund Account--State Appropriation \$26,000
Wildlife Account--State Appropriation ((~~\$626,000~~))
\$627,000
Motor Vehicle Account--State Appropriation . ((~~\$49,894,000~~))
\$51,276,000
Motor Vehicle Account--Private/Local Appropriation \$872,000
DOL Services Account--State Appropriation \$1,146,000
Highway Safety Account--State Appropriation \$404,000
TOTAL APPROPRIATION . ((~~\$52,968,000~~))
\$54,351,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$247,000 of the motor vehicle account--state appropriation is provided solely for the implementation of all special license plate bills introduced during the 2005 legislative session and approved by the special license plate review board. The amount provided in this subsection shall be reduced accordingly for any of those bills that are not enacted by June 30, 2005.

(2) \$11,000 of the wildlife account--state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 5423. If Engrossed Senate Bill No. 5423 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(3) \$404,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6103. If Engrossed Substitute Senate Bill No. 6103 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) \$37,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6287 (parking privileges for persons who are legally blind). If Substitute Senate Bill No. 6287 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(5) \$5,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2389 (parking privileges for persons with porphyria). If Substitute House Bill No. 2389 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(6) The department of licensing, in consultation with the department of transportation, Washington state patrol, local law enforcement agencies, and other appropriate organizations, shall study the feasibility of creating a toll-free hotline for the public to report violations of accessible parking laws, including RCW 46.16.381 and 46.61.581. A report on the findings of this study is due to the transportation committees of the legislature by December 1, 2006, and shall include recommendations on how to disseminate and publicize information to the public that explains the existence, purpose, and method of accessing such a hotline, and how to partner with appropriate law enforcement agencies in the jurisdiction in which alleged violations occurred. In making recommendations regarding the potential establishment of an accessible parking violation hotline, the department of licensing shall consider how to utilize or partner with existing statewide and regional hotlines.

Sec. 214. 2005 c 313 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

Motorcycle Safety Education Account--State
Appropriation ((~~\$3,005,000~~))
\$3,006,000
Highway Safety Account--State Appropriation ((~~\$85,051,000~~))
\$87,078,000
Highway Safety Account--Federal Appropriation \$8,000
((Biometric Security Account--State Appropriation \$1,523,000))

The appropriations in this section are subject to the following conditions and limitations:

(1) \$970,000 of the highway safety account--state appropriation is provided solely for the commercial driver license program. The department shall informally report to the transportation committees of the legislature on the progress made in addressing federal audit findings and in implementing the federal motor carrier safety improvement act. Reports shall be made by the following dates: November 1, 2005, and each November 1st thereafter.

(2) \$412,000 of the motorcycle safety and education account--state appropriation is provided solely for the department's motorcycle safety program. The department shall informally report to the transportation committees of the legislature detailing the progress made in implementing national highway traffic safety assessment guidelines. Reports shall be made by the following dates: November 1, 2005, and each November 1st thereafter.

(3) The department of licensing, in consultation with the department of transportation and other stakeholders, shall draft legislation to bring the state into compliance with any federal legislation or rules enacted relative to identification necessary for persons crossing international borders. The department shall report to the transportation committees of the legislature by December 1, 2005, on the recommended legislation for bringing the state into compliance with federal requirements.

(4) \$738,000 of the highway safety account--state appropriation is provided solely for the implementation of House Bill No. 2829 (driver training schools). If House Bill No. 2829 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(5) The department shall join in any lawsuits filed by other states seeking funding to implement the provisions of Title II of P.L. 109-13, improved security for driver's license and personal identification cards (Real ID), as passed by Congress May 10, 2005, whenever the department is legally and ethically permitted to do so.

(6) The department shall coordinate with the federally designated organ procurement organization for Washington state to develop instructional materials relating to organ and tissue donation awareness education. The instructional materials shall be provided to each qualifying applicant for an instructor's license or a driver training school license. All costs associated with the development, distribution, and implementation of the instructional materials shall be the responsibility of the foundation established under RCW 46.12.510.

Sec. 215. 2005 c 313 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND MAINTENANCE--PROGRAM B

Tacoma Narrows Toll Bridge Account--State Appropriation
..... ((~~\$8,615,000~~))
\$8,294,000

Sec. 216. 2005 c 313 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM C

Motor Vehicle Account--State Appropriation . ((~~\$55,941,000~~))
\$56,295,000
Motor Vehicle Account--Federal Appropriation . . . \$1,973,000
Puget Sound Ferry Operations Account--State
Appropriation ((~~\$8,558,000~~))
\$8,572,000

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

Multimodal Transportation Account--State Appropriation

.....	\$363,000
TOTAL APPROPRIATION .	(\$66,835,000)
	\$67,203,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$850,000)~~ \$800,000 of the motor vehicle account--state appropriation is provided solely for the continued maintenance and support of the transportation executive information system (TEIS). The TEIS shall be enhanced during the ~~(2005)~~ 2006 legislative interim to continue the shift towards a monitoring and reporting system capable of tracking and reporting on major project milestones and measurements. The department shall work with the legislature to identify and define meaningful milestones and measures to be used in monitoring the scope, schedule, and cost of projects. The department shall provide updated information on six project milestones for all active projects, funded in part or in whole with 2005 transportation partnership account funds or 2003 nickel account funds, on a quarterly basis in TEIS. The department shall also provide updated information on six project milestones for projects agreed to by the legislature, office of financial management, and the department, and funded with preexisting funds, on a quarterly basis in TEIS.

(2) \$350,000 of the motor vehicle account--state appropriation is provided solely for a financial and capital project system needs assessment for future automation development and enhancements. The completed assessment will identify options which shall be presented to the transportation committees of the senate and the house of representatives by December 31, 2005.

(3) The department shall consult with the office of financial management and the department of information services to ensure that (a) the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, use or develop common statewide information systems to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication.

(4) The department shall review its GPS network services and survey data, and evaluate the added benefits of using real-time data from a regional cooperative GPS network.

(5) The department shall report to the joint transportation committee by November 15, 2006, on the plan for the next phase of the critical applications systems replacement project.

Sec. 217. 2005 c 313 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--
FACILITY MAINTENANCE, OPERATIONS AND
CONSTRUCTION--PROGRAM D--OPERATING**

Motor Vehicle Account--State Appropriation .	(\$33,499,000)
	\$33,600,000

Sec. 218. 2005 c 313 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--
AVIATION--PROGRAM F**

Aeronautics Account--State Appropriation	(\$5,632,000)
	\$7,137,000
Aeronautics Account--Federal Appropriation	\$2,150,000
(Aircraft Search and Rescue Safety and Education Account--State Appropriation	\$262,000)
Multimodal Transportation Account--State Appropriation	\$100,000
Multimodal Transportation Account--Federal Appropriation	\$900,000
.....	\$900,000
TOTAL APPROPRIATION . .	(\$9,044,000)
	\$10,287,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$433,000 of the aeronautics account--state appropriation is provided solely for airport pavement projects. The department's aviation division shall complete a priority airport pavement project list by January 1, 2006, to be considered by the legislature in the 2006 supplemental budget. If Substitute Senate Bill No. 5414 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~(b) ((The entire aircraft search and rescue safety and education account appropriation shall lapse if Substitute Senate Bill No. 5414 is enacted by June 30, 2005.~~

~~---(e))~~ If Substitute Senate Bill No. 5414 is enacted by July 1, 2005, then the remaining unexpended fund balance in the aircraft search and rescue, safety, and education account shall be deposited into the state aeronautics account.

(2) The entire multimodal transportation account--state and federal appropriations are provided solely for implementing Engrossed Substitute Senate Bill No. 5121. If Engrossed Substitute Senate Bill No. 5121 is not enacted by June 30, 2005, or if federal funds are not received by March 1, 2006, for the purpose of implementing Engrossed Substitute Senate Bill No. 5121, the amount provided in this subsection shall lapse.

Sec. 219. 2005 c 313 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--
PROGRAM DELIVERY MANAGEMENT AND
SUPPORT--PROGRAM H**

Motor Vehicle Account--State Appropriation .	(\$48,961,000)
	\$52,828,000
Motor Vehicle Account--Federal Appropriation	\$500,000
Multimodal Account--State Appropriation	\$250,000
TOTAL APPROPRIATION .	(\$49,711,000)
	\$53,578,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely for the purposes of providing contract services to the association of Washington cities and Washington state association of counties for (a) activities of the transportation permit efficiency and accountability committee, including pilot mitigation banking activities, and (b) other permit delivery efforts.

(2) ~~(\$1,475,000)~~ \$1,775,000 of the motor vehicle account--state appropriation is provided solely for the staffing activities of the transportation permit efficiency and accountability committee.

(3) \$3,500,000 of the motor vehicle account--state appropriation is provided solely for consultant contracts to assist the department in the delivery of the capital construction program by identifying improvements to program delivery, program management, project controls, program and project monitoring, forecasting, and reporting. The consultants shall work with the department of information services and include department of information services' recommendations in their reports.

The consultants shall develop a capital construction strategic plan, due to the transportation committees of the house of representatives and senate and to the office of financial management, by June 30, 2006.

The consultants shall also coordinate their work with other budget and performance efforts, including Roadmap, the joint transportation committee budget study, the findings of the critical applications modernization and integration strategies study, including proposed next steps, and the priorities of government process.

The department shall report to the transportation committees of the house of representatives and senate, and the office of

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

financial management, by July 31, 2006, on recommended capital budgeting and reporting options. Options must include appropriate project groupings for reporting purposes, and appropriate measures for reporting project progress, timeliness, cost, and criteria and processes for project transfers.

Sec.220. 2005 c 313 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-- ECONOMIC PARTNERSHIPS--PROGRAM K

Motor Vehicle Account--State Appropriation . . ((\$1,068,000)) \$1,072,000

Sec. 221. 2005 c 313 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-- HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Account--State Appropriation ((\$296,648,000)) \$299,720,000
Motor Vehicle Account--Federal Appropriation . . . \$1,426,000
Motor Vehicle Account--Private/Local Appropriation \$4,315,000
TOTAL APPROPRIATION ((\$302,389,000)) \$305,461,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.

(4) Funding is provided for maintenance on the state system to allow for a continuation of the level of service targets included in the 2003-05 biennium. In delivering the program, the department should concentrate on the following areas:

(a) Meeting or exceeding the target for structural bridge repair on a statewide basis;

(b) Eliminating the number of activities delivered in the "f" level of service at the region level;

(c) Reducing the number of activities delivered in the "d" level of service by increasing the resources directed to those activities on a statewide and region basis; and

(d) Evaluating, analyzing, and potentially redistributing resources within and among regions to provide greater consistency in delivering the program statewide and in achieving overall level of service targets.

(5) The department shall develop and implement a plan to improve work zone safety on a statewide basis. As part of the strategy included in the plan, the department shall fund equipment purchases using a portion of the money from the annual OTEF equipment purchasing and replacement process. The department shall also identify and evaluate statewide equipment needs (such as work zone safety equipment) and prioritize any such needs on a statewide basis. Substitute purchasing at the statewide level, when appropriate, shall be utilized to meet those identified needs. The department must report to the transportation committees of the legislature by

December 1, 2005, on the plan, and by December 1, 2006, on the status of implementing the plan.

Sec. 222. 2005 c 313 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-- TRAFFIC OPERATIONS--PROGRAM Q--OPERATING

Motor Vehicle Account--State Appropriation . ((\$42,811,000)) \$43,847,000
Motor Vehicle Account--Federal Appropriation . . . \$2,050,000
Motor Vehicle Account--Private/Local Appropriation \$128,000
TOTAL APPROPRIATION . ((\$44,989,000)) \$46,025,000

The appropriations in this section are subject to the following conditions and limitations: \$4,400,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis.

Sec. 223. 2005 c 313 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-- TRANSPORTATION MANAGEMENT AND SUPPORT-- PROGRAM S

Motor Vehicle Account--State Appropriation . ((\$25,434,000)) \$25,516,000
Motor Vehicle Account--Federal Appropriation \$30,000
Puget Sound Ferry Operations Account--State Appropriation \$1,321,000
Multimodal Transportation Account--State Appropriation \$973,000
TOTAL APPROPRIATION . ((\$27,758,000)) \$27,840,000

Sec. 224. 2005 c 313 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-- TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation . ((\$22,390,000)) \$24,052,000
Motor Vehicle Account--Federal Appropriation . . \$16,756,000
Multimodal Transportation Account--State Appropriation ((\$2,267,000)) \$2,279,000
Multimodal Transportation Account--Federal Appropriation \$2,829,000
Multimodal Transportation Account--Private/Local Appropriation \$100,000
Transportation Partnership Account--State Appropriation ((\$6,000,000)) \$2,300,000
TOTAL APPROPRIATION . ((\$50,342,000)) \$48,316,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In order to qualify for state planning funds available to regional transportation planning organizations under this section, a regional transportation planning organization containing any county with a population in excess of one million shall provide voting membership on its executive board to any incorporated principal city of a metropolitan statistical area within the region, as designated by the United States census bureau, and to any incorporated city within the region with a population in excess of eighty thousand as of July 1, 2005.

FIFTY-NINTH DAY, MARCH 8, 2006

Additionally, a regional transportation planning organization described under this subsection shall conduct a review of its executive board membership criteria to ensure that the criteria appropriately reflects a true and comprehensive representation of the organization's jurisdictions of significance within the region.

~~((3))~~ ~~\$2,000,000 of the transportation partnership account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) election and department of transportation project oversight. These funds are provided as a loan to the RTID and shall be repaid to the state motor vehicle account within one year following the certification of the election results related to the RTID. If either Engrossed Substitute House Bill No. 2157 or Senate Bill No. 6089 are enacted by June 30, 2005, the amount provided in this subsection shall lapse. None of this appropriation may be used for election expenses for an election held before January 1, 2006.~~

~~((4))~~ ~~(2) \$175,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department to support the processing and analysis of the backlog of city and county collision reports by January 2006. The amount provided in this subsection shall lapse if federal funds become available for this purpose.~~

~~((5))~~ ~~(3) \$150,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1565. If Engrossed Second Substitute House Bill No. 1565 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.~~

~~((6))~~ ~~(4) The department of transportation shall evaluate the number of spaces available for long-haul truck parking relative to current and projected future needs. The department of transportation shall also explore options for augmenting the number of spaces available, including, but not limited to, expanding state-owned rest areas or modifying regulations governing the use of these facilities, utilizing weigh stations and park and ride lots, and encouraging the expansion of the private sector's role. Finally, the department shall explore the utility of coordinating with neighboring states on long-haul truck parking and evaluate methodologies for alleviating any air quality issues relative to the issue. The department must report to the transportation committees of the legislature by December 1, 2005, on the options, strategies, and recommendations for long-haul truck parking.~~

~~((7))~~ ~~(5) \$50,000 of the multimodal transportation account--state appropriation is provided solely for evaluating high-speed passenger transportation facilities and services, including rail or magnetic levitation transportation systems, to connect airports as a means to more efficiently utilize airport capacity, as well as connect major population and activity centers. This evaluation shall be coordinated with the airport capacity and facilities market analysis conducted pursuant to Engrossed Substitute Senate Bill No. 5121 and results of the evaluation shall be submitted by July 1, 2007. If Engrossed Substitute Senate Bill No. 5121 is not enacted by June 30, 2005, or if federal funds are not received by March 1, 2006, for the purpose of implementing Engrossed Substitute Senate Bill No. 5121, the amount provided in this subsection shall lapse.~~

~~(6) \$700,000 of the motor vehicle account--state appropriation is provided solely for completing funding for a route development plan of U.S. route 2.~~

~~(7) The department shall conduct a study of the resources allocated to each of the seven department regions and the corresponding workloads. Given the magnitude of the investments in the Puget Sound region, particular emphasis shall be given to reviewing the resources allocated and corresponding workloads with respect to the urban corridors region and the northwest region. Based on the results of this study, the department shall submit recommendations by December 1,~~

2006 REGULAR SESSION

~~2006, to the legislature and the office of financial management regarding reallocating resources and revising regional boundaries within the department, as appropriate, in order to better coincide allocated resources with designated regional boundaries.~~

~~(8) \$750,000 of the multimodal transportation account--state appropriation is provided solely for implementing Engrossed Substitute House Bill No. 2871. If Engrossed Substitute House Bill No. 2871 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse. The regional transportation commission's duties to develop, complete, and submit a governance proposal to the 2007 legislature are highly time sensitive. As a result, the legislature finds that competitive bidding is not cost-effective or appropriate for personal service contracts entered into by the commission, and that the director of the office of financial management should, by the director's authority under RCW 39.29.011(5), exempt any such personal service contract from the competitive bidding requirements of chapter 39.29 RCW.~~

~~(9) \$2,300,000 of the transportation partnership account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) and department of transportation project oversight. The department shall provide support from its urban corridors region to assist in preparing project costs, expenditure plans, and modeling. The department shall not deduct a management reserve, nor charge management or overhead fees. These funds are provided as a loan to the RTID and shall be repaid to the state motor vehicle account within one year following the certification of the election results related to the RTID.~~

~~(10) \$100,000 of the motor vehicle account--state appropriation is provided solely to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely to conduct an analysis of expanding the transportation concurrency requirements prescribed under the growth management act, chapter 36.70A RCW, to include development impacts on level of service standards applicable to state-owned transportation facilities, including state highways and state ferry routes. The objective of the analysis is to determine how to ensure that jurisdictional divisions do not defeat growth management act concurrency goals. The department shall convene a committee to oversee the analysis, with the committee comprised of, at a minimum, four members of the transportation committees of the legislature, four members of the appropriate land use committees of the legislature, and one member each from the association of Washington cities and the Washington state association of counties, or a designee thereof. The completed study, including recommendations, must be submitted to the appropriate standing committees of the legislature, and to the office of financial management, by December 1, 2006.~~

~~(11) The department of transportation, the Washington state economic revenue forecast council, and the office of financial management shall review and adopt a method of forecasting motor vehicle and special fuel prices, revenue, and the amount of consumption that has an increased rate of accuracy as compared to the existing method. The three agencies shall submit a report to the transportation committees of the legislature by December 1, 2006, outlining the methods researched and the criteria utilized to select and adopt the new fuel forecasting method.~~

~~(12) \$150,000 of the multimodal transportation account--state appropriation is provided solely for a transportation demand management program, developed by the Whatcom council of governments, to further reduce drive-alone trips and maximize the use of sustainable transportation choices. The community based program must focus on all trips, not only commute trips, by providing education, assistance, and incentives to four target audiences: (a) Large work sites; (b) employees of businesses in downtown areas; (c) school children; and (d) residents of Bellingham.~~

FIFTY-NINTH DAY, MARCH 8, 2006

Sec. 225. 2005 c 313 s 224 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--
CHARGES FROM OTHER AGENCIES--PROGRAM U**

Motor Vehicle Account--State Appropriation	(\$45,030,000)
	<u>\$46,874,000</u>
Motor Vehicle Account--Federal Appropriation	\$400,000
TOTAL APPROPRIATION	(\$45,430,000)
	<u>\$47,274,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$31,749,000 of the motor vehicle fund--state appropriation is provided solely for the liabilities attributable to the department of transportation. The office of financial management must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT

DIVISION OF RISK MANAGEMENT FEES \$1,667,000

(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE

AUDITOR ~~(\$1,017,000)~~

(c) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL

ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED

MAIL SERVICES \$4,049,000

(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF

PERSONNEL ~~(\$3,572,000)~~

(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION \$31,749,000

(f) FOR PAYMENT OF THE DEPARTMENT OF GENERAL

ADMINISTRATION CAPITAL PROJECTS SURCHARGE

. \$1,717,000

(g) FOR ARCHIVES AND RECORDS MANAGEMENT \$545,000

(h) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS

ENTERPRISES ~~(\$1,114,000)~~

(i) FOR PAYMENT OF THE DEPARTMENT OF PERSONNEL

HRMS PAYROLL SYSTEM \$817,000

(j) FOR PAYMENT OF THE OFFICE OF FINANCIAL

MANAGEMENT ROADMAP CHARGES \$12,000

(k) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT

CAPITAL BUDGET SYSTEM CHARGES \$15,000

(l) FOR PAYMENT OF DEPARTMENT OF INFORMATION SERVICES

RATE INCREASES \$5,000

Sec. 226. 2005 c 313 s 225 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--
PUBLIC TRANSPORTATION--PROGRAM V**

Multimodal Transportation Account--State	
Appropriation	(\$62,269,000)
	<u>\$87,233,000</u>
Multimodal Transportation Account--Federal	

2006 REGULAR SESSION

Appropriation	\$2,603,000
Multimodal Transportation Account--Private/Local	
Appropriation	\$155,000
TOTAL APPROPRIATION	(\$65,027,000)
	<u>\$89,991,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$5,500,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$19,500,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2003 as reported in the "Summary of Public Transportation - 2003" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. The first \$450,000 provided to King county shall be used as follows:

(i) \$320,000 shall be used to provide electric buses, instead of diesel buses, for service on Capital Hill in Seattle, Washington through June 30, 2007;

(ii) \$130,000 shall be used to provide training for blind individuals traveling through Rainier Valley and the greater Seattle area. The training is to include destination training and retraining due to the expected closure of the downtown bus tunnel and training on how to use the Sound Transit light rail system.

(2) Funds are provided for the rural mobility grant program as follows:

(a) \$7,000,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the Summary of Public Transportation - 2003 published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$7,000,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(3) ~~(\$5,000,000)~~ \$8,900,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; no operating costs for public transit agencies are eligible for funding under this grant program. No additional employees may be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. Additional criteria for selecting grants must include leveraging funds other than state funds.

(4) \$3,000,000 of the multimodal transportation account--state appropriation is provided solely for the city of Seattle for the Seattle streetcar project on South Lake Union. ~~(Should the city receive any state funds for this purpose during the 2003-05 or 2005-07 biennium, the amount provided in this subsection must be reduced accordingly.)~~

FIFTY-NINTH DAY, MARCH 8, 2006

(5) \$1,200,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 2124. If Engrossed Substitute House Bill No. 2124 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6)(a) \$20,000,000 of the multimodal transportation account--state appropriation is provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2006-D, Regional Mobility Grant Program Projects as developed March 8, 2006. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. When funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closure, the department shall expeditiously extend new grant awards to qualified alternative projects identified on the list.

(b) Pursuant to the grant program established in (Engrossed Substitute House Bill No. 2124) RCW 47.66.030, the department shall issue a call for projects and/or service proposals. Applications must be received by the department by November 1, 2005, and November 1, 2006. The department must submit a prioritized list for funding to the transportation committees of the legislature that reflects the department's recommendation, as well as, a list of all project or service proposals received.

(7) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely for new tri-county connection service for Island, Skagit, and Whatcom transit agencies.

(8) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely to King county as a state match to obtain federal funding for a car sharing program for persons meeting certain income or employment criteria.

(9) \$750,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of the local government and regional transportation planning requirements in Engrossed Substitute Senate Bill No. 6566 (commute trip reduction). The department may use contract or temporary employees to implement the bill and shall allocate the remaining funds to regional transportation planning organizations, counties, and cities on an as needed basis. If Engrossed Substitute Senate Bill No. 6566 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(10) \$200,000 of the multimodal account appropriation is provided solely for up to three low-income car ownership programs. The department shall seek to leverage available federal funds from the job access and reverse commute program to augment the funding provided in this subsection. Additionally, the department shall report back to the appropriate committees of the legislature with a review of the obstacles presented by state laws on surplus property disposal to community organizations reconditioning cars and selling those cars at below market rates to low-income families.

Sec. 227. 2005 c 313 s 226 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--
MARINE--PROGRAM X**

Puget Sound Ferry Operations Account--State
Appropriation ~~(\$350,454,000)~~
\$372,254,000

Multimodal Transportation Account--State
Appropriation \$3,660,000
TOTAL APPROPRIATION ~~(\$354,114,000)~~
\$375,914,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$57,928,000)~~ \$75,280,000 of the total appropriation is provided solely for auto ferry vessel operating fuel in the 2005-2007 biennium.

(2) ~~((The total appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 2005-2007 biennium may not exceed \$222,356,000, plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$584.58 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2006 and \$584.58 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2007, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 2005-2007 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2:))~~ The maximum amount of expenditures for compensation paid to ferry employees during the 2005-2007 biennium shall not exceed \$226,455,000. This amount reflects the sole source of state funding available to support the implementation of any collective bargaining agreements or arbitration awards with respect to state ferry employee compensation, including salaries, wages, and employee benefits, during the 2005-2007 biennium, which amount includes \$6,223,000 in full satisfaction of the arbitration awards for the 2001-2003 biennium and \$1,339,000 for labor productivity gains agreements. The department's use of this expenditure authority constitutes a good faith attempt to implement such agreements and awards, including those applicable to prior biennia. It is the intent of the legislature that the expenditure authority provided in this subsection fully satisfy any agreements or awards required to be implemented during the 2005-2007 biennium, and that the provisions of Substitute House Bill No. 3178 (marine employees collective bargaining) will govern the implementation of agreements or awards effective beginning with the 2007-2009 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's state administrative and accounting manual, chapter 75.70, named under objects of expenditure "A" and "B".

(3) \$1,116,000 of the Puget Sound ferry operations account--state appropriation is provided solely for ferry security operations necessary to comply with the ferry security plan submitted by the Washington state ferry system to the United States coast guard. The department shall track security costs and expenditures. Ferry security operations costs shall not be included as part of the operational costs that are used to calculate farebox recovery.

(4) The Washington state ferries must work with the department's information technology division to implement an electronic fare system, including the integration of the regional fare coordination system (smart card). Each December and June, semi-annual updates must be provided to the transportation committees of the legislature concerning the status of implementing and completing this project, with updates concluding the first December after full project implementation.

(5) The Washington state ferries shall continue to provide service to Sidney, British Columbia.

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(6) \$3,660,000 of the multimodal transportation account--state appropriation is provided solely to provide passenger-only ferry service. The ferry system shall continue passenger-only ferry service from Vashon Island to Seattle (~~through June 30, 2007~~) until such time as a county ferry district's assumption of the route, as authorized by Substitute Senate Bill No. 6787. Beginning September 1, 2005, ferry system management shall implement its agreement with the Inlandboatmen's Union of the Pacific and the International Organization of Masters, Mates and Pilots providing for part-time passenger-only work schedules. ((Funds may not be spent to implement the results of the passenger-only ferry study conducted by the joint transportation committee provided in section 205 of this act until approved by the legislature.))

(7) \$350,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the implementation of Substitute House Bill No. 3178 (marine employees collective bargaining). If Substitute House Bill No. 3178 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 228. 2005 c 313 s 227 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING

Multimodal Transportation Account--State Appropriation ~~(\$36,420,000)~~
\$36,876,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$29,091,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service. Upon completion of the rail platform project in the city of Stanwood, the department shall provide daily Amtrak Cascades service to the city.

(b) The department shall negotiate with Amtrak and Burlington Northern Santa Fe to adjust the Amtrak Cascades schedule to leave Bellingham at a significantly earlier hour.

(2) \$2,750,000 of the multimodal transportation account--state appropriation is provided solely for a new round trip rail service between Seattle and Portland beginning July 1, 2006.

(3) No AMTRAK Cascade runs may be eliminated.

(4) ~~(\$200,000)~~ \$40,000 of the multimodal transportation account--state appropriation is provided solely for the produce railcar program. The department is encouraged to implement the produce railcar program by maximizing private investment.

(5) \$500,000 of the multimodal transportation account--state appropriation is provided solely for a study of the realignment of highway and rail in the Longview industrial area (SR 432) corridor, specifically regarding whether the construction of a limited access bypass highway to reduce congestion resulting from anticipated growth in future rail and truck traffic, is a feasible alternative. In conducting the study, the department shall consult port districts, local government planning staff, and rail road companies, and other appropriate stakeholders.

(6) \$60,000 of the multimodal transportation account--state appropriation is provided solely for a study of the need for transloading capabilities in the West Plains area that could be served by the Geiger Spur, including evaluation of prospective transloader sites, potential operators and users, and the type, size, and special needs of shippers/customers. The study must also evaluate the costs associated with building and operating a transloader site and the impact to local roadways and surrounding land uses. In conducting the study, the department shall consult with Spokane County.

Sec. 229. 2005 c 313 s 228 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING

Motor Vehicle Account--State Appropriation . . . ~~(\$7,947,000)~~
\$8,500,000
Motor Vehicle Account--Federal Appropriation . . . \$2,597,000
Multimodal Transportation Account--State Appropriation ~~(\$211,000)~~
\$411,000
TOTAL APPROPRIATION . . . ~~(\$10,755,000)~~
\$11,508,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$211,000 of the motor vehicle account--state appropriation and ~~(\$211,000)~~ \$411,000 of the multimodal transportation account--state appropriation are provided solely for the state's contribution to county and city studies of flood hazards in association with interstate highways. First priority shall be given to threats along the I-5 corridor.

(2) \$525,000 of the motor vehicle account--state appropriation is provided solely to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely for contract services with the association of Washington cities and the Washington state association of counties for improving transportation permitting and mitigation processes.

TRANSPORTATION AGENCIES--CAPITAL

Sec. 301. 2005 c 313 s 302 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation ~~(\$67,933,000)~~
\$64,933,000
Motor Vehicle Account--State Appropriation \$355,000
County Arterial Preservation Account--State Appropriation ~~(\$30,392,000)~~
\$32,697,000
TOTAL APPROPRIATION . . . ~~(\$98,680,000)~~
\$97,985,000

The appropriations in this section are subject to the following conditions and limitations: \$355,000 of the motor vehicle account--state appropriation is provided for county ferries as set forth in RCW 47.56.725(4).

Sec. 302. 2005 c 313 s 303 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation ~~(\$99,425,000)~~
\$101,425,000
Small City Preservation and Sidewalk Account--State Appropriation \$2,000,000
Transportation Improvement Account--State Appropriation ~~(\$103,601,000)~~
\$94,401,000
TOTAL APPROPRIATION . . . ~~(\$205,026,000)~~
\$197,826,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement account--state appropriation includes up to \$14,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. ~~((The transportation improvement board may authorize the use of current revenues available to the agency in lieu of bond proceeds for any part of the state appropriation.))~~

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(2) \$2,000,000 of the small city preservation and sidewalk account--state appropriation is provided to fund the provisions of chapter 83, Laws of 2005 (Substitute Senate Bill No. 5775).

Sec. 303. 2005 c 313 s 304 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-- PROGRAM D (DEPARTMENT OF TRANSPORTATION- ONLY PROJECTS)--CAPITAL

Motor Vehicle Account--State Appropriation . . . ~~(\$2,492,000)~~
\$2,328,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~(\$601,000)~~ \$584,000 of the motor vehicle account--state appropriation is provided solely for ~~(the)~~ statewide administration.

(2) \$632,000 of the motor vehicle account--state appropriation is provided solely for regional minor projects.

(3) ~~(\$224,000)~~ \$305,000 of the motor vehicle account--state appropriation is provided solely for designing the replacement of the existing outdated maintenance facility in Ephrata.

(4) ~~(\$219,000)~~ \$239,000 of the motor vehicle account--state appropriation is provided solely for the designing of the northwest regional maintenance complex in Seattle.

(5) ~~(\$833,000)~~ \$568,000 of the motor vehicle account--state appropriation is provided solely for the Olympic region headquarters project.

(a) The department of transportation is authorized to use certificates of participation for the financing of the Olympic region project in the amount of \$34,874,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW.

(b) The Washington state department of transportation may utilize the design-build process in accordance with chapter 39.10 RCW for the Olympic region project. If the design-build process is used, it may be developed in partnership with the department of general administration.

Sec. 304. 2005 c 313 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-- IMPROVEMENTS--PROGRAM I

Transportation 2003 Account (Nickel Account)--State	
Appropriation	(\$1,175,004,000)
	\$1,190,511,000
Motor Vehicle Account--State Appropriation	(\$70,359,000)
	\$85,165,000
Motor Vehicle Account--Federal Appropriation (\$229,036,000)	
	\$395,043,000
Motor Vehicle Account--Private/Local Appropriation	
.....	(\$33,893,000)
	\$58,522,000
Special Category C Account--State Appropriation (\$3,419,000)	
	\$3,479,000
Tacoma Narrows Toll Bridge Account Appropriation	
.....	(\$272,329,000)
	\$274,038,000
Transportation Partnership Account--State	
Appropriation	(\$519,786,000)
	\$384,186,000
Multimodal Transportation Account--State	
Appropriation	\$1,002,000
TOTAL APPROPRIATION (\$2,303,826,000)	
	\$2,391,946,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and

activities as listed by fund, project and amount in LEAP Transportation Document ~~(2005-6)~~ 2006-1, Highway Improvement Program (I) as developed ~~(April 24, 2005)~~ March 8, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

(b) Within the amounts provided in this subsection, ~~(\$5,000,000)~~ \$6,835,000 of the transportation partnership account--state appropriation ~~(is provided solely)~~, \$5,002,000 of the transportation 2003 account (nickel account)--state appropriation, and \$2,645,000 of the motor vehicle account--federal appropriation are for project ~~(I-90/405)~~ I-90/Seattle to Mercer Island - Two way transit/HOV. Expenditure of these funds on construction is contingent upon the development of an access plan that provides equitable and dependable access for I-90 Mercer Island exit and entry.

(c) Within the amounts provided in this subsection, \$500,000 of the transportation partnership account--state appropriation is ~~(provided solely)~~ for a west Olympia access study, to complete an access study for state route 101/west Olympia.

(d) Within the amounts provided in this subsection, \$800,000 of the transportation partnership account--state appropriation is ~~(provided solely)~~ for an SR 534 access point decision report.

(f) Within the amounts provided within this subsection, ~~(\$45,000,000)~~ \$6,000,000 of the transportation partnership account--state appropriation is ~~(provided solely)~~ for project 509009B: I-90 Snoqualmie Pass East - Hyak to Keechelus dam. However, if the preferred alternative selected for this project results in a lower total project cost, the remaining funds may be used for concrete rehabilitation on I-90 in the vicinity of this project.

(g) Within the amounts provided in this subsection, \$12,841,000 of the transportation 2003 account (nickel account)--state appropriation and \$4,939,000 of the transportation partnership account--state appropriation are for construction of a new interchange on SR 522 to provide direct access to the University of Washington Bothell/Cascadia community college joint campus. This appropriation assumes an additional \$8,061,000 will be provided in the 2007-09 biennium from the transportation partnership account.

(h) Within the amounts provided in this subsection, \$19,262,149 of the motor vehicle account--federal appropriation and \$1,873,478 of the transportation 2003 account (nickel account) appropriation are for project I54302E: SR 543 (I-5 to the international boundary).

(2) The motor vehicle account--state appropriation includes ~~(\$53,000,000)~~ up to \$50,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. ~~(The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.)~~

(3) (The department shall not commence construction on any part of the SR 520 bridge project until agreements have been reached with the incorporated towns or cities that represent the communities affected by the SR 520 project. The agreements must provide reasonable assurance that no further degradation will occur to the citizens' current use and enjoyment of their properties as a result of repairs and improvements made to the SR 520 bridge and its connecting roadways. Such assurances may be achieved through engineering design choices, mitigation measures, or a combination of both.) The department shall not commence construction on any part of the state route number 520 bridge replacement and HOV project until a record of decision has been reached providing reasonable assurance that project impacts will be avoided, minimized, or mitigated as much as practicable to protect against further adverse impacts on neighborhood environmental quality as a result of repairs and improvements made to the state route 520 bridge and its connecting roadways, and that any such impacts

FIFTY-NINTH DAY, MARCH 8, 2006

will be addressed through engineering design choices, mitigation measures, or a combination of both. The requirements of this section shall not apply to off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

~~(4) The transportation partnership account--state appropriation includes ~~(((\$400,000,000))~~ up to \$150,000,000 in proceeds from the sale of bonds authorized ~~((by Substitute House Bill No. 2311 (or the version as enacted into law)))~~ in RCW 47.10.873. ~~((The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.))~~~~

~~(5) The Tacoma Narrows toll bridge account--state appropriation includes up to \$257,016,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The Tacoma Narrows toll bridge account--state appropriation includes ~~(((\$15,313,000))~~ up to \$17,022,000 in unexpended proceeds from the ~~((January 2003))~~ March 2005 bond sale authorized in RCW 47.10.843 for the Tacoma Narrows bridge project.~~

~~(6) The transportation 2003 account (nickel account)--state appropriation includes ~~(((\$940,000,000))~~ up to \$880,000,000 in proceeds from the sale of bonds authorized by chapter 147, Laws of 2003. ~~((The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.~~~~

~~(7) To manage some projects more efficiently, federal funds may be transferred from program Z to program I and replaced with state funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2006.~~

~~((8))) (7) The department shall, on a quarterly basis beginning July 1, 2005, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act ~~((and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium)).~~ Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).~~

~~((9))) (8) The department of transportation shall conduct an analysis of the causes of traffic congestion on I-5 in the vicinity of Fort Lewis and develop recommendations for alleviating the congestion. The department must report to the transportation committees of the legislature by December 1, 2005, on its analysis and recommendations regarding traffic congestion on I-5 in the vicinity of Fort Lewis.~~

~~((+0))) (9) The department of transportation is authorized to proceed with the SR 519 Intermodal Access project if the city of Seattle has not agreed to a project configuration or design by July 1, 2006.~~

~~((12) \$13,000,000 of the transportation 2003 account (nickel account)--state appropriation and \$5,000,000 of the transportation partnership account--state appropriation are provided solely for construction of a new interchange on SR 522 to provide direct access to the University of Washington Bothell/Cascadia community college joint campus. This appropriation assumes an additional \$8,000,000 will be~~

2006 REGULAR SESSION

~~provided in the 2007-09 biennium from the transportation partnership account.))~~

~~(10) The motor vehicle account--state appropriation includes up to \$14,214,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.843.~~

~~(11) The special category C account--state appropriation includes up to \$1,710,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.812.~~

~~(12) The department should consider using mitigation banking on appropriate projects whenever possible, without increasing the cost to projects. The department should consider using the advanced environmental mitigation revolving account (AEMRA) for corridor and watershed based mitigation opportunities, in addition to project specific mitigation.~~

~~(13) \$500,000 of the motor vehicle account--state appropriation is provided solely for a planning study regarding congestion mitigation improvements on state route 101 in the vicinity of the city of Aberdeen.~~

~~(14) \$6,200,000 of the motor vehicle account--federal appropriation is provided solely for eastern Washington international border crossing and freight mobility projects, including pavement preservation, pavement structural strengthening, and other safety enhancements. Projects shall include funding for U.S. route 97 international border vicinity paving and improvement projects.~~

~~(15) \$3,509,738 of the motor vehicle account--federal appropriation and \$30,793 of the motor vehicle account--state appropriation are provided solely for project 100598C: I-5 Blaine Exit interchange improvements.~~

~~(16) \$250,000 of the transportation 2003 (nickel) account appropriation within the SR 520 project funding for project design is provided solely for the city of Seattle to prepare a plan for addressing the impacts of the SR 520 bridge replacement and HOV project on Seattle neighborhoods, parks, and institutions of higher education. In evaluating the project's impacts, the city shall give great weight to the concerns of neighborhoods and institutions of higher education impacted by design proposals. The mayor and council shall convene the advisory committee. The mayor and council shall have final approval of the plan. The legislature intends that the plan will allow a comprehensive approach to mitigating the impacts of the project and that the city presents the plan to the state department of transportation. The state department of transportation shall not commence construction on any part of the SR 520 bridge replacement and HOV project until agreements have been reached with the city, consistent with the 520 expansion impact plan.~~

~~The city must designate representation from the community council of each neighborhood impacted by the SR 520 bridge replacement and HOV project and representation from the arboretum to serve on an advisory committee to guide the planning process and plan preparation of the 520 expansion impact plan. The University of Washington shall designate a representative to serve on the advisory committee. The secretary of the state department of transportation shall designate a representative to serve on the advisory committee. The funds provided may be spent to contract with a consultant to: (a) Facilitate the activities of the advisory committee; (b) analyze impacts of alternative designs; (c) perform conceptual design work on proposals made by the advisory committee; and (d) prepare mitigation plans for alternative design concepts.~~

~~(17) The legislature recognizes that the finance and project implementation planning processes required for the Alaskan Way viaduct and Seattle Seawall replacement project and the SR 520 bridge replacement and HOV project cannot guarantee appropriate decisions unless key study assumptions are reasonable with respect to each project.~~

~~To assure appropriate finance plan and project implementation plan assumptions, an expert review panel shall be appointed to provide independent financial and technical review for development of a finance plan and project~~

FIFTY-NINTH DAY, MARCH 8, 2006

implementation plan for the projects described in this subsection.

(a) The expert review panel shall consist of five to ten members who are recognized experts in relevant fields, such as planning, engineering, finance, law, the environment, emerging transportation technologies, geography, and economics.

(b) The expert review panel shall be selected cooperatively by the chairs of the senate and house transportation committees, the secretary of the department of transportation, and the governor to assure a balance of disciplines.

(c) The chair of the expert review panel shall be designated by the governor.

(d) The expert panel shall, with respect to completion of the project alternatives as described in the draft environmental impact statement of each project:

(i) Review the finance plan for the project to ensure that it clearly identifies secured and anticipated funding sources and is feasible and sufficient;

(ii) Review the project implementation plan covering all state and local permitting and mitigation approvals that ensure the most expeditious and cost-effective delivery of the project; and

(iii) Report its findings and recommendations on the items described in (d)(i) and (ii) of this subsection to the joint transportation committee, the office of financial management, and the governor no later than September 1, 2006.

(e) Upon receipt of the expert review panel's findings and recommendations under (d)(iii) of this subsection, the governor must make a finding of whether each finance plan is feasible and sufficient to complete the project as described in the draft environmental impact statement.

(f) Nothing in this section shall be interpreted to delay construction of any of the projects referenced in this subsection.

(18)(a) Prior to commencing construction on either project, the department of transportation must complete all of the following requirements for both the Alaskan Way viaduct and Seattle Seawall replacement project, and the state route number 520 bridge replacement and HOV project: (i) In accordance with the national environmental policy act, the department must designate the preferred alternative, prepare a substantial project mitigation plan, and complete a comprehensive cost estimate review using the department's cost estimate validation process, for each project; (ii) in accordance with all applicable federal highway administration planning and project management requirements, the department must prepare a project finance plan for each project that clearly identifies secured and anticipated fund sources, cash flow timing requirements, and project staging and phasing plans if applicable; and (iii) the department must report these results for each project to the joint transportation committee.

(b) The requirements of this subsection shall not apply to (i) utility relocation work, and related activities, on the Alaskan Way viaduct and Seattle Seawall replacement project and (ii) off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

Sec. 305. 2005 c 313 s 306 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--
PRESERVATION--PROGRAM P**

Transportation 2003 Account (Nickel Account)--State	
Appropriation	((10,622,000))
	\$1,687,000
Motor Vehicle Account--State Appropriation	((76,824,000))
	\$94,799,000
Motor Vehicle Account--Federal Appropriation	
.	((404,360,000))
	\$435,310,000
Motor Vehicle Account--Private/Local Appropriation	
.	((6,656,000))

Puyallup Tribal Settlement Account--State	
Appropriation	\$11,000,000
Transportation Partnership Account--State	
Appropriation	((139,533,000))
	\$24,540,000
TOTAL APPROPRIATION	((648,995,000))
	\$575,821,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document ~~((2005-6))~~ 2006-1, Highway Preservation Program (P) as developed ~~((April 24, 2005))~~ March 8, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

~~((a) Within the amounts provided in this subsection, \$139,033,000 of the transportation partnership account--state appropriation is provided solely for implementation of structures preservation (P2) projects.~~

~~((b) Within the amounts provided in this subsection, \$500,000 of the transportation partnership account--state appropriation is provided solely for implementation of other facilities (P3) projects.)~~

(2) \$11,000,000 of the Puyallup tribal settlement account--state appropriation is provided solely for mitigation costs associated with the Murray Morgan/~~((11st))~~ 11th Street Bridge demolition. The department may negotiate with the city of Tacoma for the purpose of transferring ownership of the Murray Morgan/11th Street Bridge to the city. The department may use the Puyallup tribal settlement account appropriation, as well as any funds appropriated in the current biennium and planned in future biennia for the demolition and mitigation for the demolition of the bridge to rehabilitate or replace the bridge, if agreed to by the city. In no event shall the department's participation exceed \$26,500,000 and no funds may be expended unless the city of Tacoma agrees to take ownership of the bridge in its entirety and provide that the payment of these funds extinguishes any real or implied agreements regarding future expenditures on the bridge.

(3) ~~((11,590,000))~~ \$740,000 of the motor vehicle account--state appropriation, ~~((95,299,000))~~ \$106,149,000 of the motor vehicle account--federal appropriation, and ~~((113,591,000))~~ \$10,305,000 of the transportation partnership account--state appropriation are provided solely for the Hood Canal bridge project.

(4) The motor vehicle account--state appropriation includes ~~((530,000))~~ up to \$735,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes.

(5) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

~~((To manage some projects more efficiently, federal funds may be transferred from program Z to program P and replaced with state funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2006.~~

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(7)) The department shall, on a quarterly basis beginning July 1, 2005, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act (and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium). Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(7) The motor vehicle account--state appropriation includes up to \$912,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.843.

(8) The motor vehicle account--state appropriation includes up to \$6,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

(9) \$4,000,000 of the motor vehicle account--federal appropriation and \$6,000,000 of the motor vehicle account--state appropriation are for expenditures on damaged state roads due to flooding, mudslides, rock fall, or other unforeseen events. Slide repair on state routes 101, 4, 107, and 105 must be funded from this amount if federal emergency funds are not available.

Sec. 306. 2005 c 313 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q-- CAPITAL

Motor Vehicle Account--State Appropriation	..	(\$17,519,000)
		\$17,555,000
Motor Vehicle Account--Federal Appropriation	..	\$15,068,000
Motor Vehicle Account--Local Appropriation	..	\$108,000
TOTAL APPROPRIATION	..	(\$32,695,000)
		\$32,731,000

The appropriations in this section are subject to the following conditions and limitations: The motor vehicle account--state appropriation includes \$11,255,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than the commercial vehicle information systems and network. These moneys shall be placed into reserve status until such time as federal funds are secured that require a state match.

Sec. 307. 2005 c 313 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

Puget Sound Capital Construction Account--State		
Appropriation	..	(\$153,184,000)
		\$122,324,000
Puget Sound Capital Construction Account--Federal		
Appropriation	..	(\$59,967,000)
		\$73,590,000
Puget Sound Capital Construction Account--Private/Local		
Appropriation	..	\$26,000
Multimodal Transportation Account--State Appropriation	..	\$13,249,000
Transportation 2003 Account (Nickel Account)--State		
Appropriation	..	(\$34,987,000)
		\$34,991,000
TOTAL APPROPRIATION	..	(\$261,413,000)
		\$244,180,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel construction, major and minor vessel

preservation, and terminal preservation, construction, and improvements. The appropriations in this section are subject to the following conditions and limitations:

(1) The Puget Sound capital construction account--state appropriation includes ~~(\$72,000,000)~~ up to \$40,950,000 in proceeds from the sale of bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. ~~(The transportation commission may authorize the use of current revenues available to the motor vehicle account in lieu of bond proceeds for any part of the state appropriation.)~~

(2) The multimodal transportation account--state appropriation includes up to \$10,249,000 in proceeds from the sale of bonds authorized by RCW 47.10.867. ~~(The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds from any part of the state appropriation.)~~

(3) \$15,617,000 of the Puget Sound capital construction account--state appropriation is provided solely for the Eagle Harbor Terminal Preservation project.

(4) The entire transportation 2003 account (nickel account) appropriation and \$10,249,000 of the multimodal transportation account--state appropriation are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document ~~((2005-6))~~ 2006-1, Ferries Construction Program (W) as developed ~~((April 24, 2005))~~ March 8, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

(5) The department shall, on a quarterly basis beginning July 1, 2005, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).

(6) \$3,000,000 of the multimodal transportation account--state appropriation is provided solely ~~((to implement approved recommendations of the stakeholder task force convened to study the most reliable and cost-effective means of providing passenger-only ferry service. The funds provided in this subsection shall be placed in reserve by the office of financial management. The funds may not be released until approved by the legislature))~~ for passenger-only projects. Projects may include vessel or terminal projects or costs associated with selling vessels.

(7) The multimodal transportation account--state appropriation includes up to \$1,170,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.867.

(8) \$37,117,000 of the Puget Sound capital construction account--state appropriation is for the initial procurement of four 144-vehicle auto-passenger ferry vessels using the process outlined in Substitute Senate Bill No. 6853 and is contingent upon the enactment of Substitute Senate Bill No. 6853.

Sec. 308. 2005 c 313 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL

Essential Rail Assistance Account--State Appropriation	\$250,000	
Multimodal Transportation Account--State		
Appropriation	..	(\$67,158,000)
		\$68,176,000
Multimodal Transportation Account--Private/Local		
Appropriation	..	\$8,287,000
Multimodal Transportation Account--Federal		

Appropriation ~~(\$11,966,000)~~
 \$17,268,000
 TOTAL APPROPRIATION . ~~(\$88,161,000)~~
 \$93,981,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The multimodal transportation account--state appropriation includes up to \$33,435,000 in proceeds from the sale of bonds and up to \$830,000 in unexpended bond proceeds authorized by RCW 47.10.867. ~~((The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.))~~

(2) If federal block grant funding for freight or passenger rail is received, the department shall consult with the transportation committees of the legislature prior to spending the funds on additional projects.

(3)(a) ~~(\$67,158,000)~~ \$68,176,000 of the multimodal transportation account--state appropriation, ~~(\$11,966,000)~~ \$17,268,000 of the multimodal transportation account--federal appropriation, \$8,287,000 of the multimodal transportation account--local appropriation, and \$250,000 of the essential rail assistance account are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document ~~((2005-2))~~ 2006-C, Rail Capital Program (Y) as developed ~~((April 23, 2005))~~ March 8, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

(b) Within the amounts provided in this subsection, \$6,500,000 of the multimodal transportation account--state appropriation is ~~((provided solely))~~ for the two commuter rail projects listed in the LEAP Transportation Document ~~((2005-6))~~ 2006-C, Rail Capital Program (Y) as developed ~~((April 24, 2005))~~ March 8, 2006.

(c) The office of financial management shall negotiate the purchase of the CW line. The purchase agreement must include both the operating and capital rights of the CW line. If the office of financial management is unable to negotiate the purchase of the CW line, the office may stop all negotiations and acquire the line and operational rights through any other alternative means available. The office of financial management shall also negotiate a new operational agreement for the line, in consultation with local governments and other stakeholders.

(d) The office of financial management shall negotiate the purchase of the operating rights of the P&L and PV Hooper lines. If the office of financial management is unable to negotiate the purchase of the operating rights of the P&L and PV Hooper lines, the office may stop all negotiations and acquire the operating rights through any other alternative means available. The office of financial management shall also negotiate new operational agreement(s) for the P&L and PV Hooper lines in consultation with local governments and other stakeholders.

(e) In order to maintain the operation of the Palouse River & Coulee City rail lines, the office of financial management is authorized to negotiate an agreement wherein they may forgive all or part of the existing freight rail assistance loan to the current operator of the Palouse River & Coulee City rail lines in exchange for good and valuable consideration.

(4) If the department issues a call for projects, applications must be received by the department by November 1, 2005, and November 1, 2006.

(5) \$50,000 of the multimodal transportation account--state appropriation is provided solely for a study of eastern Skagit county freight rail. The study shall examine the feasibility of restoring portions of freight rail line to the towns of Lyman, Hamilton, and Concrete. The study must also identify existing and potential industrial sites available for development and

redevelopment, and the freight rail service needs of the identified industrial sites.

(6) The department shall finalize and issue the Amtrak Cascades long range plan update as of the effective date of this act.

(7) Funds provided for the Tacoma rail improvement project may be expended for preconstruction engineering.

(8) \$2,500,000 of the multimodal transportation account--state appropriation is provided solely for a rail loop at the Port of Walla Walla.

Sec. 309. 2005 c 313 s 310 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--
LOCAL PROGRAMS--PROGRAM Z--CAPITAL**

Highway Infrastructure Account--State Appropriation	\$207,000
Highway Infrastructure Account--Federal Appropriation	
.....	\$1,602,000
Motor Vehicle Account--Federal Appropriation (\$18,221,000)	\$48,998,000
.....	\$8,340,000
Motor Vehicle Account--State Appropriation (\$6,702,000)	\$8,340,000
<u>Transportation Partnership Account--State Appropriation</u>	
.....	\$2,008,000
Freight Mobility Investment Account--State	
Appropriation (\$12,000,000)	\$6,000,000
<u>Passenger Ferry Account--State Appropriation</u>	\$9,000,000
Multimodal Transportation Account--State	
Appropriation (\$36,002,000)	\$39,403,000
<u>Transportation 2003 Account (nickel account)--State</u>	
Appropriation	\$557,000
<u>Freight Mobility Multimodal Account--State</u>	
Appropriation	\$9,700,000
TOTAL APPROPRIATION (\$74,734,000)	\$125,815,000

The appropriations in this section are subject to the following conditions and limitations:

(1) To manage some projects more efficiently, federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the ~~((transportation commission))~~ office of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2006.

(2) The department shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects as outlined in the project lists distributed with this act, and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium, except for projects managed by the freight mobility strategic investment board. The department shall work with the transportation committees of the legislature to agree on report formatting and elements. For projects funded by new revenue in the 2003 and 2005 transportation packages, reporting elements shall include, but not be limited to, project scope, schedule, and costs. Other projects may be reported on a programmatic basis. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information system (TEIS).

(3) The multimodal transportation account--state appropriation includes up to \$6,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.867. ~~((The~~

FIFTY-NINTH DAY, MARCH 8, 2006

~~transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.)~~

(4) ~~((\$3,545,000))~~ \$1,545,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely to fund the multiphase cooperative project with the state of Oregon to dredge the Columbia River. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(5) ~~((\$274,000))~~ \$206,000 of the motor vehicle account--state appropriation is reappropriated and provided solely for additional traffic and pedestrian safety improvements near schools. The highways and local programs division within the department of transportation shall administer this program. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded traffic and pedestrian safety improvement grant funds, but does not report activity on the project within one year of grant award should be reviewed by the department to determine whether the grant should be terminated. The department must promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.

(6) The motor vehicle account--state appropriation includes up to \$905,000 in unexpended proceeds from the sale of bonds authorized by RCW 47.10.843.

(7) ~~((\$867,000))~~ \$607,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely to support the safe routes to school program.

(8) ~~((\$18,221,000))~~ \$16,110,000 of the motor vehicle account--federal appropriation is provided solely for the local freight capital projects in progress identified in this subsection. The specific funding listed is provided solely for the respective projects: SR 397 Ainsworth Ave. Grade Crossing, ~~((\$5,180,000))~~ \$4,992,000; Colville Alternate Truck Route, ~~((\$2,000,000))~~ \$1,746,000; S. 228th Street Extension and Grade Separation, \$6,500,000; Bigelow Gulch Road-Urban Boundary to Argonne Rd., \$2,000,000; Granite Falls Alternate Route, ~~((\$1,791,000))~~ \$122,000; and Pacific Hwy. E./Port of Tacoma Road to Alexander, \$750,000.

(9) ~~((\$3,400,000))~~ \$2,898,000 of the motor vehicle account--state appropriation is provided solely for the local freight capital projects in progress identified in this subsection. The specific funding listed is provided solely for the respective projects: Duwamish Intelligent Transportation Systems (ITS), ~~((\$2,520,000))~~ \$2,382,000; Port of Kennewick/Piert Road, ~~((\$520,000))~~ \$16,000; SR 397 Ainsworth Ave. Grade Crossing, ~~((\$360,000))~~ \$516,000.

(10) \$6,000,000 of the multimodal account--state appropriation is provided solely for the local freight 'D' street grade separation project.

(11) The department ~~((must))~~ shall issue a call for pedestrian safety projects, such as safe routes to schools and transit, and bicycle and pedestrian paths. Applications must be received by the department by November 1, 2005, and November 1, 2006. The department shall identify cost-effective projects, and submit a prioritized list to the legislature for funding by December 15th of each year. Recommendations made to the legislature for safe routes to schools and bicycle and pedestrian path projects must, to the extent practicable based on available funding, allocate sixty percent of available funds to bicycle and pedestrian path projects and forty percent to safe routes to schools. Preference ~~((will))~~ shall be given to projects that provide a local match. ~~((The grant recipients may only be governmental entities.))~~

2006 REGULAR SESSION

(12) ~~((\$19,540,000))~~ \$18,370,000 of the multimodal transportation account--state appropriation, \$6,000,000 of the freight mobility multimodal account--state appropriation, \$2,008,000 of the transportation partnership account--state appropriation, and ~~((\$12,000,000))~~ \$6,000,000 of the freight mobility investment account--state appropriation are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document ~~((2005-6))~~ 2006-1, Local Programs (Z) as developed (April 24, 2005) March 8, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

(13) \$870,000 of the multimodal transportation account--state appropriation is provided solely for the Yakima Avenue, 9th Street to Front Street, pedestrian safety improvement project.

(14) \$5,000,000 of the multimodal transportation account--state appropriation and \$2,000,000 of the motor vehicle account--federal appropriation are provided solely for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified on the LEAP Transportation Document 2006-B, Pedestrian and Bicycle Safety Program Projects and Safe Routes to Schools Program Projects as developed March 8, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. When funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout, the department shall expeditiously extend new grant awards to qualified alternative projects identified on the list.

(15) \$9,700,000 of the motor vehicle account--federal appropriation is provided solely for the intersection and corridor safety program projects as identified on the LEAP Transportation Document 2006-A, Intersection and Corridor Safety Program Projects as developed March 8, 2006.

(16) \$19,500,000 of the motor vehicle account--federal appropriation is provided solely for rural county two-lane roadway pilot projects including \$7,500,000 already under contract. Any further allocations shall be prioritized by the department based on high-accident-corridor criteria. For purposes of this subsection, "high-accident-corridor" means a highway corridor of one mile or more where analysis of collision history indicates that the section has higher than average collision and severity factors.

(17) \$2,500,000 of the motor vehicle account--state appropriation is provided solely for the Yakima downtown futures initiative.

(18) \$810,000 of the multimodal transportation account--state appropriation is provided solely for the projects identified in this subsection: Des Moines creek trail, \$250,000; SR 282 to Port of Ephrata connector, \$385,000; Mount Baker Ridge viewpoint, \$175,000.

(19) Regional transportation planning organizations that receive federal surface transportation program funding shall develop and adhere to a strategy for selecting projects based on regional priorities such as growth management, congestion relief, safety, economic development, or other regional priorities which support state and federal policies. The legislature further intends that the federal funds be applied to the prioritized strategic regional transportation projects rather than by formulaic distribution methods. These funds shall not be used for administrative costs. Regional transportation planning

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

organizations shall report the results of their project selection processes to the department by November 15, 2006, specifically outlining their adopted strategy and how their selected projects support regional priorities. The department shall provide a full and transparent accounting of all federal surface transportation program funds received and expected to be received by the state under the new federal surface transportation act, and its proposed distribution, and as soon as possible make this information available to regional transportation planning organizations and the legislature. The department shall also report to the legislative transportation committees by December 31, 2006, as to how the regional project selection processes support regional priorities, and how these regionally selected projects support state and federal policies.

(20) \$688,000 of the motor vehicle account--federal appropriation is provided solely for completion of the Coal Creek Parkway project.

(21) \$9,000,000 of the passenger ferry account--state appropriation is provided solely for the implementation of the passenger-only ferry grant program created in Substitute Senate Bill No. 6787. If Substitute Senate Bill No. 6787 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

TRANSFERS AND DISTRIBUTIONS

Sec. 401. 2005 c 313 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Table with 2 columns: Description and Amount. Includes items like Highway Bond Retirement Account Appropriation, Nondebt-Limit Reimbursable Account Appropriation, Ferry Bond Retirement Account Appropriation, etc.

Sec. 402. 2005 c 313 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Table with 2 columns: Description and Amount. Includes Motor Vehicle Account--State Appropriation, Transportation Improvement Account--State Appropriation, Multimodal Transportation Account--State Appropriation, etc.

Sec. 403. 2005 c 313 s 403 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS

(1) Motor Vehicle Account--State Reappropriation: For transfer to the Tacoma Narrows toll bridge account \$257,016,000

The department of transportation is authorized to sell up to \$257,016,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.

(2) Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound capital construction account (\$72,000,000) \$40,950,000

The department of transportation is authorized to sell up to ((\$72,000,000)) \$40,950,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

Sec. 404. 2005 c 313 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties (\$450,757,000) \$487,612,000

Sec. 405. 2005 c 313 s 405 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers (\$820,769,000) \$1,037,342,000

Sec. 406. 2005 c 313 s 406 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS

(1) RV Account--State Appropriation: For transfer to the Motor Vehicle Account--State . . \$2,000,000 (2) Motor Vehicle Account--State Appropriation: For transfer to Puget Sound Capital Construction Account--State \$73,000,000

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(3) Highway Safety Account--State Appropriation:
For transfer to the Motor Vehicle Account--State ~~(\$10,000,000)~~
\$5,000,000

(4) Motor Vehicle Account--State Appropriation:
For transfer to the Puget Sound Ferry Operations
Account--State ~~(\$19,087,000)~~
\$31,000,000

(5) Motor Vehicle Account--State Appropriation:
For transfer to the Transportation Partnership
Account--State ~~(\$51,372,000)~~
\$33,127,000

(6) Highway Safety Account--State Appropriation:
For transfer to the Multimodal Transportation
Account--State ~~(\$21,170,000)~~
\$25,980,000

(7) Transportation Partnership Account--State
Appropriation:
For transfer to the Small City Pavement and Sidewalk
Account--State ~~(\$2,000,000)~~
\$1,000,000

(8) Transportation Partnership Account--State
Appropriation:
For transfer to the Transportation Improvement
Account--State ~~(\$5,000,000)~~
\$2,500,000

(9) Transportation Partnership Account--State
Appropriation:
For transfer to the ~~(Rural)~~ County Arterial
~~(Trust)~~ Preservation Account--State ~~(\$3,000,000)~~
\$1,500,000

(10) License Plate Technology Account--State
Appropriation:
For transfer to the Motor Vehicle Account--State .. \$2,500,000
~~(11) Motor Vehicle Account--State Appropriation:~~
For transfer to the State Patrol Highway Account--
State .. \$1,406,000

~~(12) Motor Vehicle Account--State Appropriation:~~
For transfer to the Transportation 2003 Account
~~(Nickel Account)--State .. \$461,000~~
~~(13)) (11) Multimodal Transportation Account--State~~

Appropriation:
For transfer to the Transportation Partnership
Account--State ~~(\$29,400,000)~~
\$29,417,000

(12) Motor Vehicle Account--State Appropriation:
For transfer to the Freight Mobility Multimodal
Account--State, up to a maximum of .. \$3,700,000

(13) Multimodal Transportation Account--State
Appropriation:
For transfer to the Tacoma Narrows Toll Bridge
Account--State .. \$1,300,000

(14) Multimodal Transportation Account--State
Appropriation:
For transfer to the Freight Mobility Multimodal
Account--State .. \$4,610,000

The transfers identified in this section are subject to the following conditions and limitations:

(a) The department of transportation shall only transfer funds in subsection (2) of this section up to the level provided, on an as-needed basis.

(b) The amount ~~(identified in subsection (3) of this section may not include any revenues collected as passenger fares.)~~ transferred in subsection (12) of this section shall be the same as the Union Pacific Railroad's original contribution, adjusted for earned interest and expenditures, and shall be made on June 30, 2006.

(c) The amount transferred in subsection (14) of this section is the equivalent of the Burlington Northern Santa Fe funds advanced to the SR 519 project and shall be invested in a freight mobility project agreed to by the freight mobility strategic

investment board and the BNSF railway if the final design of the SR 519 project does not include the original rail benefit.

COMPENSATION

Sec. 501. 2005 c 313 s 501 (uncodified) is amended to read as follows:

EMPLOYEE SALARY COST OF LIVING ADJUSTMENT.

For those funds that support noncapital FTE employees, agency appropriations in sections 101 through 408 of this act provide funding for salary cost of living adjustments subject to the following conditions and limitations:

(1) In addition to the purposes set forth in subsection (2) through (4) of this section, the appropriations for cost of living adjustments provide for a 3.2% increase effective July 1, 2005, for all state employees represented by a collective bargaining unit under the personnel system reform act of 2002.

(2) The appropriations for cost of living adjustments provide for a 3.2% increase effective September 1, 2005, for all classified employees, except those represented by a collective bargaining unit under the personnel system reform act of 2002, and except the certificated employees covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board or the director of personnel, as applicable.

(3) The appropriations are also sufficient to fund a 3.2% salary increase effective September 1, 2005, for ferry system employees and for general government, legislative, and judicial employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(4) The appropriations for cost of living adjustments provide for a 1.6% salary increase effective July 1, 2006, until June 30, 2007, for all state employees represented by a collective bargaining unit under the personnel system reform act of 2002. In addition, appropriation is provided for a 1.6% increase effective September 1, 2006, for all classified employees, except those represented by a collective bargaining unit under the personnel system reform act of 2002, and except the certificated employees covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board or the director of personnel, as applicable. The appropriation is also sufficient to fund a 1.6% salary increase effective September 1, 2006, until June 30, 2007, for ferry system employees and for general government, legislative, and judicial employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials. This subsection shall not apply to Washington state patrol commissioned troopers and sergeants covered under sections 208(8)(a) and 210(6)(a) of this act. If a new collective bargaining agreement is reached between the governor and the Washington state patrol lieutenants association by July 1, 2006, this subsection shall not apply to Washington state patrol commissioned captains and lieutenants covered under sections 208(8)(b) and 210(6)(b) of this act.

(5)(a) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board or the director of personnel, as applicable.

(b) The average salary increases paid under this section to agency officials whose maximum salaries are established by the committee on agency official salaries shall not exceed the average increases provided under subsection (3) of this section.

IMPLEMENTING PROVISIONS

FIFTY-NINTH DAY, MARCH 8, 2006

NEW SECTION. Sec. 601. A new section is added to 2005 c 313 (uncodified) to read as follows:

Executive Order number 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions that issue grants or loans for capital projects shall comply with the requirements set forth in this executive order.

NEW SECTION. Sec. 602. 2005 c 313 s 602 (uncodified) is repealed.

Sec. 603. 2005 c 313 s 603 (uncodified) is amended to read as follows:

(1) The ~~((transportation commission))~~ director of the office of financial management may authorize a transfer of spending allocation within the appropriation provided and between projects funded with transportation 2003 account (nickel account) appropriations ~~((or the))~~, transportation partnership account appropriations, multimodal transportation account appropriations, freight mobility account appropriations, or freight mobility investment account appropriations, in order to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

~~((b))~~ (b) Transfers from a project may be made if the funds allocated to the project are in excess of the amount needed to complete the project;

~~((c))~~ (c) Transfers from a project may be made if the project is experiencing unavoidable expenditure delays;

~~((d))~~ (d) Transfers from a project may not be made as a result of the reduction of the scope of a project, nor shall a transfer be made to support increases in the scope of a project;

~~((e))~~ (e) Each transfer between projects may only occur if the ~~((commission))~~ director of the office of financial management finds that any resulting change will not hinder the completion of the projects approved by the legislature; ~~((and~~

~~((e))~~ (f) Transfers may not occur to projects not identified on the applicable project list; and

(g) Transfers may not be made while the legislature is in session.

(2) ~~((A report of the transfers shall be submitted on October 1st of each fiscal year to the senate and house of representatives transportation committees.))~~ At least five working days prior to any transfer, a report of the transfers made to date shall be submitted to the legislative evaluation and accountability program (LEAP). The report must also include a list of monitored projects or transfers currently under consideration by the department, and a financial plan consistent with legislative intent. Within five working days, LEAP shall review the proposed financial plan and report to the joint transportation committee as to whether the expenditures and revenues are sufficient to deliver the projects listed on the most recent legislatively approved project list.

Sec. 604. RCW 47.29.170 and 2005 c 317 s 17 are each amended to read as follows:

Before accepting any unsolicited project proposals, the commission must adopt rules to facilitate the acceptance, review, evaluation, and selection of unsolicited project proposals. These rules must include the following:

(1) Provisions that specify unsolicited proposals must meet predetermined criteria;

(2) Provisions governing procedures for the cessation of negotiations and consideration;

(3) Provisions outlining that unsolicited proposals are subject to a two-step process that begins with concept proposals and would only advance to the second step, which are fully detailed proposals, if the commission so directed;

(4) Provisions that require concept proposals to include at least the following information: Proposers' qualifications and experience; description of the proposed project and impact;

proposed project financing; and known public benefits and opposition; and

(5) Provisions that specify the process to be followed if the commission is interested in the concept proposal, which must include provisions:

(a) Requiring that information regarding the potential project would be published for a period of not less than thirty days, during which time entities could express interest in submitting a proposal;

(b) Specifying that if letters of interest were received during the thirty days, then an additional sixty days for submission of the fully detailed proposal would be allowed; and

(c) Procedures for what will happen if there are insufficient proposals submitted or if there are no letters of interest submitted in the appropriate time frame.

The commission may adopt other rules as necessary to avoid conflicts with existing laws, statutes, or contractual obligations of the state.

The commission may not accept or consider any unsolicited proposals before ~~((January 1))~~ June 30, 2007.

MISCELLANEOUS

NEW SECTION. Sec. 701. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 702. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

(End of bill)

INDEX

PAGE #

BOARD OF PILOTAGE COMMISSIONERS	5
COUNTY ROAD ADMINISTRATION BOARD	5, 40
DEPARTMENT OF AGRICULTURE	2
DEPARTMENT OF ARCHEOLOGY AND HISTORIC PRESERVATION	2
DEPARTMENT OF LICENSING	2
DRIVER SERVICES	19
INFORMATION SERVICES	16
MANAGEMENT AND SUPPORT SERVICES	15
VEHICLE SERVICES	17
DEPARTMENT OF TRANSPORTATION	22
AVIATION--PROGRAM F	22
CHARGES FROM OTHER AGENCIES--PROGRAM U	31
ECONOMIC PARTNERSHIPS--PROGRAM K	24
FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D	22
HIGHWAY MAINTENANCE--PROGRAM M	24
IMPROVEMENTS--PROGRAM I	42
INFORMATION TECHNOLOGY--PROGRAM C	20
LOCAL PROGRAMS--PROGRAM Z--CAPITAL	56
LOCAL PROGRAMS--PROGRAM Z--OPERATING	39
MARINE--PROGRAM X	35
PRESERVATION--PROGRAM P	49
PROGRAM D (DEPARTMENT OF TRANSPORTATION--ONLY PROJECTS)	41
PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H	23
PUBLIC TRANSPORTATION--PROGRAM V	32
RAIL--PROGRAM Y--CAPITAL	54
RAIL--PROGRAM Y--OPERATING	38
TOLL OPERATIONS AND MAINTENANCE--PROGRAM B	20
TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL	51
TRAFFIC OPERATIONS--PROGRAM Q--OPERATING	26

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

TRANSFERS 64
 TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S 26
 TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T 27
 WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W 52
 EMPLOYEE SALARY COST OF LIVING ADJUSTMENT 66
 FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD0
 JOINT TRANSPORTATION COMMITTEE 6
 LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE 3
 MARINE EMPLOYEES COMMISSION 2
 OFFICE OF FINANCIAL MANAGEMENT 2
 STATE TREASURER
 BOND RETIREMENT AND INTEREST 62, 63
 STATE REVENUES FOR DISTRIBUTION 64
 TRANSFERS 64
 TRANSPORTATION COMMISSION 8
 TRANSPORTATION IMPROVEMENT BOARD 5, 40
 WASHINGTON STATE PARKS AND RECREATION
 CAPITAL PROJECTS 4
 WASHINGTON STATE PATROL
 FIELD OPERATIONS BUREAU 10
 INVESTIGATIVE SERVICES BUREAU 13
 TECHNICAL SERVICES BUREAU 14
 WASHINGTON TRAFFIC SAFETY COMMISSION 4"

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 47.29.170; amending 2005 c 313 ss 1, 102, 104, 105, 106, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, 405, 406, 501, and 603 (uncodified); adding new sections to 2005 c 313 (uncodified); making appropriations and authorizing expenditures for capital improvements; repealing 2005 c 313 s 602 (uncodified); and declaring an emergency." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Report of the Conference Committee on Substitute Senate Bill No. 6241 be adopted.

Senators Haugen, Benson, Mulliken, Spanel and Finkbeiner spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Haugen that the Report of the Conference Committee on Substitute Senate Bill No. 6241 be adopted.

The motion by Senator Haugen carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6241, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6241, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 6241, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Owen: "The President' "you might notice that I have an old grocer friend of mine up here. We served together on the Food Dealers Board and sold groceries together. Actually, the gentleman that is sitting beside me started in the Washington State Legislature as an elevator operator in about, I think, the sixties, somewhere in there, oh, forty-nine, a little forty-nine; became assistant Chief Clerk; then became Secretary of the Senate; took a little time off; came back as a Senator; became Senate Minority Leader; Senate Majority Leader; the famous, infamous, however your perspective is on this, fine gentleman. Senator Sid Snyder."

MOTION

On motion of Senator Oke, Senator McCaslin was excused.

PERSONAL PRIVILEGE

Senator Oke: "Thank you very much Mr. President. I knew I'd mess it up somewhere but, Sid Snyder, I'm sorry, my brains going different directions. Sid, I just love you as a person and you have been such a mentor for me and, you know, you're the only man in this chamber that I can remember that has changed my vote more than once when you got up. Sometimes you got a little loud and sometimes you got a little vitamins in you but sometimes you hit the core and changed me. You've made me a better man and God Bless you and thank you."

PERSONAL PRIVILEGE

Senator Deccio: "Senator Snyder, former Secretary of the Senate, told a lot of stories and a lot of quips and a lot of jokes but the one that I remember the best and I hope I don't offend anybody. He said, 'He's had every kind of surgery except a hysterectomy.'"

PERSONAL PRIVILEGE

Senator Kohl-Welles: "Gosh, there's all sorts of things that I'd like to say. I think many of us had felt very bad that when Senator Snyder retired that there was no big celebration for him here in Olympia. It's because he's so modest. He didn't want to have that happen. We could have a resolution honoring Senator Snyder that would be many pages long with all of the memories that each one of us has, and will always have, this wonderful Senator and wonderful human being who, I believed, every single one of us. I'm not going to go into all the different stories about Senator Snyder. I know he's modest and doesn't like to call attention to himself, but I will always think in a very joyful way when I think of Senator Snyder and his wonderful wife Betty, who has been his partner for so many years. I'm just hoping that both Senator Snyder and Betty will continue to send us the wonderful poems and Christmas cards that Betty has provided to us and enriched our lives in so many ways and been a reminder of all the enjoyable times and the wonderful sense of humor that Senator Snyder brought to this body and this chamber and always in such a gracious way and such a bipartisan manner and style. I am so happy to have you here today so that we can acknowledge and really embrace what you have meant to this body and to this state and all of us. Thank you."

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

The House had adopted the report of Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6839, and has passed the bill as recommended by the Conference Committee.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.68.035 and 2005 c 314 s 205 are each amended to read as follows:

All proceeds from combined vehicle licensing fees received by the director for vehicles licensed under RCW 46.16.070 and 46.16.085(~~, the license fee under RCW 46.16.086, and the farm vehicle trip permit under RCW 46.16.162~~) shall be forwarded to the state treasurer to be distributed into accounts according to the following method:

(1) The sum of two dollars for each vehicle shall be deposited into the multimodal transportation account, except that for each vehicle registered by a county auditor or agent to a county auditor pursuant to RCW 46.01.140, the sum of two dollars shall be credited to the current county expense fund.

(2) The remainder ~~and the proceeds from the license fee under RCW 46.16.086 and the farm vehicle trip permit under RCW 46.16.162~~ shall be distributed as follows:

(a) (~~(24.00)~~) 22.36 percent shall be deposited into the state patrol highway account of the motor vehicle fund;

(b) (~~(1.8)~~) 1.375 percent shall be deposited into the Puget Sound ferry operations account of the motor vehicle fund;

(c) (~~(6.38)~~) 5.237 percent shall be deposited into the transportation 2003 account (nickel account); (~~and~~)

(d) (~~On July 1, 2006, six million dollars shall be deposited into the freight mobility investment account created in RCW 46.68.300 and beginning on July 1, 2007, and every July 1st thereafter, three million dollars shall be deposited into the freight mobility investment account created in RCW 46.68.300;~~) 11.533 percent shall be deposited into the transportation partnership account created in RCW 46.68.290; and

(e) The remaining proceeds shall be deposited into the motor vehicle fund.

Sec. 2. RCW 46.16.086 and 2005 c 314 s 203 are each amended to read as follows:

In lieu of the license tab fees provided in RCW 46.16.0621, private use single-axle trailers of two thousand pounds scale weight or less may be licensed upon the payment of a license fee in the sum of fifteen dollars, but only if the trailer is operated upon public highways. The license fee must be collected annually for each registration year or fraction of a registration year. This reduced license fee applies only to trailers operated for personal use of the owners, and not trailers held for rental to the public or used in any commercial or business endeavor. The proceeds from the fees collected under this section shall be distributed in accordance with RCW 46.68.035(2).

Sec. 3. RCW 46.16.162 and 2005 c 314 s 206 are each amended to read as follows:

(1) The owner of a farm vehicle licensed under RCW 46.16.090 purchasing a monthly license under RCW 46.16.135 may, as an alternative to the first partial month of the license registration, secure and operate the vehicle under authority of a farm vehicle trip permit issued by this state. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles.

(2) If a monthly license previously issued has expired, the owner of a farm vehicle may, as an alternative to purchasing a full monthly license, secure and operate the vehicle under

authority of a farm vehicle trip permit issued by this state. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles.

(3) Each farm vehicle trip permit shall authorize the operation of a single vehicle at the maximum legal weight limit for the vehicle for the period remaining in the first month of monthly license, commencing with the day of first use. No more than four such permits may be used for any one vehicle in any twelve-month period. Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety and signed by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, license number, or vehicle identification number invalidates the permit. The farm vehicle trip permit shall be displayed on the vehicle to which it is issued as prescribed by the department.

(4) Vehicles operating under authority of farm vehicle trip permits are subject to all laws, rules, and regulations affecting the operation of like vehicles in this state.

(5) Farm vehicle trip permits may be obtained from the department of licensing or agents and subagents appointed by the department. The fee for each farm vehicle trip permit is six dollars and twenty-five cents. Farm vehicle trip permits sold by the department's agents or subagents are subject to fees specified in RCW 46.01.140 (4)(a), (5)(b), or (6).

(6) The proceeds from farm vehicle trip permits received by the director shall be forwarded to the state treasurer to be distributed as provided in RCW 46.68.035(2).

(7) No exchange, credits, or refunds may be given for farm vehicle trip permits after they have been purchased.

(8) The department of licensing may adopt rules as it deems necessary to administer this section.

Sec. 4. RCW 46.68.135 and 2005 c 314 s 111 are each amended to read as follows:

(~~Beginning~~) By July 1, (~~2007~~) 2006, and each year thereafter, the state treasurer shall transfer (~~(five)~~) two and one-half million dollars from the multimodal account to the transportation infrastructure account created under RCW 82.44.190. The funds must be distributed for rail capital improvements only.

Sec. 5. RCW 46.68.290 and 2005 c 314 s 104 are each amended to read as follows:

(1) The transportation partnership account is hereby created in the state treasury. All distributions to the account from RCW 46.68.090 must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as 2005 transportation partnership projects or improvements in the omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) (~~If a regional transportation plan has not been adopted by January 2007, the legislature intends to reprioritize allocation of funding for the projects identified on the 2005 transportation partnership project list so that complete and functioning transportation projects can be constructed in a reasonable time.~~)

(~~3~~) By January 1, 2006, the transportation performance audit board must develop performance measures and benchmarks for the evaluation of the expenditures of the transportation partnership account. The board must also develop an audit plan and schedule for audits of the performance of the department of transportation's delivery of the plan as defined by project list, schedule, and budget enacted by the legislature.

(~~4~~) The legislature finds that:

(a) Citizens demand and deserve accountability of transportation-related programs and expenditures. Transportation-related programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(b) Transportation-related agencies that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars; and

(c) Fair, independent, comprehensive performance audits of transportation-related agencies overseen by the elected state auditor are essential to improving the efficiency, economy, and effectiveness of the state's transportation system.

~~((5))~~ (3) For purposes of chapter 314, Laws of 2005:

(a) "Performance audit" means an objective and systematic assessment of a state agency or agencies or any of their programs, functions, or activities by the state auditor or designee in order to help improve agency efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.

(b) "Transportation-related agency" means any state agency, board, or commission that receives funding primarily for transportation-related purposes. At a minimum, the department of transportation, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies. The Washington state patrol and the department of licensing shall not be considered transportation-related agencies under chapter 314, Laws of 2005.

~~((6))~~ (4) Within the authorities and duties under chapter 43.09 RCW, the state auditor shall establish criteria and protocols for performance audits. Transportation-related agencies shall be audited using criteria that include generally accepted government auditing standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

~~((7))~~ (5) Within the authorities and duties under chapter 43.09 RCW, the state auditor may conduct performance audits for transportation-related agencies. The state auditor shall contract with private firms to conduct the performance audits.

~~((8))~~ (6) The audits may include:

(a) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(b) Identification of funding sources to the transportation-related agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(c) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(d) Analysis and recommendations for pooling information technology systems used within the transportation-related agency, and evaluation of information processing and telecommunications policy, organization, and management;

(e) Analysis of the roles and functions of the transportation-related agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(f) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the transportation-related agency carry out reasonably and properly those functions vested in the agency by statute;

(g) Verification of the reliability and validity of transportation-related agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;

(h) Identification of potential cost savings in the transportation-related agency, its programs, and its services;

(i) Identification and recognition of best practices;

(j) Evaluation of planning, budgeting, and program evaluation policies and practices;

(k) Evaluation of personnel systems operation and management;

(l) Evaluation of purchasing operations and management policies and practices;

(m) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel; and

(n) Evaluation of transportation-related project costs, including but not limited to environmental mitigation, competitive bidding practices, permitting processes, and capital project management.

~~((9))~~ (7) Within the authorities and duties under chapter 43.09 RCW, the state auditor must provide the preliminary performance audit reports to the audited state agency for comment. The auditor also may seek input on the preliminary report from other appropriate officials. Comments must be received within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. The final performance audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; the agency's response and conclusions; and identification of best practices.

~~((10))~~ (8) The state auditor shall provide final performance audit reports to the citizens of Washington, the governor, the joint legislative audit and review committee, ~~((the transportation performance audit board,))~~ the appropriate legislative committees, and other appropriate officials. Final performance audit reports shall be posted on the internet.

~~((11))~~ (9) The audited transportation-related agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

The office of financial management shall require periodic progress reports from the audited agency until all resolution has occurred. The office of financial management is responsible for achieving audit resolution. The office of financial management shall annually report by December 31st the status of performance audit resolution to the appropriate legislative committees and the state auditor. The legislature shall consider the performance audit results in connection with the state budget process.

The auditor may request status reports on specific audits or findings.

~~((12))~~ (10) For the period from July 1, 2005, until June 30, 2007, the amount of \$4,000,000 is appropriated from the transportation partnership account to the state auditors office for the purposes of subsections ~~((4))~~ (2) through ~~((11))~~ (9) of this section.

~~((13))~~ When appointing the citizen members with performance measurement expertise to the transportation performance audit board, the governor shall appoint the state auditor, or his or her designee.

~~((14))~~ If the state auditor's financial audit of a transportation-related agency implies that a performance audit is warranted, the transportation performance audit board shall include in its annual work plan the performance audit recommended by the state auditor.)

NEW SECTION. Sec. 6. A new section is added to chapter 46.68 RCW to read as follows:

(1) On July 1, 2006, and by each July 1st thereafter, the state treasurer shall transfer from the transportation partnership account created in RCW 46.68.290:

(a) One million dollars to the small city pavement and sidewalk account created in RCW 47.26.340;

FIFTY-NINTH DAY, MARCH 8, 2006

(b) Two and one-half million dollars to the transportation improvement account created in RCW 47.26.084; and

(c) One and one-half million dollars to the county arterial preservation account created in RCW 46.68.090(2)(i).

(2) On July 1, 2006, the state treasurer shall transfer six million dollars from the transportation partnership account created in RCW 46.68.290 into the freight mobility investment account created in RCW 46.68.300 and by July 1, 2007, and by every July 1st thereafter, three million dollars shall be deposited into the freight mobility investment account.

NEW SECTION. Sec. 7. A new section is added to chapter 46.68 RCW to read as follows:

The freight mobility multimodal account is created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for freight mobility projects identified in the omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

NEW SECTION. Sec. 8. A new section is added to chapter 46.68 RCW to read as follows:

(1) The regional mobility grant program account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the grants provided under RCW 47.66.030.

(2) Beginning with September 2007, by the last day of September, December, March, and June of each year, the state treasurer shall transfer from the multimodal transportation account to the regional mobility grant program account five million dollars.

(3) Beginning with September 2015, by the last day of September, December, March, and June of each year, the state treasurer shall transfer from the multimodal transportation account to the regional mobility grant program account six million two hundred fifty thousand dollars.

Sec. 9. RCW 46.17.010 and 2005 c 314 s 201 are each amended to read as follows:

(1) There shall be paid and collected annually for motor vehicles subject to the fee under RCW 46.16.0621, except motor homes, a vehicle weight fee. The amount of the fee shall be based upon the vehicle scale weight, which is correlated with vehicle size and roadway lane usage. Fees imposed under this section must be used for transportation purposes, and shall not be used for the general support of state government. The vehicle weight fee shall be that portion of the fee as reflected on the scale weight set forth in schedule B provided in RCW 46.16.070 that is in excess of the fee imposed under RCW 46.16.0621. This fee is due at the time of initial and renewal of vehicle registration.

(2) If the resultant weight according to this section is not listed in schedule B provided in RCW 46.16.070, it shall be increased to the next higher weight pursuant to chapter 46.44 RCW.

(3) For the purpose of administering this section, the department shall rely on the vehicle empty scale weights as provided by vehicle manufacturers, or other sources defined by the department, to determine the weight of each vehicle. The department shall adopt rules for determining weight for vehicles without manufacturer empty scale weights.

(4) The vehicle weight fee under this section is imposed to provide funds to mitigate the impact of vehicle loads on the state roads and highways and is separate and distinct from other vehicle license fees. Proceeds from the fee may be used for transportation purposes, or for facilities and activities that reduce the number of vehicles or load weights on the state roads and highways.

(5) The vehicle weight fee collected under this section shall be deposited as follows:

(a) On July 1, 2006, six million dollars shall be deposited into the freight mobility (~~investment~~) multimodal account created in (~~RCW 46.68.300~~) section 7 of this act, and the

2006 REGULAR SESSION

remainder collected from (~~January 1, 2006~~) the effective date of this section, through June 30, 2006, shall be deposited into the multimodal transportation account;

(b) Beginning July 1, 2007, and every July 1st thereafter, three million dollars shall be deposited into the freight mobility (~~investment~~) multimodal account created in (~~RCW 46.68.300~~) section 7 of this act, and the remainder shall be deposited into the multimodal transportation account.

Sec. 10. RCW 43.84.092 and 2005 c 514 s 1105, 2005 c 353 s 3, 2005 c 339 s 22, 2005 c 314 s 109, 2005 c 312 s 7, and 2005 c 94 s 1 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the freight mobility multimodal account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the

FIFTY-NINTH DAY, MARCH 8, 2006

high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional mobility grant program account, the regional transportation investment district account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation

2006 REGULAR SESSION

improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 11. RCW 43.84.092 and 2005 c 514 s 1106, 2005 c 353 s 4, 2005 c 339 s 23, 2005 c 314 s 110, 2005 c 312 s 8, and 2005 c 94 s 2 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the freight mobility multimodal account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement

FIFTY-NINTH DAY, MARCH 8, 2006

account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional mobility grant program account, the regional transportation investment district account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation

2006 REGULAR SESSION

improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 12. RCW 46.68.080 and 1961 c 12 s 46.68.080 are each amended to read as follows:

~~((AH))~~ (1) Motor vehicle license fees ~~((and all motor vehicle))~~ collected under RCW 46.16.0621 and 46.16.070 and fuel taxes collected under RCW 82.36.025(1) and 82.38.030(1) and directly or indirectly paid by the residents of those counties composed entirely of islands and which have neither a fixed physical connection with the mainland nor any state highways on any of the islands of which they are composed, shall be paid into the motor vehicle fund of the state of Washington and shall monthly, as they accrue, and after deducting therefrom the expenses of issuing such licenses and the cost of collecting such ~~((motor))~~ vehicle fuel tax, be paid to the county treasurer of each such county to be by him disbursed as hereinafter provided.

(2) One-half of ~~((all))~~ the motor vehicle license fees ~~((and motor vehicle))~~ collected under RCW 46.16.0621 and 46.16.070 and one-half of the fuel taxes collected under RCW 82.36.025(1) and 82.38.030(1) and directly or indirectly paid by the residents of those counties composed entirely of islands and which have either a fixed physical connection with the mainland or state highways on any of the islands of which they are composed, shall be paid into the motor vehicle fund of the state of Washington and shall monthly, as they accrue, and after deducting therefrom the expenses of issuing such licenses and the cost of collecting such motor vehicle fuel tax, be paid to the county treasurer of each such county to be by him disbursed as hereinafter provided.

(3) All funds paid to the county treasurer of the counties of either class ~~((above))~~ referred to ~~((as in this section provided))~~ in subsections (1) and (2) of this section, shall be by such county treasurer distributed and credited to the several road districts of each such county and paid to the city treasurer of each incorporated city and town within each such county, in the direct proportion that the assessed valuation of each such road district and incorporated city and town shall bear to the total assessed valuation of each such county.

(4) The amount of motor vehicle fuel tax paid by the residents of those counties composed entirely of islands shall, for the purposes of this section, be that percentage of the total amount of motor vehicle fuel tax collected in the state that the motor vehicle license fees paid by the residents of counties composed entirely of islands bears to the total motor vehicle license fees paid by the residents of the state.

(5)(a) An amount of fuel taxes shall be deposited into the Puget Sound ferry operations account. This amount shall equal the difference between the total amount of fuel taxes collected in the state under RCW 82.36.020 and 82.38.030 less the total amount of fuel taxes collected in the state under RCW 82.36.020(1) and 82.38.030(1) and be multiplied by a fraction. The fraction shall equal the amount of motor vehicle license fees collected under RCW 46.16.0621 and 46.16.070 from counties described in subsection (1) of this section divided by the total amount of motor vehicle license fees collected in the state under RCW 46.16.0621 and 46.16.070.

(b) An additional amount of fuel taxes shall be deposited into the Puget Sound ferry operations account. This amount shall equal the difference between the total amount of fuel taxes collected in the state under RCW 82.36.020 and 82.38.030 less the total amount of fuel taxes collected in the state under RCW 82.36.020(1) and 82.38.030(1) and be multiplied by a fraction. The fraction shall equal the amount of motor vehicle license fees collected under RCW 46.16.0621 and 46.16.070 from counties described in subsection (2) of this section divided by the total amount of motor vehicle license fees collected in the

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

state under RCW 46.16.0621 and 46.16.070, and this shall be multiplied by one-half.

NEW SECTION. **Sec. 13.** Section 10 of this act expires July 1, 2006.

NEW SECTION. **Sec. 14.** Section 11 of this act takes effect July 1, 2006.

NEW SECTION. **Sec. 15.** Section 1 of this act applies to license fees due on or after July 1, 2006.

NEW SECTION. **Sec. 16.** Section 7 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect March 24, 2006."

On page 1, line 2 of the title, after "distributions;" strike the remainder of the title and insert "amending RCW 46.68.035, 46.16.086, 46.16.162, 46.68.135, 46.68.290, 46.17.010, and 46.68.080; reenacting and amending RCW 43.84.092 and 43.84.092; adding new sections to chapter 46.68 RCW; creating a new section; providing effective dates; providing an expiration date; and declaring an emergency." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6839 be adopted.

Senators Haugen and Benson spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Haugen that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6839 be adopted.

The motion by Senator Haugen carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6839, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6839, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 2; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senators Esser and Morton - 2

Absent: Senators Deccio and Johnson - 2

Excused: Senator McCaslin - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6839, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Haugen: "I want to just take the opportunity to say thank you to a tremendous transportation staff. There here in the wings, I encourage you to go out and see them, they don't want to come out and see us. We did have a lot of very difficult issues before our committee this year. Like I said the budget was probably the easiest thing we did. We had many major policies

issues and I can tell you that every piece of legislation that went out of this body which was written by our staff was extraordinary and I tell you they did an extraordinary amount of work. I think one of the things we often forget, we all go home at night and they keep on working and my staff kept on working night after night after night. I want to say thank you to them and I really do appreciate the fact that I am served by the best transportation staff that I have ever been served by and that's saying a lot because I've served with a lot of people, so thank you to my staff."

PERSONAL PRIVILEGE

Senator Hewitt: "Thank you Mr. President. Thank you Senator Haugen for that great segue. I basically want to stand up and say, you know, every year we get wrapped up with bringing the staff in that does the budgets, but there are other staff in this place as well. This was a short session, it was jam packed. It was hectic. It was fast. It was trying. By my count, the House introduced one-thousand, two-hundred sixty one bills this year. The Senate introduced nine-hundred three, in a short session and remember we're the ones that come up with the ideas or maybe somebody else comes up with the ideas, but the staff has to draft them. They have to work the long hours. They have to do the things behind the scene, so I want to say a special thank you to all the committee staff, to the caucus staff and all the people that make us look good. I mean we stand out here in front of the camera, like we're doing right now, talking about all the good things that we do, but it really is all the staff behind the scenes that make it happen, so wherever you are on this campus, all of the staff, regardless of which side you're on, thank you to all of you. You do a great job and we appreciate you."

PERSONAL PRIVILEGE

Senator Franklin: "Oh, about four years ago, I attended a meeting with Counsel of State Government in Honolulu. At that time, the workshops had a tremendous speaker and his name was Kent M. Keith. Didn't know that. He addressed the group that was there and I found out there was a poem that he has written when he was a student. It's entitled, 'Anyway'. When he gave the history that it was on Sister Teresa, Mother Teresa, kept it on her wall all for many, many years. You know Mother Teresa? Worked with children in India. With your permission and the body, could I read this poem? It's on our wall in the caucus and I think about it very, very often. It's a great poem. With what has happened with our Senators and leaders and staff who have worked hard and very diligently this session, it fits you well.

With your permission, Mr. President, 'People are illogical, unreasonable and self centered. Love them anyway. If you do good people will accuse you of selfish, ulterior motives. Do good anyway. If you are successful, you will win false friends and true enemies. Succeed anyway. The good you do today will be forgotten tomorrow. Do good anyway. Honesty and frankness make you vulnerable. Be honest and frank anyway. The biggest men and women with the biggest ideas can be shot down by the smallest men and women with the smallest minds. Think big anyway. People favor underdogs but follow only top dogs. Fight for a few underdogs anyway. What you spend years building maybe destroyed overnight. Build anyway. People really need help but may attack you if you do help them. Help people anyway. Give the world the best you have and you'll get kicked in the teeth. Give the world the best you have anyway.' And this is from Anyway the Paradoxical Commandments that was written by a student many, many years ago. That was on

FIFTY-NINTH DAY, MARCH 8, 2006

Mother Teresa wall by the name of Kent M. Keith and that is ladies and gentleman, my friends, you've done it anyway."

PERSONAL PRIVILEGE

Senator Kline: "I see that we're in a poetry reading mode and I wonder if I may do the same. I've had this book here for awhile but we've been in kind of production mode so I've not asked for this moment of personal privilege before. But with your permission Mr. President, I would like to read a poem."

REPLY BY THE PRESIDENT

President Owen: "Well, I want to see it first Senator Kline."

PERSONAL PRIVILEGE

Senator Kline: "It's a love poem. It's by Billy Collins. 'You are the bread and the knife, the crystal goblet and the wine. You are the dew on the morning grass and the burning wheel of the sun. You are the white apron of the baker and marsh birds suddenly in flight. However, you are not the wind in the orchard, the plums on the counter or the house of cards and you are certainly not the pine-scented air. There is no way you are the pine scented air. It is possible that you are the fish under the bridge, maybe even the pigeon on the general's head but your not even close to being the field of corn flowers at dusk. And a quick look in the mirror will show that you are neither the boots in the corner nor the boat asleep in the boat house. It might interest you to know, speaking of the plentiful imagery of the world, that I am the sound of the rain on the roof. I also happen to be the shooting star, the evening paper blowing down an alley and the basket of chestnuts on the kitchen table. I'm also the moon and the trees and the blind woman's tea cup. But don't worry, I'm not the bread and the knife. You are still the bread and the knife. You will always be the bread and the knife, not to mention the crystal goblet and somehow the wine.' Thank you."

REMARKS BY THE PRESIDENT

President Owen: "Well, Senator Eide, while you have a lull here, the President would like to also join the chorus but in serious song in praise of the rostrum staff that we have up here working also helping to make us all look good. They do yoeman's and yoewoman's job. They sit here much longer than other people who don't, who might be able to get a little break and work for you all so I would like to say thank you to all the rostrum staff up here, the staff of the Secretary of the Senate and all of them as well. The President doesn't wish to take one and set them aside from other but I want to tell you about an unselfish act by one of our great staff that we have here. He's been serving with for a long time. What would you do if you found that's there was a young man or woman who came and didn't have the appropriate clothes to page? Well, Brad Hendrickson would go out and buy the young man who is a little bit large a jacket because they didn't have the right size jacket, would buy him pants because he didn't have the right pants. I want to say, 'Brad thank you very much, you're incredibly generous person.'"

MOTION

On motion of Senator Jacobsen, the remarks by President Owen were spread upon the journal.

MOTION

2006 REGULAR SESSION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rasmussen moved that Gubernatorial Appointment No. 9280, Sam Smith, as a member of the Higher Education Coordinating Board, be confirmed.

Senators Rasmussen, Schoesler and Shin spoke in favor of passage of the motion.

MOTION

On motion of Senator Schoesler, Senators Benson, Carrell, Delvin, Brandland, Stevens, Esser, Deccio and Mulliken were excused.

APPOINTMENT OF SAM SMITH

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9280, Sam Smith as a member of the Higher Education Coordinating Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9280, Sam Smith as a member of the Higher Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, McCaslin and Mulliken - 3
Gubernatorial Appointment No. 9280, Sam Smith, having received the constitutional majority was declared confirmed as a member of the Higher Education Coordinating Board.

MOTION

On motion of Senator Rasmussen, Senator Fairley was excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Haugen moved that Gubernatorial Appointment No. 9430, Doug McDonald, as a Secretary of the Department of Transportation, be confirmed.

Senators Haugen, Benson, Mulliken, Oke, Hewitt and Parlette spoke in favor of the motion.

APPOINTMENT OF DOUG MCDONALD

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9430, Doug McDonald as a Secretary of the Department of Transportation.

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

MOTION

On motion of Senator Schoesler, Senator Parlette was excused.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9430, Doug McDonald as a Secretary of the Department of Transportation and the appointment was confirmed by the following vote: Yeas, 39; Nays, 4; Absent, 4; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Franklin, Fraser, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 39

Voting nay: Senators Benton, Honeyford, Schoesler and Stevens - 4

Absent: Senators Finkbeiner, Hargrove and Zarelli - 3

Excused: Senators Deccio, Fairley and McCaslin - 3

Gubernatorial Appointment No. 9430, Doug McDonald, having received the constitutional majority was declared confirmed as a Secretary of the Department of Transportation.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Doug McDonald, Secretary of Transportation who was seated in the gallery.

MOTION

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

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

Under suspension of rules ENGROSSED SUBSTITUTE SENATE BILL NO. 6566 was returned to second reading for purpose of an amendment: 6566-S.E AMS MURR H5570.1, and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.94.524 and 1991 c 202 s 11 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "A major employer" means a private or public employer, including state agencies, that employs one hundred or more full-time employees at a single worksite who begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays for at least twelve continuous months during the year.

(2) "Major worksite" means a building or group of buildings that are on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights of way, and at which there are one hundred or more full-time employees ((of one or more employers)), who begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays, for at least twelve continuous months.

(3) ("~~Commute trip reduction zones~~" mean areas, such as census tracts or combinations of census tracts, within a jurisdiction that are characterized by similar employment density, population density, level of transit service, parking availability, access to high occupancy vehicle facilities, and other factors that are determined to affect the level of single occupancy vehicle commuting.

~~(4))~~ "Major employment installation" means a military base or federal reservation, excluding tribal reservations, at which there are one hundred or more full-time employees, who begin their regular workday between 6:00 a.m. and 9:00 a.m. on weekdays, for at least twelve continuous months during the year.

(4) "Person hours of delay" means the daily person hours of delay per mile in the peak period of 6:00 a.m. to 9:00 a.m., as calculated using the best available methodology by the department of transportation.

(5) "Commute trip" means trips made from a worker's home to a worksite during the peak period of 6:00 a.m. to 9:00 a.m. on weekdays.

~~((5))~~ (6) "Proportion of single-occupant vehicle commute trips" means the number of commute trips made by single-occupant automobiles divided by the number of full-time employees.

~~((6))~~ (7) "Commute trip vehicle miles traveled per employee" means the sum of the individual vehicle commute trip lengths in miles over a set period divided by the number of full-time employees during that period.

~~((7))~~ (8) "Base year" means the ((year January 1, 1992, through December 31, 1992, on which goals for vehicle miles traveled and single-occupant vehicle trips shall be based. Base year goals may be determined using the 1990 journey-to-work census data projected to the year 1992 and shall be consistent with the growth management act. The task force shall establish a method to be used by jurisdictions to determine reductions of vehicle miles traveled)) twelve-month period commencing when a major employer is determined to be participating by the local jurisdiction, on which commute trip reduction goals shall be based.

(9) "Growth and transportation efficiency center" means a defined, compact, mixed-use urban area that contains jobs or housing and supports multiple modes of transportation. For the purpose of funding, a growth and transportation efficiency center must meet minimum criteria established by the commute trip reduction board under RCW 70.94.537, and must be certified by a regional transportation planning organization as established in RCW 47.80.020.

(10)(a) "Affected urban growth area" means:

(i) An urban growth area, designated pursuant to RCW 36.70A.110, whose boundaries contain a state highway segment exceeding the one hundred person hours of delay threshold calculated by the department of transportation, and any contiguous urban growth areas; and

(ii) An urban growth area, designated pursuant to RCW 36.70A.110, containing a jurisdiction with a population over seventy thousand that adopted a commute trip reduction ordinance before the year 2000, and any contiguous urban growth areas.

(b) Affected urban growth areas will be listed by the department of transportation in the rules for this act using the criteria identified in (a) of this subsection.

(11) "Certification" means a determination by a regional transportation planning organization that a locally designated growth and transportation efficiency center program meets the minimum criteria developed in a collaborative regional process and the rules established by the department of transportation.

Sec. 2. RCW 70.94.527 and 1997 c 250 s 2 are each amended to read as follows:

(1) Each county ((with a population over one hundred fifty thousand, and each city or town within those counties containing a major employer shall, by October 1, 1992, adopt by ordinance and implement a commute trip reduction plan for all major employers. The plan shall be developed in cooperation with local transit agencies, regional transportation planning organizations as established in RCW 47.80.020, major employers, and the owners of and employers at major worksites)) containing an urban growth area, designated pursuant to RCW 36.70A.110, and each city within an urban

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

growth area with a state highway segment exceeding the one hundred person hours of delay threshold calculated by the department of transportation, as well as those counties and cities located in any contiguous urban growth areas, shall adopt a commute trip reduction plan and ordinance for major employers in the affected urban growth area by a date specified by the commute trip reduction board. Jurisdictions located within an urban growth area with a population greater than seventy thousand that adopted a commute trip reduction ordinance before the year 2000, as well as any jurisdiction within contiguous urban growth areas, shall also adopt a commute trip reduction plan and ordinance for major employers in the affected urban growth area by a date specified by the commute trip reduction board. Jurisdictions containing a major employment installation in a county with an affected growth area, designated pursuant to RCW 36.70A.110, shall adopt a commute trip reduction plan and ordinance for major employers in the major employment installation by a date specified by the commute trip reduction board. The ordinance shall establish the requirements for major employers and provide an appeals process by which major employers, who as a result of special characteristics of their business or its locations would be unable to meet the requirements of the ordinance, may obtain waiver or modification of those requirements. The plan shall be designed to achieve reductions in the proportion of single-occupant vehicle commute trips and ((the commute trip vehicle miles traveled per employee by employees of major public and private sector employers in the jurisdiction)) be consistent with the rules established by the department of transportation. The county, city, or town shall submit its adopted plan to the regional transportation planning organization. The county, city, or town plan shall be included in the regional commute trip reduction plan for regional transportation planning purposes, consistent with the rules established by the department of transportation in RCW 70.94.537.

(2) All other counties, ~~((and))~~ cities, and towns ~~((in those counties;))~~ may adopt and implement a commute trip reduction plan consistent with department of transportation rules established under RCW 70.94.537. Tribal governments are encouraged to adopt a commute trip reduction plan for their lands. State investment in voluntary commute trip reduction plans shall be limited to those areas that meet criteria developed by the commute trip reduction board.

(3) The department of ecology may, after consultation with the department of transportation, as part of the state implementation plan for areas that do not attain the national ambient air quality standards for carbon monoxide or ozone, require municipalities other than those identified in subsection (1) of this section to adopt and implement commute trip reduction plans if the department determines that such plans are necessary for attainment of said standards.

(4) A commute trip reduction plan shall be consistent with the ~~((guidelines))~~ rules established under RCW 70.94.537 and shall include but is not limited to (a) goals for reductions in the proportion of single-occupant vehicle commute trips ~~((and the commute trip vehicle miles traveled per employee))~~ consistent with the state goals established by the commute trip reduction board under RCW 70.94.537 and the regional commute trip reduction plan goals established in the regional commute trip reduction plan; (b) ~~((designation of commute trip reduction zones; (c)))~~ a description of the requirements for major public and private sector employers to implement commute trip reduction programs; ~~((d))~~ (c) a commute trip reduction program for employees of the county, city, or town; ~~((e))~~ a review of local parking policies and ordinances as they relate to employers and major worksites and any revisions necessary to comply with commute trip reduction goals and guidelines; (f) an appeals process by which major employers, who as a result of special characteristics of their business or its locations would be unable to meet the requirements of a commute trip reduction plan, may obtain waiver or modification of those requirements;

~~and (g)) and (d) means, consistent with rules established by the department of transportation, for determining base year values ((of the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per employee)) and progress toward meeting commute trip reduction plan goals ((on an annual basis. Goals which are established shall take into account existing transportation demand management efforts which are made by major employers. Each jurisdiction shall ensure that employers shall receive full credit for the results of transportation demand management efforts and commute trip reduction programs which have been implemented by major employers prior to the base year. The goals for miles traveled per employee for all major employers shall not be less than a fifteen percent reduction from the worksite base year value or the base year value for the commute trip reduction zone in which their worksite is located by January 1, 1995, twenty percent reduction from the base year values by January 1, 1997, twenty-five percent reduction from the base year values by January 1, 1999, and a thirty-five percent reduction from the base year values by January 1, 2005.~~

~~(5) A county, city, or town may, as part of its commute trip reduction plan, require commute trip reduction programs for employers with ten or more full time employees at major worksites in federally designated nonattainment areas for carbon monoxide and ozone. The county, city or town shall develop the programs in cooperation with affected employers and provide technical assistance to the employers in implementing such programs). The plan shall be developed in consultation with local transit agencies, the applicable regional transportation planning organization, major employers, and other interested parties.~~

~~((6))~~ (5) The commute trip reduction plans adopted by counties, cities, and towns under this chapter shall be consistent with and may be incorporated in applicable state or regional transportation plans and local comprehensive plans and shall be coordinated, and consistent with, the commute trip reduction plans of counties, cities, or towns with which the county, city, or town has, in part, common borders or related regional issues. Such regional issues shall include assuring consistency in the treatment of employers who have worksites subject to the requirements of this chapter in more than one jurisdiction. Counties, cities, ~~((or))~~ and towns adopting commute trip reduction plans may enter into agreements through the interlocal cooperation act or by resolution or ordinance as appropriate with other jurisdictions, local transit agencies, ~~transportation management associations or other private or nonprofit providers of transportation services,~~ or regional transportation planning organizations to coordinate the development and implementation of such plans. Transit agencies shall work with counties, cities, and towns as a part of their six-year transit development plan established in RCW 35.58.2795 to take into account the location of major employer worksites when planning and prioritizing transit service changes or the expansion of public transportation services, including rideshare services. Counties, cities, or towns adopting a commute trip reduction plan shall review it annually and revise it as necessary to be consistent with applicable plans developed under RCW 36.70A.070. Regional transportation planning organizations shall review the local commute trip reduction plans during the development and update of the regional commute trip reduction plan.

(6) Each affected regional transportation planning organization shall adopt a commute trip reduction plan for its region consistent with the rules and deadline established by the department of transportation under RCW 70.94.537. The plan shall include, but is not limited to: (a) Regional program goals for commute trip reduction in urban growth areas and all designated growth and transportation efficiency centers; (b) a description of strategies for achieving the goals; (c) a sustainable financial plan describing projected revenues and expenditures to meet the goals; (d) a description of the way in

FIFTY-NINTH DAY, MARCH 8, 2006

which progress toward meeting the goals will be measured; and (e) minimum criteria for growth and transportation efficiency centers. (i) Regional transportation planning organizations shall review proposals from local jurisdictions to designate growth and transportation efficiency centers and shall determine whether the proposed growth and transportation efficiency center is consistent with the criteria defined in the regional commute trip reduction plan. (ii) Growth and transportation efficiency centers certified as consistent with the minimum requirements by the regional transportation planning organization shall be identified in subsequent updates of the regional commute trip reduction plan. These plans shall be developed in collaboration with all affected local jurisdictions, transit agencies, and other interested parties within the region. The plan will be reviewed and approved by commute trip reduction board as established under RCW 70.94.537. Regions without an approved regional commute trip reduction plan shall not be eligible for state commute trip reduction program funds.

The regional commute trip reduction plan shall be consistent with and incorporated into transportation demand management components in the regional transportation plan as required by RCW 47.80.030.

(7) Each ~~((county, city, or town))~~ regional transportation planning organization implementing a regional commute trip reduction program shall, ~~((within thirty days submit a summary of its plan along with certification of adoption))~~ consistent with the rules and deadline established by the department of transportation, submit its plan as well as any related local commute trip reduction plans and certified growth and transportation efficiency center programs, to the commute trip reduction ~~((task force))~~ board established under RCW 70.94.537. The commute trip reduction board shall review the regional commute trip reduction plan and the local commute trip reduction plans. The regional transportation planning organization shall collaborate with the commute trip reduction board to evaluate the consistency of local commute trip reduction plans with the regional commute trip reduction plan. Local and regional plans must be approved by the commute trip reduction board in order to be eligible for state funding provided for the purposes of this chapter.

(8) Each ~~((county, city, or town))~~ regional transportation planning organization implementing a regional commute trip reduction program shall submit an annual progress report to the commute trip reduction ~~((task force))~~ board established under RCW 70.94.537. The report shall be due ~~((July 1, 1994, and each July 1st thereafter through July 1, 2006))~~ at the end of each state fiscal year for which the program has been implemented. The report shall describe progress in attaining the applicable commute trip reduction goals ~~((for each commute trip reduction zone))~~ and shall highlight any problems being encountered in achieving the goals. The information shall be reported in a form established by the commute trip reduction ~~((task force))~~ board.

(9) Any waivers or modifications of the requirements of a commute trip reduction plan granted by a jurisdiction shall be submitted for review to the commute trip reduction ~~((task force))~~ board established under RCW 70.94.537. The commute trip reduction ~~((task force))~~ board may not deny the granting of a waiver or modification of the requirements of a commute trip reduction plan by a jurisdiction but they may notify the jurisdiction of any comments or objections.

(10) ~~((Each county, city, or town implementing a commute trip reduction program shall count commute trips eliminated through work-at-home options or alternate work schedules as one and two-tenths vehicle trips eliminated for the purpose of meeting trip reduction goals.~~

~~((11) Each county, city, or town implementing a commute trip reduction program shall ensure that employers that have modified their employees' work schedules so that some or all employees are not scheduled to arrive at work between 6:00 a.m. and 9:00 a.m. are provided credit when calculating single-occupancy vehicle use and vehicle miles traveled at that~~

2006 REGULAR SESSION

worksites. This credit shall be awarded if implementation of the schedule change was an identified element in that worksite's approved commute trip reduction program or if the schedule change occurred because of impacts associated with chapter 36.70A RCW, the growth management act.

~~((12))~~ Plans implemented under this section shall not apply to commute trips for seasonal agricultural employees.

~~((13))~~ (11) Plans implemented under this section shall not apply to construction worksites when the expected duration of the construction project is less than two years.

(12) If an affected urban growth area has not previously implemented a commute trip reduction program and the state has funded solutions to state highway deficiencies to address the area's exceeding the person hours of delay threshold, the affected urban growth area shall be exempt from the duties of this section for a period not exceeding two years.

NEW SECTION. Sec. 3. A new section is added to chapter 70.94 RCW to read as follows:

Nothing in this act preempts the ability of state employees to collectively bargain over commute trip reduction issues, including parking fees under chapter 41.80 RCW, or the ability of private sector employees to collectively bargain over commute trip reduction issues if previously such issues were mandatory subjects of collective bargaining.

NEW SECTION. Sec. 4. A new section is added to chapter 70.94 RCW to read as follows:

(1) A county, city, or town may, as part of its commute trip reduction plan, designate existing activity centers listed in its comprehensive plan or new activity centers as growth and transportation efficiency centers and establish a transportation demand management program in the designated area.

(a) The transportation demand management program for the growth and transportation efficiency center shall be developed in consultation with local transit agencies, the applicable regional transportation planning organization, major employers, and other interested parties.

(b) In order to be eligible for state funding provided for the purposes of this section, designated growth and transportation efficiency centers shall be certified by the applicable regional transportation organization to: (i) Meet the minimum land use and transportation criteria established in collaboration among local jurisdictions, transit agencies, the regional transportation planning organization, and other interested parties as part of the regional commute trip reduction plan; and (ii) have established a transportation demand management program that includes the elements identified in (c) of this subsection and is consistent with the rules established by the department of transportation in RCW 70.94.537(2). If a designated growth and transportation efficiency center is denied certification, the local jurisdiction may appeal the decision to the commute trip reduction board.

(c) Transportation demand management programs for growth and transportation efficiency centers shall include, but are not limited to: (i) Goals for reductions in the proportion of single-occupant vehicle trips that are more aggressive than the state program goal established by the commute trip reduction board; (ii) a sustainable financial plan demonstrating how the program can be implemented to meet state and regional trip reduction goals, indicating resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommending any innovative financing techniques consistent with chapter 47.29 RCW, including public/private partnerships, to finance needed facilities, services, and programs; (iii) a proposed organizational structure for implementing the program; (iv) a proposal to measure performance toward the goal and implementation progress; and (v) an evaluation to which local land use and transportation policies apply, including parking policies and ordinances, to determine the extent that they complement and support the trip reduction investments of major employers. Each of these program elements shall be consistent with the rules established under RCW 70.94.537.

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(d) A designated growth and transportation efficiency center shall be consistent with the land use and transportation elements of the local comprehensive plan.

(e) Transit agencies, local governments, and regional transportation planning organizations shall identify certified growth and transportation efficiency centers as priority areas for new service and facility investments in their respective investment plans.

(2) A county, city, or town that has established a growth and transportation efficiency center program shall support vehicle trip reduction activities in the designated area. The implementing jurisdiction shall adopt policies, ordinances, and funding strategies that will lead to attainment of program goals in those areas.

Sec. 5. RCW 70.94.531 and 1997 c 250 s 3 are each amended to read as follows:

(1) State agency worksites are subject to the same requirements under this section and RCW 70.94.534 as private employers.

(2) Not more than ~~((six months))~~ ninety days after the adoption of ~~((the))~~ a jurisdiction's commute trip reduction plan ~~((by a jurisdiction))~~, each major employer in that jurisdiction shall perform a baseline measurement consistent with the rules established by the department of transportation under RCW 70.94.537. Not more than ninety days after receiving the results of the baseline measurement, each major employer shall develop a commute trip reduction program and shall submit a description of that program to the jurisdiction for review. The program shall be implemented not more than ~~((six months))~~ ninety days after ~~((submission to))~~ approval by the jurisdiction.

~~((2))~~ (3) A commute trip reduction program of a major employer shall consist of, at a minimum (a) designation of a transportation coordinator and the display of the name, location, and telephone number of the coordinator in a prominent manner at each affected worksite; (b) regular distribution of information to employees regarding alternatives to single-occupant vehicle commuting; (c) ~~((an annual))~~ a regular review of employee commuting and reporting of progress toward meeting the single-occupant vehicle reduction goals to the county, city, or town consistent with the method established in the commute trip reduction plan and the rules established by the department of transportation under RCW 70.94.537; and (d) implementation of a set of measures designed to achieve the applicable commute trip reduction goals adopted by the jurisdiction. Such measures may include but are not limited to:

(i) Provision of preferential parking or reduced parking charges, or both, for high occupancy vehicles;

(ii) Instituting or increasing parking charges for single-occupant vehicles;

(iii) Provision of commuter ride matching services to facilitate employee ridesharing for commute trips;

(iv) Provision of subsidies for transit fares;

(v) Provision of vans for van pools;

(vi) Provision of subsidies for car pooling or van pooling;

(vii) Permitting the use of the employer's vehicles for car pooling or van pooling;

(viii) Permitting flexible work schedules to facilitate employees' use of transit, car pools, or van pools;

(ix) Cooperation with transportation providers to provide additional regular or express service to the worksite;

(x) Construction of special loading and unloading facilities for transit, car pool, and van pool users;

(xi) Provision of bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;

(xii) Provision of a program of parking incentives such as a rebate for employees who do not use the parking facility;

(xiii) Establishment of a program to permit employees to work part or full time at home or at an alternative worksite closer to their homes;

(xiv) Establishment of a program of alternative work schedules such as compressed work week schedules which reduce commuting; and

(xv) Implementation of other measures designed to facilitate the use of high-occupancy vehicles such as on-site day care facilities and emergency taxi services.

~~((3))~~ (4) Employers or owners of worksites may form or utilize existing transportation management associations or other transportation-related associations authorized by RCW 35.87A.010 to assist members in developing and implementing commute trip reduction programs.

~~((4))~~ (5) Employers shall make a good faith effort towards achievement of the goals identified in RCW 70.94.527(4)~~((7))~~ (d).

Sec. 6. RCW 70.94.534 and 1997 c 250 s 4 are each amended to read as follows:

(1) Each jurisdiction implementing a commute trip reduction plan under this chapter or as part of a plan or ordinance developed under RCW 36.70A.070 shall review each employer's initial commute trip reduction program to determine if the program is likely to meet the applicable commute trip reduction goals. The employer shall be notified by the jurisdiction of its findings. If the jurisdiction finds that the program is not likely to meet the applicable commute trip reduction goals, the jurisdiction will work with the employer to modify the program as necessary. The jurisdiction shall complete review of each employer's initial commute trip reduction program within ~~((three months))~~ ninety days of receipt.

(2) Employers implementing commute trip reduction programs are expected to undertake good faith efforts to achieve the goals outlined in RCW 70.94.527(4). Employers are considered to be making a good faith effort if the following conditions have been met:

(a) The employer has met the minimum requirements identified in RCW 70.94.531; ~~((and))~~

(b) The employer has notified the jurisdiction of its intent to substantially change or modify its program and has either received the approval of the jurisdiction to do so or has acknowledged that its program may not be approved without additional modifications;

(c) The employer has provided adequate information and documentation of implementation when requested by the jurisdiction; and

(d) The employer is working collaboratively with its jurisdiction to continue its existing program or is developing and implementing program modifications likely to result in improvements to the program over an agreed upon length of time.

(3) Each jurisdiction shall ~~((annually))~~ review at least once every two years each employer's progress and good faith efforts toward meeting the applicable commute trip reduction goals. If an employer makes a good faith effort, as defined in this section, but is not likely to meet the applicable commute trip reduction goals, the jurisdiction shall work collaboratively with the employer to make modifications to the commute trip reduction program. Failure of an employer to reach the applicable commute trip reduction goals is not a violation of this chapter.

(4) If an employer fails to make a good faith effort and fails to meet the applicable commute trip reduction goals, the jurisdiction shall work collaboratively with the employer to propose modifications to the program and shall direct the employer to revise its program within thirty days to incorporate those modifications or modifications which the jurisdiction determines to be equivalent.

(5) Each jurisdiction implementing a commute trip reduction plan pursuant to this chapter may impose civil penalties, in the manner provided in chapter 7.80 RCW, for failure by an employer to implement a commute trip reduction

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

program or to modify its commute trip reduction program as required in subsection (4) of this section. No major employer may be held liable for civil penalties for failure to reach the applicable commute trip reduction goals. No major employer shall be liable for civil penalties under this chapter if failure to achieve a commute trip reduction program goal was the result of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was raised by the employer and pursued in good faith.

(6) Jurisdictions shall notify major employers of the procedures for applying for goal modification or exemption from the commute trip reduction requirements based on the guidelines established by the commute trip reduction ((task force)) board authorized under RCW 70.94.537.

Sec. 7. RCW 70.94.537 and 1997 c 250 s 5 are each amended to read as follows:

(1) A ~~((twenty-eight)) sixteen~~ member state commute trip reduction ((task force)) board is established as follows:

(a) The secretary of the department of transportation or the secretary's designee who shall serve as chair;

~~(b) ((The director of the department of ecology or the director's designee;~~

~~—(c) The director of the department of community, trade, and economic development or the director's designee;~~

~~—(d) The director of the department of general administration or the director's designee;~~

~~—(e) Three representatives from)) One representative from the office of the governor or the governor's designee;~~

~~(c) The director or the director's designee of one of the following agencies, to be determined by the governor:~~

~~(i) Department of general administration;~~

~~(ii) Department of ecology;~~

~~(iii) Department of community, trade, and economic development;~~

~~(d) Three representatives from cities and towns or counties appointed by the governor for staggered four-year terms from a list ((of at least six)) recommended by the association of Washington cities or the Washington state association of counties;~~

~~((f) Three representatives from cities and towns appointed by the governor from a list of at least six recommended by the association of Washington cities;~~

~~—(g) Three)) (e) Two representatives from transit agencies appointed by the governor for staggered four-year terms from a list ((of at least six)) recommended by the Washington state transit association;~~

~~((h) Twelve)) (f) Two representatives from participating regional transportation planning organizations appointed by the governor for staggered four-year terms;~~

~~(g) Four representatives of employers at or owners of major worksites in Washington, or transportation management associations, business improvement areas, or other transportation organizations representing employers, appointed by the governor ((from a list recommended by the association of Washington business or other statewide business associations representing major employers, provided that every affected county shall have at least one representative; and~~

~~—(i) Three)) for staggered four-year terms; and~~

~~(h) Two citizens appointed by the governor for staggered four-year terms.~~

Members of the commute trip reduction ((task force)) board shall serve without compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Members appointed by the governor shall be compensated in accordance with RCW 43.03.220. The ((task force)) board has all powers necessary to carry out its duties as prescribed by this chapter. ~~((The task force shall be dissolved on July 1, 2006.))~~

(2) By March 1, ~~((1992)) 2007~~, the ~~((commute trip reduction task force))~~ department of transportation shall establish ~~((guidelines))~~ rules for commute trip reduction plans and

~~implementation procedures. The commute trip reduction board shall advise the department on the content of the rules. The ((guidelines)) rules are intended to ensure consistency in commute trip reduction plans and goals among jurisdictions while fairly taking into account differences in employment and housing density, employer size, existing and anticipated levels of transit service, special employer circumstances, and other factors the ((task force)) board determines to be relevant. The ((guidelines)) rules shall include:~~

~~(a) Guidance criteria for ((establishing commute trip reduction zones)) growth and transportation efficiency centers;~~

~~(b) ((Methods and information requirements for determining base year values of the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per employee)) Data measurement methods and procedures for determining the efficacy of commute trip reduction activities and progress toward meeting commute trip reduction plan goals;~~

~~(c) Model commute trip reduction ordinances;~~

~~(d) Methods for assuring consistency in the treatment of employers who have worksites subject to the requirements of this chapter in more than one jurisdiction;~~

~~(e) An appeals process by which major employers, who as a result of special characteristics of their business or its locations would be unable to meet the requirements of a commute trip reduction plan, may obtain a waiver or modification of those requirements and criteria for determining eligibility for waiver or modification;~~

~~(f) ((Methods to ensure that employers shall receive full credit for the results of transportation demand management efforts and commute trip reduction programs which have been implemented by major employers prior to the base year;~~

~~—(g) Alternative commute trip reduction goals for major employers which cannot meet the goals of this chapter because of the unique nature of their business;~~

~~—(h) Alternative commute trip reduction goals for major employers whose worksites change and who contribute substantially to traffic congestion in a trip reduction zone; and~~

~~—(i) Methods to insure that employers receive credit for scheduling changes enacted pursuant to the criteria identified in RCW 70.94.527(11);~~

~~—(3)) Establishment of a process for determining the state's affected areas, including criteria and procedures for regional transportation planning organizations in consultation with local jurisdictions to propose to add or exempt urban growth areas;~~

~~(g) Listing of the affected areas of the program to be done every four years as identified in subsection (5) of this section;~~

~~(h) Establishment of a criteria and application process to determine whether jurisdictions that voluntarily implement commute trip reduction are eligible for state funding;~~

~~(i) Guidelines and deadlines for creating and updating local commute trip reduction plans, including guidance to ensure consistency between the local commute trip reduction plan and the transportation demand management strategies identified in the transportation element in the local comprehensive plan, as required by RCW 36.70A.070.~~

~~(j) Guidelines for creating and updating regional commute trip reduction plans, including guidance to ensure the regional commute trip reduction plan is consistent with and incorporated into transportation demand management components in the regional transportation plan;~~

~~(k) Methods for regional transportation planning organizations to evaluate and certify that designated growth and transportation efficiency center programs meet the minimum requirements and are eligible for funding;~~

~~(l) Guidelines for creating and updating growth and transportation efficiency center programs; and~~

~~(m) Establishment of statewide program goals. The goals shall be designed to achieve substantial reductions in the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per employee, at a level~~

FIFTY-NINTH DAY, MARCH 8, 2006

that is projected to improve the mobility of people and goods by increasing the efficiency of the state highway system.

(3) The board shall create a state commute trip reduction plan that shall be updated every four years as discussed in subsection (5) of this section. The state commute trip reduction plan shall include, but is not limited to: (a) Statewide commute trip reduction program goals that are designed to substantially improve the mobility of people and goods; (b) identification of strategies at the state and regional levels to achieve the goals and recommendations for how transportation demand management strategies can be targeted most effectively to support commute trip reduction program goals; (c) performance measures for assessing the cost-effectiveness of commute trip reduction strategies and the benefits for the state transportation system; and (d) a sustainable financial plan. The board shall review and approve regional commute trip reduction plans, and work collaboratively with regional transportation planning organizations in the establishment of the state commute trip reduction plan.

(4) The ((task force)) board shall work with affected jurisdictions, major employers, and other parties to develop and implement a public awareness campaign designed to increase the effectiveness of local commute trip reduction programs and support achievement of the objectives identified in this chapter.

((4) The task force shall assess the commute trip reduction options available to employers other than major employers and make recommendations to the legislature by October 1, 1992. The recommendations shall include the minimum size of employer who shall be required to implement trip reduction programs and the appropriate methods those employers can use to accomplish trip reduction goals.))

(5) The board shall evaluate and update the commute trip reduction program plan and recommend changes to the rules every four years, with the first assessment report due July 1, 2011, to ensure that the latest data methodology used by the department of transportation is incorporated into the program and to determine which areas of the state should be affected by the program. The board shall review the definition of a major employer no later than December 1, 2009. The board shall regularly identify urban growth areas that are projected to be affected by this act in the next four-year period and may provide advance planning support to the potentially affected jurisdictions.

(6) The ((task force)) board shall review progress toward implementing commute trip reduction plans and programs and the costs and benefits of commute trip reduction plans and programs and shall make recommendations to the legislature and the governor by December 1, ((1995, December 1, 1999, December 1, 2001, December 1, 2003, and December 1, 2005)) 2009, and every two years thereafter. In assessing the costs and benefits, the ((task force)) board shall consider the costs of not having implemented commute trip reduction plans and programs with the assistance of the transportation performance audit board authorized under chapter 44.75 RCW. The ((task force)) board shall examine other transportation demand management programs nationally and incorporate its findings into its recommendations to the legislature. The recommendations shall address the need for continuation, modification, or termination or any or all requirements of this chapter. ((The recommendations made December 1, 1995, shall include recommendations regarding extension of the requirements of this chapter to employers with fifty or more full-time employees at a single worksite who begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays for more than twelve continuous months.))

(7) The board shall invite personnel with appropriate expertise from state, regional, and local government, private, public, and nonprofit providers of transportation services, and employers or owners of major worksites in Washington to act as a technical advisory group. The technical advisory group shall advise the board on the implementation of local and regional commute trip

reduction plans and programs, program evaluation, program funding allocations, and state rules and guidelines.

Sec. 8. RCW 70.94.541 and 1996 c 186 s 515 are each amended to read as follows:

(1) ((A technical assistance team shall be established under the direction of the department of transportation and include representatives of the department of ecology.)) The ((team)) department of transportation shall provide staff support to the commute trip reduction ((task force)) board in carrying out the requirements of RCW 70.94.537 ((and to the department of general administration in carrying out the requirements of RCW 70.94.551)).

(2) The ((team)) department of transportation shall provide technical assistance to regional transportation planning organizations, counties, cities, and towns, the department of general administration, other state agencies, and other employers in developing and implementing commute trip reduction plans and programs. The technical assistance shall include: (a) Guidance in ((determining base and subsequent year values of single-occupant vehicle commuting proportion and commute trip reduction vehicle miles traveled to be used in determining progress in attaining plan goals)) single measurement methodology and practice to be used in determining progress in attaining plan goals; (b) developing model plans and programs appropriate to different situations; and (c) providing consistent training and informational materials for the implementation of commute trip reduction programs. Model plans and programs, training, and informational materials shall be developed in cooperation with representatives of regional transportation planning organizations, local governments, transit agencies, and employers.

(3) In carrying out this section the department of transportation may contract with statewide associations representing cities, towns, and counties to assist cities, towns, and counties in implementing commute trip reduction plans and programs.

Sec. 9. RCW 70.94.544 and 2001 c 74 s 1 are each amended to read as follows:

A portion of the funds made available for the purposes of this chapter shall be used to fund the commute trip reduction ((task force)) board in carrying out the responsibilities of RCW ((70.94.541)) 70.94.537, and the ((interagency technical assistance team)) department of transportation, including the activities authorized under RCW 70.94.541(2), and to assist regional transportation planning organizations, counties, cities, and towns implementing commute trip reduction plans. The commute trip reduction board shall determine the allocation of program funds made available for the purposes of this chapter to regional transportation planning organizations, counties, cities, and towns implementing commute trip reduction plans. If state funds for the purposes of this chapter are provided to those jurisdictions implementing voluntary commute trip reduction plans, the funds shall be disbursed based on criteria established by the commute trip reduction board under RCW 70.94.537.

Sec. 10. RCW 70.94.547 and 1991 c 202 s 18 are each amended to read as follows:

The legislature hereby recognizes the state's crucial leadership role in establishing and implementing effective commute trip reduction programs. Therefore, it is the policy of the state that the department of general administration and other state agencies, including institutions of higher education, shall aggressively develop substantive programs to reduce commute trips by state employees. Implementation of these programs will reduce energy consumption, congestion in urban areas, and air and water pollution associated with automobile travel.

Sec. 11. RCW 70.94.551 and 1997 c 250 s 6 are each amended to read as follows:

(1) The director of ((general administration, with the concurrence of an interagency task force established for the purposes of this section, shall coordinate a commute trip reduction plan for state agencies which are phase 1 major

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

~~employers by January 1, 1993)) the department of general administration may coordinate an interagency board for the purpose of developing policies or guidelines that promote consistency among state agency commute trip reduction programs required by RCW 70.94.527 and 70.94.531. The ((task force)) board shall include representatives of the departments of transportation ((and)), ecology, and community, trade, and economic development and such other departments and interested groups as the director of the department of general administration determines to be necessary ((to be generally representative of state agencies. The state agency plan shall be consistent with the requirements of RCW 70.94.527 and 70.94.531 and shall be developed in consultation with state employees, local and regional governments, local transit agencies, the business community, and other interested groups. The plan shall consider and recommend)). Policies and guidelines shall be applicable to all state agencies including but not limited to policies and guidelines regarding parking and parking charges, employee incentives for commuting by other than single-occupant automobiles, flexible and alternative work schedules, alternative worksites, and the use of state-owned vehicles for car and van pools and guaranteed rides home. The ((plan)) policies and guidelines shall also consider the costs and benefits to state agencies of achieving commute trip reductions and consider mechanisms for funding state agency commute trip reduction programs. ((The department shall, within thirty days, submit a summary of its plan along with certification of adoption to the commute trip reduction task force established under RCW 70.94.537.))~~

(2) ~~((Not more than three months after the adoption of the commute trip reduction plan, each state agency shall, for each facility which is a major employer, develop a commute trip reduction program. The program shall be designed to meet the goals of the commute trip reduction plan of the county, city, or town or, if there is no local commute trip reduction plan, the state. The program shall be consistent with the policies of the state commute trip reduction plan and RCW 70.94.531. The agency shall submit a description of that program to the local jurisdiction implementing a commute trip reduction plan or, if there is no local commute trip reduction plan, to the department of general administration. The program shall be implemented not more than three months after submission to the department. Annual reports required in RCW 70.94.531(2)(c) shall be submitted to the local jurisdiction implementing a commute trip reduction plan and to the department of general administration. An agency which is not meeting the applicable commute trip reduction goals shall, to the extent possible, modify its program to comply with the recommendations of the local jurisdiction or the department of general administration.~~

~~—((3)) State agencies sharing a common location ((may)) in affected urban growth areas where the total number of state employees is one hundred or more shall, with assistance from the department of general administration, develop and implement a joint commute trip reduction program ((or may delegate the development and implementation of the commute trip reduction program to the department of general administration)). The worksite shall be treated as specified in RCW 70.94.531 and 70.94.534.~~

~~(((4))) (3) The department of general administration ((in consultation with the state technical assistance team)) shall review the initial commute trip reduction program of each state agency subject to the commute trip reduction plan for state agencies to determine if the program is likely to meet the applicable commute trip reduction goals and notify the agency of any deficiencies. If it is found that the program is not likely to meet the applicable commute trip reduction goals, the ((team)) department of general administration will work with the agency to modify the program as necessary.~~

~~(((5)) For each agency subject to the state agency commute trip reduction plan, the department of general administration in consultation with the technical assistance team shall annually~~

~~review progress toward meeting the applicable commute trip reduction goals. If it appears an agency is not meeting or is not likely to meet the applicable commute trip reduction goals, the team shall work with the agency to make modifications to the commute trip reduction program.~~

~~—((6))) (4) Each state agency implementing a commute trip reduction plan shall report at least once per year to its agency director on the performance of the agency's commute trip reduction program as part of the agency's quality management, accountability, and performance system as defined by RCW 43.17.385. The reports shall assess the performance of the program, progress toward state goals established under RCW 70.94.537, and recommendations for improving the program.~~

~~(5) The department of general administration shall review the agency performance reports defined in subsection (4) of this section and submit ((an annual progress)) a biennial report for state agencies subject to ((the state agency commute trip reduction plan to the commute trip reduction task force established under RCW 70.94.537. The report shall be due April 1, 1993, and each April 1st through 2006. The report shall report progress in attaining the applicable commute trip reduction goals for each commute trip reduction zone and shall highlight any problems being encountered in achieving the goals)) this chapter to the governor and incorporate the report in the commute trip reduction board report to the legislature as directed in RCW 70.94.537(6). The report shall include, but is not limited to, an evaluation of the most recent measurement results, progress toward state goals established under RCW 70.94.537, and recommendations for improving the performance of state agency commute trip reduction programs. The information shall be reported in a form established by the commute trip reduction ((task force)) board."~~

~~Correct the title.
and the same are herewith transmitted.~~

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Eide moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6566.

Senators Eide and Benson spoke in favor of passage of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Eide that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6566.

The motion by Senator Eide carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6566 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6566, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6566, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel,

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

Stevens, Swecker, Thibaudeau, Weinstein and Zarelli – 47

Excused: Senators Fairley and McCaslin – 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6566, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6787, with the following amendment(s) 6787-S.E AMH...5512.7.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.60.645 and 1995 2nd sp.s. c 14 s 558 are each amended to read as follows:

There is hereby established in the transportation fund the passenger ferry account. Money in the account shall be used for ~~((capital improvements for passenger ferry projects including, but not limited to, pedestrian and transit facilities at ferry terminals and passenger-only ferry vessels))~~ operating or capital grants for ferry systems as provided in chapters 36.54 and 36.57A RCW. Moneys in the account shall be expended with legislative appropriation.

NEW SECTION. Sec. 2. By October 31, 2006, the department of transportation shall have an independent appraisal of the market value of the Washington state ferries Snohomish and Chinook and present it to the transportation committees of the legislature and the governor by November 1, 2006. The department of transportation shall sell or otherwise dispose of the Washington state ferries Snohomish and Chinook for market value and deposit the proceeds of the sales into the passenger ferry account created in RCW 47.60.645 as soon as practicable upon approval by the governor of the business plan described in RCW 36.54.110(5).

NEW SECTION. Sec. 3. A new section is added to chapter 47.60 RCW to read as follows:

The department shall maintain the level of service existing on January 1, 2006, for the Vashon to Seattle passenger-only ferry route until such time as the legislature approves a county ferry district's assumption of the route, as authorized under RCW 36.54.110(5), providing a level of service at or exceeding the state level.

NEW SECTION. Sec. 4. A new section is added to chapter 47.01 RCW to read as follows:

(1) The department of transportation shall establish a ferry grant program subject to availability of amounts appropriated for this specific purpose. The purpose of the grant program is to provide operating or capital grants for ferry systems as provided in chapters 36.54 and 36.57A RCW to operate passenger-only ferry service.

(2) In providing grants under this section, the department may enter into multiple year contracts with the stipulation that future year allocations are subject to the availability of funding as provided by legislative appropriation.

(3) Priority shall be given to grant applications that provide continuity of existing passenger-only service and the provision of local or federal matching funds.

NEW SECTION. Sec. 5. A new section is added to chapter 47.60 RCW to read as follows:

The Washington state ferry system shall collaborate with new and potential passenger-only ferry service providers, as described in RCW 36.54.110(5), for terminal operations at its existing terminal facilities.

NEW SECTION. Sec. 6. A new section is added to chapter 47.01 RCW to read as follows:

The office of financial management shall contract to develop a back-up plan for operating the Vashon to Seattle passenger-only ferry route existing on January 1, 2006, that does not include operations by state government.

Sec. 7. RCW 36.54.110 and 2003 c 83 s 301 are each amended to read as follows:

(1) The legislative authority of a county ~~((with a population over one million persons and having a boundary on Puget Sound))~~ may adopt an ordinance creating a ferry district in all or a portion of the area of the county, including the area within the corporate limits of any city or town within the county. The ordinance may be adopted only after a public hearing has been held on the creation of a ferry district, and the county legislative authority makes a finding that it is in the public interest to create the district. ~~((A ferry district is limited to providing passenger-only ferry service.))~~

(2) A ferry district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(3) A ferry district is a body corporate and possesses all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(4) The members of the county legislative authority, acting ex officio and independently, shall compose the governing body of any ferry district that is created within the county. The voters of a ferry district must be registered voters residing within the boundaries of the district.

(5) ~~((For the purposes of this section, Puget Sound is considered as extending north as far as the Canadian border and west as far as Port Angeles.))~~ A county with a population greater than one million persons and having a boundary on Puget Sound, or a county to the west of Puget Sound with a population greater than two hundred thirty thousand but less than three hundred thousand persons, proposing to create a ferry district to assume a passenger-only ferry route between Vashon and Seattle, including an expansion of that route to include Southworth, shall first receive approval from the governor after submitting a complete business plan to the governor and the legislature by November 1, 2006. The business plan must, at a minimum, include hours of operation, vessel needs, labor needs, proposed routes, passenger terminal facilities, passenger rates, anticipated federal and local funding, coordination with Washington state ferry system, coordination with existing transit providers, long-term operation and maintenance needs, and long-term financial plan. The business plan may include provisions regarding coordination with an appropriate county to participate in a joint ferry under RCW 36.54.030 through 36.54.070. In order to be considered for assuming the route, the ferry district shall ensure that the route will be operated only by the ferry district and not contracted out to a private entity, all existing labor agreements will be honored, and operations will begin no later than July 1, 2007. If the route is to be expanded to include serving Southworth, the ferry district shall enter into an interlocal agreement with the public transportation benefit area serving the Southworth ferry terminal within thirty days of beginning Southworth ferry service. For the purposes of this subsection, Puget Sound is considered as extending north to Admiralty Inlet.

NEW SECTION. Sec. 8. A new section is added to chapter 36.57A RCW to read as follows:

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

A public transportation benefit area seeking funding for a passenger-only ferry route between Kingston and Seattle shall first receive approval from the governor after submitting a complete business plan to the governor and the legislature by November 1, 2006. The business plan must, at a minimum, include hours of operation, vessel needs, labor needs, proposed routes, passenger terminal facilities, passenger rates, anticipated federal and local funding, coordination with Washington state ferry system, coordination with existing transit providers, long-term operation and maintenance needs, and long-term financial plan.

Sec. 9. RCW 36.54.130 and 2003 c 83 s 303 are each amended to read as follows:

(1) To carry out the purposes for which ferry districts are created, the governing body of a ferry district may levy each year an ad valorem tax on all taxable property located in the district not to exceed seventy-five cents per thousand dollars of assessed value. The levy must be sufficient for the provision of ferry services as shown to be required by the budget prepared by the governing body of the ferry district.

(2) A tax imposed under this section may be used only for providing ~~((passenger-only))~~ ferry services, including the purchase, lease, or rental of ~~((passenger-only))~~ ferry vessels and dock facilities, the operation and maintenance of ~~((passenger-only))~~ ferry vessels and dock facilities, and related personnel costs.

Sec. 10. RCW 36.54.050 and 1963 c 4 s 36.54.050 are each amended to read as follows:

The joint commission is authorized to transact all business necessary in carrying out the purposes of RCW 36.54.030 through 36.54.070 and its acts shall be binding upon the two counties, and one-half of all bills and obligations created by the commission shall be binding and a legal charge against the road fund of each county and the claims therefor shall be allowed and paid out of the county road fund the same as other claims against said fund are allowed and paid, unless otherwise provided in an agreement between the two counties.

Sec. 11. RCW 81.84.020 and 2005 c 313 s 609 and 2005 c 121 s 7 are each reenacted and amended to read as follows:

(1) Upon the filing of an application the commission shall give reasonable notice to the department, affected cities, counties, and public transportation benefit areas and any common carrier which might be adversely affected, of the time and place for hearing on such application. The commission shall have power after notice and an opportunity for a hearing, to issue the certificate as prayed for, or to refuse to issue it, or to issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as in its judgment the public convenience and necessity may require; but the commission shall not have power to grant a certificate to operate between districts and/or into any territory prohibited by RCW 47.60.120 or already served by an existing certificate holder, unless such existing certificate holder has failed or refused to furnish reasonable and adequate service, has failed to provide the service described in its certificate or tariffs after the time period allowed to initiate service has elapsed, or has not objected to the issuance of the certificate as prayed for: PROVIDED, A certificate shall be granted when it shall appear to the satisfaction of the commission that the commercial ferry was actually operating in good faith over the route for which such certificate shall be sought, on January 15, 1927: PROVIDED, FURTHER, That in case two or more commercial ferries shall upon said date have been operating vessels upon the same route, or between the same districts the commission shall determine after public hearing whether one or more certificates shall issue, and in determining to whom a certificate or

certificates shall be issued, the commission shall consider all material facts and circumstances including the prior operation, schedules, and services rendered by either of the ferries, and in case more than one certificate shall issue, the commission shall fix and determine the schedules and services of the ferries to which the certificates are issued to the end that duplication of service be eliminated and public convenience be furthered.

(2) Before issuing a certificate, the commission shall determine that the applicant has the financial resources to operate the proposed service for at least twelve months, based upon the submission by the applicant of a pro forma financial statement of operations. Issuance of a certificate shall be determined upon, but not limited to, the following factors: Ridership and revenue forecasts; the cost of service for the proposed operation; an estimate of the cost of the assets to be used in providing the service; a statement of the total assets on hand of the applicant that will be expended on the proposed operation; and a statement of prior experience, if any, in such field by the applicant. The documentation required of the applicant under this section shall comply with the provisions of RCW 9A.72.085.

(3) Subsection (2) of this section does not apply to an application for a certificate that is pending as of July 25, 1993.

(4) In granting a certificate for passenger-only ferries and determining what conditions to place on the certificate, the commission shall consider and give substantial weight to the effect of its decisions on public agencies operating, or eligible to operate, passenger-only ferry service.

(5) Until July 1, ~~((2006))~~ 2007, the commission shall not accept or consider an application for passenger-only ferry service serving any county in the Puget Sound area with a population of over one million people. Applications for passenger-only ferry service serving any county in the Puget Sound area with a population of over one million pending before the commission as of May 9, 2005, shall be held in abeyance and not considered before July 1, ~~((2006))~~ 2007."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rockefeller moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6787.

Senators Brandland, Oke, Benson and Haugen spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Rockefeller that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6787.

The motion by Senator Rockefeller carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6787 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6787, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6787, as amended by the House, and the bill passed the Senate by the following vote:

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

Yeas, 43; Nays, 3; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Voting nay: Senators Benton, Esser and Honeyford - 3

Absent: Senator Deccio - 1

Excused: Senators Fairley and McCaslin - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6787, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

Under suspension of rules ENGROSSED SUBSTITUTE SENATE BILL NO. 6366 was returned to second reading for purpose of an amendment: 6366-S.E AMH SCHU BLAC 200, and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

(1) Pandemic influenza is a global outbreak of disease that occurs when a new virus appears in the human population, causes serious illness, and then spreads easily from person to person.

(2) Historically, pandemic influenza has occurred on average every thirty years. Most recently, the Asian flu in 1957-58 and the Hong Kong flu in 1968-69 killed seventy thousand and thirty-four thousand, respectively, in the United States.

(3) Another influenza pandemic could emerge with little warning, affecting a large number of people. Estimates are that another pandemic influenza would cause more than two hundred thousand deaths in our country, with as many as five thousand in Washington. Our state could also expect ten thousand to twenty-four thousand people needing hospital stays, and as many as a million people requiring outpatient visits. During a severe pandemic these numbers could be much higher. The economic losses could also be substantial.

(4) The current Avian or bird flu that is spreading around the world has the potential to start a pandemic. There is yet no proven vaccine, and antiviral medication supplies are limited and of unknown effectiveness against a human version of the virus, leaving traditional public health measures as the only means to slow the spread of the disease. Given the global nature of a pandemic, as much as possible, the state must be able to respond assuming only limited outside resources and assistance will be available.

(5) An effective response to pandemic influenza in Washington must focus at the local level and will depend on preestablished partnerships and collaborative planning on a range of best-case and worst-case scenarios. It will require flexibility and real-time decision making, guided by accurate information. It will also depend on a well-informed public that understands the dangers of pandemic influenza and the steps necessary to prevent the spread of the disease.

(6) Avian flu is but one example of an infectious disease that, were an outbreak to occur, could pose a significant statewide health hazard. As such, preparation for pandemic flu will also enhance the capacity of local public health jurisdictions to respond to other emergencies.

It is therefore the intent of the legislature that adequate pandemic flu preparedness and response plans be developed and implemented by local public health jurisdictions statewide in order to limit the number of illnesses and deaths, preserve the continuity of essential government and other community services, and minimize social disruption and economic loss in the event of an influenza pandemic.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of health.

(2) "Local health jurisdiction" means a local health department as established under chapter 70.05 RCW, a combined city-county health department as established under chapter 70.08 RCW, or a health district established under chapter 70.05 or 70.46 RCW.

(3) "Secretary" means the secretary of the department of health.

NEW SECTION. Sec. 3. (1) The secretary shall establish requirements and performance standards, consistent with any requirements or standards established by the United States department of health and human services, regarding the development and implementation of local pandemic flu preparedness and response plans.

(2) To the extent state or federal funds are provided for this purpose, by November 1, 2006, each local health jurisdiction shall develop a pandemic flu preparedness and response plan, consistent with requirements and performance standards established in subsection (1) of this section, for the purpose of:

(a) Defining preparedness activities that should be undertaken before a pandemic occurs that will enhance the effectiveness of response measures;

(b) Describing the response, coordination, and decision-making structure that will incorporate the local health jurisdiction, the local health care system, other local response agencies, and state and federal agencies during the pandemic;

(c) Defining the roles and responsibilities for the local health jurisdiction, local health care partners, and local response agencies during all phases of a pandemic;

(d) Describing public health interventions in a pandemic response and the timing of such interventions;

(e) Serving as a guide for local health care system partners, response agencies, and businesses in the development of pandemic influenza response plans; and

(f) Providing technical support and information on which preparedness and response actions are based.

Each plan shall be developed based on an assessment by the local health jurisdiction of its current capacity to respond to pandemic flu and otherwise meet department outcome measures related to infectious disease outbreaks of statewide significance.

NEW SECTION. Sec. 4. (1) Each local health jurisdiction shall develop its pandemic flu preparedness and response plan based on the requirements and performance standards established under section 3(1) of this act and an assessment of the jurisdiction's current capacity to respond to pandemic flu. The plan shall be developed in consultation with appropriate public and private sector partners, including departments of emergency management, law enforcement, school districts, hospitals and medical professionals, tribal governments, and business organizations. At a minimum, each plan shall address:

(a) Strategies to educate the public about the consequences of influenza pandemic and what each person can do to prepare, including the adoption of universal infectious disease prevention practices and maintaining appropriate emergency supplies;

(b) Jurisdiction-wide disease surveillance programs, coordinated with state and federal efforts, to detect pandemic influenza strains in humans and animals, including health care provider compliance with reportable conditions requirements, and investigation and analysis of reported illness or outbreaks;

(c) Communication systems, including the availability of and access to specialized communications equipment by health

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

officials and community leaders, and the use of mass media outlets;

(d) Mass vaccination plans and protocols to rapidly administer vaccine and monitor vaccine effectiveness and safety;

(e) Guidelines for the utilization of antiviral medications for the treatment and prevention of influenza;

(f) Implementation of nonmedical measures to decrease the spread of the disease as guided by the epidemiology of the pandemic, including increasing adherence to public health advisories, voluntary social isolation during outbreaks, and health officer orders related to quarantines;

(g) Medical system mobilization, including improving the linkages and coordination of emergency responses across health care organizations, and assuring the availability of adequate facilities and trained personnel;

(h) Strategies for maintaining social order and essential community services while limiting the spread of disease throughout the duration of the pandemic; and

(i) The jurisdiction's relative priorities related to implementation of the above activities, based on available funding.

(2) To the extent state or federal funds are provided for this purpose, the department, in consultation with the state director of emergency management, shall provide technical assistance and disburse funds as needed, based on the formula developed under sections 6 of this act, to support local health jurisdictions in developing their pandemic flu preparedness and response plans.

NEW SECTION. Sec. 5. Local health jurisdictions shall submit their pandemic flu preparedness and response plans to the secretary by November 1, 2006. Upon receipt of a plan, the secretary shall approve or reject the plan. When the plan is determined by the department to comply with the requirements and integrate the performance standards established under section 3(1) of this act, any additional state or federal funding appropriated in the budget shall be provided to the local health jurisdiction to support the preparedness response activities identified in the plan, based upon a formula developed by the secretary under section 6 of this act. Preparedness and response activities include but not limited to:

(1) Education, information, and outreach, in multiple languages, to increase community preparedness and reduce the spread of the disease should it occur;

(2) Development of materials and systems to be used in the event of a pandemic to keep the public informed about the influenza, the course of the pandemic, and response activities;

(3) Development of the legal documents necessary to facilitate and support the necessary government response;

(4) Training and response drills for local health jurisdiction staff, law enforcement, health care providers, and others with responsibilities identified in the plan;

(5) Enhancement of the communicable disease surveillance system; and

(6) Development of coordination and communication systems among responding agencies.

Where appropriate, these activities shall be coordinated and funded on a regional or statewide basis. The secretary, in consultation with the state director of emergency management, shall provide implementation support and assistance to a local health jurisdiction when the secretary or the local health jurisdiction has concerns regarding a jurisdiction's progress toward implementing its plan.

NEW SECTION. Sec. 6. The secretary shall develop a formula for distribution of any federal and state funds appropriated in the omnibus appropriations act on or before July 1, 2006, to local health jurisdictions for development and implementation of their pandemic flu preparedness and response plans. The formula developed by the secretary shall ensure that each local health jurisdiction receives a minimum amount of funds for plan development and that any additional funds for

plan development be distributed equitably, including consideration of population and factors that increase susceptibility to an outbreak, upon soliciting the advice of the local health jurisdictions.

NEW SECTION. Sec. 7. The secretary shall:

(1) Develop a process for assessing the compliance of each local health jurisdiction with the requirements and performance standards developed under section 3(1) of this act at least biannually.

(2) By November 15, 2008, report to the legislature on the level of compliance with the performance standards established under section 3(1) of this act. The report shall consider the extent to which local health jurisdictions comply with each performance standard and any impediments to meeting the expected level of performance.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act constitute a new chapter in Title 70 RCW." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6366.

Senators Keiser, Brandland and Parlette spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6366.

MOTION

On motion of Senator Schoesler, Senators Johnson and Deccio were excused.

MOTION

On motion of Senator Regala, Senator Kline was excused.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6366 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6366, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6366, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudreau, Weinstein and Zarelli - 44

Excused: Senators Deccio, Fairley, Johnson, Kline and McCaslin - 5

ENGROSSED SUBSTITUTE SENATE BILL NO. 6366, as amended by the House, having received the constitutional

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

On motion of Senator Eide, the Senate reverted to the third order of business.

MESSAGE FROM THE GOVERNOR

March 8, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

In compliance with the provisions of Article III, Section 11, of the Constitution of the State of Washington, the Governor hereby submits her report of each case of reprieve, commutation or pardon that she has granted since the adjournment of the 2005 Regular Session of the 59th Legislature, copies of which are attached.

Sincerely,

RICHARD E. MITCHELL, General Counsel

CONDITIONAL PARDON OF SCOTT BILIKAS

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, prior to 1992 and as a juvenile, Scott Jeffrey Bilikas had several convictions. In 1992, he took a camcorder from the home of an acquaintance and put it in his car. Mr. Bilikas was charged with Theft First Degree and ultimately pled guilty to the charge of Theft Second Degree. Later that year, Mr. Bilikas was arrested as a result of another theft. He was charged with Theft Second Degree and ultimately pled guilty of Possession of Stolen Property. He was sentenced concurrently to two months and 29 days for each offense in county jail.

WHEREAS, in 1997 Mr. Bilikas was sentenced to four months probation for the Unlawful Possession of a Firearm. During the possession of the firearm, Mr. Bilikas accidentally shot someone – an incident for which he still owes restitution in excess of \$50,000 to this date. During his petition hearing, Mr. Bilikas acknowledged his obligation to complete payment on his restitution, and noted that his ability to secure employment after graduation from college would effect how quickly the restitution was paid.

WHEREAS, during his incarceration in 1998 for subsequent drug possession offenses, Mr. Bilikas took correspondence courses through Seattle Central Community College. While on work release, he attended Tacoma Community College where he finished with straight "A"s. since his release from prison, Mr. Bilikas has remained arrest free. By his own testimony at the petition hearing, Mr. Bilikas became determined in 1998 to turn his life around.

WHEREAS, after Tacoma Community College, Mr. Bilikas went on to the University of Washington, where is currently majoring in accounting. He served as an officer in Beta Alpha Psi, the student accounting organization. Mr. Bilikas has a grade point average of 3.66 and has been admitted to the graduate tax program a the University of Washington for the coming academic year. His long-term goal is to become a certified public accountant specializing in federal income taxation.

WHEREAS, Mr. Bilikas; successful effort at self-rehabilitation is illustrative of a sincere desire to become a better person. His demonstrated focus on education and on becoming a productive member of society stands as an example for all those who find themselves incarcerated.

WHEREAS, Mr. Bilikas requests a pardon so that he may achieve meaningful employment as a certified public accountant despite his 1992 convictions of Theft Second Degree and Possession of Stolen Property. Although he is aware that a pardon does not eliminate the need to disclose all of his convictions to potential employers and other appropriate officials/entities, he wished to demonstrate his rehabilitation with a pardon. Mr. Bilikas has support from his community including many professors at the University of Washington. The Pierce County Prosecutor has declined to support or oppose the petition.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action;

NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Scott J. Bilikas the CONDITIONAL PARDON of his convictions of Theft Second Degree and Possession of Stolen Property on the following conditions:

1. He must remain free from any convictions for ten (10) years from the date of this Condition Pardon;
2. He must clearly and cogently demonstrate that he has not failed to disclose any of his convictions to any potential employer, official or other appropriate entity requesting such information;
3. He must demonstrate that, once employed, he has made substantial efforts toward paying restitution owed relating to his Unlawful Possession of a Firearm conviction; and
4. Following the expiration of ten (10) years from the date of this Conditional Pardon, he may re-petition the Clemency and Pardons Board for a new hearing for the issuance of a full and conditional pardon.

IN WITNESS, WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 30th day of January, A. D. two-thousand and six.

CHRISTINE O. GREGOIRE, Governor of Washington

SEAL

BY THE GOVERNOR

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

SAM REED
Secretary of State

BY THE GOVERNOR

**FULL AND UNCONDITIONAL PARDON
OF
LEE G. BOISJOLIE**

SAM REED
Secretary of State

**COMMUTATION
OF
HOUR KIM CHHAY**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1955, Lee G. Boisjolie was driving a car that partially crossed over the center line and collided head on with another car, killing the fifteen year old passenger in his car. Mr. Boisjolie was 17 years old at the time. He was charged with the convicted of Negligent Homicide and sentenced to 24 months imprisonment. He was released from prison and paroled after 15 months, evidencing exemplary conduct as a prisoner and parolee.

WHEREAS, Mr. Boisjolie's civil rights were restored by the Indeterminate Sentence Review Board on August 10, 1962. for a number of years thereafter, Mr. Boisjolie was able to own firearms and to hunt. Since 1962, he consistently applied for and renewed his concealed weapons and gun permits. He conducted himself responsibly and held firearms under permit as a collector and hunter.

WHEREAS, in April 2001, after Mr. Boisjolie submitted a permit renewal application, the Spokane Police Department advised him in writing that his gun rights had been revoked. Shortly thereafter, his concealed weapons permit with all gun ownership privileges were also revoked. Upon revocation of his gun rights, he immediately removed all firearms from his home in accordance with the law. Mr. Boisjolie requested a full pardon so that he may again own and carry guns lawfully under permit and license. The Spokane County Prosecuting Attorney does not object to the petition.

WHEREAS, Mr. Boisjolie has maintained an exemplary life since being released from prison. He has held and possessed firearms lawfully for the past 43 years and has had no subsequent contact with Washington State law enforcement. The Spokane County prosecutor did not object to Mr. Boisjolie's petition of the Governor's Office.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Lee G. Boisjolie the FULL AND UNCONDITIONAL pardon of his conviction of Negligent Homicide so that he may lawfully own and possess firearms.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on the 30th day of January, A. D., two thousand and six.

CHRISTINE O. GREGOIRE,
Governor of Washington

SEAL

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Mr. Hour Kim Chhay went to a retail clothing store, and draped a pair of jeans over his arm. He began to leave the store without paying for the jeans, and was stopped by two security officers. Mr. Chhay was ultimately arrested for shoplifting and convicted of misdemeanor theft. He was sentenced to 365 days in prison, all of which was suspended, forty hours of community service, and \$590.00 in restitution.

WHEREAS, since his conviction, Mr. Chhay has paid his ordered restitution and completed required community service. He has also received his Associate of Technical Arts Degree in Information Technology. Today, he is a junior at Evergreen State College on the Dean's List, with a concentration in Computer Science. He has had no further contact with Washington State law enforcement.

WHEREAS, Mr. Chhay is a legal, permanent resident whose wife, parents, and a number of family members are all United States citizens. He would like to become a United States citizen so that he will have greater employment opportunities and enjoy all the rights and privileges that come with citizenship. He has demonstrated his commitment to providing for and supporting his family.

WHEREAS, under federal immigration law, Mr. Chhay's misdemeanor conviction falls within a broadly defined class of aggravated felonies. As such, he conviction renders him statutorily ineligible to apply to become a United States citizen. Furthermore, it limits his professional opportunities and ability to support his family. The Olympia City Attorney has chosen to neither support nor oppose Mr. Chhay's petition to the Governor's Office.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Hour Kim Chhay commutation of his sentence to 364 days so that me may apply for citizenship within the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington, to be affixed at Olympia on this 30th day of January, A. D., two thousand and six.

CHRISTINE O. GREGOIRE,
Governor of Washington

Secretary of State

BY THE GOVERNOR

SAM REED
Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
CURTIS MARCUS**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1967, police found the end of a Marijuana cigarette in Curtis Marcus' residence. They did not find Marijuana on his person. Mr. Marcus was subsequently charged and convicted of Possession of Marijuana. He was sentenced to 20 years imprisonment, which was suspended, and 20 years probation. Mr. Marcus served five months in county jail, three years of active probation, and seventeen years of inactive probation.

WHEREAS, since his sentencing, Mr. Marcus has led a productive and successful life, becoming president and Chief Executive Officer of a major company with over 190 employees and \$42 million in assets. In addition, he has had no subsequent contact with Washington State law enforcement. He has become a pillar of his community, several members of which submitted letters of recommendation requesting that his petition be granted. The Mason County Prosecutor's Office did not testify or otherwise write in opposition to or in support of Mr. Marcus' petition.

WHEREAS, by his own testimony, Mr. Marcus has been psychologically burdened by the stigma of being a felon. He has not been able to vote, hunt, or serve in the military. It is now his desire to continue as a full and productive member of his community, without limitations imposed upon him at his conviction 38 years ago.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Curtis Marcus the FULL AND UNCONDITIONAL pardon of his 1967 conviction of Possession of Marijuana.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 30th day of January, A. D., two thousand and six.

CHRISTINE O. GREGOIRE,
Governor of Washington

SEAL

BY THE GOVERNOR

SAM REED

**FULL AND UNCONDITIONAL PARDON
OF
DOUGLAS M. PERRY**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1998, Douglas McAndrews Perry and his wife separated and divorced. She obtained a No Contact Order (Order) against him. The Order precluded Mr. Perry from being within a certain distance of Mrs. Perry or her home. The Order did not preclude contact "during child transfer...[and] during public activities concerning the children. Mr. Perry violated this Order on two occasions.

WHEREAS, in March of 1998, Mr. Perry attended his son's baseball tryouts. Mrs. Perry also attended the tryouts with their two other children. During the tryouts, Mr. Perry approached Mrs. Perry to talk to her. After Mrs. Perry reminded him about the Order, he walked away. At the end of the tryouts, and as Mrs. Perry and each of the couple's three children got into Mrs. Perry's car, Mr. Perry walked over to the car to say goodbye. Mrs. Perry again reminded Mr. Perry about the Order. He again walked away. That evening, when Mr. Perry arrived at his home, he was arrested and charged with violating the Order. In order to avoid the stress that a trial would have on his sons Mr. Perry accepted a plea bargain.

WHEREAS, in June of 1998, Mr. Perry went to Mrs. Perry's apartment to return athletic equipment left in his car by his son. Mr. Perry did not try to enter Mrs. Perry's home. When Mr. Perry returned to his home, he was arrested and charged with violating the Order. In order to avoid the stress that a trial would have on his sons, Mr. Perry again accepted a plea bargain.

WHEREAS, when the contacts in violation of the Order occurred, Mr. Perry did not engage in any physical violence with his wife. He has completed all court-mandated programs and is current in his child support payments. On his own volition, he has participated in and completed two years of counseling.

WHEREAS, prior to his convictions, Mr. Perry was employed for many years as a teacher and coach. He has experience working with youth as a community volunteer, church youth worker, youth minister, teacher, and sports coach. He is highly regarded in his community by students and teachers alike. Mr. Perry has demonstrated that he has been a positive role model for youth in the past and would continue to be a positive role model in the future. Due to his convictions, Mr. Perry has been precluded from working as a youth volunteer, teacher or coach. Mr. Perry's ex-wife believes he has served his sentence and should be allowed to teach and work with youth again. The Kitsap County Prosecutor's Office acknowledged Mrs. Perry's support of the petition, and did not write or testify in opposition to it.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the State of Washington,

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

hereby grant to Douglas McAndrews Perry the FULL AND UNCONDITIONAL pardon of his two misdemeanor convictions for violations of a No Contact Order so that he may resume his career as a teacher and coach.

body has adopted a concurrent resolution or is considering a concurrent resolution that would exempt this measure from cut off but this has not yet been passed by the House. Consistent with your past rulings on such matters Mr. President, I believe that the House must first pass the exemption before we can take up this measure. Since it is or will be a house bill on this concurrent resolution I respectfully request your ruling.”

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 30th day of January, A. D., two thousand and six.

REMARKS BY THE PRESIDENT

CHRISTINE O. GREGOIRE,
Governor of Washington

President Owen: “Senator Mulliken, the President has previously ruled in this situation that when it is a house bill that is being placed onto the amending of the concurrent resolution that the House must act on it first, before the Senate does. So, if the concurrent resolution passes, they pass it, then they pass the bill, then we can act on it.”

SEAL

PARLIAMENTARY INQUIRY

BY THE GOVERNOR

SAME REED
Secretary of State

Senator Mulliken: "If they pass it?"

MOTION

REPLY BY THE PRESIDENT

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

President Owen: "That is correct."

MOTION

MOTION

On motion of Senator Eide, the rules were suspended and Senate Concurrent Resolution No. 8419, previously held at the desk on March 3, 2006, was placed on the second reading calendar.

On motion of Senator Eide, the rules were suspended, Engrossed Senate Concurrent Resolution No. 8419 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

MOTION

The President declared the question before the Senate to be the final passage of Engrossed Senate Concurrent Resolution No. 8419.

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

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8419 was adopted by voice vote.

SECOND READING

MOTION

SENATE CONCURRENT RESOLUTION NO. 8419, by Senator Carrell

On motion of Senator Eide, Engrossed Senate Concurrent Resolution No. 8419 was immediately transmitted to the House of Representatives.

Exempting HB 3317 from the cutoff resolution.

MOTION

The measure was read the second time.

On motion of Senator Finkbeiner, Senator Oke was excused.

MOTION

MOTION

Senator Eide moved that the following amendment by Senators Brown and Hewitt be adopted.

At 7:06 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

On page 1, after "apply to" on line 7, strike everything through "drug" on line 8 and insert: "Substitute House Bill No. 3293 (Relating to disorderly conduct) or Substitute House Bill No. 2688 (Addressing the law enforcement officers' and fire fighters' retirement system plan 1)"

EVENING SESSION

The President declared the question before the Senate to be the adoption of the amendment by Senators Brown and Hewitt on page 1, line 7 to Senate Concurrent Resolution No. 8419.

The Senate was called to order at 8:10 p.m. by President Owen.

The motion by Senator Eide carried and the amendment was adopted by voice vote.

MOTION

PARLIAMENTARY INQUIRY

MESSAGE FROM THE HOUSE

Senator Mulliken: “Thank you Mr. President. You earlier ruled that Substitute House Bill No. 2688 is beyond cut off. This

March 8, 2006

FIFTY-NINTH DAY, MARCH 8, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:
 ENGROSSED SENATE CONCURRENT RESOLUTION
 NO. 8419,
 and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6230,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL
 NO. 6581,
 SENATE CONCURRENT RESOLUTION NO. 8423,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

The Speaker has signed:
 SUBSTITUTE HOUSE BILL NO. 2416,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 2572,
 SUBSTITUTE HOUSE BILL NO. 2695,
 ENGROSSED HOUSE BILL NO. 2716,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 3098,
 ENGROSSED HOUSE BILL NO. 3261,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 2416,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 2572,
 SUBSTITUTE HOUSE BILL NO. 2695,
 ENGROSSED HOUSE BILL NO. 2716,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 3098,
 ENGROSSED HOUSE BILL NO. 3261,

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

Under suspension of rules ENGROSSED SUBSTITUTE
 SENATE BILL NO. 6800 was returned to second reading for
 purpose of an amendment: 6800-S AMH WALL AMH5548.1,
 and passed the House as amended by the House.

Strike everything after the enacting clause and insert the
 following:

"Sec. 1. RCW 47.01.051 and 1977 ex.s. c 151 s 5 are each
 amended to read as follows:

There is hereby created a transportation commission, which
 shall consist of seven voting members appointed by the
 governor, with the consent of the senate. The present five
 members of the highway commission shall serve as five initial
 members of the transportation commission until their terms of

2006 REGULAR SESSION

office as highway commission members would have expired.
 The additional two members provided herein for the
 transportation commission shall be appointed for initial terms to
 expire on June 30, 1982, and June 30, 1983. Thereafter all
 terms shall be for six years. No elective state official ~~((or))~~,
 state officer, or state employee shall be a member of the
 commission ~~((, and not more than four members of the
 commission shall at the time of appointment or thereafter during
 their respective terms of office be members of the same major
 political party))~~. At the time of appointment or thereafter during
 their respective terms of office, four members of the
 commission shall reside in the western part of the state and three
 members shall reside in the eastern part of the state as divided
 north and south by the summit of the Cascade mountains. No
 more than two members of the commission shall reside in the
 same county; however, the governor, or his or her designee,
shall serve as a nonvoting member of the commission.
Commission appointments should reflect both a wide range of
transportation interests and a balanced statewide geographic
representation. Commissioners ~~((shall not))~~ may be removed
 from office by the governor before the expiration of their terms
~~((unless for a disqualifying change of residence or for cause
 based upon a determination of incapacity, incompetence,
 neglect of duty, or malfeasance in office by the superior court of
 the state of Washington in and for Thurston county upon
 petition and show cause proceedings duly brought therefor in
 said court and directed to the commissioner in question))~~ for
cause. No member shall be appointed for more than two
 consecutive terms.

Sec. 2. RCW 47.01.061 and 2005 c 319 s 4 are each
 amended to read as follows:

(1) The commission shall meet at such times as it deems
 advisable but at least ~~((once every month))~~ on a quarterly basis
with meetings to be held in different parts of the state. It may
 adopt its own rules and regulations and may establish its own
 procedure. It shall act collectively in harmony with recorded
 resolutions or motions adopted by majority vote of at least four
 members. The commission may appoint an ~~((administrative
 secretary))~~ executive director, and shall elect one of its members
~~((chairman))~~ chair for a term of one year. The ~~((chairman shall
 be able to))~~ chair may vote on all matters before the
 commission. The commission may from time to time retain
 planners, consultants, and other technical personnel to advise it
 in the performance of its duties.

(2) The commission shall submit to each regular session of
 the legislature held in an odd-numbered year its own budget
 proposal necessary for the commission's operations separate
 from that proposed for the department.

(3) Each member of the commission shall be compensated
 in accordance with RCW 43.03.250 and shall be reimbursed for
 actual necessary traveling and other expenses in going to,
 attending, and returning from meetings of the commission, and
 actual and necessary traveling and other expenses incurred in
 the discharge of such duties as may be requested by a majority
 vote of the commission or by the secretary of transportation, but
 in no event shall ~~((a commissioner be compensated in any year
 for more than one hundred twenty days, except the chairman of
 the commission who may be paid compensation for not more
 than one hundred fifty days))~~ the entire commission
membership be compensated for more than one thousand two
hundred thirty days combined. Service on the commission shall
 not be considered as service credit for the purposes of any
 public retirement system.

(4) Each member of the commission shall disclose any
 actual or potential conflict of interest, if applicable under the
 circumstance, regarding any commission business.

Sec. 3. RCW 47.01.071 and 2005 c 319 s 5 are each
 amended to read as follows:

The transportation commission shall have the following
 functions, powers, and duties:

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(1) To propose policies to be adopted by the governor and the legislature designed to assure the development and maintenance of a comprehensive and balanced statewide transportation system which will meet the needs of the people of this state for safe and efficient transportation services. Wherever appropriate the policies shall provide for the use of integrated, intermodal transportation systems to implement the social, economic, and environmental policies, goals, and objectives of the people of the state, and especially to conserve nonrenewable natural resources including land and energy. To this end the commission shall:

(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws;

(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in transportation planning, and in implementing the state transportation plan;

(c) Propose a transportation policy for the state;

(d) Establish a procedure for review and revision of the state transportation policy and for submission of proposed changes to the governor and the legislature;

(e) To integrate the statewide transportation plan with the needs of the elderly and handicapped, and to coordinate federal and state programs directed at assisting local governments to answer such needs;

(2) To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;

(3) In conjunction with the provisions under RCW 47.01.075, to provide for public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;

(4) To prepare a comprehensive and balanced statewide transportation plan which shall be based on the transportation policy adopted by the governor and the legislature, and applicable state and federal laws. The plan must reflect the priorities of government developed by the office of financial management and address regional needs, including multimodal transportation planning. The plan shall be reviewed and revised, and submitted to the governor and the house of representatives and senate standing committees on transportation, prior to each regular session of the legislature during an even-numbered year thereafter. The plan shall be subject to the approval of the legislature in the biennial transportation budget act.

The plan shall take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities;

(5) To propose to the governor and the legislature prior to the convening of each regular session held in an odd-numbered year a recommended budget for the operations of the commission as required by RCW 47.01.061;

~~(6) ((To approve the issuance and sale of all bonds authorized by the legislature for capital construction of state highways, toll facilities, Columbia Basin county roads (for which reimbursement to the motor vehicle fund has been provided), urban arterial projects, and aviation facilities;~~

~~(7)) To adopt such rules(, regulations, and policy directives)) as may be necessary to carry out reasonably and properly those functions expressly vested in the commission by statute;~~

~~((7)) (7) To contract with the office of financial management or other appropriate state agencies for administrative support, accounting services, computer services, and other support services necessary to carry out its other statutory duties;~~

~~(8) To conduct transportation-related studies and policy analysis to the extent directed by the legislature or governor in the biennial transportation budget act, or as otherwise provided in law, and subject to the availability of amounts appropriated for this specific purpose; and~~

(9) To exercise such other specific powers and duties as may be vested in the transportation commission by this or any other provision of law.

Sec. 4. RCW 47.01.075 and 2005 c 319 s 6 are each amended to read as follows:

(1) The transportation commission shall provide a public forum for the development of transportation policy in Washington state to include coordination with regional transportation planning organizations, transportation stakeholders, counties, cities, and citizens. It may recommend to the secretary of transportation, the governor, and the legislature means for obtaining appropriate citizen and professional involvement in all transportation policy formulation and other matters related to the powers and duties of the department. It may further hold hearings and explore ways to improve the mobility of the citizenry. At least every five years, the commission shall convene regional forums to gather citizen input on transportation issues.

(2) Every two years, in coordination with the development of the state biennial budget, the commission shall prepare the statewide multimodal transportation progress report ~~((that outlines the))~~ and propose to the office of financial management transportation priorities ((of)) for the ensuing biennium. The report must:

(a) Consider the citizen input gathered at the forums;

(b) Be developed with the assistance of state transportation-related agencies and organizations;

(c) Be developed with the input from state, local, and regional jurisdictions, transportation service providers, ~~((and))~~ key transportation stakeholders, and the office of financial management;

(d) Be considered by the secretary of transportation and other state transportation-related agencies in preparing proposed agency budgets and executive request legislation;

(e) Be submitted by the commission to the governor and the legislature by October 1st of each even-numbered year for consideration by the governor.

(3) In fulfilling its responsibilities under this section, the commission may create ad hoc committees or other such committees of limited duration as necessary.

(4) In order to promote a better transportation system, the commission shall offer policy guidance and make recommendations to the governor and the legislature in key issue areas, including but not limited to:

(a) Transportation finance;

(b) Preserving, maintaining, and operating the statewide transportation system;

(c) Transportation infrastructure needs;

(d) Promoting best practices for adoption and use by transportation-related agencies and programs;

(e) Transportation efficiencies that will improve service delivery and/or coordination;

(f) Improved planning and coordination among transportation agencies and providers; ~~((and))~~

(g) Use of intelligent transportation systems and other technology-based solutions; and

(h) Reporting of performance against goals, targets, and benchmarks.

Sec. 5. RCW 47.01.091 and 1977 ex.s. c 151 s 9 are each amended to read as follows:

The secretary shall establish such advisory councils as are necessary to carry out the purposes of this ~~((1977 amendatory act))~~ title, and to insure adequate public participation in the planning and development of transportation facilities. Members of such councils shall serve at the pleasure of the secretary and may receive per diem and necessary expenses, in accordance

FIFTY-NINTH DAY, MARCH 8, 2006

with RCW 43.03.050 and 43.03.060, as now or hereafter amended.

Sec. 6. RCW 47.01.101 and 2005 c 319 s 7 are each amended to read as follows:

The secretary shall have the authority and it shall be his or her duty:

(1) To serve as chief executive officer of the department with full administrative authority to direct all its activities;

(2) To organize the department as he or she may deem necessary to carry out the work and responsibilities of the department effectively;

(3) To designate and establish such transportation district, region, or branch offices as may be necessary or convenient, and to appoint assistants and delegate any powers, duties, and functions to them or any officer or employee of the department as deemed necessary to administer the department efficiently;

(4) To direct and coordinate the programs of the various divisions of the department to assure that they achieve the greatest possible mutual benefit, produce a balanced overall effort, and eliminate unnecessary duplication of activity;

(5) To adopt all department rules that are subject to the adoption procedures contained in the state administrative procedure act, except rules subject to adoption by the commission pursuant to statute;

(6) To maintain and safeguard the official records of the department, including the commission's recorded resolutions and orders;

(7) To provide, under contract or interagency agreement, ~~((full))~~ staff support to the commission, including long-term technical and administrative support as needed, to assist it in carrying out its functions, powers, and duties;

(8) To execute and implement the biennial operating budget for the operation of the department in accordance with chapter 43.88 RCW and with legislative appropriation;

(9) To advise the governor and the legislature with respect to matters under the jurisdiction of the department; and

(10) To exercise all other powers and perform all other duties as are now or hereafter provided by law.

Sec. 7. RCW 47.01.280 and 2005 c 319 s 121 are each amended to read as follows:

(1) Upon receiving an application for improvements to an existing state highway or highways pursuant to RCW 43.160.074 from the community economic revitalization board, the ~~((transportation commission))~~ department shall, in a timely manner, determine whether or not the proposed state highway improvements:

(a) Meet the safety and design criteria of the department of transportation;

(b) Will impair the operational integrity of the existing highway system; and

(c) Will affect any other improvements planned by the department ~~(-and~~

~~—(d) Will be consistent with its policies developed pursuant to RCW 47.01.071)).~~

(2) Upon completion of its determination of the factors contained in subsection (1) of this section and any other factors it deems pertinent, the ~~((transportation commission))~~ department shall forward its approval, as submitted or amended or disapproval of the proposed improvements to the board, along with any recommendation it may wish to make concerning the desirability and feasibility of the proposed development. If the ~~((transportation commission))~~ department disapproves any proposed improvements, it shall specify its reasons for disapproval.

(3) Upon notification from the board of an application's approval pursuant to RCW 43.160.074, the ~~((transportation commission))~~ department shall ~~((direct the department of transportation to))~~ carry out the improvements in coordination with the applicant.

Sec. 8. RCW 47.05.021 and 2005 c 319 s 8 are each amended to read as follows:

(1) The department shall conduct periodic analyses of the entire state highway system ~~(-))~~ and report to the ~~((commission))~~ office of financial management and the chairs of the transportation committees of the senate and house of representatives, any subsequent recommendations to subdivide, classify, and subclassify all designated state highways into the following three functional classes:

(a) The "principal arterial system" shall consist of a connected network of rural arterial routes with appropriate extensions into and through urban areas, including all routes designated as part of the interstate system, which serve corridor movements having travel characteristics indicative of substantial statewide and interstate travel;

(b) The "minor arterial system" shall, in conjunction with the principal arterial system, form a rural network of arterial routes linking cities and other activity centers which generate long distance travel, and, with appropriate extensions into and through urban areas, form an integrated network providing interstate and interregional service; and

(c) The "collector system" shall consist of routes which primarily serve the more important intercounty, intracounty, and intraurban travel corridors, collect traffic from the system of local access roads and convey it to the arterial system, and on which, regardless of traffic volume, the predominant travel distances are shorter than on arterial routes.

(2) The ~~((transportation commission))~~ department shall adopt a functional classification of highways. The ~~((commission))~~ department shall consider ~~((the recommendations of the department and testimony))~~ comments from the public and local municipalities. The ~~((commission))~~ department shall give consideration to criteria consistent with this section and federal regulations relating to the functional classification of highways, including but not limited to the following:

(a) Urban population centers within and without the state stratified and ranked according to size;

(b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business, and industry;

(c) Feasibility of the route, including availability of alternate routes within and without the state;

(d) Directness of travel and distance between points of economic importance;

(e) Length of trips;

(f) Character and volume of traffic;

(g) Preferential consideration for multiple service which shall include public transportation;

(h) Reasonable spacing depending upon population density; and

(i) System continuity.

(3) The ~~((transportation commission))~~ department or the legislature shall designate state highways of statewide significance under RCW 47.06.140. If the ~~((commission))~~ department designates a state highway of statewide significance, it shall submit a list of such facilities for adoption by the legislature. This statewide system shall include at a minimum interstate highways and other statewide principal arterials that are needed to connect major communities across the state and support the state's economy.

(4) The ~~((transportation commission))~~ department shall designate a freight and goods transportation system. This statewide system shall include state highways, county roads, and city streets. The ~~((commission))~~ department, in cooperation with cities and counties, shall review and make recommendations to the legislature regarding policies governing weight restrictions and road closures which affect the transportation of freight and goods.

Sec. 9. RCW 36.57A.191 and 2003 c 363 s 304 are each amended to read as follows:

As a condition of receiving state funding, a public transportation benefit area authority shall submit a maintenance

FIFTY-NINTH DAY, MARCH 8, 2006

and preservation management plan for certification by the department of transportation (~~(commission or its successor entity)~~). The plan must inventory all transportation system assets within the direction and control of the authority, and provide a preservation plan based on lowest life-cycle cost methodologies.

Sec. 10. RCW 36.78.121 and 2003 c 363 s 307 are each amended to read as follows:

The county road administration board, or its successor entity, shall establish a standard of good practice for maintenance of transportation system assets. This standard must be implemented by all counties no later than December 31, 2007. The board shall develop a model maintenance management system for use by counties. The board shall develop rules to assist the counties in the implementation of this system. Counties shall annually submit their maintenance plans to the board. The board shall compile the county data regarding maintenance management and annually submit it to the ~~((transportation commission or its successor entity))~~ office of financial management.

Sec. 11. RCW 36.79.120 and 1988 c 26 s 6 are each amended to read as follows:

Counties receiving funds from the rural arterial trust account for construction of arterials and the construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas shall provide such matching funds as established by rules recommended by the board, subject to review, revision, and final approval by the ~~((state transportation commission))~~ office of financial management. Matching requirements shall be established after appropriate studies by the board, taking into account financial resources available to counties to meet arterial needs.

Sec. 12. RCW 36.79.130 and 1983 1st ex.s. c 49 s 13 are each amended to read as follows:

Not later than November 1st of each even-numbered year the board shall prepare and present to the ~~((state transportation commission))~~ office of financial management a recommended budget for expenditures from the rural arterial trust account during the ensuing biennium. The budget shall contain an estimate of the revenues to be credited to the rural arterial trust account.

The ~~((state transportation commission))~~ office of financial management shall review the budget as recommended, revise the budget as it deems proper, and include the budget as revised as a separate section of the transportation budget which it shall submit to the governor pursuant to chapter 43.88 RCW.

Sec. 13. RCW 36.120.020 and 2002 c 56 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the governing body of a regional transportation investment district.

(2) "Department" means the Washington state department of transportation.

(3) "Highway of statewide significance" means an existing or proposed state route or federal interstate designated as a highway of statewide significance by the transportation commission, ~~((its successor entity))~~ the department, or the legislature.

(4) "Lead agency" means a public agency that by law can plan, design, and build a transportation project and has been so designated by the district.

(5) "Regional transportation investment district" or "district" means a municipal corporation whose boundaries are coextensive with two or more contiguous counties and that has been created by county legislative authorities and a vote of the people under this chapter to implement a regional transportation investment plan.

(6) "Regional transportation investment district planning committee" or "planning committee" means the advisory committee created under RCW 36.120.030 to create and

2006 REGULAR SESSION

propose to county legislative authorities a regional transportation investment plan to develop, finance, and construct transportation projects.

(7) "Regional transportation investment plan" or "plan" means a plan to develop, construct, and finance a transportation project or projects.

(8) "Transportation project" means:

(a) A capital improvement or improvements to a highway that has been designated, in whole or in part, as a highway of statewide significance, including an extension, that:

(i) Adds a lane or new lanes to an existing state or federal highway; or

(ii) Repairs or replaces a lane or lanes damaged by an event declared an emergency by the governor before January 1, 2002.

(b) A capital improvement or improvements to all or a portion of a highway of statewide significance, including an extension, and may include the following associated multimodal capital improvements:

(i) Approaches to highways of statewide significance;

(ii) High-occupancy vehicle lanes;

(iii) Flyover ramps;

(iv) Park and ride lots;

(v) Bus pullouts;

(vi) Vans for vanpools;

(vii) Buses; and

(viii) Signalization, ramp metering, and other transportation system management improvements.

(c) A capital improvement or improvements to all or a portion of a city street, county road, or existing highway or the creation of a new highway that intersects with a highway of statewide significance, if all of the following conditions are met:

(i) The project is included in a plan that makes highway improvement projects that add capacity to a highway or highways of statewide significance;

(ii) The secretary of transportation determines that the project would better relieve traffic congestion than investing that same money in adding capacity to a highway of statewide significance;

(iii) Matching money equal to one-third of the total cost of the project is provided by local entities, including but not limited to a metropolitan planning organization, county, city, port, or private entity in which a county participating in a plan is located. Local entities may use federal grants to meet this matching requirement;

(iv) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed ten percent of the revenues generated by the district;

(v) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed one billion dollars; and

(vi) The specific projects are included within the plan and submitted as part of the plan to a vote of the people.

(d) Operations, preservation, and maintenance are excluded from this definition and may not be included in a regional transportation investment plan.

(9) "Weighted vote" means a vote that reflects the population each board or planning committee member represents relative to the population represented by the total membership of the board or planning committee. Population will be determined using the federal 2000 census or subsequent federal census data.

Sec. 14. RCW 43.10.101 and 2005 c 319 s 104 are each amended to read as follows:

The attorney general shall prepare annually a report to the transportation committees of the legislature, the governor, the department of transportation, and the transportation commission ~~((and the transportation performance audit board))~~ comprising a comprehensive summary of all cases involving tort claims against the department of transportation involving

FIFTY-NINTH DAY, MARCH 8, 2006

highways which were concluded and closed in the previous calendar year. The report shall include for each case closed:

- (1) A summary of the factual background of the case;
- (2) Identification of the attorneys representing the state and the opposing parties;
- (3) A synopsis of the legal theories asserted and the defenses presented;
- (4) Whether the case was tried, settled, or dismissed, and in whose favor;
- (5) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefore; and
- (6) Such other matters relating to the case as the attorney general deems relevant or appropriate, especially including any comments or recommendations for changes in statute law or agency practice that might effectively reduce the exposure of the state to such tort claims.

Sec. 15. RCW 46.44.042 and 1996 c 116 s 1 are each amended to read as follows:

Subject to the maximum gross weights specified in RCW 46.44.041, it is unlawful to operate any vehicle upon the public highways with a gross weight, including load, upon any tire concentrated upon the surface of the highway in excess of six hundred pounds per inch width of such tire. An axle manufactured after July 31, 1993, carrying more than ten thousand pounds gross weight must be equipped with four or more tires. ~~(Effective January 1, 1997.)~~ An axle carrying more than ten thousand pounds gross weight must have four or more tires, regardless of date of manufacture. Instead of the four or more tires per axle requirements of this section, an axle may be equipped with two tires limited to five hundred pounds per inch width of tire. This section does not apply to vehicles operating under oversize or overweight permits, or both, issued under RCW 46.44.090, while carrying a nonreducible load.

The following equipment may operate at six hundred pounds per inch width of tire: (1) A nonliftable steering axle or axles on the power unit; (2) a tiller axle on fire fighting apparatus; (3) a rear booster trailing axle equipped with two tires on a ready-mix concrete transit truck; and (4) a straddle trailer manufactured before January 1, 1996, equipped with single-tire axles or a single axle using a walking beam supported by two in-line single tires and used exclusively for the transport of fruit bins between field, storage, and processing. A straddle trailer manufactured after January 1, 1996, meeting this use criteria may carry five hundred fifteen pounds per inch width of tire on sixteen and one-half inch wide tires.

For the purpose of this section, the width of tire in case of solid rubber or hollow center cushion tires, so long as the use thereof may be permitted by the law, shall be measured between the flanges of the rim. For the purpose of this section, the width of tires in case of pneumatic tires shall be the maximum overall normal inflated width as stipulated by the manufacturer when inflated to the pressure specified and without load thereon.

The department of transportation, ~~(under rules adopted by the transportation commission)~~ by rule with respect to state highways, and a local authority, with respect to a public highway under its jurisdiction, may extend the weight table in RCW 46.44.041 to one hundred fifteen thousand pounds. However, the extension must be in compliance with federal law, and vehicles operating under the extension must be in full compliance with the 1997 axle and tire requirements under this section.

Sec. 16. RCW 46.44.080 and 1977 ex.s. c 151 s 29 are each amended to read as follows:

Local authorities with respect to public highways under their jurisdiction may prohibit the operation thereon of motor trucks or other vehicles or may impose limits as to the weight thereof, or any other restrictions as may be deemed necessary, whenever any such public highway by reason of rain, snow, climatic or other conditions, will be seriously damaged or destroyed unless the operation of vehicles thereon be prohibited

2006 REGULAR SESSION

or restricted or the permissible weights thereof reduced: PROVIDED, That whenever a highway has been closed generally to vehicles or specified classes of vehicles, local authorities shall by general rule or by special permit authorize the operation thereon of school buses, emergency vehicles, and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under such weight and speed restrictions as the local authorities deem necessary to protect the highway from undue damage: PROVIDED FURTHER, That the governing authorities of incorporated cities and towns shall not prohibit the use of any city street designated ~~((by the transportation commission as forming))~~ a part of the route of any primary state highway through any such incorporated city or town by vehicles or any class of vehicles or impose any restrictions or reductions in permissible weights unless such restriction, limitation, or prohibition, or reduction in permissible weights be first approved in writing by the department of transportation.

The local authorities imposing any such restrictions or limitations, or prohibiting any use or reducing the permissible weights shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution in each end of the portion of any public highway affected thereby, and no such ordinance or resolution shall be effective unless and until such signs are erected and maintained.

The department shall have the same authority as hereinabove granted to local authorities to prohibit or restrict the operation of vehicles upon state highways. The department shall give public notice of closure or restriction. The department may issue special permits for the operation of school buses and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under specified weight and speed restrictions as may be necessary to protect any state highway from undue damage.

Sec. 17. RCW 46.44.090 and 2001 c 262 s 1 are each amended to read as follows:

The department of transportation, pursuant to its rules ~~((adopted by the transportation commission))~~ with respect to state highways, and local authorities, with respect to public highways under their jurisdiction, may, upon application in writing and good cause being shown therefor, issue a special permit in writing, or electronically, authorizing the applicant to operate or move a vehicle or combination of vehicles of a size, weight of vehicle, or load exceeding the maximum set forth in RCW 46.44.010, 46.44.020, 46.44.030, 46.44.034, and 46.44.041 upon any public highway under the jurisdiction of the authority granting such permit and for the maintenance of which such authority is responsible.

Sec. 18. RCW 46.44.092 and 1989 c 398 s 2 are each amended to read as follows:

Special permits may not be issued for movements on any state highway outside the limits of any city or town in excess of the following widths:

On two-lane highways, fourteen feet;

On multiple-lane highways where a physical barrier serving as a median divider separates opposing traffic lanes, twenty feet;

On multiple-lane highways without a physical barrier serving as a median divider, thirty-two feet.

These limits apply except under the following conditions:

(1) In the case of buildings, the limitations referred to in this section for movement on any two lane state highway other than the national system of interstate and defense highways may be exceeded under the following conditions: (a) Controlled vehicular traffic shall be maintained in one direction at all times; (b) the maximum distance of movement shall not exceed five miles; additional contiguous permits shall not be issued to exceed the five-mile limit: PROVIDED, That when the department of transportation ~~((pursuant to general rules adopted by the transportation commission))~~ determines a hardship would result, this limitation may be exceeded upon approval of

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

the department of transportation; (c) prior to issuing a permit a qualified transportation department employee shall make a visual inspection of the building and route involved determining that the conditions listed herein shall be complied with and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement of the building; (d) special escort or other precautions may be imposed to assure movement is made under the safest possible conditions, and the Washington state patrol shall be advised when and where the movement is to be made;

(2) Permits may be issued for widths of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for width in excess of such limitations;

(3) Permits may be issued for vehicles with a total outside width, including the load, of nine feet or less when the vehicle is equipped with a mechanism designed to cover the load pursuant to RCW 46.61.655;

(4) These limitations may be rescinded when certification is made by military officials, or by officials of public or private power facilities, or when in the opinion of the department of transportation the movement or action is a necessary movement or action: PROVIDED FURTHER, That in the judgment of the department of transportation the structures and highway surfaces on the routes involved are capable of sustaining widths in excess of such limitation;

(5) These limitations shall not apply to movement during daylight hours on any two lane state highway where the gross weight, including load, does not exceed eighty thousand pounds and the overall width of load does not exceed sixteen feet: PROVIDED, That the minimum and maximum speed of such movements, prescribed routes of such movements, the times of such movements, limitation upon frequency of trips (which limitation shall be not less than one per week), and conditions to assure safety of traffic may be prescribed by the department of transportation or local authority issuing such special permit.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

Sec. 19. RCW 46.44.096 and 1996 c 92 s 1 are each amended to read as follows:

In determining fees according to RCW 46.44.0941, mileage on state primary and secondary highways shall be determined from the planning survey records of the department of transportation, and the gross weight of the vehicle or vehicles, including load, shall be declared by the applicant. Overweight on which fees shall be paid will be gross loadings in excess of loadings authorized by law or axle loadings in excess of loadings authorized by law, whichever is the greater. Loads which are overweight and oversize shall be charged the fee for the overweight permit without additional fees being assessed for the oversize features.

Special permits issued under RCW 46.44.047, 46.44.0941, or 46.44.095, may be obtained from offices of the department of transportation, ports of entry, or other agents appointed by the department.

The department may appoint agents for the purposes of selling special motor vehicle permits, temporary additional tonnage permits, and log tolerance permits. Agents so appointed may retain three dollars and fifty cents for each permit sold to defray expenses incurred in handling and selling the permits. If the fee is collected by the department of transportation, the department shall certify the fee so collected to the state treasurer for deposit to the credit of the motor vehicle fund.

The department may select a third party contractor, by means of competitive bid, to perform the department's permit issuance function, as provided under RCW 46.44.090. Factors the department shall consider, but is not limited to, in the

selection of a third party contractor are economic benefit to both the department and the motor carrier industry, and enhancement of the overall level of permit service. For purposes of this section, "third party contractor" means a business entity that is authorized by the department to issue special permits. The department of transportation ((commission)) may adopt rules specifying the criteria that a business entity must meet in order to qualify as a third party contractor under this section.

Fees established in RCW 46.44.0941 shall be paid to the political body issuing the permit if the entire movement is to be confined to roads, streets, or highways for which that political body is responsible. When a movement involves a combination of state highways, county roads, and/or city streets the fee shall be paid to the ((state)) department of transportation. When a movement is confined within the city limits of a city or town upon city streets, including routes of state highways on city streets, all fees shall be paid to the city or town involved. A permit will not be required from city or town authorities for a move involving a combination of city or town streets and state highways when the move through a city or town is being confined to the route of the state highway. When a move involves a combination of county roads and city streets the fee shall be paid to the county authorities, but the fee shall not be collected nor the county permit issued until valid permits are presented showing that the city or town authorities approve of the move in question. When the movement involves only county roads the fees collected shall be paid to the county involved. Fees established shall be paid to the political body issuing the permit if the entire use of the vehicle during the period covered by the permit shall be confined to the roads, streets, or highways for which that political body is responsible.

Sec. 20. RCW 46.61.450 and 1977 ex.s. c 151 s 39 are each amended to read as follows:

It shall be unlawful for any person to operate a vehicle or any combination of vehicles over any bridge or other elevated structure or through any tunnel or underpass constituting a part of any public highway at a rate of speed or with a gross weight or of a size which is greater at any time than the maximum speed or maximum weight or size which can be maintained or carried with safety over any such bridge or structure or through any such tunnel or underpass when such bridge, structure, tunnel, or underpass is sign posted as hereinafter provided. The secretary of transportation, if it be a bridge, structure, tunnel, or underpass upon a state highway, or the governing body or authorities of any county, city, or town, if it be upon roads or streets under their jurisdiction, may restrict the speed which may be maintained or the gross weight or size which may be operated upon or over any such bridge or elevated structure or through any such tunnel or underpass with safety thereto. The secretary or the governing body or authorities of any county, city, or town having jurisdiction shall determine and declare the maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate and shall cause suitable signs stating such maximum speed or maximum gross weight, or size, or either, to be erected and maintained on the right hand side of such highway, road, or street and at a distance of not less than one hundred feet from each end of such bridge, structure, tunnel, or underpass and on the approach thereto: PROVIDED, That in the event that any such bridge, elevated structure, tunnel, or underpass is upon a city street designated by the department of transportation ((commission)) as forming a part of the route of any state highway through any such incorporated city or town the determination of any maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate shall not be enforceable at any speed, weight, or size less than the maximum allowed by law, unless with the approval in writing of the secretary. Upon the trial of any person charged with a violation of this section, proof of either violation of maximum speed or maximum weight, or size, or either, and the distance and

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

location of such signs as are required, shall constitute conclusive evidence of the maximum speed or maximum weight, or size, or either, which can be maintained or carried with safety over such bridge or elevated structure or through such tunnel or underpass.

Sec. 21. RCW 46.68.113 and 2003 c 363 s 305 are each amended to read as follows:

During the 2003-2005 biennium, cities and towns shall provide to the transportation commission, or its successor entity, preservation rating information on at least seventy percent of the total city and town arterial network. Thereafter, the preservation rating information requirement shall increase in five percent increments in subsequent biennia. The rating system used by cities and towns must be based upon the Washington state pavement rating method or an equivalent standard approved by the department of transportation (~~commission or its successor entity~~). Beginning January 1, 2007, the preservation rating information shall be submitted to the department.

Sec. 22. RCW 47.28.010 and 1977 ex.s. c 151 s 59 are each amended to read as follows:

Whenever the general route of any state highway shall be designated and laid out as running to or by way of certain designated points, without specifying the particular route to be followed to or by way of such points, the (~~transportation commission~~) department shall determine the particular route to be followed by said state highway to or by way of said designated points, and shall be at liberty to select and adopt as a part of such state highway, the whole or any part of any existing public highway previously designated as a county road, primary road, or secondary road or now or hereafter classified as a county road. The (~~commission~~) department need not select and adopt the entire routes for such state highways at one time, but may select and adopt parts of such routes from time to time as it deems advisable. Where a state highway is designated as passing by way of a certain point, this shall not require the (~~commission~~) department to cause such state highway to pass through or touch such point but such designation is directional only and may be complied with by location in the general vicinity. The department (~~of transportation~~) is empowered to construct as a part of any state highway as designated and in addition to any portion meeting the limits of any incorporated city or town a bypass section either through or around any such incorporated city or town.

Sec. 23. RCW 47.28.170 and 1990 c 265 s 1 are each amended to read as follows:

(1) Whenever the department finds that as a consequence of accident, natural disaster, or other emergency, an existing state highway is in jeopardy or is rendered impassible in one or both directions and the department further finds that prompt reconstruction, repair, or other work is needed to preserve or restore the highway for public travel, the department may obtain at least three written bids for the work without publishing a call for bids, and the secretary of transportation may award a contract forthwith to the lowest responsible bidder.

The department shall notify any association or organization of contractors filing a request to regularly receive notification. Notification to an association or organization of contractors shall include: (a) The location of the work to be done; (b) the general anticipated nature of the work to be done; and (c) the date determined by the department as reasonable in view of the nature of the work and emergent nature of the problem after which the department will not receive bids.

(2) Whenever the department finds it necessary to protect a highway facility from imminent damage or to perform emergency work to reopen a highway facility, the department may contract for such work on a negotiated basis not to exceed force account rates for a period not to exceed thirty working days.

(3) The secretary shall review any contract exceeding (~~two~~) seven hundred thousand dollars awarded under subsection (1) or (2) of this section with the (~~transportation~~

~~commission at its next regularly scheduled meeting~~) office of financial management within thirty days of the contract award.

(4) Any person, firm, or corporation awarded a contract for work must be prequalified pursuant to RCW 47.28.070 and may be required to furnish a bid deposit or performance bond.

Sec. 24. RCW 47.38.060 and 1996 c 172 s 1 are each amended to read as follows:

The (~~transportation commission~~) department may designate interstate safety rest areas, as appropriate, as locations for memorial signs to prisoners of war and those missing in action. The (~~commission~~) department shall adopt policies for the placement of memorial signs on interstate safety rest areas and may disapprove any memorial sign that it determines to be inappropriate or inconsistent with the policies. The policies shall include, but are not limited to, guidelines for the size and location of and inscriptions on memorial signs. The secretary shall adopt rules for administering this program. Nonprofit associations may have their name identified on a memorial sign if the association bears the cost of supplying and maintaining the memorial sign.

Sec. 25. RCW 47.52.133 and 1987 c 200 s 2 are each amended to read as follows:

Except as provided in RCW 47.52.134, the (~~transportation commission~~) department and the highway authorities of the counties and incorporated cities and towns, with regard to facilities under their respective jurisdictions, prior to the establishment of any limited access facility, shall hold a public hearing within the county, city, or town wherein the limited access facility is to be established to determine the desirability of the plan proposed by such authority. Notice of such hearing shall be given to the owners of property abutting the section of any existing highway, road, or street being established as a limited access facility, as indicated in the tax rolls of the county, and in the case of a state limited access facility, to the county and/or city or town. Such notice shall be by United States mail in writing, setting forth a time for the hearing, which time shall be not less than fifteen days after mailing of such notice. Notice of such hearing also shall be given by publication not less than fifteen days prior to such hearing in one or more newspapers of general circulation within the county, city, or town. Such notice by publication shall be deemed sufficient as to any owner or reputed owner or any unknown owner or owner who cannot be located. Such notice shall indicate a suitable location where plans for such proposal may be inspected.

Sec. 26. RCW 47.52.145 and 1981 c 95 s 2 are each amended to read as follows:

Whenever after the final adoption of a plan for a limited access highway by the (~~transportation commission~~) department, an additional design public hearing with respect to the facility or any portion thereof is conducted pursuant to federal law resulting in a revision of the design of the limited access plan, the (~~commission~~) department may modify the previously adopted limited access plan to conform to the revised design without further public hearings providing the following conditions are met:

(1) As compared with the previously adopted limited access plan, the revised plan will not require additional or different right of way with respect to that section of highway for which the design has been revised, in excess of five percent by area; and

(2) If the previously adopted limited access plan was modified by a board of review convened at the request of a county, city, or town, the legislative authority of the county, city, or town shall approve any revisions of the plan which conflict with modifications ordered by the board of review.

Sec. 27. RCW 47.52.210 and 1981 c 95 s 3 are each amended to read as follows:

(1) Whenever the (~~transportation commission~~) department adopts a plan for a limited access highway to be constructed within the corporate limits of a city or town which incorporates existing city or town streets, title to such streets shall remain in

FIFTY-NINTH DAY, MARCH 8, 2006

the city or town, and the provisions of RCW 47.24.020 as now or hereafter amended shall continue to apply to such streets until such time that the highway is operated as either a partially or fully controlled access highway. Title to and full control over that portion of the city or town street incorporated into the limited access highway shall be vested in the state upon a declaration by the secretary of transportation that such highway is operational as a limited access facility, but in no event prior to the acquisition of right of way for such highway including access rights, and not later than the final completion of construction of such highway.

(2) Upon the completion of construction of a state limited access highway within a city or town, the department of transportation may relinquish to the city or town streets constructed or improved as a functional part of the limited access highway, slope easements, landscaping areas, and other related improvements to be maintained and operated by the city or town in accordance with the limited access plan. Title to such property relinquished to a city or town shall be conveyed by a deed executed by the secretary of transportation and duly acknowledged. Relinquishment of such property to the city or town may be expressly conditioned upon the maintenance of access control acquired by the state and the continued operation of such property as a functional part of the limited access highway.

Sec. 28. RCW 81.112.086 and 2003 c 363 s 306 are each amended to read as follows:

As a condition of receiving state funding, a regional transit authority shall submit a maintenance and preservation management plan for certification by the department of transportation ~~((commission or its successor entity))~~. The plan must inventory all transportation system assets within the direction and control of the transit authority, and provide a plan for preservation of assets based on lowest life-cycle cost methodologies.

Sec. 29. RCW 36.56.121 and 2003 c 363 s 303 are each amended to read as follows:

As a condition of receiving state funding, a county that has assumed the transportation functions of a metropolitan municipal corporation shall submit a maintenance and preservation management plan for certification by the ~~((transportation commission or its successor entity))~~ department of transportation. The plan must inventory all transportation system assets within the direction and control of the county, and provide a preservation plan based on lowest life-cycle cost methodologies.

Sec. 30. RCW 36.57A.070 and 1985 c 6 s 5 are each amended to read as follows:

The comprehensive transit plan adopted by the authority shall be reviewed by the department of transportation ~~((commission))~~ to determine:

(1) The completeness of service to be offered and the economic viability of the transit system proposed in such comprehensive transit plan;

(2) Whether such plan integrates the proposed transportation system with existing transportation modes and systems that serve the benefit area;

(3) Whether such plan coordinates that area's system and service with nearby public transportation systems;

(4) Whether such plan is eligible for matching state or federal funds;

~~— After reviewing the comprehensive transit plan, the state transportation commission shall have sixty days in which to approve such plan and to certify to the state treasurer that such public transportation benefit area shall be eligible to receive the motor vehicle excise tax proceeds authorized pursuant to RCW 35.58.273, as now or hereafter amended in the manner prescribed by chapter 82.44 RCW, as now or hereafter amended. To be approved a plan shall provide for coordinated transportation planning, the integration of such proposed transportation program with other transportation systems~~

2006 REGULAR SESSION

~~operating in areas adjacent to, or in the vicinity of the proposed public transportation benefit area, and be consistent with the public transportation coordination criteria adopted pursuant to the urban mass transportation act of 1964 as amended as of July 1, 1975. In the event such comprehensive plan is disapproved and ruled ineligible to receive motor vehicle tax proceeds, the state transportation commission shall provide written notice to the authority within thirty days as to the reasons for such plan's disapproval and such ineligibility. The authority may resubmit such plan upon reconsideration and correction of such deficiencies in the plan cited in such notice of disapproval).~~

Sec. 31. RCW 47.10.861 and 2003 c 147 s 1 are each amended to read as follows:

In order to provide funds necessary for the location, design, right of way, and construction of selected projects or improvements that are identified as transportation 2003 projects or improvements in the omnibus transportation budget, there shall be issued and sold upon the request of the secretary of the department of transportation ~~((commission))~~ a total of two billion six hundred million dollars of general obligation bonds of the state of Washington.

Sec. 32. RCW 47.10.862 and 2003 c 147 s 2 are each amended to read as follows:

Upon the request of the secretary of the department of transportation ~~((commission))~~, as appropriate, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds in RCW 47.10.861 through 47.10.866 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.861 through 47.10.866 shall be sold in the manner, at time or times, in amounts, and at the price as the state finance committee shall determine. No bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 33. RCW 47.10.843 and 1998 c 321 s 16 are each amended to read as follows:

In order to provide funds necessary for the location, design, right of way, and construction of state and local highway improvements, there shall be issued and sold upon the request of the ~~((Washington state))~~ secretary of the department of transportation ~~((commission))~~ a maximum of one billion nine hundred million dollars of general obligation bonds of the state of Washington.

Sec. 34. RCW 47.10.844 and 1998 c 321 s 17 are each amended to read as follows:

Upon the request of the secretary of the department of transportation ~~((commission))~~, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.843 through 47.10.848 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.843 through 47.10.848 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 35. RCW 47.10.834 and 1995 2nd sp.s. c 15 s 2 are each amended to read as follows:

In order to provide funds necessary to implement the public-private transportation initiatives authorized by chapter 47.46 RCW, there shall be issued and sold upon the request of the

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

~~((Washington state)) secretary of the department of transportation ((commission))~~ a total of twenty-five million six hundred twenty-five thousand dollars of general obligation bonds of the state of Washington.

Sec. 36. RCW 47.10.835 and 1994 c 183 s 3 are each amended to read as follows:

Upon the request of the secretary of the department of transportation ((commission)), the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.834 through 47.10.841 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.834 through 47.10.841 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. In making such appropriation of the net proceeds of the sale of the bonds, the legislature shall specify what portion of the appropriation is provided for possible loans and what portion of the appropriation is provided for other forms of cash contributions to projects.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 37. RCW 47.10.819 and 1993 c 432 s 1 are each amended to read as follows:

In order to provide funds necessary for the location, design, right of way, and construction of selected interstate and other highway improvements, there shall be issued and sold upon the request of the ~~((Washington state)) secretary of the department of transportation ((commission))~~ a total of one hundred million dollars of general obligation bonds of the state of Washington for the following purposes and specified sums:

(1) Not to exceed twenty-five million dollars to pay the state's and local governments' share of matching funds for the ten demonstration projects identified in the Intermodal Surface Transportation Efficiency Act of 1991.

(2) Not to exceed fifty million dollars to temporarily pay the regular federal share of construction in advance of federal-aid apportionments as authorized by this section.

(3) Not to exceed twenty-five million dollars for loans to local governments to provide the required matching funds to take advantage of available federal funds. These loans shall be on such terms and conditions as determined by the ~~((Washington state)) secretary of the department of transportation ((commission))~~, but in no event may the loans be for a period of more than ten years. The interest rate on the loans authorized under this subsection shall be equal to the interest rate on the bonds sold for such purposes.

Sec. 38. RCW 47.10.820 and 1993 c 432 s 2 are each amended to read as follows:

Upon the request of the secretary of the department of transportation ((commission)), the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.819 through 47.10.824 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.819 through 47.10.824 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 39. RCW 47.02.120 and 1990 c 293 s 1 are each amended to read as follows:

For the purpose of providing funds for the acquisition of headquarters facilities for district 1 of the department of transportation and costs incidental thereto, together with all improvements and equipment required to make the facilities suitable for the department's use, there shall be issued and sold upon the request of the ~~((Washington transportation commission)) secretary of the department of transportation~~ a total of fifteen million dollars of general obligation bonds of the state of Washington.

Sec. 40. RCW 47.02.140 and 1990 c 293 s 3 are each amended to read as follows:

Upon the request of the secretary of the department of transportation ((commission)), the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.02.120 through 47.02.190 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.02.120 through 47.02.190 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. Except for the purpose of repaying the loan from the motor vehicle fund, no such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 41. RCW 47.17.132 and 1997 c 308 s 1 are each amended to read as follows:

A state highway to be known as state route number 35 is established as follows:

Beginning at the Washington-Oregon boundary line thence northerly to a junction with state route number 14 in the vicinity of White Salmon (~~;- however, until such time as a bridge across the Columbia River is constructed at a location adopted by the transportation commission no existing route may be maintained or improved by the transportation commission as a temporary route for state route number 35).~~

Sec. 42. RCW 47.24.010 and 1998 c 245 s 97 are each amended to read as follows:

The department of transportation ((commission)) shall determine what streets, together with bridges thereon and wharves necessary for use for ferriage of motor vehicle traffic in connection with such streets, if any, in any incorporated cities and towns shall form a part of the route of state highways and between the first and fifteenth days of July of any year the department ~~((of transportation))~~ shall identify by brief description, the streets, together with the bridges thereon and wharves, if any, in such city or town which are designated as forming a part of the route of any state highway; and all such streets, including curbs and gutters and street intersections and such bridges and wharves, shall thereafter be a part of the state highway system and as such shall be constructed and maintained by the department ~~((of transportation))~~ from any state funds available therefor: PROVIDED, That the responsibility for the construction and maintenance of any such street together with its appurtenances may be returned to a city or a town upon certification by the department ~~((of transportation))~~ to the clerk of any city or town that such street, or portion thereof, is no longer required as a part of the state highway system: PROVIDED FURTHER, That any such certification that a street, or portion thereof, is no longer required as a part of the state highway system shall be made between the first and fifteenth of July following the determination by the department that such street or portion thereof is no longer required as a part of the state highway system, but this shall not prevent the department and any city or town from entering into an agreement that a city or town will accept responsibility for such

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

a street or portion thereof at some time other than between the first and fifteenth of July of any year.

Sec. 43. RCW 43.88.030 and 2005 c 386 s 3 and 2005 c 319 s 108 are each reenacted and amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year financial policies where applicable, and shall describe in connection therewith the important features of the budget. The biennial budget document or documents shall also describe performance indicators that demonstrate measurable progress towards priority results. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period, or six-year period where applicable, based upon the estimated revenues and caseloads as approved by the economic and revenue forecast council and caseload forecast council or upon the estimated revenues and caseloads of the office of financial management for those funds, accounts, sources, and programs for which the forecast councils do not prepare an official forecast. Revenues shall be estimated for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues and caseloads for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue and caseload estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues and caseloads must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

~~((Supplemental and biennial documents shall reflect a six-year expenditure plan consistent with estimated revenues from existing sources. Any additional revenue resulting from proposed changes to existing statutes shall be separately identified within the document as well as related expenditures for the six-year period.))~~

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, and those anticipated for the ensuing biennium;

(b) The undesignated fund balance or deficit, by fund;

(c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, and agency;

(f) The expenditures that include nonbudgeted, nonappropriated accounts outside the state treasury;

(g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.71 RCW, shown by agency and in total; and

(h) Tabulations showing each postretirement adjustment by retirement system established after fiscal year 1991, to include, but not be limited to, estimated total payments made to the end of the previous biennial period, estimated payments for the present biennium, and estimated payments for the ensuing biennium.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments, and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium;

(g) A showing and explanation of amounts of general fund and other funds obligations for debt service and any transfers of moneys that otherwise would have been available for appropriation;

(h) Common school expenditures on a fiscal-year basis;

(i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods; and

(j) A showing and explanation of anticipated amounts of general fund and other funds required to amortize the unfunded actuarial accrued liability of the retirement system specified under chapter 41.45 RCW, and the contributions to meet such amortization, stated in total dollars and as a level percentage of total compensation.

(3) The governor's operating budget document or documents shall reflect the statewide priorities as required by RCW 43.88.090.

(4) The governor's operating budget document or documents shall identify activities that are not addressing the statewide priorities.

(5) A separate capital budget document or schedule shall be submitted that will contain the following:

(a) A statement setting forth a long-range facilities plan for the state that identifies and includes the highest priority needs within affordable spending levels;

(b) A capital program consisting of proposed capital projects for the next biennium and the two biennia succeeding the next biennium consistent with the long-range facilities plan. Inasmuch as is practical, and recognizing emergent needs, the capital program shall reflect the priorities, projects, and spending levels proposed in previously submitted capital budget documents in order to provide a reliable long-range planning tool for the legislature and state agencies;

(c) A capital plan consisting of proposed capital spending for at least four biennia succeeding the next biennium;

(d) A strategic plan for reducing backlogs of maintenance and repair projects. The plan shall include a prioritized list of specific facility deficiencies and capital projects to address the deficiencies for each agency, cost estimates for each project, a schedule for completing projects over a reasonable period of time, and identification of normal maintenance activities to reduce future backlogs;

(e) A statement of the reason or purpose for a project;

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

(f) Verification that a project is consistent with the provisions set forth in chapter 36.70A RCW;

(g) A statement about the proposed site, size, and estimated life of the project, if applicable;

(h) Estimated total project cost;

(i) For major projects valued over five million dollars, estimated costs for the following project components: Acquisition, consultant services, construction, equipment, project management, and other costs included as part of the project. Project component costs shall be displayed in a standard format defined by the office of financial management to allow comparisons between projects;

(j) Estimated total project cost for each phase of the project as defined by the office of financial management;

(k) Estimated ensuing biennium costs;

(l) Estimated costs beyond the ensuing biennium;

(m) Estimated construction start and completion dates;

(n) Source and type of funds proposed;

(o) Estimated ongoing operating budget costs or savings resulting from the project, including staffing and maintenance costs;

(p) For any capital appropriation requested for a state agency for the acquisition of land or the capital improvement of land in which the primary purpose of the acquisition or improvement is recreation or wildlife habitat conservation, the capital budget document, or an omnibus list of recreation and habitat acquisitions provided with the governor's budget document, shall identify the projected costs of operation and maintenance for at least the two biennia succeeding the next biennium. Omnibus lists of habitat and recreation land acquisitions shall include individual project cost estimates for operation and maintenance as well as a total for all state projects included in the list. The document shall identify the source of funds from which the operation and maintenance costs are proposed to be funded;

(q) Such other information bearing upon capital projects as the governor deems to be useful;

(r) Standard terms, including a standard and uniform definition of normal maintenance, for all capital projects;

(s) Such other information as the legislature may direct by law or concurrent resolution.

For purposes of this subsection (5), the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and means committee, legislative evaluation and accountability program committee, and office of financial management.

(6) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

NEW SECTION. Sec. 44. A new section is added to chapter 47.01 RCW to read as follows:

(1) The transportation commission may review the performance and outcome measures of transportation-related agencies. The purpose of these reviews is to ensure that the legislature and the governor have the means to adequately and accurately assess the performance and outcomes of those agencies and departments.

(2) The performance and outcome measures and benchmarks of each transportation-related agency or department may be reviewed at the discretion of the transportation commission, or at the request of the legislature or the governor. In setting the schedule and the extent of performance reviews, the commission shall consider the timing and results of other recent state, federal, and independent reviews and audits, the seriousness of past findings, any inadequate remedial action taken by an agency or department, whether an agency or department lacks performance and outcome measures, and the desirability to include a diverse range of agencies or programs each year. The commission shall avoid duplication of effort in conducting performance reviews by coordinating with the state auditor, joint legislative audit and review committee, the citizen advisory board, and the governor's performance review process.

(3) The reviews may include, but are not limited to:

(a) A determination of whether the performance and outcome measures are consistent with legislative mandates, strategic plans, mission statements, and goals and objectives, and whether the legislature has established clear mandates, strategic plans, mission statements, and goals and objectives that lend themselves to performance and outcome measurement;

(b) An examination of how agency management uses the measures to manage resources in an efficient and effective manner;

(c) An assessment of how performance benchmarks are established for the purpose of assessing overall performance compared to external standards and benchmarks;

(d) An examination of how an analysis of the measurement data is used to make planning and operational improvements;

(e) A determination of how performance and outcome measures are used in the budget planning, development, and allotment processes and the extent to which the agency is in compliance with its responsibilities under RCW 43.88.090;

(f) A review of how performance data are reported to and used by the legislature both in policy development and resource allocation;

(g) An assessment of whether the performance measure data are reliable and collected in a uniform and timely manner;

(h) A determination whether targeted funding investments and established priorities of government actually produce the intended and expected services and benefits; and

(i) Recommendations as necessary or appropriate.

(4) For the purposes of this section, "transportation-related agencies" means any state or local agency, board, special purpose district, or commission that receives or generates funding primarily for transportation-related purposes. At a minimum, the department of transportation, the Washington state patrol, the department of licensing, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies.

(5) The state auditor, legislative auditor, governor, and director of the office of financial management shall report to the transportation commission on an annual basis concerning their performance improvement efforts to ensure coordination and avoid duplication of effort.

Sec. 45. RCW 47.05.030 and 2005 c 319 s 9 are each amended to read as follows:

The transportation commission shall ~~((adopt))~~ develop a comprehensive ten-year investment program specifying program objectives and performance measures for the preservation and improvement programs defined in this section. The adopted ten-year investment program must be forwarded as a recommendation to the governor and the legislature, and is subject to the approval of the legislature in the biennial transportation budget act. In the specification of investment program objectives and performance measures, the transportation commission, in consultation with the Washington state department of transportation, shall define and adopt

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

standards for effective programming and prioritization practices including a needs analysis process. The analysis process must ensure the identification of problems and deficiencies, the evaluation of alternative solutions and trade-offs, and estimations of the costs and benefits of prospective projects. ~~((The investment program must be revised based on directions by the office of financial management.))~~ The investment program must be based upon the needs identified in the state-owned highway component of the statewide comprehensive transportation plan ~~((as defined in RCW 47.01.071(3))).~~

(1) The preservation program consists of those investments necessary to preserve the existing state highway system and to restore existing safety features, giving consideration to lowest life cycle costing. The preservation program must require use of the most cost-effective pavement surfaces, considering:

- (a) Life-cycle cost analysis;
- (b) Traffic volume;
- (c) Subgrade soil conditions;
- (d) Environmental and weather conditions;
- (e) Materials available; and
- (f) Construction factors.

The comprehensive ten-year investment program for preservation must identify projects for two years and an investment plan for the remaining eight years.

(2) The improvement program consists of investments needed to address identified deficiencies on the state highway system to increase mobility, address congestion, and improve safety, support for the economy, and protection of the environment. The ten-year investment program for improvements must identify projects for two years and major deficiencies proposed to be addressed in the ten-year period giving consideration to relative benefits and life cycle costing. The transportation commission shall give higher priority for correcting identified deficiencies on those facilities classified as facilities of statewide significance as defined in RCW 47.06.140. Project prioritization must be based primarily upon cost-benefit analysis, where appropriate.

~~((The transportation commission shall approve and present the comprehensive ten-year investment program to the governor and the legislature as directed by the office of financial management.))~~

Sec. 46. RCW 47.05.035 and 2005 c 319 s 10 are each amended to read as follows:

(1) The department shall use the transportation demand modeling tools developed under subsection (2) of this section to evaluate investments based on the best mode or improvement, or mix of modes and improvements, to meet current and future long-term demand within a corridor or system for the lowest cost. The end result of these demand modeling tools is to provide a cost-benefit analysis by which the department can determine the relative mobility improvement and congestion relief each mode or improvement under consideration will provide and the relative investment each mode or improvement under consideration will need to achieve that relief.

(2) The department will participate in the refinement, enhancement, and application of existing transportation demand modeling tools to be used to evaluate investments. This participation and use of transportation demand modeling tools will be phased in.

(3) In developing program objectives and performance measures, the department shall evaluate investment trade-offs between the preservation and improvement programs. In making these investment trade-offs, the department shall evaluate, using cost-benefit techniques, roadway and bridge maintenance activities as compared to roadway and bridge preservation program activities and adjust those programs accordingly.

(4) The department shall allocate the estimated revenue between preservation and improvement programs giving primary consideration to the following factors:

(a) The relative needs in each of the programs and the system performance levels that can be achieved by meeting these needs;

(b) The need to provide adequate funding for preservation to protect the state's investment in its existing highway system;

(c) The continuity of future transportation development with those improvements previously programmed; and

(d) The availability of dedicated funds for a specific type of work.

(5) The ~~((commission shall review the results of the department's findings and shall consider those))~~ department shall consider the findings in this section in the development of the ten-year investment program.

Sec. 47. RCW 47.05.051 and 2005 c 319 s 11 are each amended to read as follows:

~~((+))~~ The comprehensive ten-year investment program shall be based upon the needs identified in the state-owned highway component of the statewide ~~((multimodal))~~ comprehensive transportation plan ~~((as defined in RCW 47.01.071(4)))~~ and priority selection systems that incorporate the following criteria:

~~((+))~~ (1) Priority programming for the preservation program shall take into account the following, not necessarily in order of importance:

~~((+))~~ (a) Extending the service life of the existing highway system, including using the most cost-effective pavement surfaces, considering:

- ~~((A))~~ (i) Life-cycle cost analysis;
- ~~((B))~~ (ii) Traffic volume;
- ~~((C))~~ (iii) Subgrade soil conditions;
- ~~((D))~~ (iv) Environmental and weather conditions;
- ~~((E))~~ (v) Materials available; and
- ~~((F))~~ (vi) Construction factors;

~~((+))~~ (b) Ensuring the structural ability to carry loads imposed upon highways and bridges; and

~~((+))~~ (c) Minimizing life-cycle costs. ~~((The transportation commission in carrying out the provisions of this section may delegate to the department of transportation the authority to select preservation projects to be included in the ten-year program.~~

~~((b))~~ (2) Priority programming for the improvement program must be based primarily upon the following, not necessarily in order of importance:

- ~~((+))~~ (a) Traffic congestion, delay, and accidents;
- ~~((+))~~ (b) Location within a heavily traveled transportation corridor;

~~((+))~~ (c) Except for projects in cities having a population of less than five thousand persons, synchronization with other potential transportation projects, including transit and multimodal projects, within the heavily traveled corridor; and

~~((+))~~ (d) Use of benefit/cost analysis wherever feasible to determine the value of the proposed project.

~~((+))~~ (3) Priority programming for the improvement program may also take into account:

- ~~((+))~~ (a) Support for the state's economy, including job creation and job preservation;
- ~~((+))~~ (b) The cost-effective movement of people and goods;

~~((+))~~ (c) Accident and accident risk reduction;

~~((+))~~ (d) Protection of the state's natural environment;

~~((+))~~ (e) Continuity and systematic development of the highway transportation network;

~~((+))~~ (f) Consistency with local comprehensive plans developed under chapter 36.70A RCW including the following if they have been included in the comprehensive plan:

~~((A))~~ (i) Support for development in and revitalization of existing downtowns;

~~((B))~~ (ii) Extent that development implements local comprehensive plans for rural and urban residential and nonresidential densities;

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

~~((C))~~ (iii) Extent of compact, transit-oriented development for rural and urban residential and nonresidential densities;

~~((D))~~ (iv) Opportunities for multimodal transportation; and

~~((E))~~ (v) Extent to which the project accommodates planned growth and economic development;

~~((vi))~~ (g) Consistency with regional transportation plans developed under chapter 47.80 RCW;

~~((viii))~~ (h) Public views concerning proposed improvements;

~~((ix))~~ (i) The conservation of energy resources;

~~((x))~~ (j) Feasibility of financing the full proposed improvement;

~~((xi))~~ (k) Commitments established in previous legislative sessions;

~~((xii))~~ (l) Relative costs and benefits of candidate programs.

~~((d)) Major projects addressing capacity deficiencies which prioritize allowing for preliminary engineering shall be reprioritized during the succeeding biennium, based upon updated project data. Reprioritized projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding.~~

~~((c)) Major project approvals which significantly increase a project's scope or cost from original prioritization estimates shall include a review of the project's estimated revised priority rank and the level of funding provided. Projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding.~~

~~((2)) The commission may depart from the priority programming established under subsection (1) of this section: (a) To the extent that otherwise funds cannot be utilized feasibly within the program; (b) as may be required by a court judgment, legally binding agreement, or state and federal laws and regulations; (c) as may be required to coordinate with federal, local, or other state agency construction projects; (d) to take advantage of some substantial financial benefit that may be available; (e) for continuity of route development; or (f) because of changed financial or physical conditions of an unforeseen or emergent nature. The commission or secretary of transportation shall maintain in its files information sufficient to show the extent to which the commission has departed from the established priority.~~

~~((3)) The commission shall identify those projects that yield freight mobility benefits or that alleviate the impacts of freight mobility upon affected communities.)~~

Sec. 48. RCW 47.29.010 and 2005 c 317 s 1 are each amended to read as follows:

(1) The legislature finds that the public-private ~~((transportation))~~ transportation initiatives act created under chapter 47.46 RCW has not met the needs and expectations of the public or private sectors for the development of transportation projects. The legislature intends to phase out chapter 47.46 RCW coincident with the completion of the Tacoma Narrows Bridge - SR 16 public-private partnership. From July 24, 2005, this chapter will provide a more desirable and effective approach to developing transportation projects in partnership with the private sector by applying lessons learned from other states and from this state's ten-year experience with chapter 47.46 RCW.

(2) It is the legislature's intent to achieve the following goals through the creation of this new approach to public-private partnerships:

(a) To provide a well-defined mechanism to facilitate the collaboration between public and private entities in transportation;

(b) To bring innovative thinking from the private sector and other states to bear on public projects within the state;

(c) To provide greater flexibility in achieving the transportation projects; and

(d) To allow for creative cost and risk sharing between the public and private partners.

(3) The legislature intends that the powers granted in this chapter to the commission or department are in addition to any powers granted under chapter 47.56 RCW.

(4) It is further the intent of the legislature that ~~((the commission shall be responsible for receiving, reviewing, and approving proposals with technical support of the department; rule making; and for oversight of contract execution. The department shall be responsible for evaluating proposals and negotiating contracts))~~ an expert review panel be established for each project developed under this act. Expert review panels shall be responsible for reviewing selected proposals, analyzing and reviewing tentative agreements, and making recommendations to the governor and the transportation commission on the advisability of executing agreements under this act.

NEW SECTION. Sec. 49. A new section is added to chapter 47.29 RCW to read as follows:

(1) The department shall establish an expert review panel to review, analyze, and make recommendations to the governor and the transportation commission on whether to approve, reject, or continue negotiations on a proposed project agreement under this chapter. The department shall provide staff to support the expert review panel, if requested by the panel. The expert review panel may utilize any of the consultants under contract for the department, and the expert review panel may contract for consulting expertise in specific areas as it deems necessary to ensure a thorough and critical review of any proposed project agreement.

(2) The governor shall appoint members of an expert review panel that have experience in large capital project delivery, public-private partnerships, public financing of infrastructure improvements, or other areas of expertise that will benefit the panel. The panel shall consist of no less than three, but no more than five members, as determined by the governor.

NEW SECTION. Sec. 50. A new section is added to chapter 47.29 RCW to read as follows:

Upon receiving the recommendations of the expert review panel as provided in section 49 of this act, and upon consultation with the governor, the transportation commission shall either execute the proposed project agreement, reject the proposed project agreement, or continue further negotiations between the state and a private partner. The execution of any agreement or the rejection of any agreement shall constitute a final action for legal or administrative purposes.

NEW SECTION. Sec. 51. The following acts or parts of acts are each repealed:

1. RCW 44.75.010 (Intent) and 2003 c 362 s 1;
2. RCW 44.75.020 (Definitions) and 2005 c 319 s 16 & 2003 c 362 s 2;
3. RCW 44.75.030 (Board created--Membership) and 2005 c 319 s 17 & 2003 c 362 s 3;
4. RCW 44.75.040 (Procedures, compensation, support) and 2005 c 319 s 18 & 2003 c 362 s 4;
5. RCW 44.75.050 (Reviews of transportation-related agencies) and 2005 c 319 s 19 & 2003 c 362 s 5;
6. RCW 44.75.060 (Review methodology) and 2003 c 362 s 6;
7. RCW 44.75.070 (Scope of reviews) and 2003 c 362 s 7;
8. RCW 44.75.080 (Direction of audit) and 2005 c 319 s 20 & 2003 c 362 s 8;
9. RCW 44.75.090 (Professional experts) and 2005 c 319 s 21 & 2003 c 362 s 9;
10. RCW 44.75.100 (Audit reports) and 2005 c 319 s 22 & 2003 c 362 s 10;
11. RCW 44.75.110 (Scope of audit) and 2005 c 319 s 23 & 2003 c 362 s 11;
12. RCW 44.75.120 (Contents of report) and 2005 c 319 s 24 & 2003 c 362 s 12;
13. RCW 44.75.800 (Department of transportation audit) and 2003 c 362 s 15;
14. RCW 44.75.900 (Captions--2003 c 362) and 2003 c 362 s 18; and

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

15. RCW 44.75.901 (Effective date--2003 c 362) and 2003 c 362 s 19.

NEW SECTION. **Sec. 52.** This act takes effect July 1, 2006."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6800.
Senators Haugen and Mulliken spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6800.

The motion by Senator Haugen carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6800 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6800, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6800, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Absent: Senators Benton and Finkbeiner - 2

Excused: Senators Deccio, Johnson, McCaslin and Oke - 4

ENGROSSED SUBSTITUTE SENATE BILL NO. 6800, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Finkbeiner was excused.

MOTION

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

INTRODUCTION AND FIRST READING

SCR 8425 by Senators Brown and Hewitt

Returning bills to their house of origin.

SCR 8426 by Senators Eide and Esser

Adjourning SINE DIE.

MOTION

On motion of Senator Eide, the rules were suspended and Senate Concurrent Resolution No. 8425 and Senate Concurrent Resolution No. 8426 were placed on the second reading calendar.

MOTION

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8425, by Senators Brown and Hewitt

Returning bills to their house of origin.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Concurrent Resolution No. 8425 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8425.

MOTION

On motion of Senator Schoesler, Senator Benton was excused.

SENATE CONCURRENT RESOLUTION NO. 8425 was adopted by voice vote.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8426, by Senators Eide and Esser

Adjourning SINE DIE.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Concurrent Resolution No. 8426 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8426.

SENATE CONCURRENT RESOLUTION NO. 8426 was adopted by voice vote.

MOTION

On motion of Senator Eide, Senate Concurrent Resolution No. 8425 and Senate Concurrent Resolution No. 8426 were immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Eide, the Senate advanced to the

FIFTY-NINTH DAY, MARCH 8, 2006
eighth order of business.

2006 REGULAR SESSION

THIRD READING

MOTION

Senator Spanel moved adoption of the following resolution:

SENATE RESOLUTION
8739

By Senators Spanel and Honeyford

WHEREAS, The 2006 Regular Session of the Fifty-ninth Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the 2006 Regular Session of the Fifty-ninth Legislature and the convening of the next regular session;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any contracts or subcontracts that necessitate the expenditure of Senate appropriations; and

BE IT FURTHER RESOLVED, That the Senate Facilities and Operations Committee may, as they deem appropriate, authorize out-of-state travel for which members and staff may receive therefor their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Facilities and Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor as the Secretary of the Senate and the Senate Facilities and Operations Committee shall deem proper; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to make out and execute the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Facilities and Operations Committee be, and they hereby are, authorized to approve written requests by standing committees to meet during the interim period; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to have printed a copy of the Senate Journals of the 2006 Regular Session of the Fifty-ninth Legislature; and

BE IT FURTHER RESOLVED, That the Rules Committee is authorized to assign subject matters to standing committees for study during the interim, and the Majority Leader is authorized to create special committees as may be necessary to carry out the functions of the Senate in an orderly manner and appoint members thereto with the approval of the Facilities and Operations Committee; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers or memorials in the event of a bereavement in the legislative "family"; and

BE IT FURTHER RESOLVED, That such use of the Senate facilities is permitted upon such terms as the Secretary of the Senate shall deem proper.

Senator Spanel spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8739.

The motion by Senator Spanel carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Eide, the Senate reverted to the seventh order of business.

SUBSTITUTE HOUSE BILL NO. 2688, by House Committee on Appropriations (originally sponsored by Representatives Fromhold, Conway, Lovick, Kenney, Quall, Simpson, Ormsby, Moeller and Ericks).

Addressing the law enforcement officers' and fire fighters' retirement system plan 1.

The bill was read on Third Reading.

Senators Fraser, Delvin and Brandland spoke in favor of passage of the bill.

Senator Mulliken spoke against passage of the bill.

MOTION

On motion of Senator Schoesler, Senator Roach was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2688.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2688 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 6; Absent, 3; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Haugen, Hewitt, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Zarelli - 34

Voting nay: Senators Honeyford, Morton, Mulliken, Parlette, Pflug and Stevens - 6

Absent: Senators Hargrove, Jacobsen and Weinstein - 3

Excused: Senators Deccio, Finkbeiner, Johnson, McCaslin, Oke and Roach - 6

SUBSTITUTE HOUSE BILL NO. 2688, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, all measures on the second and third reading calendars and measures held at the desk were referred to the Committee on Rules.

PERSONAL PRIVILEGE

Senator Rasmussen: "My point of personal privilege concerns the 59th day and ladies and gentlemen of the Senate, the last time, for you that are youngsters, the last time this body adjourned in 59 days. Can anybody tell me outside of Mr. President? Actually, the Speaker of the House was Wayne Ehlers and I happen to have taken his place in '86, in the election of '86 but it was in the session of '86 that you adjourned Sine Die in 59 days. That was over twenty years ago and so Senator Haugen was here and I'm sure you to Mr. President, remembers. I think this is an historic day. We ought to remember that this isn't the first time we have adjourned in 59 days but it is, it has, it's been twenty years and at this time I would also like to say that it was a job well done, well done. Thank you Mr. President and thank you Governor and thank you colleagues."

PERSONAL PRIVILEGE

Senator Hewitt: "Thank you Mr. President. Well, I'd just like to remind the good lady that it was because we were so congenial this year and let you get done on time. We could of actually shut this place down and we would have been here until Thursday night."

PERSONAL PRIVILEGE

Senator Brown: "Thank you Mr. President and colleagues. Well, we are drawing to the end of the session and I just have to say that's it's been a great experience. We have had several victories working across the aisle. We haven't agreed on everything, but we've tried to disagree in a fairly agreeable manner and we've tried to keep the business of the people of Washington State moving forward. I think we've mostly been successful at that. I can't leave here tonight without really offering a tribute and an incredible vote of confidence and thanks to the floor leader. The floor leader this year, Senator Tracy Eide, had an incredible task because we all know how activist we were, introducing more measures here and across the rotunda and moving those measures through this body with it's decorum and it's process and it's personalities can sometimes be very challenging and she did an incredible job. It just so happens that we are going to Sine Die on International Women's Day and I want to wish you all a happy International Women's Day which is a national holiday in many countries and I've distributed on the desk the informal anthem of International Women's Day which is the song 'Bread and Roses' and it just so happens the Floor Leader and I do have roses on our desk. We hope that we've also helped the people of Washington State to better earn their daily bread especially our children and if you'll read the lyrics of the song, I think you'll see why. And if I could just read a few lines Mr. President? Thank you. 'As we come marching, marching we battle to for men for they are women's children and we mother them again. Our lives shall not be sweated from birth until life closes, hearts starve as well as bodies, give us bread, but give us roses'."

PERSONAL PRIVILEGE

Senator Kohl-Welles: "Well, the wonderful Majority Leader from the 3rd legislative district beat me to it. I was just going to remind the body that it International Women's Day and I would like to remind everyone as well that, even though we now rank third, tied third in the country in terms in the percentage of women legislators among all legislatures, we're about thirty-three and half percent we did rank the highest in the country, from 1992 through 2003 and had the highest in the history of the country at just under forty-one percent. The national average is about twenty-two percent. We also are the only state that has a woman as Governor and also our two United States Senators are women. We have a lot to be proud of and I look forward to coming back next year with even a higher percentage of women in the legislature. Thank you Mr. President."

PARLIAMENTARY INQUIRY

Senator Delvin: "Earlier tonight I was off in the wings negotiating some last minute legislation stuff to help us get out of here and you were talking about someone had to provide pants and jackets. I just wanted to know, because I'll give five dollars. Is it a fund to buy you pants when you show up here sometimes without pants? It's for you or the pages? I couldn't quite clearly understand that. If you could answer, I'd certainly be willing to donate to that fund."

REPLY BY THE PRESIDENT

President Owen: "Go ahead and donate to the fund, I'll talk about it later."

PERSONAL PRIVILEGE

Senator Pridemore: "Just two points, if we don't get a move on we're going to have to suspend the rule 15 for a second night in a row. Second, there will be a male caucus meeting immediately, bring your blue books."

PERSONAL PRIVILEGE

Senator Kline: "Well, since we've had a rousing chorus of 'Bread and Roses' I thought I might also read another poem. Ok, I won't."

REPLY BY THE PRESIDENT

President Owen: "The President believes that your poems are something like resolutions, one a day is all that's allowed without a suspension of the rules and I'm gambling, I wouldn't gamble on you getting it."

PERSONAL PRIVILEGE

Senator McAuliffe: "Mr. President, you don't have your top ten this year?"

REPLY BY THE PRESIDENT

President Owen: "I don't have my top ten, I did have a couple here though but I wasn't sure what the mood was so....I do have my annual 'I did not intend to speak on this' award which of course once again is one by the champion of 'I did not intend to speak on this'! Senator Brandland. I've got a new one this year and that is the you know, as people come rushing in off the wings to vote. I have the 'Fastest per square inch' and that, of course, is Senator Doumit. That's all I got this year, that I'm going to share with you anyway. I would ask that Senator Weinstein, if he's here, to quit hanging on the curtains though. The only person I've ever seen do that is my grandson when he comes running."

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:
The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2668,
SUBSTITUTE HOUSE BILL NO. 2778,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:
The Speaker has signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1010,
SUBSTITUTE HOUSE BILL NO. 1523,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1672,
HOUSE BILL NO. 2409,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2507,
SUBSTITUTE HOUSE BILL NO. 2569,
SUBSTITUTE HOUSE BILL NO. 2576,

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

SECOND SUBSTITUTE HOUSE BILL NO. 2583,
HOUSE BILL NO. 2612,
SUBSTITUTE HOUSE BILL NO. 2640,
HOUSE BILL NO. 2644,
HOUSE BILL NO. 2671,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
2673,
SECOND SUBSTITUTE HOUSE BILL NO. 2799,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2871,
SUBSTITUTE HOUSE BILL NO. 2880,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2884,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2925,
SECOND SUBSTITUTE HOUSE BILL NO. 3070,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3079,
SECOND SUBSTITUTE HOUSE BILL NO. 3115,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3127,
ENGROSSED HOUSE BILL NO. 3159,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3316,
HOUSE BILL NO. 3317,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1010,
SUBSTITUTE HOUSE BILL NO. 1523,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1672,
HOUSE BILL NO. 2409,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2507,
SUBSTITUTE HOUSE BILL NO. 2569,
SUBSTITUTE HOUSE BILL NO. 2576,
SECOND SUBSTITUTE HOUSE BILL NO. 2583,
HOUSE BILL NO. 2612,
SUBSTITUTE HOUSE BILL NO. 2640,
HOUSE BILL NO. 2644,
HOUSE BILL NO. 2671,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
2673,
SECOND SUBSTITUTE HOUSE BILL NO. 2799,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2871,
SUBSTITUTE HOUSE BILL NO. 2880,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2884,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2925,
SECOND SUBSTITUTE HOUSE BILL NO. 3070,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3079,
SECOND SUBSTITUTE HOUSE BILL NO. 3115,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3127,
ENGROSSED HOUSE BILL NO. 3159,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3316,
HOUSE BILL NO. 3317,

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:
SENATE CONCURRENT RESOLUTION NO. 8425,
SENATE CONCURRENT RESOLUTION NO. 8426,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed.

ENGROSSED SENATE BILL NO. 5179,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5305,
ENGROSSED SENATE BILL NO. 5330,
SUBSTITUTE SENATE BILL NO. 5654,

SUBSTITUTE SENATE BILL NO. 6144,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6151,
SECOND SUBSTITUTE SENATE BILL NO. 6193,
ENGROSSED SENATE BILL NO. 6194,
SUBSTITUTE SENATE BILL NO. 6196,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 6239,
SUBSTITUTE SENATE BILL NO. 6257
SUBSTITUTE SENATE BILL NO. 6323,
SUBSTITUTE SENATE BILL NO. 6325,
SECOND SUBSTITUTE SENATE BILL NO. 6326,
SUBSTITUTE SENATE BILL NO. 6330,
SUBSTITUTE SENATE BILL NO. 6365,
SENATE BILL NO. 6368,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6391,
SUBSTITUTE SENATE BILL NO. 6528,
SUBSTITUTE SENATE BILL NO. 6533,
SUBSTITUTE SENATE BILL NO. 6540,
SENATE BILL NO. 6541,
SUBSTITUTE SENATE BILL NO. 6552,
SUBSTITUTE SENATE BILL NO. 6618,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 6630,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6635,
SUBSTITUTE SENATE BILL NO. 6671,
SUBSTITUTE SENATE BILL NO. 6676,
SENATE BILL NO. 6731,
ENGROSSED SENATE BILL NO. 6741,
SUBSTITUTE SENATE BILL NO. 6775,
SENATE BILL NO. 6826,
SUBSTITUTE SENATE BILL NO. 6851,

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6230,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6475,
SUBSTITUTE SENATE BILL NO. 6512,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 6581,
SUBSTITUTE SENATE BILL NO. 6874,
SENATE CONCURRENT RESOLUTION NO. 8425,
SENATE CONCURRENT RESOLUTION NO. 8426,

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

The Speaker has signed:
SENATE CONCURRENT RESOLUTION NO. 8425,
SENATE CONCURRENT RESOLUTION NO. 8426,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 6175,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6366,
SENATE BILL NO. 6415,
SUBSTITUTE SENATE BILL NO. 6519,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6566,
SUBSTITUTE SENATE BILL NO. 6597,
SENATE BILL NO. 6680,
SUBSTITUTE SENATE BILL NO. 6686,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6787,
SECOND SUBSTITUTE SENATE BILL NO. 6793,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6800,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6839,

FIFTY-NINTH DAY, MARCH 8, 2006
ENGROSSED SENATE CONCURRENT RESOLUTION
NO. 8419,
SENATE CONCURRENT RESOLUTION NO. 8423,

2006 REGULAR SESSION
ENGROSSED SUBSTITUTE SENATE BILL NO. 6787,
ENGROSSED SENATE CONCURRENT RESOLUTION
NO. 8419,
SENATE CONCURRENT RESOLUTION NO. 8423,
and the same are herewith transmitted.

SIGNED BY THE PRESIDENT

RICHARD NAFZIGER, Chief Clerk

The President signed:
SECOND SUBSTITUTE SENATE BILL NO. 6197,
SUBSTITUTE SENATE BILL NO. 6287,
SUBSTITUTE SENATE BILL NO. 6362,
SECOND SUBSTITUTE SENATE BILL NO. 6558,
SUBSTITUTE SENATE BILL NO. 6806,

MESSAGE FROM THE HOUSE

March 8, 2006

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:
The Speaker has signed:
ENGROSSED SENATE BILL NO. 5179,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5305,
ENGROSSED SENATE BILL NO. 5330,
SUBSTITUTE SENATE BILL NO. 5654,
SUBSTITUTE SENATE BILL NO. 6144,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6151,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 6175,
SECOND SUBSTITUTE SENATE BILL NO. 6193,
ENGROSSED SENATE BILL NO. 6194,
SUBSTITUTE SENATE BILL NO. 6196,
SECOND SUBSTITUTE SENATE BILL NO. 6197,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6230,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 6239,
SUBSTITUTE SENATE BILL NO. 6257,
SUBSTITUTE SENATE BILL NO. 6287,
and the same are herewith transmitted.

MR. PRESIDENT:
The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 6618,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 6630,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6635,
SUBSTITUTE SENATE BILL NO. 6671,
SUBSTITUTE SENATE BILL NO. 6676,
SENATE BILL NO. 6680,
SUBSTITUTE SENATE BILL NO. 6686,
SENATE BILL NO. 6731,
ENGROSSED SENATE BILL NO. 6741,
SUBSTITUTE SENATE BILL NO. 6775,
SECOND SUBSTITUTE SENATE BILL NO. 6793,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6800,
SUBSTITUTE SENATE BILL NO. 6806,
SENATE BILL NO. 6826,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6839,
SUBSTITUTE SENATE BILL NO. 6851,
SUBSTITUTE SENATE BILL NO. 6874,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2006

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:
The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 6241,
SUBSTITUTE SENATE BILL NO. 6323,
SUBSTITUTE SENATE BILL NO. 6325,
SECOND SUBSTITUTE SENATE BILL NO. 6326,
SUBSTITUTE SENATE BILL NO. 6330,
SUBSTITUTE SENATE BILL NO. 6362,
SUBSTITUTE SENATE BILL NO. 6365,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6366,
SENATE BILL NO. 6368,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6384,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6386,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6391,
SENATE BILL NO. 6415,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6475,
SUBSTITUTE SENATE BILL NO. 6512,
SUBSTITUTE SENATE BILL NO. 6519,
SUBSTITUTE SENATE BILL NO. 6528,
SUBSTITUTE SENATE BILL NO. 6533,
SUBSTITUTE SENATE BILL NO. 6540,
SENATE BILL NO. 6541,
SUBSTITUTE SENATE BILL NO. 6552,
SECOND SUBSTITUTE SENATE BILL NO. 6558,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6566,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 6581,
SUBSTITUTE SENATE BILL NO. 6597,

MR. PRESIDENT:
The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 2688,
SUBSTITUTE HOUSE BILL NO. 2778,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 2688,
SUBSTITUTE HOUSE BILL NO. 2778,

MOTION

Under the provisions of SENATE CONCURRENT
RESOLUTION NO. 8425, the following House Bills were
returned to the House of Representatives:
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
1015,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
1071
SUBSTITUTE HOUSE BILL NO. 1120,
HOUSE BILL NO. 1131,
HOUSE BILL NO. 1145,
HOUSE BILL NO. 1184,
ENGROSSED HOUSE BILL NO. 1276,
SUBSTITUTE HOUSE BILL NO. 1279,
HOUSE BILL NO. 1331,
SUBSTITUTE HOUSE BILL NO. 1341,

FIFTY-NINTH DAY, MARCH 8, 2006

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1343,
 SUBSTITUTE HOUSE BILL NO. 1348,
 SECOND SUBSTITUTE HOUSE BILL NO. 1359,
 HOUSE BILL NO. 1361,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1395,
 ENGROSSED HOUSE BILL NO. 1429,
 SECOND SUBSTITUTE HOUSE BILL NO. 1430,
 ENGROSSED HOUSE BILL NO. 1466,
 ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1484,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1488,
 SUBSTITUTE HOUSE BILL NO. 1614,
 HOUSE BILL NO. 1717,
 HOUSE BILL NO. 1742,
 HOUSE BILL NO. 1763,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1765,
 HOUSE BILL NO. 1813,
 THIRD SUBSTITUTE HOUSE BILL NO. 1815,
 SUBSTITUTE HOUSE BILL NO. 1827,
 SECOND SUBSTITUTE HOUSE BILL NO. 1834,
 ENGROSSED HOUSE BILL NO. 1849,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1865,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883,
 SUBSTITUTE HOUSE BILL NO. 1944,
 HOUSE BILL NO. 1964,
 SUBSTITUTE HOUSE BILL NO. 1986,
 SUBSTITUTE HOUSE BILL NO. 2219,
 SUBSTITUTE HOUSE BILL NO. 2325,
 HOUSE BILL NO. 2331,
 HOUSE BILL NO. 2332,
 SUBSTITUTE HOUSE BILL NO. 2335,
 SUBSTITUTE HOUSE BILL NO. 2337,
 SUBSTITUTE HOUSE BILL NO. 2339,
 SUBSTITUTE HOUSE BILL NO. 2341,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2349,
 HOUSE BILL NO. 2358,
 HOUSE BILL NO. 2375,
 SUBSTITUTE HOUSE BILL NO. 2389,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2393,
 SUBSTITUTE HOUSE BILL NO. 2395,
 HOUSE BILL NO. 2398,
 SUBSTITUTE HOUSE BILL NO. 2401,
 SUBSTITUTE HOUSE BILL NO. 2404,
 SUBSTITUTE HOUSE BILL NO. 2405,
 HOUSE BILL NO. 2408,
 SUBSTITUTE HOUSE BILL NO. 2420,
 SECOND SUBSTITUTE HOUSE BILL NO. 2422,
 SUBSTITUTE HOUSE BILL NO. 2423,
 SUBSTITUTE HOUSE BILL NO. 2432,
 SUBSTITUTE HOUSE BILL NO. 2437,
 SUBSTITUTE HOUSE BILL NO. 2439,
 SUBSTITUTE HOUSE BILL NO. 2447,
 SUBSTITUTE HOUSE BILL NO. 2452,
 HOUSE BILL NO. 2453,
 SECOND SUBSTITUTE HOUSE BILL NO. 2462,
 SUBSTITUTE HOUSE BILL NO. 2463,
 ENGROSSED HOUSE BILL NO. 2478,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2489,
 SUBSTITUTE HOUSE BILL NO. 2493,
 SUBSTITUTE HOUSE BILL NO. 2495,
 SUBSTITUTE HOUSE BILL NO. 2527,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2534,
 SUBSTITUTE HOUSE BILL NO. 2539,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2540,
 SUBSTITUTE HOUSE BILL NO. 2545,
 SUBSTITUTE HOUSE BILL NO. 2546,
 HOUSE BILL NO. 2551,
 SUBSTITUTE HOUSE BILL NO. 2563,
 HOUSE BILL NO. 2564,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2565,
 SUBSTITUTE HOUSE BILL NO. 2571,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2574,
 HOUSE BILL NO. 2580,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2582,
 HOUSE BILL NO. 2587,
 SUBSTITUTE HOUSE BILL NO. 2590,
 SUBSTITUTE HOUSE BILL NO. 2591,
 SECOND SUBSTITUTE HOUSE BILL NO. 2593,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2594,
 SECOND SUBSTITUTE HOUSE BILL NO. 2595,
 HOUSE BILL NO. 2597,
 SUBSTITUTE HOUSE BILL NO. 2601,
 HOUSE BILL NO. 2615,
 HOUSE BILL NO. 2622,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2630,
 HOUSE BILL NO. 2632,
 HOUSE BILL NO. 2643,
 SECOND SUBSTITUTE HOUSE BILL NO. 2645,
 SUBSTITUTE HOUSE BILL NO. 2646,
 HOUSE BILL NO. 2655,
 SUBSTITUTE HOUSE BILL NO. 2656,
 SUBSTITUTE HOUSE BILL NO. 2658,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2668,
 SUBSTITUTE HOUSE BILL NO. 2669,
 HOUSE BILL NO. 2682,
 HOUSE BILL NO. 2687,
 SUBSTITUTE HOUSE BILL NO. 2689,
 HOUSE BILL NO. 2693,
 SUBSTITUTE HOUSE BILL NO. 2694,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2706,
 HOUSE BILL NO. 2710,
 HOUSE BILL NO. 2717,
 HOUSE BILL NO. 2718,
 HOUSE BILL NO. 2720,
 SUBSTITUTE HOUSE BILL NO. 2733,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2738,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2740,
 SUBSTITUTE HOUSE BILL NO. 2749,
 HOUSE BILL NO. 2765,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2785,
 ENGROSSED HOUSE BILL NO. 2801,
 SUBSTITUTE HOUSE BILL NO. 2815,
 HOUSE BILL NO. 2825,
 SUBSTITUTE HOUSE BILL NO. 2833,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2842,
 SUBSTITUTE HOUSE BILL NO. 2843,
 SUBSTITUTE HOUSE BILL NO. 2846,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2850,
 SUBSTITUTE HOUSE BILL NO. 2863,
 SUBSTITUTE HOUSE BILL NO. 2881,
 ENGROSSED HOUSE BILL NO. 2889,
 SUBSTITUTE HOUSE BILL NO. 2893,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2895,
 HOUSE BILL NO. 2900,
 SECOND SUBSTITUTE HOUSE BILL NO. 2912,
 SECOND SUBSTITUTE HOUSE BILL NO. 2914,
 SUBSTITUTE HOUSE BILL NO. 2934,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2942,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2943,
 SUBSTITUTE HOUSE BILL NO. 2946,
 HOUSE BILL NO. 2957,
 HOUSE BILL NO. 2960,
 SUBSTITUTE HOUSE BILL NO. 2979,
 HOUSE BILL NO. 2981,
 HOUSE BILL NO. 2983,
 SUBSTITUTE HOUSE BILL NO. 2989,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2998,

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 3003,
 HOUSE BILL NO. 3016,
 HOUSE BILL NO. 3028,
 HOUSE BILL NO. 3057,
 SUBSTITUTE HOUSE BILL NO. 3059,
 HOUSE BILL NO. 3073,
 HOUSE BILL NO. 3078,
 SUBSTITUTE HOUSE BILL NO. 3082,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3089,
 SUBSTITUTE HOUSE BILL NO. 3093,
 HOUSE BILL NO. 3099,
 SUBSTITUTE HOUSE BILL NO. 3102,
 HOUSE BILL NO. 3106,
 SUBSTITUTE HOUSE BILL NO. 3109,
 HOUSE BILL NO. 3111,
 HOUSE BILL NO. 3114,
 HOUSE BILL NO. 3157,
 HOUSE BILL NO. 3172,
 SUBSTITUTE HOUSE BILL NO. 3180,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3186,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3207,
 HOUSE BILL NO. 3215,
 HOUSE BILL NO. 3237,
 SUBSTITUTE HOUSE BILL NO. 3238,
 HOUSE BILL NO. 3258,
 HOUSE BILL NO. 3275,
 HOUSE BILL NO. 3285,
 SECOND SUBSTITUTE HOUSE BILL NO. 3287,
 SUBSTITUTE HOUSE BILL NO. 3293,
 ENGROSSED HOUSE BILL NO. 3310,
 SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4003,
 HOUSE JOINT MEMORIAL NO. 4026,
 HOUSE JOINT RESOLUTION NO. 4202,
 SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4205,

SUBSTITUTE SENATE BILL NO. 6292,
 SUBSTITUTE SENATE BILL NO. 6305,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6315,
 SUBSTITUTE SENATE BILL NO. 6322,
 SENATE BILL NO. 6334,
 SUBSTITUTE SENATE BILL NO. 6336,
 ENGROSSED SENATE BILL NO. 6342,
 SENATE BILL NO. 6344,
 SUBSTITUTE SENATE BILL NO. 6367,
 SENATE BILL NO. 6379,
 SUBSTITUTE SENATE BILL NO. 6385,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6409,
 ENGROSSED SENATE BILL NO. 6433,
 SENATE BILL NO. 6454,
 SUBSTITUTE SENATE BILL NO. 6464,
 SUBSTITUTE SENATE BILL NO. 6465,
 SUBSTITUTE SENATE BILL NO. 6478,
 SENATE BILL NO. 6479,
 SENATE BILL NO. 6493,
 SECOND SUBSTITUTE SENATE BILL NO. 6497,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6501,
 SUBSTITUTE SENATE BILL NO. 6502,
 ENGROSSED SENATE BILL NO. 6522,
 SENATE BILL NO. 6536,
 SECOND SUBSTITUTE SENATE BILL NO. 6542,
 SECOND SUBSTITUTE SENATE BILL NO. 6557,
 SUBSTITUTE SENATE BILL NO. 6594,
 SECOND SUBSTITUTE SENATE BILL NO. 6604,
 SUBSTITUTE SENATE BILL NO. 6625,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6646,
 SENATE BILL NO. 6656,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6660,
 SUBSTITUTE SENATE BILL NO. 6697,
 SUBSTITUTE SENATE BILL NO. 6699,
 SENATE BILL NO. 6704,
 SUBSTITUTE SENATE BILL NO. 6728,
 SUBSTITUTE SENATE BILL NO. 6785,
 SUBSTITUTE SENATE BILL NO. 6794,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6821,
 SUBSTITUTE SENATE BILL NO. 6830,
 SUBSTITUTE SENATE BILL NO. 6853,
 SUBSTITUTE SENATE BILL NO. 6898,
 SENATE JOINT MEMORIAL NO. 8039,
 SUBSTITUTE SENATE CONCURRENT RESOLUTION
 NO. 8417,
 SENATE CONCURRENT RESOLUTION NO. 8418,
 and the same are herewith transmitted.

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:
 Under the provisions of Senate Concurrent Resolution No. 8425,
 the following bills were returned to the Senate:

SENATE BILL NO. 5106,
 SUBSTITUTE SENATE BILL NO. 5126,
 SUBSTITUTE SENATE BILL NO. 5141,
 ENGROSSED SENATE BILL NO. 5160,
 SUBSTITUTE SENATE BILL NO. 5318,
 ENGROSSED SENATE BILL NO. 5319,
 SENATE BILL NO. 5325,
 SENATE BILL NO. 5329,
 SECOND SUBSTITUTE SENATE BILL NO. 5333,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5360,
 ENGROSSED SENATE BILL NO. 5462,
 ENGROSSED SENATE BILL NO. 5527,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5551,
 ENGROSSED SENATE BILL NO. 5609,
 SUBSTITUTE SENATE BILL NO. 5611,
 SENATE BILL NO. 5636,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5849,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5913,
 SECOND ENGROSSED SENATE BILL NO. 6010,
 SUBSTITUTE SENATE BILL NO. 6025,
 SUBSTITUTE SENATE BILL NO. 6133,
 SENATE BILL NO. 6162,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6166,
 SUBSTITUTE SENATE BILL NO. 6171,
 SENATE BILL NO. 6187,
 SUBSTITUTE SENATE BILL NO. 6192,
 SECOND SUBSTITUTE SENATE BILL NO. 6195,
 SUBSTITUTE SENATE BILL NO. 6201,
 SUBSTITUTE SENATE BILL NO. 6221,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6232,
 SUBSTITUTE SENATE BILL NO. 6262,

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:
 Under the provisions of Senate Concurrent Resolution No. 8425,
 the following bills were returned to the Senate:
 SUBSTITUTE SENATE BILL NO. 6500,
 and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Eide moved that the Journal of the 59th Legislature
 be approved.

PARLIAMENTARY INQUIRY

Senator Benton: "A member of the Senate was attempting
 to be recognized before the motion was made and I believe was
 recognized and was temporarily waiting for the floor to clear as

FIFTY-NINTH DAY, MARCH 8, 2006

you had requested. Is it appropriate for another member of the Senate to interrupt with a motion while we're waiting for a member to be recognized?"

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, a motion to adjourn is always in order."

PARLIAMENTARY INQUIRY

Senator Benton: "Thank you Mr. President. Can the Senate adjourn Sine Die without the House adjourning simultaneously?"

REPLY BY THE PRESIDENT

President Owen: "The Senate will adjourn Sine Die simultaneously with the House. The motion is pending."

PARLIAMENTARY INQUIRY

Senator Benton: "I move to lay the motion to adjourn Sine Die on the table."

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, the motion is not debatable. Your motion would be out of order."

At 9:11 p.m., on motion of Senator Eide, the 2006 Regular Session of the Fifty-ninth Legislature adjourned SINE DIE.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SENATE ROSTER

AND

COMMITTEE ASSIGNMENTS

2006 SENATE ROSTER

Name of Member	District	Party	County	Mailing Address	Birth Year-Place	Occupation	Previous Years Served Senate	House
Benson, Brad	6	R	Spokane (P)	PO Box 40606 Olympia, WA 98504-0606	1959 - CA	WA Air National Guard	2005	1997-2004
Benton, Don	17	R	Clark (P)	PO Box 40417 Olympia, WA 98504-0417	1957 - CA	CIO - National Advtsg Consltn	Elected 11/5/1996-	1995-1996
Berkey, Jean	38	D	Snohomish (P)	PO Box 40438 Olympia, WA 98504-0438	1938 - CA	Property Management	1/5/2004	Appt. 1/22/01-2004
Brandland, Dale	42	R	Whatcom (P)	PO Box 40442 Olympia, WA 98504-0442	1948 - MN	County Sheriff (retired)	2003-	
Brown, Lisa	3	D	Spokane (P)	PO Box 40403 Olympia, WA 98504-0403	1956 - IL	Assoc. Prof. Economics	1997-	1993-1996
Carrell, Mike	28	R	Pierce (P)	PO Box 40428 Olympia, WA 98504-0428	1944 - WA	Teacher (retired)	Appt. 7/6/2004	1995-2004
Deccio, Alex	14	R	Yakima (P)	PO Box 40414 Olympia, WA 98504-0414	WA	Insurance Broker (retired)	1981-1988; 1993-	1975-1980
Delvin, Jerome	8	R	Benton (P)	PO Box 40408 Olympia, WA 98504-0408	1956 - WA	Police Officer	5/2005	Appt. 11/28/1994-2004
Doumit, Mark	19	D	Cowlitz (P), Grays Harbor (P), Pacific, Wahkiakum	PO Box 40419 Olympia, WA 98504-0419	1961 - WA	Commercial Fisherman	2003-	1997-2002
Eide, Tracey	30	D	King (P)	PO Box 40430 Olympia, WA 98504-0430	1954 - WA	Senator	1999-	1993-1994
Esser, Luke	48	R	King (P)	PO Box 40448 Olympia, WA 98504-0448	1961 - WA	Attorney	2003-	1999-2002
Fairley, Darlene	32	D	King (P), Snohomish (P)	PO Box 40432 Olympia, WA 98504-0432	1943 - WA	State Senator	1995-	

Name of Member	District	Party	County	Mailing Address	Birth Year-Place	Occupation	Previous Years Served Senate	House
Finkbeiner, Bill	45	R	King (P)	PO Box 40445 Olympia, WA 98504-0445	1969 - WA	State Senator	1995-	1992-1994
Franklin, Rosa	29	D	Pierce (P)	PO Box 40429 Olympia, WA 98504-0429	1927 - SC	Registered Nurse (retired)	Appt. 1/25/1993-	1991-1992
Fraser, Karen	22	D	Thurston (P)	PO Box 40422 Olympia, WA 98504-0422	1944 - WA	Legislator	1993-	1989-1992
Hargrove, James	24	D	Clallam, Grays Harbor (P), Jefferson	PO Box 40424 Olympia, WA 98504-0424	1953 - OR	Forester	1993-	1985-1992
Haugen, Mary Margaret	10	D	Island, Skagit (P), Snohomish (P)	PO Box 40410 Olympia, WA 98504-0410	1941 - WA	Legislator	1993-	1983-1992
Hewitt, Mike	16	R	Benton (P), Columbia, Franklin (P), Walla Walla	PO Box 40416 Olympia, WA 98504-0416	1946 - WA	Legislator	2001-	
Honeyford, Jim	15	R	Clark (P), Klickitat, Skamania, Yakima (P)	PO Box 40415 Olympia, WA 98504-0415	OR	Farmer (retired)/ Educator	1999-	1995-1998
Jacobsen, Ken	46	D	King (P)	PO Box 40446 Olympia, WA 98504-0446	1945 - NE	Self-employed	Appt 1/6/1997-	1983-1996
Johnson, Stephen	47	R	King (P)	PO Box 40447 Olympia, WA 98504-0447	1939 - WA	Attorney	1995-	
Kastama, Jim	25	D	Pierce (P)	PO Box 40425 Olympia, WA 98504-0425	1959 - WA	Legislator	2001-	1997-2000
Keiser, Karen	33	D	King (P)	PO Box 40433 Olympia, WA 98504-0433	1947 - IA	Communications	2001-	1996-2000
Kline, Adam	37	D	King (P)	PO Box 40437 Olympia, WA 98504-0437	1944 - NJ	Lawyer	Appt 1/20/1997-	

Name of Member	District	Party	County	Mailing Address	Birth Year-Place	Occupation	Previous Years Served	
							Senate	House
Kohl-Welles, Jeanne	36	D	King (P)	PO Box 40436 Olympia, WA 98504-0436	1942 - WI	Sociologist Lecturer, Univsty	Appt 10/14/1994-	1992-1994
McAuliffe, Rosemary	1	D	King (P), Snohomish (P)	PO Box 40401 Olympia, WA 98504-0401	1940 - WA	Owner Hollywood School	1993-	
McCaslin, Bob	4	R	Spokane (P)	PO Box 40404 Olympia, WA 98504-0404	1926 - OH	Real Estate Broker (retired)	1981-	
Morton, Bob	7	R	Ferry, Lincoln, Okanogan (P), Pend Oreille, Spokane (P), Stevens	PO Box 40407 Olympia, WA 98504-0407	1934 - NY	Legislator	Appt. 1/5/1994-	1991-1993
Mulliken, Joyce	13	R	Grant (P), Kittitas, Yakima (P)	PO Box 40413 Olympia, WA 98504-0413	1945 - ME	Property Management	2003-	1995-2002
Oke, Bob	26	R	Kitsap (P), Pierce (P)	PO Box 40426 Olympia, WA 98504-0426	1940 - WA	Sr. Chief - U.S. Navy (retired)	1991-	
Parlette, Linda Evans	12	R	Chelan, Douglas, Grant (P), Okanogan (P)	PO Box 40412 Olympia, WA 98504-0412	1945 - WA	Pharmacist & Orchardist	2001-	1997-2000
Pflug, Cheryl	5	R	King (P)	PO Box 40405 Olympia, WA 98504-0405	1957 - WA	Registered Nurse	Appt. 2004	1999-2004
Poulsen, Erik	34	D	King (P)	PO Box 40434 Olympia, WA 98504-0434	1964 - WI	Advisor, Seattle City Light	2003-	1995-2002
Prentice, Margarita	11	D	King (P)	PO Box 40411 Olympia, WA 98504-0411	1931 - CA	Registered Nurse (retired)	1993-	Appt. 5/31/1988- 1992
Pridemore, Craig	49	D	Clark (P)	PO Box 40449 Olympia, WA 98504-0449	1961 - CA	Former County Commissioner	2005	
Rasmussen, Marilyn	2	D	Pierce (P), Thurston (P)	PO Box 40402 Olympia, WA 98504-0402	1939 - WA	Self-Employed	1993-	1987-1992

Name of Member	District	Party	County	Mailing Address	Birth Year-Place	Occupation	Previous Years Served Senate	House
Regala, Debbie	27	D	Pierce (P)	PO Box 40427 Olympia, WA 98504-0427	1945 - WA	Community Volunteer	2001-	1995-2000
Roach, Pam	31	R	King (P), Pierce (P)	PO Box 40431 Olympia, WA 98504-0431	1948 - CA	Non-profit Coordinator	1991-	
Rockefeller, Phil	23	D	Kitsap (P)	PO Box 40423 Olympia, WA 98504-0423	1938 - NY	Attorney (retired)	2005	1999-2004
Schmidt, Dave	44	R	Snohomish (P)	PO Box 40444 Olympia, WA 98504-0444	1954 - IA	WA National Guard	2003-	1995-2002
Schoesler, Mark	9	R	Adams, Asotin, Franklin (P), Garfield, Spokane (P), Whitman	PO Box 40409 Olympia, WA 98504-0409	1957 - WA	Self-Employed Farmer	2005	1993-2004
Sheldon, Tim	35	D	Grays Harbor (P), Kitsap (P), Mason, Thurston (P)	PO Box 40435 Olympia, WA 98504-0435	1947 - WA	Tree Farmer	Elected 11/4/1997-	1991-1997
Shin, Paull	21	D	Snohomish (P)	PO Box 40421 Olympia, WA 98504-0421	1935 - Korea	Professor (retired)	1999-	1993-1994
Spanel, Harriet	40	D	San Juan, Skagit (P), Whatcom (P)	PO Box 40440 Olympia, WA 98504-0440	1939 - IA	Legislator	1993-	1987-1992
Stevens, Val	39	R	King (P), Skagit (P), Snohomish (P), Whatcom (P)	PO Box 40439 Olympia, WA 98504-0439	1939 - WA	Legislator	1997-	1993-1996
Swecker, Dan	20	R	Lewis, Thurston (P)	PO Box 40420 Olympia, WA 98504-0420	1947 - MT	Sec/Treas Wa. Fish Growers	Appt 1/5/1995-	
Thibaudeau, Pat	43	D	King (P)	PO Box 40443 Olympia, WA 98504-0443	1932 - WA		Appt. 10/2/1995-	1993-1995
Weinstein, Brian	41	D	King (P)	PO Box 40441 Olympia, WA 98504-0441	1954 - NY	Attorney	2005	

Name of Member	District	Party	County	Mailing Address	Birth Year-Place	Occupation	Previous Years Served Senate	House
Zarelli, Joseph	18	R	Clark (P), Cowlitz (P)	PO Box 40418 Olympia, WA 98504-0418	1961 - WA	Business Devlpmnt & Risk Mngt	Elected 11/7/1995-	
Hoemann, Thomas				PO Box 40482 Olympia, WA 98504-0482	1952 - NE	Secretary of the Senate	2005	
Hendrickson, Brad				PO Box 40482 Olympia, WA 98504-0482	1960 - WA	Deputy Secretary of the Senate	(1993-1996 1999-2002) 2005	
Ruble, Jim				PO Box 40482 Olympia, WA 98504- 0482	1943 - WA	Sergeant At Arms	2005	

**Membership of
Senate Standing Committees****2006****Agriculture & Rural Economic Development (7) – Rasmussen, Chair; Shin, Vice Chair; *Schoesler; Delvin; Jacobsen; Morton; Sheldon****Early Learning, K-12 & Higher Education (16) -- McAuliffe, Chair; Pridemore, Vice Chair Higher Education; Weinstein, Vice Chair Early Learning and K-12; *Schmidt; Benton; Berkey; Carrell; Delvin; Eide; Kohl-Welles; Mulliken; Pflug; Rasmussen; Rockefeller; Schoesler; Shin****Financial Institutions, Housing & Consumer Protection (11) -- Fairley, Chair; Berkey, Vice Chair; *Benton; Benson; Brandland; Finkbeiner; Franklin; Keiser; Prentice; Schmidt; Spanel****Government Operations & Elections (10) -- Kastama, Chair; Berkey, Vice Chair; *Roach; Benton; Fairley; Haugen; Kline; McCaslin; Mulliken; Pridemore****Health & Long-Term Care (11) -- Keiser, Chair; Thibaudeau, Vice Chair; *Deccio; Benson; Brandland; Franklin; Johnson; Kastama; Kline; Parlette; Poulsen****Human Services & Corrections (7) -- Hargrove, Chair; Regala, Vice Chair; *Stevens; Brandland; Carrell; McAuliffe; Thibaudeau****International Trade & Economic Development (7) – Shin, Chair; Sheldon, Vice Chair; *Pflug; Doumit; Eide; Roach; Zarelli****Judiciary (9) -- Kline, Chair; Weinstein, Vice Chair; *Johnson; Carrell; Esser; Hargrove; McCaslin; Rasmussen; Thibaudeau****Labor, Commerce, Research & Development (9) – Kohl-Welles, Chair; Franklin, Vice Chair; *Parlette; Brown; Deccio; Hewitt; Honeyford; Keiser; Prentice****Natural Resources, Ocean & Recreation (9) -- Jacobsen, Chair; Doumit, Vice Chair; *Oke; Fraser; Hargrove; Morton; Spanel; Stevens; Swecker****Rules (20) -- Lieutenant Governor, Chair; Franklin, Vice Chair; *Hewitt; Brown; Doumit; Eide; Esser; Finkbeiner; Fraser; Haugen; Honeyford; Johnson; Kline; Kohl-Welles; Parlette; Regala; Spanel; Stevens; Thibaudeau; Zarelli****Transportation (16) -- Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; *Benson; Benton; Berkey; Eide; Esser; Finkbeiner; Kastama; Mulliken; Oke; Sheldon; Spanel; Swecker; Weinstein****Water, Energy & Environment (9) – Poulsen, Chair; Rockefeller, Vice Chair; *Morton; Delvin; Fraser; Honeyford; Mulliken; Pridemore; Regala****Ways & Means (17) -- Prentice, Chair; Fraser, Vice Chair Capital Budget; Doumit, Vice Chair Operating Budget; *Zarelli; Brandland; Fairley; Hewitt; Kohl-Welles; Parlette; Pflug; Pridemore; Rasmussen; Regala; Roach; Rockefeller; Schoesler; Thibaudeau**

**Member Assignments to
Senate Standing Committees**

2006

Benson, Brad	*Transportation; Financial Institutions, Housing & Consumer Protection; Health & Long-Term Care
Benton, Don	*Financial Institutions, Housing & Consumer Protection; Early Learning, K-12 & Higher Education; Government Operations & Elections; Transportation
Berkey, Jean	Financial Institutions, Housing & Consumer Protection, Vice Chair; Government Operations & Elections, Vice Chair; Early Learning, K-12 & Higher Education; Transportation
Brandland, Dale	Financial Institutions, Housing & Consumer Protection; Health & Long-Term Care; Human Services & Corrections; Ways & Means
Brown, Lisa	Labor, Commerce, Research & Development; Rules
Carrell, Mike	Early Learning, K-12 & Higher Education; Human Services & Corrections; Judiciary
Deccio, Alex	*Health & Long-Term Care; Labor, Commerce, Research & Development
Delvin, Jerome	Agriculture & Rural Economic Development; Early Learning, K-12 & Higher Education; Water, Energy & Environment
Doumit, Mark	Natural Resources, Ocean & Recreation, Vice Chair; Ways & Means, Vice Chair; Operating Budget; International Trade & Economic Development; Rules
Eide, Tracey	Early Learning, K-12 & Higher Education; International Trade & Economic Development; Rules; Transportation
Esser, Luke	Judiciary; Rules; Transportation
Fairley, Darlene	Financial Institutions, Housing & Consumer Protection, Chair; Government Operations & Elections; Ways & Means
Finkbeiner, Bill	Financial Institutions, Housing & Consumer Protection; Rules; Transportation
Franklin, Rosa	Labor, Commerce, Research & Development, Vice Chair; Rules, Vice Chair; Financial Institutions, Housing & Consumer Protection; Health & Long-Term Care
Fraser, Karen	Ways & Means, Vice Chair Capital Budget; Natural Resources, Ocean & Recreation; Rules; Water, Energy & Environment
Hargrove, James	Human Services & Corrections, Chair; Judiciary; Natural Resources, Ocean & Recreation
Haugen, Mary Margaret	Transportation, Chair; Government Operations & Elections; Rules
Hewitt, Mike	*Rules; Labor, Commerce, Research & Development; Ways & Means
Honeyford, Jim	Labor, Commerce, Research & Development; Rules; Water, Energy & Environment
Jacobsen, Ken	Natural Resources, Ocean & Recreation, Chair; Transportation, Vice Chair; Agriculture & Rural Economic Development
Johnson, Stephen	*Judiciary; Health & Long-Term Care; Rules
Kastama, Jim	Government Operations & Elections, Chair; Health & Long-Term Care; Transportation
Keiser, Karen	Health & Long-Term Care, Chair; Financial Institutions, Housing & Consumer Protection; Labor, Commerce, Research & Development
Kline, Adam	Judiciary, Chair; Government Operations & Elections; Health & Long-Term Care; Rules
Kohl-Welles, Jeanne	Labor, Commerce, Research & Development, Chair; Early Learning, K-12 & Higher Education; Rules; Ways & Means
McAuliffe, Rosemary	Early Learning, K-12 & Higher Education, Chair; Human Services & Corrections
McCaslin, Bob	Government Operations & Elections; Judiciary
Morton, Bob	*Water, Energy & Environment; Agriculture & Rural Economic Development; Natural Resources, Ocean & Recreation
Mulliken, Joyce	Early Learning, K-12 & Higher Education; Government Operations & Elections; Transportation; Water, Energy & Environment

Oke, Bob	*Natural Resources, Ocean & Recreation; Transportation
Parlette, Linda Evans	*Labor, Commerce, Research & Development; Health & Long-Term Care; Rules; Ways & Means
Pflug, Cheryl	*International Trade & Economic Development; Early Learning, K-12 & Higher Education; Ways & Means
Poulsen, Erik	Water, Energy & Environment, Chair; Transportation, Vice Chair; Health & Long-Term Care
Prentice, Margarita	Ways & Means, Chair; Financial Institutions, Housing & Consumer Protection; Labor, Commerce, Research & Development
Pridemore, Craig	Early Learning, K-12 & Higher Education, Vice Chair Higher Education; Government Operations & Elections, Water; Energy & Environment; Ways & Means
Rasmussen, Marilyn	Agriculture & Rural Economic Development, Chair; Early Learning, K-12 & Higher Education; Judiciary; Ways & Means
Regala, Debbie	Human Services & Corrections, Vice Chair; Rules; Water, Energy & Environment; Ways & Means
Roach, Pam	*Government Operations & Elections; International Trade & Economic Development; Ways & Means
Rockefeller, Phil	Water, Energy & Environment, Vice Chair; Early Learning, K-12 & Higher Education; Ways & Means
Schmidt, Dave	*Early Learning, K-12 & Higher Education; Financial Institutions, Housing & Consumer Protection
Schoesler, Mark	*Agriculture & Rural Economic Development; Early Learning, K-12 & Higher Education; Ways & Means
Sheldon, Tim	International Trade & Economic Development, Vice Chair; Agriculture & Rural Economic Development; Transportation
Shin, Paull	International Trade & Economic Development, Chair; Agriculture & Rural Economic Development, Vice Chair; Early Learning, K-12 & Higher Education
Spanel, Harriet	Financial Institutions, Housing & Consumer Protection; Natural Resources, Ocean & Recreation; Rules; Transportation
Stevens, Val	*Human Services & Corrections; Natural Resources, Ocean & Recreation; Rules
Swecker, Dan	Natural Resources, Ocean & Recreation; Transportation
Thibaudeau, Pat	Health & Long-Term Care, Vice Chair; Human Services & Corrections; Judiciary; Rules; Ways & Means
Weinstein, Brian	Judiciary, Vice Chair; Early Learning, K-12 & Higher Education, Vice Chair Early Learning and K-12; Transportation
Zarelli, Joseph	*Ways & Means; International Trade & Economic Development; Rules
	*-Ranking Minority Member

**GOVERNOR'S MESSAGE ON SENATE BILLS
SIGNED AFTER ADJOURNMENT**

MESSAGE FROM THE GOVERNOR

March 8, 2006

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

Ladies and Gentlemen:

I have the honor to advise you that on March 8, 2006, Governor Gregoire approved the following Senate Bill entitled.

Engrossed Substitute Senate Bill No. 6885
Relating to unemployment insurance.

Sincerely,
RICHARD E. MITCHELL, General Counsel

MESSAGE FROM THE GOVERNOR

March 9, 2006

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

Ladies and Gentlemen:

I have the honor to advise you that on March 9, 2006, Governor Gregoire approved the following Senate Bills entitled:

Engrossed Senate Bill No. 5048
Relating to protecting the health of minors by prohibiting tobacco product sampling.

Engrossed Senate Bill No. 5232
Relating to turkey tags.

Substitute Senate Bill No. 6161
Relating to group fishing permits for outdoor education programs working with the department of fish and wildlife.

Senate Bill No. 6674
Relating to funds collected form construction of the second Tacoma Narrows bridge.

Sincerely,
RICHARD E. MITCHELL, General Counsel

MESSAGE FROM THE GOVERNOR

March 14, 2006

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

Ladies and Gentlemen:

I have the honor to advise you that on March 14, 2006, Governor Gregoire approved the following Senate Bills entitled:

Senate Bill No. 5439
Relating to background checks on gubernatorial appointees.

Senate Bill No. 6208
Relating to session law publication.

Substitute Senate Bill No. 6359
Relating to ensuring employers do not evade their contribution rate.

Senate Bill No. 6463
Relating to banks and savings banks.

Engrossed Senate Bill No. 6537
Relating to the shipment of wine from wine manufacturers directly to Washington consumers.

Senate Bill No. 6549

Relating to commercial vehicles.

Substitute Senate Bill No. 6572

Relating to the unlawful detainer process under the residential landlord-tenant act.

Senate Bill No. 6596

Relating to the dissolution of Washington corporations.

Engrossed Substitute Senate Bill No. 6870

Relating to the board of pilotage commissioners' training program.

Sincerely,
RICHARD E. MITCHELL, General Counsel

MESSAGE FROM THE GOVERNOR

March 15, 2006

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

Ladies and Gentlemen:

I have the honor to advise you that on March 15, 2006, Governor Gregoire approved the following Senate Bills entitled:

Second Engrossed Senate Bill No. 5714

Relating to an early detection breast and cervical cancer screening program.

Senate Bill No. 6159

Relating to recreational fishing for albacore tuna.

Engrossed Senate Bill No. 6169

Relating to discriminatory provisions in the governing documents of homeowners' associations.

Substitute Senate Bill No. 6185

Relating to family and medical leave.

Engrossed Substitute Senate Bill No. 6189

Relating to requiring hospitals to provide information to help patients better understand their hospital bills.

Senate Bill No. 6231

Relating to exempting certain private air ambulance services from licensing under the insurance code.

Senate Bill No. 6338

Relating to property tax exemptions and deferrals for senior citizens and person retired for reasons of disability.

Engrossed Substitute Senate Bill No. 6366

Relating to preparation and response to pandemic influenza.

Senate Bill No. 6373

Relating to reporting to the legislature of holding a boarding home medicaid eligible resident's room or unit.

Senate Bill No. 6416

Relating to prohibiting pyramid promotional schemes.

Senate Bill No. 6418

Relating to initial limited licenses for dental hygienists.

Engrossed Second Substitute Senate Bill No. 6459

Relating to community-based health care solutions.

Engrossed Senate Bill No. 6606

Relating to standards for educational interpreters for students who are deaf or hard of hearing.

Senate Bill No. 6658

Relating to experience requirements for licensed mental health counselors.

Engrossed Substitute Senate Bill No. 6679

Relating to the jurisdiction of regulating train speeds.

Senate Bill No. 6766

Relating to the national guard conditional scholarship.

Engrossed Substitute Senate Bill No. 6896

Relating to funding state budgetary reserves including an adjustment to the state expenditure limit.

Sincerely,
RICHARD E. MITCHELL, General Counsel

MESSAGE FROM THE GOVERNOR

March 17, 2006

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

Ladies and Gentlemen:

I have the honor to advise you that on March 17, 2006, Governor Gregoire approved the following Senate Bills entitled:

Substitute Senate Bill No. 6168

Relating to business development companies and the participation of financial institutions and nondepository lenders in economic development within the state.

Senate Bill No. 6429

Relating to disclosure of certain Native American cultural resources information.

Senate Bill No. 6539

Relating to the limit on spirits, beer, and wine restaurant licenses.

Sincerely,
RICHARD E. MITCHELL, General Counsel

MESSAGE FROM THE GOVERNOR

March 20, 2006

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

Ladies and Gentlemen:

I have the honor to advise you that on March 20, 2006, Governor Gregoire approved the following Senate Bills entitled:

Substitute Senate Bill No. 5042

Relating to tolling the statute of limitations for felony sex offenses.

Engrossed Substitute Senate Bill No. 5385

Relating to creating an invasive species council.

Second Substitute Senate Bill No. 5717

Relating to K-12 skill centers.

Substitute Senate Bill No. 6144

Relating to registration requirements on sex offenders coming from outside the state who establish or reestablish Washington residency.

Second Substitute Senate Bill No. 6172

Relating to increasing penalties for the crimes of possession of depictions of a minor engage in sexually explicit conduct.

Substitute Senate Bill No. 6223

Relating to derelict or abandoned vessels.

Engrossed Substitute Senate Bill No. 6255

Relating to improving student performance through student-centered planning.

Senate Bill No. 6264

Relating to allowing an injured worker to change total permanent disability pension options under certain circumstances.

Second Substitute Senate Bill No. 6319

Relating to failure to register as a sex offender.

Substitute Senate Bill No. 6320

Relating to a model policy for disclosure of sex offender information.

Substitute Senate Bill No. 6325

Relating to establishing residence restrictions for sex offenders.

Second Substitute Senate Bill No. 6326

Relating to providing a source of funding for customized work force training.

Senate Bill No. 6364

Relating to the regulation of recreational vessels.

Senate Bill No. 6371

Relating to dead animal disposal.

Engrossed Senate Bill No. 6376

Relating to livestock inspection fees.

Substitute Senate Bill No. 6377

Relating to regulation of milk and milk products.

Substitute Senate Bill No. 6406

Relating to assault of a child in the second degree.

Substitute Senate Bill No. 6439

Relating to coastal crab fisheries licenses.

Second Substitute Senate Bill No. 6460

Relating to penalties for crimes committed with sexual motivation.

Engrossed Substitute Senate Bill No. 6475

Relating to authorizing alternative methods of assessment and appeal processes for the certificate of academic achievement.

Substitute Senate Bill No. 6519

Relating to county sheriffs monitoring registered sex offenders.

Substitute Senate Bill No. 6527

Relating to the Milwaukee Road cross-state trail.

Senate Bill No. 6576

Relating to forwarding of sex offender information.

Engrossed Substitute Senate Bill No. 6580

Relating to sex offender and kidnapping offender notification and information sharing in schools.

Substitute Senate Bill No. 6775

Relating to criminal trespass against children by sex offenders.

Sincerely,
RICHARD E. MITCHELL, General Counsel

MESSAGE FROM THE GOVERNOR

March 22, 2006

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

Ladies and Gentlemen:

I have the honor to advise you that on March 22, 2006, Governor Gregoire approved the following Senate Bills entitled:

Engrossed Substitute Senate Bill No. 6151

Relating to water policy in regions with regulated reductions in aquifer levels.

Substitute Senate Bill No. 6257

Relating to security guard licenses.

Substitute Senate Bill No. 6382

Relating to authorizing the Washington horse racing commission to expend a statutorily limited amount of its operating funds for the development of the equine industry, improvement of racing facilities, and equine health research.

Engrossed Second Substitute Senate Bill No. 6581

Relating to a study of the instream flows of the Hanford Reach.

Senate Bill No. 6861

Relating to studying the competing interests of domestic water users and other water users in regards to limited supplies where a curtailment of domestic water right use has been enacted.

Sincerely,
RICHARD E. MITCHELL, General Counsel

MESSAGE FROM THE GOVERNOR

March 24, 2006

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

Ladies and Gentlemen:

I have the honor to advise you that on March 24, 2006, Governor Gregoire approved the following Senate Bills entitled:

Substitute Senate Bill No. 6141

Relating to including the value of electric generation wind turbine facilities in the property tax levy limit calculation.

Substitute Senate Bill No. 6225

Relating to regulating the business of installing, repairing, and maintaining domestic water pumping systems.

Substitute Senate Bill No. 6401

Relating to charter licenses.

Senate Bill No. 6415

Relating to the appointment of interpreters for driver's license examinations.

Substitute Senate Bill No. 6417

Relating to animal cruelty.

Substitute Senate Bill No. 6670

Relating to court filing fees.

Engrossed Substitute Senate Bill No. 6776

Relating to prohibiting the unauthorized sale of telephone records.

Substitute Senate Bill No. 6840

Relating to energy efficiency.

Sincerely,
RICHARD E. MITCHELL, General Counsel

MESSAGE FROM THE GOVERNOR

March 27, 2006

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

Ladies and Gentlemen:

I have the honor to advise you that on March 27, 2006, Governor Gregoire approved the following Senate Bills entitled:

Substitute Senate Bill No. 5236

Relating to providing additional funding to the prevailing wage program of the department of labor and industries by discontinuing the transfer of moneys from the public works administration account to the general fund-state account.

Engrossed Substitute Senate Bill No. 5305

Relating to the use of mercury-containing vaccines.

Engrossed Substitute Senate Bill No. 5535

Relating to optometry.

Substitute Senate Bill No. 5838

Relating to the substitution of a preferred drug for a nonpreferred drug in hepatitis C virus treatments.

Engrossed Substitute Senate Bill No. 6106

Relating to disclosure of health care information for law enforcement purposes.

Second Substitute Senate Bill No. 6193

Relating to health professions work force supply and demographics information.

Engrossed Senate Bill No. 6194

Relating to multicultural education for health professionals.

Substitute Senate Bill No. 6196

Relating to including a health official from a federally recognized tribe on the state board of health.

Second Substitute Senate Bill No. 6197

Relating to the creation of the governor's interagency coordinating council on health disparities.

Second Substitute Senate Bill No. 6323

Relating to campaign finance disclosure.

Senate Bill No. 6368

Relating to the discontinuation of the nursing facility bed tax.

Engrossed Substitute Senate Bill No. 6391

Relating to the provision of services for nonresident individuals residing in long-term care settings.

Engrossed Substitute Senate Bill No. 6396

Relating to the accumulation and use of sick leave accrued by part-time faculty.

Senate Bill No. 6453

Relating to a one thousand dollar minimum monthly benefit for plan 1 members of the public employees' retirement system and plan 1 members of the teachers' retirement system.

Substitute Senate Bill No. 6533

Relating to syrup taxes.

Senate Bill No. 6541

Relating to appeal bond requirements involving judgements against signatories of the tobacco master settlement agreement.

Second Substitute Senate Bill No. 6558

Relating to the state of Washington's economic, cultural, and educational standing in the motion picture industry.

Engrossed Substitute Senate Bill No. 6635

Relating to adoption.

Senate Bill No. 6637

Relating to qualifications for adult family home providers.

Senate Bill No. 6731

Relating to prohibiting sellers of travel from promoting travel for sex tourism.

Engrossed Senate Bill No. 6741

Relating to the joint task force on the administration and delivery of services to children and families.

Engrossed Substitute Senate Bill No. 6802

Relating to the board of directors of single county air pollution control authorities.

Sincerely,
RICHARD E. MITCHELL, General Counsel

MESSAGE FROM THE GOVERNOR

March 28, 2006

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

Ladies and Gentlemen:

I have the honor to advise you that on March 28, 2006, Governor Gregoire approved the following Senate Bills entitled:

Engrossed Substitute Senate Bill No. 5204

Relating to chattel liens.

Substitute Senate Bill No. 6308

Relating to creating a joint select committee on offenders programs, sentencing, and supervision.

Engrossed Substitute Senate Bill No. 6427

Relating to schedules for the review of comprehensive plans and development regulations for certain cities and counties.

Substitute Senate Bill No. 6441

Relating to judicial orders concerning distraint of personal property.

Senate Bill No. 6568

Relating to animal fighting.

Substitute Senate Bill No. 6570

Relating to retail installment contracts for motor vehicles.

Substitute Senate Bill No. 6571

Relating to financing practices of motor vehicle dealers.

Substitute Senate Bill No. 6613

Relating to reaffirming and clarifying the prohibition against internet and certain other interactive electronic or mechanical devices to engage in gambling.

Substitute Senate Bill No. 6676

Relating to fraudulent filing of vehicle report of sale.

Senate Bill No. 6680

Relating to a biometric matching system for driver's licenses and indenticards.

Substitute Senate Bill No. 6717

Relating to the joint task force on criminal background check processes.

Senate Bill No. 6720

Relating to reporting requirements for criminal history record information.

Substitute Senate Bill No. 6806

Relating to domestic violence.

Substitute Senate Bill No. 6851

Relating to closure of mobile home parks and manufactured housing communities.

Sincerely,
RICHARD E. MITCHELL, General Counsel

MESSAGE FROM THE GOVERNOR

March 29, 2006

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

Ladies and Gentlemen:

I have the honor to advise you that on March 29, 2006, Governor Gregoire approved the following Senate Bills entitled:

Engrossed Senate Bill No. 5330

Relating to economic development grants and assistance.

Engrossed Senate Bill No. 6152

Relating to penalties for violation of chapter 42.17 RCW.

Engrossed substitute Senate Bill No. 6230

Relating to extending the state sales and use tax credit for public facilities districts created before September 1, 2006.

Engrossed Substitute Senate Bill No. 6244

Relating to oil spill prevention, preparedness, and response.

Substitute Senate Bill No. 6246

Relating to the office of lieutenant governor.

Substitute Senate Bill No. 6247

Relating to uniform administration of locally imposed motor vehicle excise taxes.

Senate Bill No. 6280

Relating to removing the irrevocable dedication requirement for exemption from property tax for property owned by nonprofit entities.

Substitute Senate Bill No. 6362

Relating to modifying processes for challenging voter registration.

Engrossed Second Substitute Senate Bill No. 6480

Relating to apprenticeship utilization requirements for department of transportation public works projects.

Senate Bill No. 6504

Relating to prohibiting employees of public hospital districts from serving as commissioners.

Substitute Senate Bill No. 6512

Relating to enhancing air quality at truck stops.

Substitute Senate Bill No. 6528

Relating to authorization for the department of transportation to allow roadside tire chain installation and removal businesses on state highway rights of way.

Senate Bill No. 6531

Relating to preserving remedies when limited liability companies dissolve.

Senate Bill No. 6545

Relating to the minimum height requirement for the attachment of vehicle license plates.

Substitute Senate Bill No. 6552

Relating to commercial driver's licenses.

Engrossed Substitute Senate Bill No. 6566

Relating to commute trip reduction.

Engrossed Second Substitute Senate Bill No. 6630

Relating to establishing the community protection program for persons with developmental disabilities.

Engrossed Senate Bill No. 6661

Relating to establishing the Washington beer commission.

Substitute Senate Bill No. 6671

Relating to clarifying the application of taxes to the financial activities of professional employer organizations.

Senate Bill No. 6762

Relating to limiting the posting of hazards to motorcycles to paved roadways.

Engrossed Substitute Senate Bill No. 6787

Relating to local government passenger ferry service funding.

Second Substitute Senate Bill No. 6793

Relating to specifying roles and responsibilities with respect to the treatment of persons with mental disorders.

Engrossed Substitute Senate Bill No. 6800

Relating to streamlining state transportation governance.

Senate Bill No. 6816

Relating to cemetery districts.

Second Substitute Senate Bill No. 6823

Relating to the distribution of beer and wine by wineries and breweries located inside and outside Washington state to Washington retail liquor licenses.

Second Engrossed Senate Bill No. 6826

Relating to public utility taxes imposed on fees and charges for public transit services.

Engrossed Substitute Senate Bill No. 6839

Relating to transportation accounts and revenue distributions.

Substitute Senate Bill No. 6874

Relating to tax incentives for persons who extract, manufacture, or process timber products.

Sincerely,
RICHARD E. MITCHELL, General Counsel

MESSAGE FROM THE GOVERNOR

March 30, 2006

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

Ladies and Gentlemen:

I have the honor to advise you that on March 30, 2006, Governor Gregoire approved the following Senate Bills entitled:

Engrossed Senate Bill No. 5179

Relating to forest health.

Substitute Senate Bill No. 5654

Relating to the privacy of personal information of criminal justice officials.

Senate Bill No. 6059

Relating to sick leave pools for state employees.

Engrossed Second Substitute Senate Bill No. 6175

Relating to regulation of surface mining by ensuring adequate performance security to cover reclamation costs for mines and providing fees for the operation of the surface mining program.

Engrossed Senate Bill No. 6236

Relating to election dates and deadlines.

Engrossed Second Substitute Senate Bill No. 6239

Relating to the impact of controlled substances, primarily methamphetamine.

Substitute Senate Bill No. 6287

Relating to special parking privileges for legally blind persons.

Substitute Senate Bill No. 6365

Relating to fees for the weights and measures program.

Substitute Senate Bill No. 6473

Relating to eliminating the requirement that telecommunications companies file price lists.

Engrossed Substitute Senate Bill No. 6508

Relating to developing minimum renewable fuel content requirements and fuel quality standards.

Substitute Senate Bill No. 6540

Relating to processing liquor license.

Substitute Senate Bill No. 6597

Relating to trusts and estates.

Substitute Senate Bill No. 6618

Relating to the high school assessment system.

Substitute Senate Bill No. 6686

Relating to authorizing a local sales and use tax that is credited against the state sales and use tax.

Senate Bill No. 6723

Relating to the retirement allowance of a member who is killed in the course of employment.

Substitute Senate Bill No. 6791

Relating to liquor licenses issued to entities providing concession services on vessels owned by the Washington state ferries.

Sincerely,
RICHARD E. MITCHELL, General Counsel

MESSAGE FROM THE GOVERNOR

March 31, 2006

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

Ladies and Gentlemen:

I have the honor to advise you that on March 31, 2006, Governor Gregoire approved the following Senate Bills entitled:

Substitute Senate Bill No. 6188

Relating to health benefit plans offering coverage for prostate cancer screening.

Senate Bill No. 6248

Relating to drainage and diking works.

Substitute Senate Bill No. 6617

Relating to verification of the contents of farm plans prepared by conservation districts.

Sincerely,
RICHARD E. MITCHELL, General Counsel

**GOVERNOR'S MESSAGE ON PARTIAL VETOES OF SENATE BILLS
AFTER ADJOURNMENT**

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6428

March 24, 2006

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

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections Section 26, Engrossed Substitute Senate Bill No. 6428 entitled:

"AN ACT Relating to providing electronic product recycling through manufacturer financed opportunities."

This bill creates a recycling program for "electronic wastes," which includes used and unwanted computers and televisions. Section 26 of the bill would prohibit the export of these wastes to certain other countries.

I regret that, based on legal advise, the State of Washington does not have the necessary authority to prohibit the export of electronic waste. Accordingly, I will not put the entire bill at risk because of this section alone.

However, I believe that the section represents good environmental policy. I will therefore call on the President and Congress to take up this issue and enact legislation that prohibits the export of our hazardous wastes to third world countries that are not prepared to manage them.

Once enacted by the federal government, I recognize this might affect our options for proper recycling and disposal of e-wastes. To make sure we are ready, I hereby direct the Department of Ecology to evaluate alternatives to the export of these wastes and recommend actions as needed to ensure capacity for their proper management.

For the remainder of the bill, this is a new program for the state and it will take some time and experience to make sure it runs right. I am asking Ecology to work closely with all affected stakeholders to ensure that this bill is implemented in a fair and equitable manner.

Along that line, I am directing Ecology to take the following steps:

1. To adopt, within their new program rules, rigorous financial assurance requirements for new manufacturers, sufficient to ensure that they will be responsible for recycling their products and not leave them for others to clean up;

2. To evaluate alternatives for managing legacy e-waste products in a manner that does not create competitive differences between existing and new companies, including a way to distribute costs of recycling past products more fairly among all affected parties; and,

3. To evaluate the use of product toxicity of lieu of, or in addition to, product weight, when determining equitable cost shares.

In addition, I am asking Ecology to provide annual reports on the progress, problems, and stakeholder concerns with implementation of this bill. The reports should include any needed changes to the statute to ensure fairness and clarity in the program.

For these reasons, I have vetoed Section 26 of Engrossed Substitute Senate Bill No. 6428.

With the exception of Section 26, Engrossed Substitute Senate Bill No. 6428 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON SUBSTITUTE SENATE BILL NO. 6234

March 28, 2006

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

Ladies and Gentlemen:

I am returning, without my approval as to Section 18, Substitute Senate Bill No. 6234 entitled:

"AN ACT Relating to insurance fraud."

Part of SSB 6234 creates a new exemption for certain documents under the Public Disclosure Act. Section 17 adds the exemption to the new public disclosure act section, RCW 42.56.400. Chapter 42.56 RCW takes effect July 1, 2006.

Section 18 also adds the same exemption as a new section to Chapter 42.17 RCW. Chapter 42.17 RCW, however, expires on July 1, 2006. Consequently, we should not add a new statutory exemption to that Chapter. Pursuant to Section 17 of SSB 6234, the new exemption will be in the proper Chapter. Therefore, to avoid duplication and the inadvertent creation of a technical problem, Section 18 must be vetoed.

For these reasons, I have vetoed Section 18 of Substitute Senate Bill No. 6234.

With the exception of Section 18, Substitute Senate Bill No. 6234 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
VETO ON SUBSTITUTE SENATE BILL NO. 6369

March 29, 2006

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

Ladies and Gentlemen:

I am returning, without my approval, Substitute Senate Bill No. 6369 entitled:

"AN ACT Relating to excise tax exemptions for water services provided by small water systems."

This Substitute Senate Bill No. 6369 exempts water-sewer, irrigation, and public utility districts that provide water services to small customer bases from the public utility tax and business and occupation tax as long as at least 90 percent of the value of the tax exemptions would be used to repair, equip, upgrade, or maintain the system.

This bill provides inadequate accountability to the state's taxpayers. The tax exemptions are not limited by sunsets. Only one study of the effectiveness of the tax exemptions, due in 2010, will be made. After that, the tax exemptions will continue on in perpetuity without scrutiny.

In addition, the legislation's self-stated goal, of providing assistance to small public water systems that are in most need, would be more efficiently met through a grant program. Through a grant program, pressing needs can be met first and all needs can actually be assessed. A grant program could also help those small water systems that are already exempt from the state's business and occupation tax and public utility tax as well. As Governor, I think part of my duty is to meet the needs in the most efficient way possible.

For these reasons, I have vetoed Substitute Senate Bill No. 6396 in its entirety.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
VETO ON SENATE BILL NO. 6411

March 29, 2006

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

Ladies and Gentlemen:

I am returning, without my approval, Senate Bill No. 6411 entitled:

"AN ACT Relating to collective bargaining agreements."

This bill allows bargaining a contract of up to six years for public employees who are covered by the Public Employees' Collective Bargaining Act (PECBA). The intent of the legislation is to provide stability and lower costs for smaller local governmental entities. However, current law restricts contracts under PECBA to a three-year duration.

PECBA covers mainly city, county and local government employees. It also includes several state employee groups, including state troopers, the University of Washington Print Shop, and several other higher education classified units. At least one of the state employee groups covered by the PECBA has binding interest arbitration-state troopers. In addition, home health care workers, and family childcare providers, who are also covered by PECBA, have binding interest arbitration. This dispute resolution mechanism could lead to settlements that violate the principle that the state cannot obligate future legislatures beyond the current biennium.

If an imposed settlement violated this principle, court challenges could ensue. While I understand that current law allows for contracts to exceed the two-year budget cycle, this was not an issue of concern for the state until last year when changes in the state troopers' bargaining law allowed for bargaining over wages and benefits. In the last several years, the addition of collective bargaining rights for home care workers and family child care workers also increases the likelihood of legal challenges over contract duration.

If legislation were introduced in the next session with provisions to address the above concerns regarding state employee groups, I would certainly look much more favorably on the bill.

For these reasons, I have vetoed Senate Bill No. 6411 in its entirety.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
VETO ON SENATE BILL NO. 6412

March 29, 2006

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

Ladies and Gentlemen:

I am returning, without my approval, Senate Bill No. 6412 entitled:

"AN ACT Relating to superior court judges."

The substance of this bill was already accomplished through House Bill No. 2344, which I signed into law on March 9, 2006. Therefore, I am vetoing Senate Bill No. 6412 in its entirety.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON SUBSTITUTE SENATE BILL NO. 6555

March 29, 2006

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

Ladies and Gentlemen:

I am returning, without my approval as to Section 3, Substitute Senate Bill No. 6555 entitled:

"AN ACT Relating to research and services for special purpose districts."

This bill would allow the Municipal Research Council (MRC) to contract for the provision of research and services to special purpose districts. Funding for these services would be provided through a change in the distribution of Liquor Revolving Fund revenues.

The MRC currently provides its services to cities and counties. Those services are funded with revenues from the Liquor Revolving Fund and Liquor Excise Tax Account, revenues that would otherwise be distributed to cities and counties on a formula basis. While the technical assistance provided by MRC may be of value, Substitute Senate Bill No. 6555 would set a precedent by redirecting funds, that would otherwise go to the state General Fund, for the benefit of a special purpose district.

Therefore, I have decided to veto Section 3 of this bill, which establishes the transfer of those funds. Sections 1 and 2 concern the authority for special purpose districts to use the MRC, and the creation of the new account should the legislature choose to appropriate funds for it. Section 4 requires a MRC report to Joint Legislative Audit and Review Committee in 2010.

For these reasons, I have vetoed Section 3 of Substitute Senate Bill No. 6555.

With the exception of Section 3, Substitute Senate Bill No. 6555 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
VETO ON SUBSTITUTE SENATE BILL NO. 6781

March 29, 2006

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

Ladies and Gentlemen:

I am returning, without my approval, Substitute Senate Bill No. 6781 entitled:

"AN ACT Relating to environmental remediation."

This bill would provide sales and business tax incentives for environmental remediation actions.

Cleaning up historic contamination is usually a key step in the redevelopment of our urban lands. However, past tax incentives for environmental remediation did not measurably increase the number of cleanup actions. And for cleanup actions conducted by state agencies and local governments, this bill would inappropriately shift the cost burden from the dedicated toxics cleanup accounts to the state general fund.

For these reasons, I have vetoed Substitute Senate Bill No. 6781 in its entirety.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
VETO ON SUBSTITUTE SENATE BILL NO. 6330

March 31, 2006

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

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 6330 entitled:

"AN ACT Relating to the establishment of the Washington trade corps fellowship program."

This bill is being vetoed for two reasons. First, given the limited resources and high demands of our international trade office, this program would not be a priority. I commend the Legislature for adding resources to trade and to trade offices. However, the specific purpose proposed in this bill is not the most effective approach. Second, the budget for this project is exceptionally large given the task that is proposed. These are funds that simply should not be allocated for studying funding opportunities.

For these reasons, I have vetoed Substitute Senate Bill No. 6330 in its entirety.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6384

March 31, 2006

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

Ladies and Gentlemen:

I am returning, without my approval as to Sections 105(6); 106(4), line item 13, page 10; 116; 155(1), (2), (3); 180; 195; 199; 211; and 230 of Engrossed Substitute Senate Bill No. 6384 entitled:

"AN ACT Relating to the capital budget."

My reasons for vetoing these sections are as follows:

Section 105(6), pages 5-6, Department of Community, Trade, and Economic Development, Housing Liability Revolving Fund

This proviso would require the Department of Community, Trade and Economic Development (CTED) to contract with the Washington State Housing Finance Commission to establish a liability revolving fund for condominium and multi-unit residential buildings. This provision was previously included in legislation that failed to pass this session. The language defines eligibility for a new, on-going service. It is inappropriate to establish this type of program in an appropriations bill.

Although I have vetoed Section 105(6), I am directing CTED to work with the Housing Finance Commission to accomplish these program goals to the maximum extent allowable under law.

Section 106(4), line item 13 on page 10, Department of Community, Trade, and Economic Development, Tritrail Feasibility Study

This project would provide general obligation bond funds to study a three-city walking and biking trail, starting in Tukwila and eventually linking to Mount Rainier National Park. It is not prudent to use long-term bond financing to pay for a feasibility study. I have therefore, vetoed the appropriation related to this project.

Section 116, pages 19-20, Department of General Administration, Pritchard Building Pre-design

This Americans with Disabilities Act of 1990 (ADA) access project was funded in the 2005-07 capital budget. Proviso language was added in this bill to require the Department of General Administration to include design and construction of the ADA pathway project of the Pritchard Building as part of the Pritchard Building pre-design. The pre-design is a separate project and combining these projects could add another year to the ADA path project, as well as increase the total cost. The Capitol Campus Design Advisory Committee has approved the ADA access plan and the ADA path project is ready to proceed to design. I have vetoed Section 116 to allow for timely completion of this project.

Section 155(1), (2), and (3), pages 45-46, Interagency Committee for Outdoor Recreation, Hood Canal Grant Program

Section 155(1), (2) and (3) establish a process for the Interagency Committee for Outdoor Recreation (IAC) to administer a grant program addressing low-dissolved oxygen concentrations in Hood Canal. It is a reasonable approach to allow the Governor to remove projects for a list developed by the Puget Sound Action Team, and for the IAC not to commit funds until the Legislature has appropriated funds for a specific list of projects. However, this new process will prevent any projects from being started until the spring of 2007.

In order for these critical projects to move forward as quickly as possible, I have vetoed Sections 155(1), (2) and (3). In addition, I am directing the IAC to proceed with a process to select projects based on the prioritized recommendations of the Puget Sound Action Team and the Hood Canal Coordinating Council. I also am instructing the IAC to review the list of projects with the Governor's Office and appropriate legislators before signing contracts.

Section 180, page 58, Department of Fish and Wildlife, Olympia Facilities

Section 180 directs the Department of Fish and Wildlife to vacate its downtown Olympia facilities by June 2007 and for the Department of General Administration to dispose of the properties. RCW 77.12.210 gives the director of the Department of Fish and Wildlife the authority to maintain and manage real or personal property owned, leased, or held by the department. The Fish and Wildlife Commission may authorize the director to dispose of real or personal property under the control of the department. This section directing the Department of General Administration to dispose of this property conflicts with this existing statute.

Although I have vetoed Section 180, I am directing the Department of General Administration to work with the Department of Fish and Wildlife to develop a plan addressing the consolidation of services, relocation of users, and long-term use of the properties, and to report to the Legislature and Office of Financial Management by December 1, 2006.

Section 195, pages 68-69, State Board of Education, Island Wood

This section adds funding for capital projects at Island Wood Education Center. Article IX, Section 3 of the Washington State Constitution states that the Common School Construction Account shall be used exclusively for financing the construction of facilities for the common schools. RCW 28A.150.020 defines common schools as schools maintained at public expense in each school district and carrying on a program from kindergarten through the twelfth grade or any part thereof including vocational educational courses otherwise permitted by law. Island Wood is a non-profit organization that serves students from fifty schools and 50,000 households in Puget Sound. I have vetoed Section 195 because funding a non-profit entity is not consistent with the intended use of the Common School Construction Account.

Section 199, pages 71-72, State Board of Education, Acoustic Technology

This section would provide funding for demonstration projects to test the use of sound amplification technology in the classroom. Grant recipients must contribute a 50 percent match for these funds and provide a measure of the effectiveness of this technology. There is no evidence that suggests that the use of this technology creates a substantial benefit to students. In addition, the program is likely to have substantial future costs. For these reasons, I have vetoed Section 199.

Section 211, pages 76-77, State Arts Commission, Capitol Sundial Repair

This section provides funding to support a \$5,000 competitive grant for design and repair of the State Capitol Sundial. This small amount is not appropriately financed through long-term general obligation bonds. I have vetoed Section 211 and believe that other funding sources can be found for this project.

Section 230, pages 92-93, Vendor Services

Section 230 eliminates the rent currently paid by the Department of Services for the Blind (DSB) for food service providers and vending machines. It also requires that the Department of General Administration (GA) pay preventative maintenance on food service equipment used by these vendors; that private buildings with at least 100 state employees contract with the DSB for vending facilities and/or vending machines in the cities of Olympia, Lacey and Tumwater; and that GA conduct a study establishing a process for blind vendors to enter into franchise agreements with commercial food providers.

Although I am concerned about the issues addressed by this section, I believe it is inappropriate to simply transfer these vendor costs to state agencies that pay rent in state buildings. I have vetoed Section 230 in order to allow more time to assess the situation statewide, and explore alternatives.

With the exception of Sections 105(6); 106(4), line item 13, page 10; 116; 155(1), (2), (3); 180; 195; 199; 211; and 230 as specified above, Engrossed Substitute Senate Bill No. 6384 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6386

March 31, 2006

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

Ladies and Gentlemen:

I am returning, without my approval as to parts of Sections 126(42), 126(63), 128(3), 128(10), 131(2), 137(12), 139, 204(1)(x), 207(5), 217(13), 217(17), 221(25), 302(16), 307(21)(c), 308(16), 518(4), 602(16), 602(22), 602(25), 603(18), 604(14), 606(5), 607(7), 611(1), 611(3), 708(1)(d), 711(4), and 906, of Engrossed Substitute Senate Bill No. 6386 entitled:

"AN ACT Relating to fiscal matters."

My reasons for vetoing the above-noted Sections are as follows:

Section 126(42), page 31, Department of Community, Trade, and Economic Development, Small Business Incubators

This proviso funds implementation of Third Substitute House Bill No. 1815 pertaining to Small Business Incubators, and stipulates that the appropriation will lapse if the bill is not enacted. Since that bill did not pass the Legislature, I have vetoed Section 126(42).

Section 126(63), page 34, Department of Community, Trade, and Economic Development, Washington Trade Corps Fellowship Program

This proviso funds implementation of Substitute Senate Bill No. 6330 and stipulates that the appropriation will lapse if the bill is not enacted. Since I have vetoed Substitute Senate Bill No. 6330, I have also vetoed Section 126(63).

Section 128(3), page 36, Office of Financial Management, Classified School Employees

New language directs the Washington Learns steering committee to review funding for classified school employees and to report findings and recommendations that include how classified school employees can enhance students' abilities to meet state learning standards. Washington Learns is a comprehensive study of education from early learning through higher education, encompassing all employee groups within the educational system. I have vetoed Section 128(3) because it is not necessary to single out any specific class of employees, and because the requirements of this new language will be met under the current work plan for Washington Learns.

Section 128(10), page 38, Office of Financial Management, Report on State-purchased Health Care Costs

This proviso requires the Office of Financial Management to prepare a report on state-purchased health care costs and expenditures. Since no funding is provided for this activity, I have vetoed section 128(10).

Section 131(2), page 40, State Lottery, Research

This proviso permits the use of agency appropriations for the implementation of Senate Concurrent Resolution No. 8417, and stipulates that the subsection will lapse if the resolution is not enacted. since that resolution did not pass the Legislature, I have vetoed Section 131(2).

Section 137(12), page 46, Department of Revenue, Streamlined Sales Tax

This proviso funds implementation of Substitute Senate Bill No. 6594 and stipulates that the appropriation will lapse if the bill is not enacted. Since that bill did not pass the Legislature, I have vetoed Section 137(12).

Section 139, page 46-47, Municipal Research Council, Special Purpose Districts

I have vetoed the portion of Substitute Senate Bill No. 6555 that diverts revenue from the general fund to the Special Purpose District Research Services Account. For consistency, I also have vetoed Section 139.

Section 204(1)(x), page 77, Department of Social and Health Services Mental Health Division, Mental Health Professionals

This proviso references Second Substitute House Bill No. 2912, which would require two mental health care professionals for all home visits that require mental health evaluations. Since that bill did not pass the Legislature, I have vetoed Section 204(1)(x).

Section 207(5), page 94, Department of Social and Health Services Economic Services Division, Child Support Schedule

This proviso funds Second Substitute House Bill No. 2462, which established work groups to periodically review the child support schedule, and stipulates that the appropriation will lapse if the bill is not enacted. Since that bill did not pass the Legislature, I have vetoed Section 207(5).

Section 217(13), page 116, Department of Labor and Industries, Agricultural Workers

This proviso funds Engrossed House Bill No. 2623 relating to agricultural workers, and stipulates that the appropriation will lapse if the bill is not enacted. Since the bill did not pass the Legislature, I have vetoed Section 217(13).

Section 217(17), pages 116-117, Department of Labor and Industries, Brochures on Building Contractors

This proviso provides \$10,000 General Fund-State solely for the Department of Labor and Industries to prepare consumer information brochures on contracting for new construction or remodeling construction work. I am directing the Department of Labor and Industries to perform all the functions and procedures listed in this proviso within existing funds. I have, therefore, vetoed Section 217(17).

Section 221(25), page 126, Department of Health, Background Checks/Health Care

This proviso funds implementation of Substitute House Bill No. 2431 and stipulates that the appropriation will lapse if the bill is not enacted. Since that bill did not pass the Legislature, I have vetoed Section 221(25).

Section 302(16), page 142, Department of Ecology, Brominated Flame Retardants

This proviso funds implementation of Engrossed Second Substitute House Bill No. 1488 and stipulates that the appropriation will lapse if the bill is not enacted. Since that bill did not pass the Legislature, I have vetoed Section 302(16).

Section 307(21)(c), page 153, Department of Fish and Wildlife, Fiscal Reporting and Modeling

This section requires Washington's Department of Fish and Wildlife (WDFW) to develop an electronic revenue forecast model with the Office of Financial Management and the Department of Revenue for forecasting the state Wildlife Account. Although the WDFW's ability to accurately forecast revenues has been a concern in the past, its current methodology has proven generally reliable. There is no evidence that a new forecasting model would significantly improve state Wildlife Account forecasts, and no additional funding was provided to develop a new model. For these reasons, I have vetoed Section 307(21)(c).

Section 308(16), page 161, Department of Natural Resources, Wildfire Prevention

This proviso directs the Department of Natural Resources to implement a workgroup defined in Substitute Senate Bill No. 6603, relating to wildfire prevention. Since that bill did not pass the Legislature, I have vetoed Section 308(16). However, the department has the authority to engage in this activity and I would encourage it to do so.

Section 518(4), page 222-223, Department of Early Learning, Contingency Funding

This proviso was included in the budget to serve as a contingency to reverse the funding transfers to the Department of Early Learning, if the new department had not been created. Since Second Substitute House Bill No. 2964 passed the Legislature, and the Department of Early Learning goes into effect on July 1, 2006, I have vetoed this section for the technical reason that it is no longer needed.

Section 602(16), page 229, State Board for Community and Technical Colleges, High Demand Training

This proviso provides funding for and directs the State Board for Community and Technical Colleges to identify high demand occupations, develop or utilize skills standards or credentials for those occupations, and market the standards and credentials to educational institutions and employers. This agency, the Higher Education Coordinating Board, the Workforce Training and Education Coordinating Board, and the Department of Employment Security have already accomplished much of this work in prior studies. I have, therefore, vetoed Section 602(16).

Section 602(22), page 231, State Board for Community and Technical Colleges, Nursing Faculty Retention Pilot Program

This proviso attempts to address a real problem relating to nursing recruitment and retention, but addresses it in a very narrow fashion. The State Board for Community and Technical Colleges, along with industry stakeholders, needs to consider various, statewide options for retaining nursing faculty and keeping qualified teachers in the classroom. This proviso directs state funds to a very limited number of sites with no plan for retention of faculty beyond the current year. Therefore, I have vetoed Section 602(22).

Section 602(25), page 231, State Board for Community and Technical Colleges, High School Completion

This proviso indicates that there is sufficient funding in the State Board for Community and Technical Colleges' budget to implement Engrossed Second Substitute House Bill No. 2582. Since that bill did not pass the Legislature, I have vetoed Section 602(25).

Section 603(18), page 235, University of Washington, Public Curriculum Study

This proviso directs the University of Washington's College of Education to conduct a review of curriculum offered by Washington public schools to examine the extent to which the curriculum accurately includes the history, contributions, and contemporary experiences of people of color. With 296 school districts in Washington making individual decisions regarding curriculum offered to students in more than 2,000 Washington schools, the study is a monumental task. It is not clear that the results of a narrow study will be applicable throughout the state. While this is an important issue, the scope of the study needs to be refined or funding must be increased. Therefore, I have vetoed Section 603(18).

Section 604(14), page 239, Washington State University, Local Government Reference

Although the provision of local government reference books may be valuable, this effort should be prioritized within existing resources. Therefore, I have vetoed Section 604(14).

Section 606(5), page 243, Central Washington University, Additional Tuition Waivers

This proviso funds additional tuition waivers. While I understand the inequity in the original waiver limits set by the Legislature more than a decade ago, I do not concur with this appropriation for a purpose that does not create additional enrollment slots for our students. Since the waiver limit has been in place so long, it is also clear that this is not an emergency that requires action in a supplemental budget. Therefore, I have vetoed Section 606(5).

Section 607(7) page 245, The Evergreen State College, Collective Bargaining Unit Training

This proviso expands collective bargaining and bargaining unit training at The Evergreen State College's Labor Education and Research Center. The Center currently provides similar training by contracting with those who will receive the training. The Center can expand the collective bargaining and bargaining unit training under its current finance model, so I have vetoed Section 607(7).

Section 611(1), page 256, Workforce Training and Education Coordinating Board, Private Vocational Schools

This proviso funds implementation of House Bill No. 2597 and stipulates that the appropriation will lapse if the bill is not enacted. Since that bill did not pass the Legislature, I have vetoed Section 611(1).

Section 611(3), page 257, Workforce Training and Education Coordinating Board, Worker Training B & O Tax

This proviso funds implementation of Engrossed Substitute House Bill No. 2565, relating to worker training business and occupation tax. The appropriation will lapse if the bill is not enacted. Engrossed Substitute House Bill No. 2565 did not pass the Legislature, so I have vetoed Section 611(3).

Section 708(1)(d), page 266, Department of Retirement Systems, Implementation of SHB 2934 (Survivor Health Benefits)

This proviso funds the implementation of Substitute House Bill No. 2934, and stipulates that the appropriation will lapse if the bill is not enacted. The provisions of that bill, however, passed the Legislature in Senate Bill No. 6723. Since the bill cited in this proviso did not pass the Legislature, I have vetoed Section 708(1)(d) for the sake of clarity.

Section 711(4), page 268, Strategic Purchasing Strategy

This proviso indicates that the State Board of Community and Technical Colleges is not subject to the General Fund-State allotment reduction related to implementation of a statewide purchasing strategy. In order to continue to encourage all state agencies to be as efficient and economical in their purchasing as possible, I have vetoed Section 711(4), and will direct the Department of General Administration to work with the colleges on a practical approach to achieve purchasing savings.

Section 906, pages 282-284, State Parks and Recreation Commission, Authority to Charge Day-Use Access or Parking Fees

This section prohibits the State Parks and Recreation Commission from charging fees for general park access or parking from the effective date of this bill through June 30, 2007. This prohibition also appears in Section 303(5) of this bill. Since the underlying statute has also been amended in Substitute House Bill No. 2416 to prohibit general park access or parking fees permanently, beginning April 9, 2006, Section 906 is redundant and unnecessary, I have vetoed Section 906. However, to harmonize the temporary disparities in effective dates, I hereby direct the State Parks and Recreation Commission to discontinue collecting these fees effective immediately.

In addition to these vetoes, I would like to comment on two other aspects of this bill:

Emergency Management

Section 150(7) provides \$2 million for the Military Department to expand its emergency management planning and training activities, study the feasibility of regional medical assistance and search-and-rescue teams, and administer a competitive grant program to support local emergency management efforts.

Emergency response is an important state priority, and I am directing the Military Department to report to me on a regular basis concerning the uses of this funding and the specific improvements in emergency preparation that have been achieved through the grant process.

Capital Projects

This operating budget bill includes funding for facility repair and renovation, trail upgrades, and property improvements that more appropriately belong in the capital budget. Although these projects have distinct public benefit, they create long-term assets and should be considered among all other capital needs and priorities rather than competing against critical general fund operating programs. I sincerely hope that next year the Legislature will keep projects of this nature out of the operating budget and in the capital budget, where they properly belong.

With the exception of those portions of sections 126(42), 126(63), 128(3), 128(10), 131(2), 137(12), 139, 204(1)(x), 207(5), 217(13), 217(17), 221(25), 302(16), 307(21)(c), 308(16), 518(4), 602(16), 602(22), 602(25), 603(18), 604(14), 606(5), 607(7), 611(1), 611(3), 708(1)(d), 711(4), and 906, as specified above, Engrossed Substitute Senate Bill No. 6386 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON SUBSTITUTE SENATE BILL NO. 6241

March 31, 2006

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

Ladies and Gentlemen:

I am returning, without my approval as to portions of Sections 204, 212(6), 213(5), 214(5), 304(16), 307(8), and 309(19) of Substitute Senate Bill No. 6241 entitled:

"AN ACT Relating to transportation funding and appropriations."

My reasons for vetoing portions of the above-noted Sections are as follows:

Section 204, page 6, Board of Pilotage Commissioners, Trainee Stipends

Section 204 provides additional appropriation authority to the Board of Pilotage Commissioners for pilot trainee stipends. Appropriation authority was provided in Engrossed Substitute Senate Bill No. 6870, which was enacted by the Legislature and signed into law on March 14, 2006. Leaving Section 204 intact would increase the Board of Pilotage Commissioners' appropriation authority above the intended amount and would exceed the revenue available to the agency. Therefore, I have vetoed Section 204.

Section 212(6), page 18, Department of Licensing - Information Services, Parking Privileges

This proviso funds implementation of Substitute House Bill No. 2389 and stipulates that the appropriation will lapse if the bill is not enacted. Substitute House Bill No. 2389 did not pass the Legislature. Therefore, I have vetoed Section 212(6),

Section 213(5), page 19, Department of Licensing - Vehicle Services, Parking Privileges

This proviso funds implementation of Substitute House Bill No. 2389 and stipulates that the appropriation will lapse if the bill is not enacted. Substitute House Bill No. 2389 did not pass the Legislature. Therefore, I have vetoed Section 213(5).

Section 214(5), pages 20-21, Department of Licensing, Federal Real ID

Section 214(5) directs the Department of Licensing to join in any lawsuit filed by other states seeking funding to implement the provisions of Title II of P. L. 109-13 (improved security for driver's license and personal identification cards (Federal Real ID Act)) whenever the department is legally and ethically permitted to do so. This language is overly prescriptive. I will engage the federal government on this issue when it is prudent and in the best interest of Washington State to do so. But legal action, whether unilateral or in conjunction with other states, will only be undertaken following a rigorous review of the issues and consultation with the State's Attorney General. Therefore, I have vetoed Section 214(5).

Section 304(16), pages 47-48, Department of Transportation - Improvements, SR 520 Plan

Section 304(16) earmarks \$250,000 for the City of Seattle to prepare a State Route 520 expansion impact plan and prohibits the Department of Transportation from beginning construction on the State Route 520 bridge replacement and High Occupancy Vehicle project until agreements have been reached with the City of Seattle. This subsection contradicts Section 304(18), which sets forth the National Environmental Policy Act (NEPA) requirements that the department must designate the preferred alternative, prepare a substantial project mitigation plan, and complete a comprehensive cost estimate. It is incumbent upon the department to follow state and federal environmental laws and not delegate decision making to the City of Seattle. Therefore, I have vetoed Section 304(16).

Section 307(8), page 54, Department of Transportation - Ferries, Auto-Passenger Ferries

Section 307(8) provides funding for auto-passenger ferry vessels using the process identified in Substitute Senate Bill No. 6853, which did not pass the Legislature. While the Legislature considered the ferry vessel procurement process in Substitute Senate Bill No. 6853, it was not its intent to eliminate funding for ferry vessels. Therefore, I have vetoed Section 307(8) with the understanding that the funding remains available to the Department of Transportation for the procurement of ferry vessels.

Section 309(19), pages 61-62, Department of Transportation - Local Programs, RTPOs

Section 309(19) requires regional transportation planning organizations (RTPOs) that receive federal surface transportation program funding to distribute funds based on a prioritized competitive basis rather than by formula. It also prohibits funds from being used for administration. While I strongly support this legislative intent, I believe these changes should be phased in over time in order to avoid disruptions to project programming and deliver. RTPOs are required by federal law to prepare four-year Transportation Improvement Programs. The current transportation improvement program covers calendar years 2006 through 2008. Therefore, I have vetoed Section 309(19).

However, effective with the development of the 2008 Transportation Improvement Programs, I am directing the Department of Transportation to work with RTPOs to ensure that it prioritizes project selections based on regional priorities such as growth management, congestion relief, safety, economic development, or other regional priorities that support state and federal policies. In addition, the department shall retain a full and transparent accounting of all federal surface transportation program funds and their uses.

With the exception of the above-noted portions of Sections 204, 212(6), 213(5), 214(5), 304(16), 307(8), and 309(19), Substitute Senate Bill No. 6241 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Sonia Arevalo-Hayes		172		SGA 9006
Salvador Beltran			208	SGA 9009
Michael Blakely			181	SGA 9013
Rebecca Bowers		58		SGA 9015
Ben Cabildo			469	SGA 9023
Rebecca Chaffee			289	SGA 9028
R. Gary Culbert			208	SGA 9037
Roger Erskine		58		SGA 9049
Mickey Fearn			554	SGA 9051
Georgia Gardner		134	254	SGA 9062
Leslie Jones			85	SGA 9085
Katherine Kenison			181	SGA 9091
Joe King			182	SGA 9095
Claudia Kauffman Redmorningstar			73	SGA 9100
David Lamb			103	SGA 9104
Carol Landa-McVicker			469	SGA 9107
Lyle Lovingfoss			160	SGA 9118
Dennis Madsen			86	SGA 9120
Enriqueta Mayuga			208	SGA 9126
William J. McDowell	224	461		SGA 9127
Dora Noble		58		SGA 9145
Bertha Ortega			181	SGA 9150
Sherry Parker			552	SGA 9156
Margaret Rojas			225	SGA 9174
Marilee Roloff			72	SGA 9176
Ira Sengupta			553	SGA 9182
Fawn Sharp-Malvini			289	SGA 9183
Richard Stucky			553	SGA 9190
Gidget Terpstra			553	SGA 9195
Stephen Tharinger	135			SGA 9197
Joan K. Thomas			253	SGA 9198
Josie Villa			208	SGA 9204
Thuy Vo			161	SGA 9205
John Warring			289	SGA 9208
Shirley Winsley			881	SGA 9213
Edward L. Barnes			537	SGA 9227
Elizabeth Chen			260	SGA 9234
Kay Cochran			161	SGA 9238
Michael Grunwald			161	SGA 9246
Jesus Hernandez			225	SGA 9249
Hartly Kruger			229	SGA 9253
Paul McDonald			469	SGA 9259
Karen Miller		505		SGA 9262
Mauri Moore			86	SGA 9264
Lisa Parker			470	SGA 9270
Stanley Rumbaugh			161	SGA 9274
Sam Smith			1530	SGA 9280
Melinda E. Travis			229	SGA 9282
Patricia Whitefoot			470	SGA 9283
Jean Magladry			208	SGA 9288
Michael Martino			208	SGA 9289
Roy Wilkinson			209	SGA 9291
Bill Grinstein		505		SGA 9294
Alice Tawressey		172	288	SGA 9300
Mark Wolfram			209	SGA 9302
Larry Sanchez		67	470	SGA 9308
Karen Seinfeld			161	SGA 9309
Rita Creighton		505		SGA 9316
Terry Sebring		67		SGA 9319

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Sandy Matheson		67	537	SGA 9322
Reuven Carlyle		505		SGA 9327
Cindi Holmstrom		67	199	SGA 9328
Steve Hill			206	SGA 9329
Chris Hedrick		505		SGA 9330
Karen Lee		51	103	SGA 9331
Lyle Quasim		172	279	SGA 9333
Toni M. Aspin	17	113		SGA 9334
Peggy Bierbaum		517		SGA 9335
Ethelda Burke		505		SGA 9336
Carol Carlstad	17	172	289	SGA 9337
James Carvo	17	172	470	SGA 9338
Pat E. Clothier	18			SGA 9339
Gary Cohn	18	58		SGA 9340
Susan Cole	18			SGA 9341
R. James Cook	18	172	917	SGA 9342
Pete Crane	18	180	288	SGA 9343
James Cunningham	18	172		SGA 9344
Calhoun Dickinson	18	517		SGA 9345
Francois Forgette	18			SGA 9346
Katherine B. Friedt	18	82	536	SGA 9347
Jack Frost	18	505		SGA 9348
Lawrence V. Goodman	19			SGA 9349
Judy Guenther	19	172		SGA 9350
William Hanson	19	517		SGA 9351
Mike Hudson	19			SGA 9353
Addison Jacobs	19	172	552	SGA 9354
Lyle Jacobsen	19			SGA 9355
Holly P. Jensen	19			SGA 9356
Ed Jolicoeur	19			SGA 9357
Ronald Kessler	19	82		SGA 9358
Lance Kissler	19	505		SGA 9359
Kristine A. Klaveano	19	67		SGA 9360
Dennis Kloida	20	505		SGA 9361
John Lee	20	95	199	SGA 9362
Justin Leighton	20	506		SGA 9363
Janet Lewis	20			SGA 9364
Neil McReynolds	20			SGA 9366
Steve S. Miller	20	173		SGA 9367
Bruce Montgomery	20	173	918	SGA 9368
Jane Noland	20	95		SGA 9369
Busse Nutley	20	517		SGA 9370
Tim Otani	21	506		SGA 9371
Stacy Pederson	21	113	229	SGA 9372
Kris Pomianek	21	173		SGA 9373
Will Rasmussen	21	506	1183	SGA 9374
Marilyn Sayan	21	518		SGA 9375
Robert Scarbrough	21	518		SGA 9376
Faouzi Sefrioui	21	506		SGA 9377
Honna Sheffield	21			SGA 9378
James Shipman	21	506		SGA 9379
Herb Simon	21	506	1183	SGA 9380
Carol Smith-Merkulov	22	518		SGA 9381
Claire Spain-Remy	22	173		SGA 9382
Dennis Thaut	22	82	536	SGA 9384
James Tiffany	22	506		SGA 9385
Marilyn Walton	22	173	1182	SGA 9386
Gary Weeks	22	51	520	SGA 9387
Juli Wilkerson	22	51	103	SGA 9388
Richard D. Zwicker	22	114	5553	SGA 9389

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Jane Kaszynski	22	506		SGA 9390
Shoubee Liaw	22	114	553	SGA 9391
Wayne J. Martin	23	173	536	SGA 9392
Lura Powell	23	173	880	SGA 9393
Cheryl Scott	23	134	918	SGA 9394
Paul Tanaka	23			SGA 9395
Karen Vander Ark	23	114	260	SGA 9396
Judy L. Hartman	23			SGA 9397
Russell D. Hauge	24	134		SGA 9398
Kathleen D. Mix	24	180	919	SGA 9399
Don Mukai	24	173		SGA 9400
Val Ogden	67			SGA 9401
Gary Locke	68	173	918	SGA 9402
Julie Davidson	91			SGA 9403
Lenell Nussbaum	91	173		SGA 9404
Rita Colwell	134			SGA 9405
Paul P. George	134	518		SGA 9406
Robert Lenigan	134	506		SGA 9407
Janis Machala	134	506		SGA 9408
Carol Moser	134	1232		SGA 9409
Teresa Pan	135	461		SGA 9410
Bruce Reid	135	507		SGA 9411
Joe Ryan	135			SGA 9412
Stephen Tharinger	135			SGA 9413
Yvonne Bianchi	135	461		SGA 9414
William J. McDowell	224	461		SGA 9415
Brian Vance	224			SGA 9416
Richard Van Hollebeke	276	507		SGA 9417
Rosemarie Duffy	426			SGA 9418
Sheila L. Fox	426	645		SGA 9419
Edward James, Jr.	426			SGA 9420
Kristina Mayer	426	645		SGA 9421
Howard Lincoln	435			SGA 9422
Conrad Mahnken	443			SGA 9423
Amy Bragdon	463	645		SGA 9424
Charles Robinson	507			SGA 9425
Jeff Vincent	507	645		SGA 9426
Mary Jean Ryan	520	645		SGA 9427
Bernal Baca	551	645		SGA 9428
Eric Liu	594	645		SGA 9429
Doug MacDonald		1232	1530	SGA 9430
David Troutt	794			SGA 9431
Heyward Watson	794			SGA 9432

**SENATE BILLS PASSED REGULAR SESSION BY
BOTH SENATE AND HOUSE SHOWING THE ACTION BY THE GOVERNOR THEREON**

**Fifty-Ninth Legislature
2006 Regular Session**

CHPT#	BILL NO.	SUBJECT	GOVERNOR SIGNED	VETO/PVEFFECTIVE DATES
132	SSB 5042	Statute of limits/felonies	3/20/2006	6/7/2006
14	ESB 5048	Tobacco product sampling	3/09/2006	6/7/2006
342	ESB 5179	Forest health study	3/30/2006	6/7/2006**
283	ESSB 5204	Chattel liens	3/28/2006	10/1/2006
15	ESB 5232	Turkey tags	3/09/2006	6/7/2006
230	SSB 5236	Prevailing wage program	3/27/2006	7/1/2007
231	ESSB 5305	Mercury-containing vaccines	3/27/2006	6/7/2006
314	ESB 5330	Economic development grants	3/29/2006	6/7/2006
152	ESSB 5385	Invasive species council	3/20/2006	6/7/2006
45	SB 5439	Gubernatorial appointees	3/14/2006	6/7/2006
232	ESSB 5535	Optometry	3/27/2006	6/7/2006
355	SSB 5654	Criminal justice officials	3/30/2006	6/7/2006
55	2ESB 5714	Breast & cervical cancer	3/15/2006	6/7/2006
118	2SSB 5717	K-12 skill centers	3/20/2006	6/7/2006
233	SSB 5838	Hepatitis C treatments	3/27/2006	6/7/2006
356	SB 6059	Sick leave pools	3/30/2006	7/1/2007
235	ESSB 6106	Health info/law enforcement	3/27/2006	3/27/2006
184	SSB 6141	Wind turbine facilities	3/24/2006	6/7/2006
127	SSB 6144	Sex offender registration	3/20/2006	9/1/2006
168	ESSB 6151	Aquifer levels	3/22/2006	3/22/2006
315	ESB 6152	Public disclosure violations	3/29/2006	6/7/2006
57	SB 6159	Fishing for albacore tuna	3/15/2006	6/7/2006
16	SSB 6161	Group fishing permits	3/09/2006	6/7/2006
87	SSB 6168	Business development	3/17/2006	6/7/2006
58	ESB 6169	Homeowners' associations	3/15/2006	6/7/2006
139	2SSB 6172	Sex offenders	3/20/2006	6/7/2006***
341	E2SSB 6175	Surface mining	3/30/2006	6/7/2006*
59	SSB 6185	Family & medical leave act	3/15/2006	6/7/2006
367	SSB 6188	Prostate cancer screening	3/31/2006	6/7/2006
60	ESSB 6189	Hospital billing information	3/15/2006	6/7/2006
236	2SSB 6193	Health profession work force	3/27/2006	6/7/2006*
237	ESB 6194	Multicultural edu/health	3/27/2006	6/7/2006
238	SSB 6196	State board of health	3/27/2006	6/7/2006
239	2SSB 6197	Health disparities council	3/27/2006	6/7/2006
46	SB 6208	Session law publication	3/14/2006	6/7/2006
153	SSB 6223	Derelict/abandoned vehicles	3/20/2006	6/7/2006
185	SSB 6225	Domestic water pumping syst	3/24/2006	6/7/2006
298	ESSB 6230	Public facilities districts	3/29/2006	6/7/2006
61	SB 6231	Private air ambulances	3/15/2006	6/7/2006
284	SSB 6234	Insurance fraud program	3/28/2006	PV 7/1/2006
344	ESB 6236	Election dates & deadlines	3/30/2006	1/1/2007*
339	E2SSB 6239	Controlled substances	3/30/2006	6/7/2006***
370	SSB 6241	Trans budget 2006 supp	3/31/2006	PV 3/31/2006
316	ESSB 6244	Oil spill prevention	3/29/2006	6/7/2006
317	SSB 6246	Lieutenant governor	3/29/2006	6/7/2006
318	SSB 6247	Local motor vehicle tax	3/29/2006	6/7/2006
368	SB 6248	Drainage & diking works	3/31/2006	6/7/2006
117	ESSB 6255	Student-centered planning	3/20/2006	6/7/2006*
173	SSB 6257	Security guard licenses	3/22/2006	6/7/2006
154	SB 6264	Disability pension options	3/20/2006	6/7/2006
319	SB 6280	Nonprofits/property tax	3/29/2006	6/7/2006
357	SSB 6287	Parking for legally blind	3/30/2006	6/7/2006
267	SSB 6308	Comm on offender programs	3/28/2006	6/7/2006
128	2SSB 6319	Sex offender registration	3/20/2006	6/7/2006***
137	SSB 6320	Sex offender information	3/20/2006	6/7/2006**
240	SSB 6323	Campaign finance disclosure	3/27/2006	6/7/2006
131	SSB 6325	Sex offender residences	3/20/2006	6/7/2006
112	2SSB 6326	Customized work force	3/20/2006	6/7/2006
62	SSB 6330	Trade corps fellowship prgm		V
47	SB 6338	Property tax exemptions	3/15/2006	6/7/2006
320	SSB 6359	Unemplmnt contribution rate	3/14/2006	3/14/2006*
140	SSB 6362	Voter registration	3/29/2006	6/7/2006
	SB 6364	Recreational vehicles	3/20/2006	6/7/2006*

CHPT#	BILL NO.	SUBJECT	GOVERNOR SIGNED	VETO/PVEFFECTIVE DATES
358	SSB 6365	Weighing & measuring devices	3/30/2006	7/1/2006*
63	ESSB 6366	Pandemic influenza	3/15/2006	6/7/2006
241	SB 6368	Nursing facility bed tax	3/27/2006	7/1/2007
	SSB 6369	Small water systems		V
155	SB 6371	Dead animal disposal	3/20/2006	6/7/2006
64	SB 6373	Boarding homes	3/15/2006	6/7/2006
156	ESB 6376	Livestock inspection fees	3/20/2006	6/1/2006
157	SSB 6377	Milk sales	3/20/2006	6/7/2006
174	SSB 6382	Equine industry	3/22/2006	6/7/2006
371	ESSB 6384	Capital budget 2006 supp	3/31/2006	PV 3/31/2006*
372	ESSB 6386	Operating budget 2006	3/31/2006	PV 3/31/2006*
242	ESSB 6391	Long-term care settings	3/27/2006	6/7/2006
243	ESSB 6396	Sick leave/part-time faculty	3/27/2006	6/7/2006
186	SSB 6401	Charter licenses	3/24/2006	6/7/2006
124	SSB 6406	Assault of child/second deg	3/20/2006	7/1/2006*
	SB 6411	Collective bargaining		V
	SB 6412	Superior court judges		V
190	SB 6415	Driver's exam/interpreters	3/24/2006	6/7/2006
65	SB 6416	Pyramid promotional schemes	3/15/2006	6/7/2006
191	SSB 6417	Sexual conduct with animal	3/24/2006	6/7/2006
66	SB 6418	Dental hygienist license	3/15/2006	6/7/2006
285	ESSB 6427	Comprehensive plans	3/28/2006	6/7/2006
183	ESSB 6428	Electronic product recycling	3/24/2006	PV 7/1/2006
86	SB 6429	Native American information	3/17/2006	7/1/2006
159	SSB 6439	Coastal crab fisheries	3/20/2006	6/7/2006
286	SSB 6441	Distraint of personal prprty	3/28/2006	6/7/2006
244	SB 6453	Minimum monthly benefit	3/27/2006	7/1/2006
67	E2SSB 6459	Community-based health care	3/15/2006	6/7/2006
123	2SSB 6460	Crime with sexual motivation	3/20/2006	7/1/2006
48	SB 6463	Limited liability companies	3/14/2006	6/7/2006
347	SSB 6473	Telecommunications companies	3/30/2006	6/7/2006
115	ESSB 6475	Cert of academic achievement	3/20/2006	6/7/2006**
321	E2SSB 6480	Apprenticeship utilization	3/29/2006	6/7/2006
322	SB 6504	Public hospital districts	3/29/2006	6/7/2006
338	ESSB 6508	Renewable fuel	3/30/2006	7/1/2006
323	SSB 6512	Truck stop air quality	3/29/2006	6/7/2006
129	SSB 6519	Sex offender registration	3/20/2006	6/7/2006*
160	SSB 6527	Milwaukee road trail	3/20/2006	6/7/2006
324	SSB 6528	Roadside tire chain business	3/29/2006	6/7/2006
325	SB 6531	Limited liability companies	3/29/2006	6/7/2006
245	SSB 6533	Syrup taxes	3/27/2006	7/1/2006
49	ESB 6537	Shipment of wine	3/14/2006	6/7/2006
85	SB 6539	Alcoholic beverage licenses	3/17/2006	6/7/2006
359	SSB 6540	Processing liquor licenses	3/30/2006	6/7/2006
246	SB 6541	Tobacco master settlement	3/27/2006	6/7/2006
326	SB 6545	Vehicle license plates	3/29/2006	6/7/2006
50	SB 6549	Commercial vehicles	3/14/2006	6/7/2006
327	SSB 6552	Commercial driver's licenses	3/29/2006	6/7/2006
328	SSB 6555	Special purpose districts	3/29/2006	PV 6/7/2006
247	2SSB 6558	Motion picture industry	3/27/2006	6/7/2006
329	ESSB 6566	Commute trip reduction	3/29/2006	6/7/2006
287	SB 6568	Animal fighting	3/28/2006	6/7/2006
288	SSB 6570	Retail installment contracts	3/28/2006	6/7/2006
289	SSB 6571	Motor vehicle dealers	3/28/2006	6/7/2006
51	SSB 6572	Landlord-tenant act	3/14/2006	6/7/2006
136	SB 6576	Sex offender information	3/20/2006	6/7/2006
135	ESSB 6580	Sex & kidnapping offenders	3/20/2006	6/7/2006**
169	E2SSB 6581	Columbia river basin	3/22/2006	6/7/2006
52	SB 6596	Washington corporations	3/14/2006	3/14/2006
360	SSB 6597	Trusts and estates	3/30/2006	6/7/2006
68	ESB 6606	Edu interpreters for hearing	3/15/2006	6/7/2006
290	SSB 6613	Internet gambling	3/28/2006	6/7/2006
369	SSB 6617	Farms plans	3/31/2006	6/7/2006*
352	SSB 6618	High school assessments	3/30/2006	6/7/2006
303	E2SSB 6630	Threatening individuals	3/29/2006	6/7/2006
248	ESSB 6635	Adoption	3/27/2006	6/7/2006
249	SB 6637	Adult family home providers	3/27/2006	6/7/2006
69	SB 6658	Mental health counselors	3/15/2006	6/7/2006
330	ESB 6661	Beer commission	3/29/2006	6/7/2006*
192	SSB 6670	Court filing fees	3/24/2006	6/7/2006

CHPT#	BILL NO.	SUBJECT	GOVERNOR SIGNED	VETO/PVEFFECTIVE DATES
301	SSB 6671	Professional employer org	3/29/2006	7/1/2006
17	SB 6674	Tacoma Narrows bridge	3/09/2006	6/7/2006
291	SSB 6676	Vehicle reports of sale	3/28/2006	6/7/2006
70	ESSB 6679	Train speeds	3/15/2006	6/7/2006
292	SB 6680	Driver's licenses	3/28/2006	6/7/2006
361	SSB 6686	Local sales and use tax	3/30/2006	6/7/2006
293	SSB 6717	Criminal background checks	3/28/2006	6/7/2006
294	SB 6720	Criminal history record info	3/28/2006	6/7/2006
345	SB 6723	LEOFFRS killed at work	3/30/2006	6/7/2006
250	SB 6731	Sellers of travel	3/27/2006	6/7/2006
251	ESB 6741	Services to children	3/27/2006	6/7/2006
331	SB 6762	Hazards to motorcycles	3/29/2006	6/7/2006
71	SB 6766	National guard scholarship	3/15/2006	6/7/2006
125	SSB 6775	Criminal trespass/children	3/20/2006	3/20/2006
193	ESSB 6776	Sale of telephone records	3/24/2006	6/7/2006
	SSB 6781	Environmental remediation		V
332	ESSB 6787	Passenger ferry service	3/29/2006	6/7/2006
362	SSB 6791	Ferries/liquor licenses	3/30/2006	6/7/2006
333	2SSB 6793	Persons with mental disorder	3/29/2006	7/1/2006*
334	ESSB 6800	Transportation governance	3/29/2006	7/1/2006
227	ESSB 6802	Air pollution control boards	3/27/2006	6/7/2006
295	SSB 6806	Domestic violence	3/28/2006	6/7/2006
335	SB 6816	Cemetery districts	3/29/2006	6/7/2006
302	2SSB 6823	Distribution of beer & wine	3/29/2006	4/14/2006*
336	SB 6826	Public transit services	3/29/2006	6/7/2006
337	ESSB 6839	Transportation accounts	3/29/2006	6/7/2006*
194	SSB 6840	Energy efficiency	3/24/2006	6/7/2006
296	SSB 6851	Mobile/manufactured homes	3/28/2006	6/7/2006
170	SB 6861	Domestic water users	3/22/2006	6/7/2006
53	ESSB 6870	Pilotage training program	3/14/2006	6/7/2006
300	SSB 6874	Timber tax incentives	3/29/2006	7/1/2006***
13	ESSB 6885	Unemployment insurance	3/08/2006	6/7/2006**
56	ESSB 6896	State funding stabilization	3/15/2006	3/15/2006*

**HOUSE BILLS PASSED REGULAR SESSION BY
BOTH SENATE AND HOUSE SHOWING THE ACTION BY THE GOVERNOR THEREON**

**Fifty-Ninth Legislature
2006 Regular Session**

CHPT#	BILL NO.	SUBJECT	GOVERNOR SIGNED	VETO/PV	EFFECTIVE DATES
195	ESHB1010	Renewable energy	3/24/2006		6/7/2006
196	ESHB 1020	Electrical transmission	3/24/2006		6/7/2006
197	EHB 1069	Audits of tax preferences	3/24/2006		6/7/2006
228	ESHB 1080	Dependent persons	3/27/2006		6/7/2006
269	SHB 1107	Children with disabilities	3/28/2006		6/7/2006*
348	3SHB 1226	Campaign contribution limits	3/30/2006		6/7/2006
110	SHB 1257	Motorcycle insurance	3/17/2006		6/7/2006
27	HB 1305	Emergency vehicles	3/14/2006		6/7/2006
299	EHB 1383	Health savings account	3/29/2006		6/7/2006
176	2SHB 1384	Joint operating agencies	3/22/2006		6/7/2006
363	HB 1439	Electronic & web-based bids	3/31/2006	PV	6/7/2006
18	3SHB 1458	On-site sewage/marine areas	3/09/2006		6/7/2006
198	HB 1471	Authentication of documents	3/24/2006		6/7/2006
304	4SHB 1483	Investing in youth program	3/29/2006		7/1/2006
28	SHB 1504	Abandoned vehicle auctions	3/14/2006		6/7/2006
305	SHB 1510	Prpry tx exmptn/nonprofits	3/29/2006		6/7/2006
142	SHB 1523	Vegetable seeds	3/20/2006		7/1/2006
29	HB 1641	Vessel registration	3/14/2006		6/7/2006
270	SHB 1650	Citations and infractions	3/28/2006		6/7/2006
165	ESHB 1672	Safe patient handling	3/22/2006		6/7/2006
224	SHB 1841	Electrical trainees	3/27/2006		6/7/2006
72	ESHB 1850	Volunteer medical worker	3/15/2006		6/7/2006
271	HB 1966	Identity theft	3/28/2006		6/7/2006
266	2SHB 2002	Foster care support services	3/28/2006		6/7/2006
272	SHB 2033	Municipal b & o taxation	3/28/2006		1/1/2008
364	ESHB 2056	Recreational vehicle shows	3/31/2006		6/7/2006
199	SHB 2155	State publications	3/24/2006		6/7/2006
229	SHB 2233	Tuition waiver for veterans	3/27/2006		6/7/2006
8	2SHB 2292	Health care liability reform	3/06/2006		6/7/2006
223	EHB 2322	Phosphorus in dish detergent	3/27/2006		6/7/2006
109	HB 2328	Insanity defense	3/17/2006		6/7/2006
143	HB 2330	Crab pot buoy tag program	3/20/2006		6/7/2006
9	SHB 2333	Home care agency workers	3/07/2006		7/1/2006
21	HB 2338	Mortgage lending fraud acct	3/09/2006		6/7/2006
19	EHB 2340	Mortgage brokers	3/09/2006		1/1/2007
108	2SHB 2342	Health care declarations	3/17/2006		6/7/2006
20	SHB 2344	Superior court judges	3/09/2006		6/7/2006
200	SHB 2345	Fire protection services	3/24/2006		6/7/2006
182	HB 2348	Aluminum smelters	3/23/2006		6/7/2006
201	ESHB 2352	Net metering	3/24/2006		6/7/2006
54	E2SHB 2353	Family child care providers	3/15/2006		6/7/2006*
11	HB 2364	Credit union & state charter	3/07/2006		6/7/2006
202	HB 2366	Privileged communications	3/24/2006		6/7/2006
22	HB 2367	Tribal police officers	3/09/2006		1/1/2007
3	SHB 2370	Low-income home energy asst	1/12/2006		1/12/2006
23	SHB 2372	Hunter education	3/09/2006		6/7/2006
24	SHB 2376	Cost-sharing/medical program	3/09/2006		6/7/2006
203	HB 2379	Nonprobate assets under will	3/24/2006		6/7/2006
204	HB 2380	Transfers to minors act	3/24/2006		7/1/2007
	HB 2381	Beaver relocation permit		V	
158	SHB 2382	Bovine handling facilities	3/20/2006		6/7/2006
340	SHB 2384	State geological survey	3/30/2006		6/7/2006
144	HB 2386	Commercial geoduck harvest	3/20/2006		6/7/2006
107	SHB 2394	Financial literacy	3/17/2006		1/1/2007
205	SHB 2402	Energy facilities	3/24/2006		6/7/2006
25	HB 2406	Insurance statutes	3/09/2006		6/7/2006*
130	SHB 2407	Monitoring sex offenders	3/20/2006		6/7/2006
126	HB 2409	Sex/kidnapping offenders	3/20/2006		3/20/2006***
175	SHB 2414	Academic assessment syste	3/22/2006		6/7/2006
187	SHB 2415	Victim of uninsured motorist	3/24/2006		6/7/2006
141	SHB 2416	State park fees	3/20/2006		4/9/2006
349	E2SHB 2418	Affordable housing	3/30/2006	PV	6/7/2006
5	SHB 2419	Lieutenant governors	2/07/2006		2/7/2006
7	HB 2424	Tax exemption/farm fuel	3/06/2006		3/6/2006

CHPT#	BILL NO.	SUBJECT	GOVERNOR SIGNED	VETO/PV	EFFECTIVE DATES
346	SHB 2426	Utilities & transportatn com	3/30/2006		6/7/2006
121	SHB 2446	School district contracting	3/20/2006		6/7/2006
30	HB 2454	Sexual assault advocates	3/14/2006		6/7/2006
172	SHB 2457	Tax relief/farm machinery	3/22/2006		7/1/2006
306	HB 2465	Vehicle equipment standards	3/29/2006		6/7/2006
177	HB 2466	Tax relief for aerospace	3/23/2006		7/1/2006*
252	SHB 2471	Veteran homeownership	3/27/2006		6/7/2006
106	ESHB 2475	Individual providers	3/17/2006		3/17/2006
206	HB 2477	Election laws	3/24/2006		6/7/2006
207	ESHB 2479	Voting equipment	3/24/2006		6/7/2006
145	SHB 2481	Insuring victims of crimes	3/20/2006		6/7/2006
253	SHB 2497	National guard	3/27/2006		6/7/2006
105	2SHB 2498	Cluster-based economic dev	3/17/2006		6/7/2006
104	SHB 2500	Health carrier information	3/17/2006		6/7/2006
74	HB 2501	Mental health services	3/15/2006		3/15/2006
234	ESHB 2507	False college degress	3/27/2006		6/7/2006
209	HB 2520	Public disclosure law	3/24/2006		7/1/2006
254	SHB 2537	Workers' comp applications	3/27/2006		6/7/2006
31	SHB 2538	Warrants/chapter 49.17 RCW	3/14/2006		6/7/2006
210	SHB 2543	911 advisory committee	3/24/2006		6/7/2006
273	HB 2544	Public works board projects	3/28/2006		3/28/2006
274	SHB 2553	Service contracts	3/28/2006		10/1/2006
225	HB 2562	Flavored malt beverage	3/27/2006		6/7/2006
188	HB 2567	Methamphetamine precursors	3/24/2006		6/7/2006
275	SHB 2569	Property tax deferral prgm	3/28/2006		6/7/2006
255	E2SHB 2572	Small employer health ins	3/27/2006		6/7/2006
103	SHB 2573	Health info technology	3/17/2006		6/7/2006
307	E2SHB 2575	Health technology assessment	3/29/2006	PV	6/7/2006**
138	SHB 2576	Sexual assault victims	3/20/2006		6/7/2006
113	EHB 2579	Educational assessments	3/20/2006		6/7/2006
308	2SHB 2583	Comm/tech college employee	3/29/2006		6/7/2006
162	SHB 2596	Cosmetology apprenticeship	3/21/2006		6/7/2006
211	HB 2606	Volunteer fire personnel	3/24/2006		6/7/2006
26	SHB 2608	VFF&RO's relief & pension	3/09/2006		6/7/2006
268	HB 2612	Failure to secure a load	3/28/2006		6/7/2006
212	HB 2617	Off-road vehicles	3/24/2006		6/7/2006
178	SHB 2640	Biotechnology product	3/23/2006.		7/1/2006
213	HB 2644	Public utility tax credit	3/24/2006		7/1/2006
75	ESHB 2651	Animal information	3/15/2006		6/7/2006*
134	SHB 2654	Sex offender treatment	3/20/2006		6/7/2006
4	ESHB 2661	Human rights commission	2/03/2006		6/7/2006
111	SHB 2670	Hospital benefit zones	3/17/2006		7/1/2006
256	HB 2671	Excise tax relief	3/27/2006		6/7/2006*
181	E2SHB 2673	Local infrastructure	3/23/2006	PV	7/1/2006
32	HB 2676	Interlocal agreements	3/14/2006		6/7/2006
276	SHB 2678	Pollutn liability ins agency	3/28/2006		6/7/2006
257	ESHB 2680	TERS service credit	3/27/2006		1/1/2007
365	HB 2681	Retirement contribution rate	3/31/2006		7/1/2009
33	SHB 2684	Vesting after 5 years	3/14/2006		6/7/2006
309	ESHB 2685	Public safety employees' ret	3/29/2006		3/29/2006
350	SHB 2688	LEOFFRS plan 1	3/30/2006	PV	6/7/2006*
214	HB 2690	Additional service credit	3/24/2006		7/1/2006
189	SHB 2691	Retirement for justices	3/24/2006		1/1/2007
208	SHB 2695	Ballot notice requirements	3/24/2006		6/7/2006
277	HB 2704	Organized retail theft	3/28/2006		6/7/2006
215	SHB 2713	Ballot measures	3/24/2006		6/7/2006
76	SHB 2715	Interoperability exec comm	3/15/2006		6/7/2006
258	EHB 2716	Nursing facility payment	3/27/2006		7/1/2006
77	SHB 2723	Real estate disclosure	3/15/2006		6/7/2006
34	SHB 2726	Small manufacturers	3/14/2006		6/7/2006
343	2SHB 2754	Veterans innovations program	3/30/2006		6/7/2006
35	SHB 2759	Transfer of real property	3/14/2006		6/7/2006
36	SHB 2776	Home heating fuel	3/14/2006		6/7/2006
310	SHB 2778	Convention/tourism promotion	3/29/2006		6/7/2006
216	SHB 2780	Payroll deductions	3/24/2006		1/1/2007
161	2SHB 2789	Apprenticeship opportunities	3/21/2006		4/1/2006
218	2SHB 2799	Solar hot water	3/24/2006		7/1/2006
226	SHB 2804	Nonprofit schools/tax exempt	3/27/2006		6/7/2006
102	2SHB 2805	Missing persons	3/17/2006		6/7/2006**
119	SHB 2812	School district levies	3/20/2006		6/7/2006

CHPT#	BILL NO.	SUBJECT	GOVERNOR SIGNED	VETO/PVEFFECTIVE DATES
180	SHB 2817	Higher edu/technology	3/23/2006	6/7/2006
219	HB 2829	Driver training schools	3/24/2006	3/24/2006
120	SHB 2836	Reading achievement account	3/20/2006	6/7/2006
259	ESHB 2848	Domestic violence info	3/27/2006	6/7/2006
78	HB 2857	Student regents & trustees	3/15/2006	6/7/2006
6	E2SHB 2860	Columbia river basin	2/16/2006	7/1/2006**
166	SHB 2867	WSU Tri-Cities	3/22/2006	6/7/2006
311	ESHB 2871	Regional trans governance	3/29/2006	6/7/2006*
37	HB 2874	Design-build/trans projects	3/14/2006	6/7/2006
38	SHB 2876	Sound & video recordings	3/14/2006	6/7/2006
312	HB 2879	Real estate excise tax	3/29/2006	3/29/2006
278	SHB 2880	Insurance premiums tax	3/28/2006	3/28/2006
279	ESHB 2884	Reclaimed water	3/28/2006	6/7/2006
101	HB 2897	Caterer's liquor license	3/17/2006	6/7/2006
217	SHB 2898	Distributing communications	3/24/2006	6/7/2006
146	SHB 2908	Island county boundaries	3/20/2006	6/7/2006
79	EHB 2910	Environmental education	3/15/2006	6/7/2006
147	SHB 2917	Agricultural lands	3/20/2006	6/7/2006
260	ESHB 2925	Assisted living facility	3/27/2006	7/1/2006
39	HB 2932	LEOFFRS disability allowce	3/14/2006	3/14/2006
351	SHB 2933	LEOFFRS death benefit	3/30/2006	6/7/2006
171	E3SHB 2939	Energy freedom program	3/22/2006	6/7/2006*
40	ESHB 2951	Firearms training	3/14/2006	6/7/2006
148	SHB 2958	Nontoxic shot	3/20/2006	6/7/2006
265	2SHB 2964	Department of early learning	3/28/2006	7/1/2006
100	HB 2972	Community rates/health plans	3/17/2006	6/7/2006**
114	SHB 2973	Career & tech high school	3/20/2006	PV 6/7/2006
99	SHB 2974	Health profession discipline	3/17/2006	6/7/2006*
220	HB 2975	State securities act	3/24/2006	6/7/2006
10	SHB 2976	WWU collective bargaining	3/07/2006	3/7/2006
149	ESHB 2984	Affordable housing incentive	3/20/2006	6/7/2006
221	SHB 2985	Foster care health unit	3/24/2006	6/7/2006
297	SHB 2987	Vehicle gross weight	3/29/2006	6/7/2006
222	HB 2991	Metropolitan park districts	3/24/2006	6/7/2006
98	HB 3001	Limousine	3/17/2006	11/1/2006
280	HB 3019	Charter counties	3/28/2006	6/7/2006
261	SHB 3024	Schools/public works project	3/27/2006	6/7/2006
150	SHB 3033	Animal identification	3/20/2006	6/7/2006
97	HB 3041	Voter registration	3/17/2006	6/7/2006
96	HB 3048	Family support act	3/17/2006	6/7/2006
41	HB 3056	Payment of claims	3/14/2006	6/7/2006*
262	2SHB 3070	Nonprofit housing	3/27/2006	6/7/2006
80	EHB 3074	Military status/defendants	3/15/2006	6/7/2006
264	ESHB 3079	Health care services	3/27/2006	PV 6/7/2006
42	SHB 3085	Public lands statutes	3/14/2006	6/7/2006
81	SHB 3087	Course materials/colleges	3/15/2006	6/7/2006
263	E2SHB 3098	State board of education	3/27/2006	6/7/2006*
179	SHB 3113	Access to higher education	3/23/2006	6/7/2006*
353	2SHB 3115	Foster care critical support	3/30/2006	PV 6/7/2006
82	SHB 3120	Tort claims against govt	3/15/2006	6/7/2006
95	HB 3122	Child protective services	3/17/2006	6/7/2006
116	ESHB 3127	Education	3/20/2006	PV 6/7/2006
43	SHB 3128	Sale of wine	3/14/2006	6/7/2006
163	HB 3134	Compensation for disability	3/21/2006	6/7/2006
94	SHB 3137	State patrol officers	3/17/2006	6/7/2006*
93	HB 3139	Kinship caregivers	3/17/2006	6/7/2006
92	SHB 3150	Wine industry	3/17/2006	6/7/2006
44	HB 3154	Retail sale of beer	3/14/2006	6/7/2006
91	HB 3156	Low-income persons	3/17/2006	6/7/2006
354	EHB 3159	Excise tax on food products	3/30/2006	PV 7/1/2006*
281	SHB 3164	Personal prop tax exemption	3/28/2006	1/1/2007**
164	SHB 3178	State ferry employees	3/21/2006	3/21/2006*
90	SHB 3182	Tribal foster care licensing	3/17/2006	6/7/2006
89	SHB 3185	Wage payment requirements	3/17/2006	6/7/2006
84	SHB 3190	Semiconductor cluster	3/16/2006	6/7/2006**
88	EHB 3192	Property owners	3/17/2006	6/7/2006
282	HB 3205	Conditional release	3/28/2006	6/7/2006
151	ESHB 3222	Livestock manure	3/20/2006	7/1/2006
133	HB 3252	Sex offenders	3/20/2006	6/7/2006
313	EHB 3261	Sentence review board	3/29/2006	PV 3/29/2006

CHPT#	BILL NO.	SUBJECT	GOVERNOR SIGNED	VETO/PVEFFECTIVE DATES
83	HB 3266	State route 169	3/15/2006	6/7/2006
122	HB 3277	Sex offense/special verdict	3/20/2006	3/20/2006*
12	EHB 3278	Unemployment insurance	3/08/2006	6/7/2006*
366	SHB 3282	Hood Canal account	3/31/2006	6/7/2006
167	ESHB 3316	General obligation bonds	3/22/2006	3/22/2006
73	HB 3317	DUI penalties	3/15/2006	7/1/2007

**SENATE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH SENATE AND HOUSE****Fifty-Ninth Legislature
2006 Regular Session****Senate Bill No.****Status Title**

SENATE JOINT MEMORIALS

ESJM 8019

Federal-state intl trade

SENATE CONCURRENT RESOLUTIONSSCR 8414
ESCR 8419
SCR 8423
SCR 8425
SCR 8426Cutoff dates 2006 session
Cutoff exemption HB 3317
Homeowners' assoc committee
Bills to house of origin
Adjourning Sine Die S

**HOUSE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH SENATE AND HOUSE****Fifty-Ninth Legislature
2006 Regular Session**

House Bill No.**Status Title****HOUSE JOINT MEMORIALS**

HJM 4023	Kidney care quality act
HJM 4031	Marine mammal protection act
HJM 4038	Diabetes educators

HOUSE JOINT RESOLUTIONS

HJR 4223	Personal prop tax exemption
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HOUSE CONCURRENT RESOLUTIONS

HCR 4412	Gov notified/ leg organized
HCR 4413	Reintroduction of bills
HCR 4414	State of the state address
HCR 4415	Names of state facilities
HCR 4417	State medal of valor

HISTORY OF SENATE BILLS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5005		185				14
5016		186				
5017		164				
5042-S				71	71, 594, 999(P), 1000(S)	C132
5048			395	396	395, 880, 919(P), 1107(S)	C14
5063						14
5106				204	203, 1565	
5126			238			
5126-S			238	238	1565	
5141		213	405			
5141-S			405	405	1565	
5160				184	184, 1565	
5164-S						14
5179			233	234	233, 234, 1252, 1253, 1253, 1562(P), 1563(S)	C342
5183		51, 118				
5204-S			212	213	212, 213, 594, 999(P), 1000(S)	C283
5232			274	274	274, 882, 882, 919(P), 1107(S)	C15
5236		138	375			
5236-S			375	375	820, 1177(P), 1349(S)	C230
5270-S						14
5305-S				203	203, 919, 1357, 1358, 1562(P), 1563(S)	C231
5318			183			
5318-S			183	184	1565	
5319			472, 474	474	472, 1565	
5325				232	231, 1565	
5327		164				14
5329				88	87, 1565	
5330			332	333	332, 333, 919, 1356, 1356, 1562(P), 1563(S)	C314
5333		51, 143, 214	374		146	
5333-S2			374	374	1565	
5360-S			86	87	86, 1565	
5380						14
5385-S			256	257	255, 257, 893, 895, 895, 1468(P), 1501(S)	C152
5439			393	394	681, 821(P), 880(S)	C45
5462			375	376	375, 376, 1565	
5473						14
5527			226	231	1565	
5535-S			87	87	87, 1070, 1071, 1071, 1468(P), 1501(S)	C232
5551-S			203	203	203, 1565	
5590		176				
5609			402	402	402, 1565	
5611-S				72	71, 1565	
5636				204	204, 1565	
5641		51				
5654			424			
5654-S				425	1212, 1213, 1562(P), 1563(S)	C355
5714			72	72	72, 1071, 1072, 1072, 1177(P), 1349(S)	C55
5717-S		118	373		14	
5717-S2			373	374	594, 999(P), 1000(S)	C118
5724		214				
5789-S		164				14

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5790						14
5838-S				290	290, 594, 999(P), 1000(S)	C233
5844		186				
5849			185			
5849-S			185	185		1565
5866						14
5878						14
5904						14
5913			200			
5913-S			200	203	202, 1565	
5943		143				
6005		112, 214				14, 114
6010			225	226	225, 226, 1565	
6025-S				71		71, 1565
6056		118				
6059			163	163	882, 883, 1177(P), 1349(S)	C356
6101						14
6106		143	314			
6106-S			314, 317	317	895, 898, 1177(P), 1349(S)	C235
6130		214				
6131	4					
6132	4	138				
6133	4	118	353			
6133-S			353	353		1565
6134	4	176				
6135	4					
6136	4					
6137	4					
6138	4					
6139	4					
6140	5					
6141	5	74, 214	405			
6141-S			405	405	917, 1177(P), 1349(S)	C184
6142	5					
6143	5					
6144	5	186	262			
6144-S			262	262	994, 1213, 1562(P), 1563(S)	C127
6145	5	214				
6146	5					
6147	5					
6148	5					
6149	5	66				
6150	5	130				
6151	5	130	404			
6151-S			404	404	1234, 1562(P), 1563(S)	C168
6152	5	112	258	259	259, 680, 821(P), 880(S)	C315
6153	5					
6154	5					
6155	6					
6156	6	89				
6157	6	164				
6158	6	130				
6159	6	74	235	235	680, 821(P), 880(S)	C57
6160	6	66				
6161	6	74	209			
6161-S			209	209	594, 919(P), 1107(S)	C16
6162	6	74	318	318		1565
6163	6	164				
6164	6	186				
6165	6	186, 214				

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6166	6	118	255			
6166-S			255	255		1565
6167	6	89				
6168	6	74	342			
6168-S			342	342	594, 999(P), 1000(S)	C87
6169	7	89	341	341	681, 821(P), 880(S)	C58
6170	7	89				
6171	7	89, 215	398			
6171-S			398	398		1565
6172	7	186, 215	262			
6172-S2			262	263	1048, 1058, 1177(P), 1349(S)	C139
6173	7					
6174	7					
6175	7	112, 215	521			
6175-S2			521	524	524, 1253, 1256, 1256, 1562(P), 1563(S)	C341
6176	7					
6177	7					
6178	7					
6179	7	66				
6180	7	112				
6181	7	74				
6182	7	118				
6183	8	89, 215				
6184	8					
6185	8	186	234			
6185-S			234	234	721, 821(P), 880(S)	C59
6186	8	143				
6187	8	66	209	209		1565
6188	8	130	230			
6188-S			230	231	883, 884, 1177(P), 1349(S)	C367
6189	8	130	350			
6189-S			350	350	594, 999(P), 1000(S)	C60
6190	8	89				
6191	8	82				
6192	8	66	210			
6192-S			210	210	210, 211, 1565	
6193	8	82, 215	354			
6193-S2			354	354	1232, 1233, 1562(P), 1563(S)	C236
6194	8	89, 215	353	353	1206, 1207, 1562(P), 1563(S)	C237
6195	8	130, 215	374			
6195-S2			375	375		1565
6196	8	74	290			
6196-S			290	290	1207, 1208, 1562(P), 1563(S)	C238
6197	9	130, 215	342			C239
6197-S2			342	342	1234, 1236, 1563(S), 1563(P)	C239
6198	9					
6199	9	99				
6200	9	143				
6201	9	118	405			
6201-S			405	406		1565
6202	9					
6203	9					
6204	9	99				
6205	9	130				
6206	9	94				
6207	9	118, 216				120
6208	9	164	420	420	681, 821(P), 880(S)	C46
6209	9	130				
6210	9					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6211	9	186				
6212	9					
6213	10	186				
6214	10	187				
6215	10					
6216	10	187				
6217	10	99				
6218	10					
6219	10	66	257	257		
6220	10					
6221	10	143	234			
6221-S			234	235	1565	
6222	10	187				
6223	10	164	345			
6223-S			345	346	1072, 1074, 1468(P), 1501(S)	C153
6224	10					
6225	10	187	313			C185
6225-S			313	313	1074, 1075, 1468(P), 1501(S)	C185
6226	11					
6227	11					
6228	11					
6229	11					
6230	11	138	1205			
6230-S			1205	1205	1546, 1562(P), 1563(S)	C298
6231	11	74	183	183	594, 999(P), 1000(S)	C61
6232	11	74	353			
6232-S			353, 354	354	1565	
6233	11					
6234	11	164, 216	355			
6234-S			355	359	884, 888, 1177(P), 1349(S)	C284PV
6235	11	94				
6236	11	34	149	162	160, 162, 681, 821(P), 880(S)	C344
6237	11	540				
6238	12					
6239	12	187, 216	293			
6239-S2			293	307	307, 1214, 1221, 1562(P), 1563(S)	C339
6240	12					
6241	12	441	445			C370PV
6241-S			445	445	1000, 1468(P), 1501, 1523, 1563(S)	C370PV
6242	12	143				
6243	12	143				
6244	24	118	313			
6244-S			313	314	314, 1047, 1048, 1048, 1177(P), 1349(S)	C316
6245	24	82				
6246	24	131	229			
6246-S			229	230	820, 1177(P), 1349(S)	C317
6247	24	99	317			
6247-S			317	318	917, 1177(P), 1349(S)	C318
6248	25	131	318	318	888, 1177(P), 1349(S)	C368
6249	25					
6250	25					
6251	25					
6252	25	138				
6253	25					
6254	25					
6255	25	66, 216	359			
6255-S			359	359	1058, 1059, 1060, 1177(P),	C117

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
					1349(S)	
6256	25	131				
6257	25	99	209			
6257-S			209	210	997, 1379, 1562(P), 1563(S)	C173
6258	25					
6259	25					
6260	25					
6261	25					
6262	25	99	232			
6262-S			232	232	1565	
6263	26	94				
6264	26	66	210	210	880, 1177(P), 1349(S)	C154
6265	26					
6266	26	131				
6267	26	94				
6268	26	138				
6269	26	138				
6270	26					
6271	26					
6272	26					
6273	26					
6274	26					
6275	26					
6276	26					
6277	26	131				29
6278	26	144				
6279	27					
6280	27	138	231	231	880, 1177(P), 1349(S)	C319
6281	27	112				
6282	27	51				
6283	27	75				
6284	27	187				
6285	27					
6286	27					
6287	27	131	346			
6287-S			346	346	1060, 1061, 1563(S), 1563(P)	C357
6288	27					
6289	27					
6290	27					
6291	27	138				
6292	27	164	418			
6292-S			418	418	1565	
6293	27	112				29
6294	28	89				
6295	28					
6296	28					
6297	28					
6298	28	165				
6299	28					
6300	28					
6301	28	187				
6302	28					
6303	28					
6304	28					
6305	28	144	211			
6305-S			211	211	1565	
6306	28					
6307	28					
6308	35	176	354	355		
6308-S					901, 902, 1177(P), 1349(S)	C267

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6309	35					352
6310	35					
6311	35					
6312	35					
6313	35					
6314	35					
6315	35	187	263			
6315-S			263	264	263, 1565	
6316	35					
6317	35					
6318	36					
6319	36	187, 216	261			
6319-S2			261	261	1075, 1086, 1087, 1177(P), 1349(S)	C128
6320	36	188	261			
6320-S			261	262	820, 1177(P), 1349(S)	C137
6321	36	165				
6322	36	188	262			
6322-S			262	262	1565	
6323	36	144	260			
6323-S			260	261	1211, 1212, 1562(P), 1563(S)	C240
6324	36	165				
6325	36	43, 188	264			
6325-S			264	264	1133, 1358, 1359, 1562(P), 1563(S)	C131
6326	36	112, 441	458			114
6326-S2			458	458	1236, 1237, 1562(P), 1563(S)	C112
6327	36	165				
6328	36	112				
6329	36					
6330	37	112, 216	365			
6330-S			365	365	998, 1357, 1562(P), 1563(S)	Vetoed
6331	37	176				
6332	37					
6333	37					
6334	37	89	272	273		1565
6335	37					
6336	37	144	254			42
6336-S			254	254		1565
6337	37	113				
6338	37	138	255	255	680, 821(P), 880(S)	C62
6339	37	131				
6340	37					
6341	37	165, 216				42, 174
6342	37	176	372	373		1565
6343	37					
6344	37	176	238	238		1565
6345	38					
6346	38					
6347	38	131				
6348	38	188				
6349	38					
6350	38					
6351	38					
6352	38	139				
6353	38					
6354	38	82, 188				
6355	38					
6356	38	188				
6357	38	188				

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6358	38					
6359	38	131	204			
6359-S			204	204	681, 821(P), 880(S)	C47
6360	39					
6361	39					
6362	39	144	352			
6362-S			352	353	1134, 1357, 1357, 1357, 1563(S), 1563(P)	C320
6363	39	144				
6364	39	188	363	363	1061, 1062, 1468(P), 1501(S)	C140
6365	39	176	345			
6365-S			345	345	1221, 1224, 1562(P), 1563(S)	C358
6366	39	75, 216	359			
6366-S			359	361	360, 1068, 1540, 1541, 1541, 1562(P), 1563(S)	C63
6367	39	188	376			
6367-S			376	377	1565	
6368	39	441	447	447	1356, 1562(P), 1563(S)	C241
6369	39	139	377			
6369-S			377	377	1060, 1177(P), 1349(S)	Vetoed
6370	39					
6371	39	75	230	230	594, 999(P), 1000(S)	C155
6372	39	188				
6373	39	132	373	373	888, 889, 1177(P), 1349(S)	C64
6374	39	132				
6375	40	90				
6376	40	90	406	406	594, 999(P), 1000(S)	C156
6377	40	119	210			C157
6377-S			210	211	889, 891, 1177(P), 1349(S)	C157
6378	40	51, 189				
6379	40	75, 441	470	470	1565	
6380	40	75				
6381	40	99				
6382	40	94	280			C174
6382-S			280	280	594, 999(P), 1000(S)	C174
6383	40					
6384	40	441	455			
6384-S			455, 456	457	1023, 1124, 1468(P), 1468, 1499, 1563(S)	C371PV
6385	40	441	449			
6385-S			449	449	1565	
6386	40	441	446			
6386-S			446	447	920, 1124, 1382, 1467, 1468(P), 1563(S)	C372PV
6387	41					
6388	41				849	
6389	41					
6390	41					
6391	41	144	377			
6391-S			377, 378	379	379, 899, 900, 901, 1562(P), 1563(S)	C242
6392	41					
6393	41					
6394	41					
6395	41	43				
6396	41	99, 217	420		100	
6396-S			420, 421	421	1060, 1177(P), 1349(S)	C243
6397	41	132				
6398	41	217				
6399	43	139				
6400	43					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6401	43	189	421			
6401-S			422	422	594, 999(P), 1000(S)	C186
6402	43	189				
6403	44					
6404	44	165				
6405	44					
6406	44	189	264			
6406-S			264	264	681, 821(P), 880(S)	C124
6407	44					
6408	44					
6409	44	189	264			
6409-S			264	268	268, 1565	
6410	44					
6411	44	189	365	365	721, 999(P), 1000(S)	Vetoed
6412	44	189	424	424	880, 1177(P), 1349(S)	Vetoed
6413	44					
6414	44					
6415	44	189	399	399	1087, 1135, 1562(P), 1563(S)	C190
6416	44	165	279	280	594, 999(P), 1000(S)	C65
6417	44	189	333			
6417-S			334	334	721, 999(P), 1000(S)	C191
6418	44	144	419	419	880, 1177(P), 1349(S)	C66
6419	45	189				
6420	45	176				
6421	45	119				
6422	45	119				
6423	45	176				
6424	45	144				
6425	45					
6426	45					
6427	45	190	361			
6427-S			361	363	363, 1066, 1067, 1068, 1177(P), 1349(S)	C285
6428	45	132, 217	238			
6428-S			239, 247	248	247, 1094, 1103, 1104, 1468(P), 1501(S)	C183PV
6429	45	132	272	272	1068, 1177(P), 1349(S)	C86
6430	45				50	
6431	45	100				
6432	45	75				
6433	46	177, 217	330, 331	332	330, 332, 1565	
6434	46	132				
6435	46					
6436	46	90, 217				
6437	46	113				
6438	46	113, 217				
6439	46	132	258			
6439-S			258	258	902, 903, 1468(P), 1501(S)	C159
6440	46	90				
6441	46	94	280			
6441-S			281	281	594, 999(P), 1000(S)	C286
6442	46					
6443	46					
6444	47					
6445	47					
6446	47					
6447	47					
6448	47					
6449	47	217				
6450	47					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6451	47					
6452	47					
6453	47	132	281	281	820, 1177(P), 1349(S)	C244
6454	47	132	397	397	1565	
6455	47	132				
6456	47					
6457	48	133				
6458	48					
6459	48	145, 217	365			
6459-S2			365	367	366, 820, 1178(P), 1349(S)	C67
6460	48	190, 218	270		197	
6460-S2			270	270	880, 1178(P), 1349(S)	C123
6461	48					
6462	48	165				
6463	48	165	352	352	594, 999(P), 1000(S)	C48
6464	48	133, 218	417			
6464-S			417	418	1565	
6465	48	190	270			
6465-S			270	271	1565	
6466	48	113				
6467	48	218				
6468	49					
6469	49	165				
6470	49	165				
6471	49				419	
6472	49					
6473	49	119	399			
6473-S			399	399	594, 999(P), 1000(S)	C347
6474	49					
6475	49	90, 218	291			C115
6475-S			291, 292	293	293, 1062, 1065, 1066, 1562(P), 1563(S)	C115
6476	49					
6477	49					
6478	49	190	271			
6478-S			271	271	1565	
6479	49	166	271	271	1565	
6480	49	133, 218	329		134	
6480-S2			329	330	330, 680, 821(P), 880(S)	C321
6481	50					
6482	50	166				
6483	50	113			50	
6484	50	218				
6485	51	119				
6486	52	218				
6487	52	166				
6488	52	145			146	
6489	52					
6490	52	166				
6491	52	190				
6492	52	190			197	
6493	52	190	341	342	1565	
6494	52	177				
6495	52	166			174	
6496	52	190				
6497	52	190, 218	379		197	
6497-S2			379	385	384, 1565	
6498	52					
6499	52					
6500	53	219	538		57	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6500-S			538	539	1565	
6501	53	190, 219	367			
6501-S			367	370	370, 1565	
6502	53	177, 219	271		180	
6502-S			271	272	1565	
6503	53	166				
6504	53	166	399	399	594, 999(P), 1000(S)	C322
6505	53					
6506	53	66				
6507	53	166				
6508	53	166	346			
6508-S			346, 347, 348	349	348, 1104, 1106, 1107, 1178(P), 1349(S)	C338
6509	53	177				
6510	53	145				
6511	53	94				
6512	53	119, 442	458			
6512-S			458	458	1125, 1562(P), 1563(S)	C323
6513	53	166				
6514	53	166				
6515	54	119				
6516	54	167				
6517	54					
6518	54	167				
6519	54	191	272			
6519-S			272	272	1135, 1500, 1500, 1500, 1562(P), 1563(S)	C129
6520	54	167				
6521	54					
6522	54	119	417	417	1565	
6523	54	191				
6524	54	167				
6525	54	75				
6526	54	177				
6527	54	133	406			
6527-S			406	407	903, 1178(P), 1349(S)	C160
6528	54	90	318			
6528-S			318	318	1256, 1257, 1562(P), 1563(S)	C324
6529	55					
6530	55					
6531	55	167	328	328	594, 999(P), 1000(S)	C325
6532	55	167				
6533	55	442	457			
6533-S			457	457	1364, 1562(P), 1563(S)	C245
6534	55					
6535	55	191				
6536	55	63	280	280	1565	
6537	55	94	273	273	681, 821(P), 880(S)	C49
6538	55	94				
6539	55	133	370	370	594, 999(P), 1000(S)	C85
6540	55	94	226			
6540-S			226	227	1237, 1238, 1562(P), 1563(S)	C359
6541	55	139	364	364	1238, 1562(P), 1563(S),	C246
6542	55	177, 442	457			
6542-S2			458	458	1565	
6543	55					
6544	56					
6545	56	75	319	319	594, 999(P), 1000(S)	C326
6546	56	75				
6547	56	177				

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6548	56	219				
6549	56	219	319	319	680, 821(P), 880(S)	C50
6550	56					
6551	56					
6552	56	219	322			
6552-S			322	322	1257, 1562(P), 1563(S)	C327
6553	56	90				
6554	56					
6555	56	133	364			
6555-S			364	365	891, 892, 1178(P), 1349(S)	C328PV
6556	56					
6557	56	133, 442	458			
6557-S2			459	459	1565	
6558	56	191, 442	459			
6558-S2			459	459	1208, 1210, 1563(S), 1563(P)	C247
6559	56	119				
6560	58					
6561	58					
6562	58	191				
6563	58	219			62	
6564	59					
6565	59					
6566	59	167	319			
6566-S			319	320	1127, 1531, 1537, 1538, 1562(P), 1563(S)	C329
6567	59	133				
6568	59	191	377	377	892, 1178(P), 1349(S)	C287
6569	59	191, 219			197	
6570	59	145	419			
6570-S			420	420	594, 999(P), 1000(S)	C288
6571	59	145	254			
6571-S			254	254	594, 999(P), 1000(S)	C289
6572	59	191	281			
6572-S			281	282	594, 999(P), 1000(S)	C51
6573	59	139			62	
6574	59					
6575	59	100			62, 100	
6576	59	191	268	268	680, 821(P), 880(S)	C136
6577	59	139				
6578	59	133				
6579	60	177	363			
6579-S			364	364	1257	
6580	60	177	268			
6580-S			268	269	269, 594, 999(P), 1000(S)	C135
6581	60	191, 219	1360			
6581-S2			1360	1361	1360, 1546, 1562(P), 1563(S)	C169
6582	60					
6583	60					
6584	60					
6585	60					
6586	60	95				
6587	60	178			62	
6588	60	145				
6589	60					
6590	60	167				
6591	60					
6592	60					
6593	60					
6594	61	75	104			
6594-S			104	104	1565	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6595	61	192				62
6596	61	167	328	328	681, 821(P), 880(S)	C52
6597	61	192	273			
6597-S			273	273	1257, 1258, 1562(P), 1563(S)	C360
6598	61	192				197
6599	61	192				
6600	61					
6601	61	178				
6602	61					
6603	61	167				
6604	62	113, 442	447			62
6604-S2			447	447		1565
6605	62	145, 220				
6606	62	145	396	396	146, 681, 999(P), 1000(S)	C68
6607	62					
6608	63					
6609	63	168				
6610	63	168				
6611	63					
6612	63					
6613	63	192	404			
6613-S			404	405	820, 1178(P), 1349(S)	C290
6614	63					
6615	63	192				
6616	63					
6617	63	168	230			
6617-S			230	230	903, 904, 1178(P), 1349(S)	C369
6618	64	145, 220	290			
6618-S			290	291	1210, 1211, 1562(P), 1563(S)	C352
6619	64					
6620	64					
6621	64	168				
6622	64	168				
6623	64					
6624	64					65
6625	64	168	407			
6625-S			407	407		1565
6626	64					
6627	64					
6628	64	178, 220				180
6629	64					
6630	64	146, 220	342			
6630-S2			343	345	344, 1261, 1262, 1562(P), 1563(S)	C303
6631	64					
6632	64	192				
6633	65	192				
6634	65					
6635	65	178, 220	422			180
6635-S			422	424	423, 1224, 1225, 1225, 1562(P), 1563(S)	C248
6636	65					
6637	65	139	420	420	905, 1178(P), 1349(S)	C249
6638	65					
6639	65					
6640	65					
6641	65					
6642	65					
6643	68	168				
6644	68					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6645	68					
6646	68	178	371			
6646-S			371	372	371, 1565	
6647	68					
6648	68					
6649	68					
6650	68					
6651	68					
6652	68	178, 220	1362		71, 180	
6652-S			1362	1362		
6653	68	100				
6654	68	178			71	
6655	68	168				
6656	69	220	407	407	1565	
6657	69	168				
6658	69	133	281	281	681, 999(P), 1000(S)	C69
6659	69					
6660	69	193	399			
6660-S			400	401	401, 1565	
6661	69	119	282	287	282, 286, 905, 911, 911, 1178(P), 1349(S)	C330
6662	69					
6663	69					
6664	69					
6665	69					
6666	69					
6667	69					
6668	69	168				
6669	69					
6670	69	193	328		93	
6670-S			328	328	594, 999(P), 1000(S)	C192
6671	70	442	457			
6671-S			457	457	1210, 1562(P), 1563(S)	C301
6672	70					
6673	70	90				
6674	70	220	307	308	681, 919(P), 1107(S)	C17
6675	70					
6676	70	193	397			
6676-S			397	398	1210, 1562(P), 1563(S)	C291
6677	70					
6678	70					
6679	70	221	421			
6679-S			421	421	681, 999(P), 1000(S)	C70
6680	70	100	472	472	998, 1500, 1500, 1500, 1562(P), 1563(S)	C292
6681	70					
6682	70	178			71	
6683	70	193				
6684	70	221				
6685	70	178			180	
6686	71	442	471			
6686-S			471	471	1125, 1562(P), 1563(S)	C361
6687	71	178				
6688	71					
6689	76	169				
6690	77	193				
6691	77	169				
6692	77					
6693	77					
6694	77					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6695	77	169				
6696	77					
6697	77	193	397			
6697-S			397	397	1565	
6698	77					
6699	77	169	372			
6699-S			372	372	1565	
6700	77	169				
6701	77	139				
6702	77					
6703	77	193				
6704	77	139, 442	449	449	1565	
6705	78					
6706	78	193				
6707	78					
6708	78	193				
6709	78					
6710	78	193				
6711	78	169, 221				
6712	78	169				
6713	78	169, 221				
6714	78	169				
6715	78	169				
6716	78	169				
6717	78	170	394			
6717-S			394	395	880, 1178(P), 1349(S)	C293
6718	79	194			197	
6719	79	194				
6720	79	170	351	351	81, 681, 999(P), 1000(S)	C294
6721	79					
6722	79	221				
6723	79	221	398	398	681, 999(P), 1000(S)	C345
6724	79	221				
6725	79					
6726	79					
6727	79	221				
6728	79	119	211		81	
6728-S			211	211	1565	
6729	79	170				
6730	79	194				
6731	79	139	364	364	1239, 1240, 1562(P), 1563(S)	C250
6732	79	194				
6733	80					
6734	80					
6735	80	194				
6736	80					
6737	80					
6738	80					
6739	80	170				
6740	80	194	407		197	
6740-S			407, 415		415	
6741	82	170	282	282	1237, 1562(P), 1563(S)	C251
6742	83					
6743	83					
6744	83					
6745	83	194				
6746	83					
6747	83	194				
6748	83					
6749	83	179				

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6750	83					
6751	83					
6752	83					
6753	83					
6754	83	194				
6755	83					
6756	83					
6757	84					
6758	84					
6759	84	170				
6760	84					
6761	84					
6762	84	222	322	322	681, 999(P), 1000(S)	C331
6763	84					
6764	84					
6765	84					
6766	91	170	424	424	721, 999(P), 1000(S)	C71
6767	91	179			180	
6768	91					
6769	91					
6770	91					
6771	91					
6772	91					
6773	92					
6774	92					
6775	92	195	269			
6775-S			269	270	1240, 1244, 1562(P), 1563(S)	C125
6776	92	179	235			
6776-S			235	237	237, 681, 999(P), 1000(S)	C193
6777	92					
6778	92	195				
6779	92	170				
6780	92	170, 222				
6781	92	443	459			
6781-S			459	459	1060, 1178(P), 1349(S)	Vetoed
6782	92					
6783	92	170				
6784	92					
6785	92	179	320			
6785-S			320	320	1565	
6786	93	222				
6787	93	179, 443	471			
6787-S			471	472	1539, 1540, 1562(P), 1563(S)	C332
6788	93					
6789	93	222				
6790	93	171				
6791	96	195	374			
6791-S			374	374	681, 999(P), 1000(S)	C362
6792	96					
6793	96	497, 834	899		507	
6793-S2			899	899	1364, 1373, 1562(P), 1563(S)	C333
6794	96	222	320			
6794-S			320	320	1565	
6795	96					
6796	96					
6797	97					
6798	97	171				
6799	97					
6800	97	171	321			
6800-S			321	322	1262, 1546, 1559, 1562(P),	C334

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
					1563(S)	
6801	97					
6802	97	179	349			
6802-S			349	350	681, 999(P), 1107(S)	C227
6803	97					
6804	97					
6805	97					
6806	98	195	287			
6806-S			287	287	1239, 1563(S), 1563(P)	C295
6807	100					
6808	100					
6809	100					
6810	100	171				
6811	100					
6812	100					
6813	100					
6814	101					
6815	101					
6816	101	179	238	238	594, 999(P), 1107(S)	C335
6817	101					
6818	101					
6819	101					
6820	101	195				
6821	101	171	416			
6821-S			416	417	416, 1565	
6822	101					
6823	101	195, 222	258		197	
6823-S2			258	258	820, 1178(P), 1349(S)	C302
6824	101	179				
6825	101					
6826	101	195, 222	371	371	1225, 1226, 1562(P), 1563(S)	C336
6827	101					
6828	101					
6829	102					
6830	102	222	333			
6830-S			333	333	1565	
6831	102					
6832	102					
6833	115					
6834	115					
6835	115					
6836	115					
6837	115					
6838	115	195				
6839	115	222	322			
6839-S			322	327	327, 1023, 1524, 1529, 1562(P), 1563(S)	C337
6840	115	195	401			
6840-S			401	401	911, 915, 1178(P), 1349(S)	C194
6841	115					
6842	115	195				
6843	115					
6844	115	171				
6845	115					
6846	115	196				
6847	115					
6848	116					
6849	116					
6850	116					
6851	116	179	401			

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6851-S			401	401	1232, 1562(P), 1563(S)	C296
6852	120	196				
6853	120	223	327			
6853-S			327	328	1565	
6854	120	179				
6855	120	146				
6856	120	196				
6857	120					
6858	120					
6859	120					
6860	120	180				
6861	135	196	398	398	721, 999(P), 1107(S)	C170
6862	135					
6863	135					
6864	136	196			197	
6865	136					
6866	136					
6867	136	196				
6868	136	180				
6869	136					
6870	136	146	232			
6870-S			232	233	681, 999(P), 1107(S)	C53
6871	136					
6872	136					
6873	136	223				
6874	136	443	447			
6874-S			448	448	1374, 1379, 1562(P), 1563(S)	C300
6875	140					
6876	140					
6877	140					
6878	140	180				
6879	140					
6880	140	196				
6881	147					
6882	147					
6883	147					
6884	147				147	
6885	174	196	385			
6885-S			385	387	867, 878, 882(P), 893(S)	C13
6886	180					
6887	180	223				
6888	198					
6889	198					
6890	198					
6891	206					
6892	225	540				
6893	249					
6894	309					
6895	309					
6896	389	443	447			C56
6896-S			447, 448, 1119, 1122, 1123	1124	1124, 1349, 1468(P), 1501(S)	C56
6897	427					
6898	427	443	455			
6898-S			455	455	1118, 1565	
6899	452					
6900	1345					
6901	1345					
6902	1345					

HISTORY OF SENATE JOINT MEMORIALS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action
8019			274	274	594, 999(P), 1107(S)
8025		67			
8026	12				
8027	12				
8028	41	75			
8029	50				
8030	57	171			
8031	57	171			
8032	65	196			
8033	84				
8034	97				
8035	102				
8036	102				
8037	102	223			
8038	116	171			
8039	136	180	227	227	1565
8040	140				
8041	309				

HISTORY OF SENATE JOINT RESOLUTIONS

Bill No.	Introduction & 1st Reading	Committee Report	2nd Reading Amendments	3rd Reading Final Passage	Other Action
8210					129
8217	12				
8218	29				
8219	29				
8220	41	180			
8221	42				
8222	50				419
8223	97				
8224	551				

HISTORY OF SENATE CONCURRENT RESOLUTIONS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action
8414	12		13	13	12, 13, 24(P), 43(S)
8415	57				
8416	62	113			
8417	97	140	459		
8417-S			460	460	1565
8418	444	497	554	554	1565
8419	867		1545		1545, 1546, 1563(S), 1563(P)
8420	867				
8421	867				
8422	867				
8423	1345		1361	1361	1346, 1546, 1563(S), 1563(P)
8424	1345				1346
8425	1559		1559		1559, 1562(P), 1562(S), 1562, 1563, 1565
8426	1559		1559		1559, 1562(S), 1562(P), 1562

HISTORY OF SENATE FLOOR RESOLUTIONS

NUMBER	SUBJECT	ACTION
8685	Senate organized	3
8686	Standing committees	15
8687	4-H youth development	538
8689	Armed forces	57
8690	Susan Bernard	228
8691	Investment board, state	199
8692	Dennis Schatz	121
8693	Rosa Parks/Dr. King, Jr.	85
8694	Mental health professionals	182
8695	Reagan, Ronald	453
8697	Seattle Seahawks	1347
8698	Legislative intern programs	175
8699	National guard	103
8700	Lyman Lee	1184
8701	Council of AeA	148
8702	Jae-gouk Kim	137
8703	Women in sports	142
8704	Colorectal cancer awareness	321
8705	LaCrosse/Washtucna football	438
8706	WWU and TESC	260
8707	Toastmasters	206
8708	Earl Hale	288
8709	UW women's volleyball champs	552
8710	Catholic schools	999
8711	Prosser High School	464
8712	Mukilteo family YMCA	349
8713	Daffodil festival	1348
8714	CREATE, grassroots art prog	394
8715	Diabetes educators	438
8716	Fishers	509
8717	Boy Scouts of America	510
8718	King, Coretta Scott	445
8719	Classified school employees	434
8720	Shaken baby awareness week	468
8721	We the people team	734
8722	Eatonville girls soccer team	518
8723	Skagit Valley tulip festival	463
8724	Spirit of Wenatchee project	509
8725	John Jenft	510
8726	Red hat day	644
8727	Vic Moon	1179
8728	Colonel "Pappy" Boyington	549
8729	Sto lo Nation	550
8730	Minnaert, Dr. Kenneth J.	820
8731	Kevin Li	893
8733	Senator Johnson	1179
8734	Apple blossom festival court	1126
8735	Walla Walla onion shippers	1184
8736	Gonzaga men's basketball	1185
8737	Senator Oke	1181
8739	Senate after adjournment	1560
8740	Ellen O'Brien Saunders	1355
8741	Terry Lee Wilson	1355

HISTORY OF HOUSE BILLS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1010-S	309	526	727, 1277	729, 1279	276, 729, 1279, 1561(S), 1562(P)	C195
1015-S2	427				393, 1563	
1020-S	140	465	554	557	135, 557, 1125(S), 1137(P)	C196
1069	389	540	859	860	351, 860, 999(P), 1125(S)	C197
1071-S2	276	526			275, 1563	
1080-S	80	511	759	764	76, 764, 917, 1125(S), 1137(P)	C228
1107-S	276	451, 497	660	661	275, 661, 1125(S), 1137(P)	C269
1120-S	249				224, 1563	
1131	62				58, 1563	
1145	198	511			197, 1563	
1151-S	80	497	681	682	76, 681	
1184	198				197, 1563	
1226-S3	427	526	665, 667	668	393, 667, 668, 1125(S), 1137(P)	C348
1257-S	141	497	770	771	135, 771, 917, 1125(S), 1137(P)	C110
1276	62				58, 1563	
1279-S	198	511			197, 1563	
1291-S2	97	497	525	526	96, 525	
1305	389	540	734	734	350, 881(S), 881(P)	C27
1331	141	440			135, 1563	
1341-S	389	511			351, 1563	
1343-S	116				114, 1564	
1348-S	141	511			135, 1564	
1359-S2	198	512, 540			197, 518, 1564	
1361	249	465			248, 1564	
1383	276	526, 541	661	661	275, 881(S), 881(P)	C299
1384-S2	198	440, 526	858	858	197, 999(P), 1125(S)	C176
1395-S2	389	512			351, 1564	
1429	80	541			76, 1564	
1430-S2	249	440			248, 1564	
1439	62	512	830	833	58, 833, 1094, 1354(S), 1354(P)	C363PV
1458-S3	389	497, 541	640, 641, 642	642	350, 820(S), 821(P)	C18
1466	80	541			76, 1564	
1471	80	185	735	736	76, 881(S), 881(P)	C198
1483-S4	276	512, 541	802	802	275, 518, 999(P), 1125(S)	C304
1484-S3	309				288, 1564	
1488-S2	435	465			427, 1564	
1504-S	336	526	770	770	308, 881(S), 881(P)	C28
1510-S	81	541	730	730	76, 730, 1125(S), 1137(P)	C305
1523-S	336	465, 541	1187	1188	334, 1188, 1561(S), 1562(P)	C142
1614-S	427				393, 1564	
1641	277	451	758	759	275, 881(S), 881(P)	C29
1650-S	277	512	807	810	275, 810, 1125(S), 1137(P)	C270
1672-S	1345		1380	1380	1213, 1346, 1561(S), 1562(P)	C165
1717	81	497			76, 1564	
1742	81				76, 1564	
1763	389	461			351, 1564	
1765-S	428	512			393, 1564	
1813	249				248, 1564	
1815-S3	336	497			334, 1564	
1827-S	336				308, 1564	
1834-S2	435				427, 1564	
1841-S	141	451	766, 1173	769, 1175	135, 766, 768, 1173, 1175, 1214, 1354(S), 1354(P)	C224
1849	436				427, 1564	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1850-S	141	461	539	540	135, 539, 917, 1125(S), 1137(P)	C72
1865-S	62				58, 1564	
1883-S	141	512			135, 1564	
1944-S	389	527			350, 1564	
1964	389	527			351, 1564	
1966	62	512	798	798	58, 999(P), 1125(S)	C271
1986-S	309	451			287, 1564	
2002-S2	277	527, 541	655	657	275, 657, 917, 1125(S), 1137(P)	C266
2033-S	389	451	856	856	350, 999(P), 1125(S)	C272
2056-S	436	512	734	734	427, 881(S), 881(P)	C364
2155-S	116	465, 498	1113	1115	114, 468, 1114, 1214, 1354(S), 1354(P)	C199
2219-S	389				350, 1564	
2233-S	249	527	778	779	224, 275, 779, 999(P), 1125(S)	C229
2292-S2	97	465	475, 493, 494	495	96, 495, 821(S), 821(P)	C8
2322	436	512	663	664	426, 664, 917, 1125(S), 1137(P)	C223
2325-S	428	435			403, 1564	
2328	249	498	657	657	248, 881(S), 881(P)	C109
2330	116	451	664	664	114, 881(S), 881(P)	C143
2331	249	527			224, 1564	
2332	116	451			114, 1564	
2333-S	277	498	520	521	572(S), 572(P)	C9
2335-S	198	498			197, 1564	
2337-S	81	498			76, 1564	
2338	116	498	561	561	114, 820(S), 821(P)	C21
2339-S	249				224, 1564	
2340	389	498	559	559	351, 820(S), 821(P)	C19
2341-S	249				224, 1564	
2342-S2	277	461, 542	805	805	275, 999(P), 1125(S)	C108
2344-S	277	512	559	559	275, 820(S), 821(P)	C20
2345-S	428	527	823, 826	830	403, 826, 829, 1094, 1354(S), 1354(P)	C200
2348	336	498, 542	658	658	334, 658, 917, 1125(S), 1137(P)	C182
2349-S2	428	513			393, 1564	
2352-S	336	513	805	807	334, 806, 999(P), 1060, 1125(S)	C201
2353-S2	336	513, 542	572, 573	578	308, 578, 1125(S), 1137(P)	C54
2358	250				224, 1564	
2364	390	465	521	521	350, 572(S), 572(P)	C11
2366	250	513	729	729	224, 881(S), 881(P)	C202
2367	141	498	562	562	135, 820(S), 821(P)	C22
2370-S	42		42	42	42, 43(S), 43(P),	C3
2372-S	277	451	640	640	275, 821(S), 821(P)	C23
2375	250	498			224, 1564	
2376-S	277	498, 542	631	632	275, 821(S), 821(P)	C24
2379	116	513	730	730	114, 881(S), 881(P)	C203
2380	250	499	743	743	224, 881(S), 881(P)	C204
2381	250	527	787	788	248, 788, 917, 1125(S), 1137(P)	Vetoed
2382-S	277	513	742	743	275, 1125(S), 1137(P)	C158
2384-S	336	527, 542	726	727	308, 535, 727, 1125(S), 1137(P)	C340
2386	336	499	822	822	308, 999(P), 1125(S)	C144
2389-S	277	542			275, 1564	
2393-S2	147	465			140, 1564	
2394-S	250	513	757	758	248, 881(S), 881(P)	C107
2395-S	309				276, 1564	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
2398	390	527			350, 1564	
2401-S	336				334, 1564	
2402-S	250	440	850	851	224, 999(P), 1060, 1125(S)	C205
2404-S	277	527			275, 1564	
2405-S	250	499			224, 1564	
2406	81	440	632	632	76, 821(S), 821(P)	C25
2407-S	390	528, 542	592	593	334, 535, 593, 999(P), 1060, 1125(S)	C130
2408	277				275, 1564	
2409	390	528	726, 1245	726, 1252	334, 726, 1245, 1252, 1561(S), 1562(P)	C126
2414-S	309	528	769	769	287, 881(S), 881(P)	C175
2415-S	81	499	557	558	76, 558, 917, 1125(S), 1137(P)	C187
2416-S	390	528, 542	638, 639, 1136	639, 1137	351, 639, 1136, 1137, 1234, 1546(S), 1546(P)	C141
2418-S2	390	435, 542	799	802	351, 801, 1094, 1354(S), 1354(P)	C349PV
2419-S	141		149	149	140, 141, 197(S), 197(P)	C5
2420-S	277				275, 1564	
2422-S2	428				393, 1564	
2423-S	309				276, 1564	
2424	50	76, 223	802	802	43, 802, 879(S), 879(P), 879	C7
2426-S	436	513	834	834	427, 999(P), 1125(S)	C346
2431-S	436	528	724	725	427, 725, 1501	
2432-S	250				224, 1564	
2437-S	390	513			350, 1564	
2439-S	250				224, 1564	
2446-S	428	499	807	807	427, 999(P), 1125(S)	C121
2447-S	390				350, 1564	
2452-S	428	528			393, 1564	
2453	278	440			275, 1564	
2454	337	499	562	563	308, 821(S), 821(P)	C30
2457-S	390	465, 543	864, 865	866	351, 865, 866, 1125(S), 1137(P)	C172
2462-S2	1346				1210, 1346, 1564	
2463-S	250	461			248, 1564	
2465	309	543	817	818	276, 818, 1094, 1354(S), 1354(P)	C306
2466	309	499, 543	1107	1112	276, 1112, 1214, 1354(S), 1354(P)	C177
2471-S	428	499	563	564	403, 563, 917, 1125(S), 1137(P)	C252
2475-S	428	513, 543	633, 1138	634, 1139	393, 634, 1137, 1138, 1139, 1214, 1354(S), 1354(P)	C106
2477	250	514	835	835	248, 999(P), 1125(S)	C206
2478	278	451			275, 1564	
2479-S	428	499	724	724	427, 881(S), 881(P)	C207
2481-S	278	499	564, 565	566	275, 565, 1175, 1354(S), 1354(P)	C145
2489-S2	310	528			287, 535, 1564	
2493-S	337	543			308, 1564	
2495-S	337				334, 1564	
2497-S	250	440	538	538	224, 821(S), 821(P)	C253
2498-S2	337	499, 543	661	663	334, 663, 917, 999(P), 1125(S)	C105
2500-S	278	500	658	659	275, 659, 917, 999(P), 1125(S)	C104
2501	278	528	804	804	275, 999(P), 1125(S)	C74
2507-S	310	528	796, 1279	798, 1281	276, 798, 1279, 1281, 1561(S), 1562(P)	C234
2520	251	466	690	722	248, 722, 881(S), 881(P)	C209

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
2527-S	116				114, 1564	
2534-S	390				351, 1564	
2537-S	337	514	835	835	334, 999(P), 1125(S)	C254
2538-S	337	514	566	567	334, 821(S), 821(P)	C31
2539-S	436				427, 1564	
2540-S	436	528			427, 1564	
2543-S	251	514	659	660	248, 659, 1125(S), 1137(P)	C210
2544	141	500	635	638	140, 638, 917, 999(P), 1125(S)	C273
2545-S	116	452			114, 1564	
2546-S	117	500			114, 1564	
2551	390				350, 1564	
2553-S	428	500	749	817	403, 816, 1094, 1354(S), 1354(P)	C274
2562	251	440	680	680	248, 881(S), 881(P)	C225
2563-S	251	440			248, 1564	
2564	251	500			224, 1564	
2565-S	337	529, 543			334, 1564	
2567	141	500	731	731	140, 731, 917, 999(P), 1125(S)	C188
2569-S	198	500	1361	1361	197, 1561(S), 1562(P)	C275
2571-S	278	529			275, 1564	
2572-S2	278	529, 543	670, 672, 676, 677	677	275, 670, 1349, 1350, 1546(S), 1546(P)	C255
2573-S	278	500	804	805	275, 805, 1125(S), 1137(P)	C103
2574-S2	428	529, 544			393, 1564	
2575-S2	278	529, 835	839	841	841, 1094, 1354(S), 1354(P)	C307PV
2576-S	174	500	645, 1309	654, 1317	174, 653, 1309, 1317, 1561(S), 1562(P)	C138
2579	429	529	744, 746	747	427, 746, 1000(P), 1125(S)	C113
2580	391	544			334, 1564	
2582-S2	310	529, 544	1087, 1090, 1093		287, 1090, 1093	
2583-S2	310	500, 1231	1381	1381	276, 1381, 1562(S), 1562(P)	C308
2587	251				248, 1564	
2590-S	391	466			334, 1564	
2591-S	337	529			308, 1564	
2593-S2	429	514			393, 1564	
2594-S	429	514			393, 1564	
2595-S2	310	501			276, 1564	
2596-S	337	514	732	733	308, 732, 1125(S), 1137(P)	C162
2597	310	529			287, 535, 1564	
2601-S	251	529			248, 1564	
2606	429	514	756	757	427, 757, 917, 1000(P), 1125(S)	C211
2608-S	337	501	538	538	334, 821(S), 821(P)	C26
2612	436	530, 544	1361	1362	427, 535, 1562(S), 1562(P)	C268
2615	251				248, 1564	
2617	391	544	692, 693, 695, 697	698	351, 695, 698, 1125(S), 1137(P), 1346	C212
2622	429				427, 1564	
2630-S2	310	530, 544			287, 1564	
2632	429	530			403, 1564	
2640-S	337	501, 544	1363	1364	334, 1562(S), 1562(P)	C178
2643	429	544			427, 1564	
2644	337	466, 545	1185	1186	334, 1186, 1562(S), 1562(P)	C213
2645-S2	338	466, 545			334, 1564	
2646-S	338				308, 1564	
2651-S	391	466	682	682	351, 881(S), 881(P)	C75
2654-S	251	530	839	839	248, 1000(P), 1125(S)	C134
2655	251	501			248, 1564	
2656-S	251	501			248, 1564	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
2658-S	391	530			351, 1564	
2661-S	93	100	104, 105, 110, 111	129	91, 110, 111, 121, 129(S), 129, 129(P)	C4
2668-S	436	514			426, 1561, 1564	
2669-S	391	530			351, 1564	
2670-S	391	545	769	769	351, 881(S), 882(P)	C111
2671	338	466	1226, 1228	1231	334, 1228, 1230, 1562(S), 1562(P)	C256
2673-S2	436	501, 545	1296, 1300, 1308	1308	427, 1300, 1308, 1562(S), 1562(P)	C181PV
2676	251	501	559	560	248, 821(S), 821(P)	C32
2678-S	429	530, 545	845, 843, 844	848	427, 847, 848, 1094, 1354(S), 1354(P)	C276
2680-S	436	545	849	850	427, 850, 1094, 1354(S), 1354(P)	C257
2681	338	545	858	858	334, 1000(P), 1125(S)	C365
2682	338				334, 1564	
2684-S	338	501	632	632	334, 821(S), 821(P)	C33
2685-S	391	501	794	794	351, 794, 1177, 1354(S), 1354(P)	C309
2687	338	466			334, 1564	
2688-S	338	545	1231	1560	334, 1231, 1560, 1563(S), 1563(P)	C350PV
2689-S	338	501			334, 1564	
2690	338	466	765	765	334, 881(S), 882(P)	C214
2691-S	338	466	682	683	334, 881(S), 882(P)	C189
2693	429				427, 1564	
2694-S	391	452			351, 1564	
2695-S	436	514	836, 1176	837, 1177	427, 836, 1176, 1177, 1234, 1546(S), 1546(P)	C208
2704	391	466, 530	861	864	351, 861, 864, 1000(P), 1125(S)	C277
2706-S	429				393, 1564	
2710	429	530			427, 1564	
2713-S	429	514	723	723	427, 881(S), 882(P)	C215
2715-S	391	452	594	595	351, 821(S), 821(P)	C76
2716	1346		1359	1359	1279, 1356, 1546(S), 1546(P)	C258
2717	391	515			351, 1564	
2718	252				248, 1564	
2720	338	530			308, 1564	
2723-S	339	501	654	654	334, 881(S), 882(P)	C77
2726-S	339	502	724	724	334, 881(S), 882(P)	C34
2733-S	310	531			276, 1564	
2738-S	339	502			334, 1564	
2740-S	430				393, 1564	
2749-S	430	531			427, 1564	
2754-S2	252	515	1116	1118	224, 1214, 1354(S), 1354(P)	C343
2759-S	430	502	564	564	403, 821(S), 821(P)	C35
2765	430				427, 1564	
2776-S	430	502	567	567	403, 821(S), 821(P)	C36
2778-S	430	502, 545	1501	1501	427, 1501, 1561, 1563(S), 1563(P)	C310
2780-S	430	515	691	691	403, 881(S), 882(P)	C216
2785-S2	310	531, 546			287, 1564	
2789-S2	310	502, 546	595	597	276, 597, 1000(P), 1125(S)	C161
2799-S2	392	515	1362	1362	334, 1562(S), 1562(P)	C218
2801	436	441			426, 1564	
2804-S	430	546	742	742	403, 881(S), 882(P)	C226
2805-S2	392	502	735	735	334, 881(S), 882(P)	C102
2812-S	311	502, 546	810	811	276, 1125, 1354(S), 1354(P)	C119
2815-S	430	531			393, 535, 1564	
2817-S	311	531	795	796	276, 796, 1000(P), 1125(S)	C180

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
2825	252				248, 1564	
2829	392	515	560	560	351, 821(S), 821(P)	C219
2833-S	430				403, 1564	
2836-S	311	502	788, 789	790	287, 789, 1125, 1354(S), 1354(P)	C120
2842-S	430	502			403, 1564	
2843-S	437				427, 1564	
2846-S	392				334, 1564	
2848-S	430	515	811	811	403, 1000(P), 1125(S)	C259
2850-S	431	467			393, 1564	
2857	431	503	758	758	276, 881(S), 882(P)	C78
2860-S2	403		403	403	403, 426(S), 426(P),	C6
2863-S	431				403, 1564	
2867-S	311	503, 546	819	819	819, 1000(P), 1125(S)	C166
2871-S	468	546	699, 710, 1281, 1317, 1318	711, 1318	468, 711, 1281, 1318, 1562(S), 1562(P)	C311
2874	339	546	660	660	308, 881(S), 882(P)	C37
2876-S	437	503	757	757	427, 881(S), 882(P)	C38
2879	437	467	1186	1186	427, 1354(S), 1354(P)	C312
2880-S	1346		1380	1380	1125, 1562(S), 1562(P)	C278
2881-S	252				224, 1564	
2884-S	437	531, 546	1293	1296	427, 1295, 1562(S), 1562(P)	C279
2889	437				426, 1564	
2893-S	437				427, 1564	
2895-S	431	531			393, 1564	
2897	252	441	564	564	248, 821(S), 821(P)	C101
2898-S	431	531	692	692	403, 881(S), 882(P)	C217
2900	252				248, 1564	
2908-S	252	531	742	742	248, 881(S), 882(P)	C146
2910	431	503	566	566	393, 821(S), 821(P)	C79
2912-S2	431	532			403, 1564	
2914-S2	431				403, 1564	
2917-S	339	467	843	845	334, 845, 1000(P), 1060, 1125(S)	C147
2925-S	278	503, 1231	1362, 1363	1363	275, 1363, 1562(S), 1562(P)	C260
2932	339	467	765	765	334, 881(S), 882(P)	C39
2933-S	339	467	1186	1187	334, 1354(S), 1354(P)	C351
2934-S	339	547			334, 1564	
2939-S3	392	532, 547	779, 782	787	334, 782, 787, 1125(S), 1137(P)	C171
2942-S	431				403, 1564	
2943-S	392	532			351, 1564	
2946-S	431	532			393, 1564	
2951-S	431	515	758	758	393, 881(S), 882(P)	C40
2957	437	532			427, 1564	
2958-S	431	532	834	834	393(S), 1000(P), 1125(S)	C148
2960	252	515			248, 1564	
2964-S2	311	503, 547	578, 591	592	276, 591, 1000(P), 1125(S)	C265
2972	278	532	744	744	275, 744, 1125(S), 1137(P)	C100
2973-S	311	532	677, 678	680	287, 678, 680, 1000(P), 1125(S)	C114PV
2974-S	278	532, 547	811	815	275, 815, 1125(S), 1137(P)	C99
2975	252	503	686, 687	688	248, 688, 1125(S), 1137(P)	C220
2976-S	311	503	521	521	287, 572(S), 572(P)	C10
2979-S	252	532	685		248, 1564	
2981	339	533			308, 1564	
2983	252	503			248, 1564	
2984-S	432	515	688	690	427, 690, 1125(S), 1137(P)	C149
2985-S	311	533, 547	683	685	287, 684, 1125(S), 1137(P)	C221
2987-S	432	515	729	729	403, 881(S), 882(P)	C297

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
2989-S	311				287, 1564	
2991	252	533	821	822	248, 822, 1000(P), 1060, 1125(S)	C222
2998-S	311				287	
3001	339	515	654	654	308, 881(S), 882(P)	C98
3003-S	252	516			224, 1565	
3016	432				393, 1565	
3019	252	452	567	567	248, 821(S), 821(P)	C280
3024-S	392	452	539	539	334, 821(S), 821(P)	C261
3028	312	503			287, 1565	
3033-S	339	467	1118	1118	334, 1354(S), 1354(P)	C150
3041	252	452	798	798	248, 1000(P), 1125(S)	C97
3048	253	504	843	843	248, 1000(P), 1125(S)	C96
3056	253	504	733	733	248, 881(S), 882(P)	C41
3057	392	452			334, 1565	
3059-S	339	467			334, 1565	
3070-S2	432	504	634, 635, 1178	635, 1178	393, 635, 1178, 1562(S), 1562(P),	C262
3073	253				248, 1565	
3074	253	516	766	766	224, 881(S), 882(P)	C80
3078	253	504			224, 1565	
3079-S	437	533, 547	747, 748, 1350	748, 1351	426, 748, 1350, 1351, 1562(S), 1562(P)	C264PV
3082-S	432	533			427, 1565	
3085-S	339	504	692	692	308, 881(S), 882(P)	C42
3087-S	312	533	664	664	287, 881(S), 882(P)	C81
3089-S	432	516			393, 1565	
3093-S	340	547			308, 1565	
3098-S2	312	504, 547	598, 630, 1139, 1140	631, 1173	287, 630, 1139, 1172, 1349, 1546(S), 1546(P),	C263
3099	432				427, 1565	
3102-S	432				427, 1565	
3106	432	533			403, 1565	
3109-S	392	533			334, 1565	
3111	340	547			308, 1565	
3113-S	312	533, 548	794	795	287, 1000(P), 1125(S)	C179
3114	340	467, 548			308, 1565	
3115-S2	312	533, 548	851, 855, 1319	856, 1320	287, 855, 1319, 1320, 1562(S), 1562(P)	C353PV
3120-S	437	504	731	732	427, 881(S), 882(P)	C82
3122	432	534	856	858	403, 857, 1000(P), 1060, 1125(S)	C95
3127-S	432	534, 548	790, 792, 1352	793, 1354	427, 792, 1351, 1354, 1562(S), 1562(P)	C116PV
3128-S	340	516	765	765	308, 881(S), 882(P)	C43
3134	432	516	723	723	427, 881(S), 882(P)	C163
3137-S	432, 437	504, 548	723	723	393, 507, 881(S), 882(P)	C94
3139	312	504	567	570	287, 569, 1125(S), 1137(P)	C93
3150-S	340	516	632	633	308, 821(S), 821(P)	C92
3154	340	516	747	747	308, 881(S), 882(P)	C44
3156	433	534	560	561	403, 561, 1125(S), 1137(P)	C91
3157	433	516			403, 1565	
3159	340	467	1188, 1196, 1204	1205	334, 1196, 1205, 1562(S), 1562(P)	C354PV
3164-S	340	548	1112	1112	334, 1354(S), 1354(P)	C281
3172	433				393, 1565	
3178-S	433	516	736	741	393, 741, 1125(S), 1137(P)	C164
3180-S	392				351, 1565	
3182-S	312	534	570	572	287, 572, 1125(S), 1137(P)	C90
3185-S	340	516	657	657	334, 881(S), 882(P)	C89
3186-S	433	534			393, 1565	
3190-S	340	443	539	539	334, 821(S), 821(P)	C84

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
3192	433	516	766	766	393, 881(S), 882(P)	C88
3205	253	534	833	833	248, 1000(P), 1125(S)	C282
3207-S	433				403, 1565	
3215	312	504			287, 1565	
3222-S	340	467, 548	1206	1206	334, 1354(S), 1354(P)	C151
3237	392	534, 548			351, 1565	
3238-S	174	516			174, 1565	
3252	174	517	772	778	174, 778, 881(S), 882(P)	C133
3258	340	517			308, 1565	
3261	340	517, 549	837	838	308, 518, 838, 1355, 1546(S), 1546(P)	C313PV
3266	433	549	631	631	393, 821(S), 821(P)	C83
3275	433	517			393, 1565	
3277	174	534, 549	711	721	174, 720, 1125(S), 1137(P)	C122
3278	437	517	841	843	427, 843, 879(S), 879(P), 879	C12
3282-S	392	549	1206	1206	351, 1354(S), 1354(P)	C366
3285	433	517			427, 1565	
3287-S2	393	504			351, 1565	
3293-S	880				880, 1565	
3310	437	534	815, 816	816	426, 816, 1565	
3316-S	722		1468	1468	722, 1468, 1562(S), 1562(P),	C167
3317	643	1124	1320	1345	643, 644, 1345, 1562(S), 1562(P)	C73

HISTORY OF HOUSE JOINT MEMORIALS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action
4003-S	141				135, 1565
4023	253	435	743	743	248, 881(S), 882(P)
4026	141				135, 1565
4031	433	534	787	787	881(S), 882(P)
4038	253	435	631	631	248, 821(S), 821(P)

HISTORY OF HOUSE JOINT RESOLUTIONS

Bill No.	Introduction & 1st Reading	Committee Report	2nd Reading Amendments	3rd Reading Final Passage	Other Action
4202	393	517			351, 1565
4205-S	98	535			91, 1565
4223	341	549	1113	1113	334, 1354(S), 1354(P)

HISTORY OF HOUSE CONCURRENT RESOLUTIONS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action
4412	13		13		13, 24(S), 24(P)
4413	14		14		13, 14, 24(S), 24(P)
4414	14		14		13, 14, 24(S), 24(P)
4415	141		148		135, 141, 148, 197(S), 197(P)
4417	141		148		140, 141, 149, 197(S), 197(P)

JOINT SESSION

Washington State Medal of Valor 453

MESSAGE FROM GOVERNOR

Gubernatorial Appointments 17, 24, 67, 90, 134, 224, 276, 426, 435, 443, 463, 507, 520, 551, 594, 722, 794

Reports of Pardons 1542

Veto on ESB 5194 2

Veto on SB 5340 2

Veto on SB 5347 1

Veto on SSB 5179 1

MESSAGE FROM SEC OF STATE

Election returns 2

PV on bills 2

MESSAGE FROM STATE OFFICES

2005 Audit Resolution Report 16

Accountability Audit Report, Clark College 205

Accountability Audit Report, Department of AG 205

Accountability Audit Report, State Parks Commission 205

Bates Technical College 34

Big Bend Community College Audit Report 551

Caseload Forecast Council Audit Report 388

Central WA University Audit Report 95

Columbia River Gorge Commission Audit Report 551

Community College of Spokane 15

Community Protection Report 16

Dept. Fish & Wildlife Audit Report 388

Dept. of Personnel Accountability Audit Report 96

DSHS - Community Protection Issues Report 444

DSHS - Contain Per Capita Cost of Adoption Report 461

DSHS - Implementation of Enhancement Program Report 462

DSHS - Incarcerated Parents Report 462

DSHS - Quality Assurance Report 551

DSHS High Risk Juvenile Offenders Report 114

DSHS Independent Analysis Audit Report 76

DSHS Naturalization Facilitation Report 114

DSHS: GA-U Managed Care Pilot 205

DSHS: WorkFirst Contract Outcome Measures 205

DSHS-Expanded Community Services Proviso Report 444

Financial Management Post Audit of the Books Audit Report 146

Green River Community College Audit Report 916

Human Trafficking Report 34

Levels of Nonnutritive Substances in Fertilizers 34

Medicaid Reimbursement Report 17

Office of Treasurer Audit Report 462

Olympic College 15

Pesticide Investigations annual report 388

Red Raspberry Commission Audit Report 388

Skagit Valley College Audit Report 76

South Puget Sound Community College Audit Report 388

State Investment Board Audit Report 146

Tacoma Community College 16

The Evergreen State College Audit Report 146

Use & Bed Impact 16

Use of Penalty Assessments 34

Violations, Penalties & Actions 16

WA Noxious Weed Control Audit Report 95

WA. Economic Devel. Finance Report 16

WA. Economic Develop. Finance Report 16

WA. Superintendent of Public Instruction 95

WA. Telephone Assist. Program 17

Walla Walla Community College 15

Washington Apple Commission Audit Report 916, 917

Washington State Barely Commission Audit Report 916

Washington State Barley Commission Audit Report 916

Washington State Fruit Commission Audit Report 462

Washington State Lottery Commission Audit Report 462

Washington State University Audit Report 146

Washington State Wheat Commission Audit Report 916

Whitman Community College Audit Report 76

PRESIDENT OF THE SENATE

Intro Special Guest, Eatonville HS Girls Soccer Team 518

Intro Special Guest, Gerrit Kobes, Kevin Whalen 103

Intro. Dairy Ambassadors 148

Intro. of Special Guest, Earl Hale 288

Intro. of Special Guests, Members of Ukraine Consul	180
Intro. Special Guest, Board of the Mukilteo Family YMCA	349
Intro. Special Guest, Boys & Girls Club of America	1137
Intro. Special Guest, Classified School Employees Group	434
Intro. Special Guest, Daffodil Court	1348
Intro. Special Guest, Doug McDonald	1531
Intro. Special Guest, Family & Friends of Senator Johnson	1180
Intro. Special Guest, Filipino World War II Heroes	445
Intro. Special Guest, friends & family of Senator Oke	1181
Intro. Special Guest, Harry Rodin, Sr.	321
Intro. Special Guest, Jae-gouk Kim	228
Intro. Special Guest, Lillian Sheldon	162
Intro. Special Guest, Lyman Lee son Mark Lee	1184
Intro. Special Guest, Lynn Johnson, wife of Senator Johnson	1180
Intro. Special Guest, Members Sto:lo Nation	655
Intro. Special Guest, Mrs. Marty Smith	182
Intro. Special Guest, Ms. Elizabeth Kohl	349
Intro. Special Guest, Red Hat Society	644
Intro. Special Guest, Seahawks, Jim Zorn and Seneca Wallace	1347
Intro. Special Guest, Senator Deccio family & friends	903
Intro. Special Guest, Senator Okes wife Judy	1181
Intro. Special Guest, Teacher of the Year, Ms. Bernard	228
Intro. Special Guest, Washington Cattleman's Association	207
Introduction of Governor Christine Gregoire	30
Introduction of Special Guest, Consular Assoc.	29
Introductions of Special Guest, Apple Blossom Court	1126
Remarks by the President	4, 29, 33, 147, 182, 184, 349, 352, 395, 403, 419, 655, 848, 849, 878, 899, 1093, 1140, 1347, 1348, 1523, 1530, 1545
Remarks by the President, Title amendments	259
Remarks by the President, Wishing Lillian Sheldon Happy Birthday	162
Remarks on ESHB 2661	121
Reply by the President	126, 149, 162, 181, 182, 184, 185, 393, 418, 419, 421, 425, 471, 472, 511, 519, 520, 643, 644, 667, 668, 682, 1094, 1115, 1118, 1308, 1309, 1317, 1380, 1530, 1545, 1561, 1566
Reply by the President, Sea Hawks	182
Ruling by the President	454, 518, 698, 721, 1115, 1233, 1317
Ruling by the President on ESB 6236	161
Special Guest	29
Washington Council of AeA	148
PRESIDENT OF THE SENATE (SENATOR FRANKLIN PRESIDING)	
Intro. Fish & Wildlife Director and staff	803
Intro. Special Guest, Dr. Kenneth J. Minnaert	820
Intro. Special Guest, Judy Oke, wife of Senator Bob Oke	803
Remarks by President Pro Tempore	559, 770, 1355
Welcome Lucas Brown, Senator Browns son	552
WASHINGTON STATE LEGISLATURE	
Appointment of Special Committee, Elected Officials	29
Appointment of Special Committee, Supreme Court Justices	29
Appointment of Special Committees, Governor Christine Gregoire	29
Intro. Special Guest, President of NAACP, Oscar Eason	33
Joint Session (State of the State)	29
Joint Session: Medal of Valor	453
WASHINGTON STATE SENATE	
Appt. of Special Comm, notify Governor	13
Committee from House, ready for business	4
Intro of Lakefair Queen, Crystal Wade	1
Moment of Silence, Coretta Scott King	213
Moment of Silence, Donald Zarelli	103
Parliamentary Inquiry, Senator Benton	511, 519, 1380, 1565, 1566
Parliamentary Inquiry, Senator Brandland	643
Parliamentary Inquiry, Senator Brown	494
Parliamentary Inquiry, Senator Brown	419, 519
Parliamentary Inquiry, Senator Delvin	1561
Parliamentary Inquiry, Senator Eide	643, 644, 668
Parliamentary Inquiry, Senator Esser	425, 594
Parliamentary Inquiry, Senator Honeyford	421
Parliamentary Inquiry, Senator Jacobsen	162, 667, 1293, 1308, 1309, 1317
Parliamentary Inquiry, Senator Mulliken	1545
Parliamentary Inquiry, Senator Prentice	425
Parliamentary Inquiry, Senator Sheldon	160
Parliamentary Inquiry, Senator Zarelli	1118
Parliamentary Inquiry, Senator Mulliken	1545
Personal Privilege, Senator Benton	561, 734, 833
Personal Privilege, Senator Brandland	213, 730

Personal Privilege, Senator Brown	561, 734, 1561
Personal Privilege, Senator Carrell	898
Personal Privilege, Senator Deccio	206, 469, 562, 640, 804, 833, 864, 899, 1523
Personal Privilege, Senator Delvin	148, 393, 735, 819
Personal Privilege, Senator Doumit	1467
Personal Privilege, Senator Eide	393, 468, 559, 594, 899
Personal Privilege, Senator Esser	149, 182
Personal Privilege, Senator Fairley	3, 1499
Personal Privilege, Senator Finkbeiner	1358
Personal Privilege, Senator Franklin	213, 469, 578, 642, 644, 899, 1529
Personal Privilege, Senator Fraser	457, 1499
Personal Privilege, Senator Hargrove	181, 393, 735, 803
Personal Privilege, Senator Haugen	1529
Personal Privilege, Senator Hewitt	804, 1529, 1561
Personal Privilege, Senator Honeyford	207, 213, 395, 770
Personal Privilege, Senator Jacobsen	162, 803
Personal Privilege, Senator Johnson	1179
Personal Privilege, Senator Keiser	207
Personal Privilege, Senator Kline	211, 769, 1530, 1561
Personal Privilege, Senator Kohl-Welles	878, 1523, 1561
Personal Privilege, Senator McAuliffe	183, 1561
Personal Privilege, Senator McCaslin	4, 147, 162, 181, 207, 293, 393, 395, 402, 403, 562, 734, 770, 1124
Personal Privilege, Senator Mulliken	182
Personal Privilege, Senator Oke	3, 207, 271, 363, 735, 803, 833, 864, 899, 1181, 1523
Personal Privilege, Senator Parlette	85, 878
Personal Privilege, Senator Pflug	519, 520, 655
Personal Privilege, Senator Prentice	445, 449, 468, 654, 1467
Personal Privilege, Senator Pridmore	1561
Personal Privilege, Senator Rasmussen	111, 207, 395, 563, 644, 796, 804, 1560
Personal Privilege, Senator Roach	86, 207, 395, 735
Personal Privilege, Senator Schoesler	848
Personal Privilege, Senator Sheldon	162
Personal Privilege, Senator Shin	228, 795
Personal Privilege, Senator Stevens	833
Personal Privilege, Senator Swecker	207, 578, 803, 898
Personal Privilege, Senator Zarelli	185
Point of Inquiry, Senator Benton	111, 261, 659, 807, 836
Point of Inquiry, Senator Brandland	273, 396
Point of Inquiry, Senator Deccio	667, 692, 748, 771, 1117
Point of Inquiry, Senator Esser	352, 418
Point of Inquiry, Senator Finkbeiner	766
Point of Inquiry, Senator Hewitt	419
Point of Inquiry, Senator Honeyford	735, 1295
Point of Inquiry, Senator Jacobsen	226, 417, 1318
Point of Inquiry, Senator Johnson	184, 562, 643
Point of Inquiry, Senator Keiser	1467
Point of Inquiry, Senator Morton	270
Point of Inquiry, Senator Mulliken	370
Point of Inquiry, Senator Parlette	345, 378, 566, 835
Point of Inquiry, Senator Roach	207, 640, 837, 1093, 1118
Point of Inquiry, Senator Sheldon	361
Point of Inquiry, Senator Thibaudeau	1318
Point of Order, Senator Benton	511
Point of Order, Senator Brandland	86
Point of Order, Senator Brown	519
Point of Order, Senator Deccio	126
Point of Order, Senator Eide	418
Point of Order, Senator Esser	446, 849
Point of Order, Senator Fairley	686
Point of Order, Senator Hargrove	594
Point of Order, Senator Hewitt	293
Point of Order, Senator Honeyford	184, 1094, 1231
Point of Order, Senator Honeyford	1094
Point of Order, Senator Jacobsen	471
Point of Order, Senator Kastama	691
Point of Order, Senator Keiser	1070
Point of Order, Senator Kline	682
Point of Order, Senator McAuliffe	520
Point of Order, Senator Roach	471
Point of Order, Senator Sheldon	184
Point of Order, Senator Weinstein	520
Point of Order, Senator Zarelli	448
Point of Personal Privilege, Senator Honeyford	103

Remarks by Jim Zorn	1347
Remarks by Lakefair Queen, Crystal Wade	1
Remarks by Senator Benson	128
Remarks by Senator Brown	127, 448
Remarks by Senator Eide	160, 519
Remarks by Senator Fairley	121
Remarks by Senator Finkbeiner	124
Remarks by Senator Franklin	123
Remarks by Senator Hargrove	126
Remarks by Senator Hewitt	419
Remarks by Senator Kastama	160
Remarks by Senator Kline	126, 682, 683
Remarks by Senator Kohl-Welles	124
Remarks by Senator McAuliffe	125
Remarks by Senator Mulliken	123
Remarks by Senator Oke	122
Remarks by Senator Rasmussen	122
Remarks by Senator Regala	128
Remarks by Senator Stevens	124, 184, 185
Remarks by Senator Swecker	121
Remarks by Senator Thibaudeau	124
Remarks by Senator Weinstein	125, 126
Remarks by Senator Zarelli	125
Report of Committee, Governor notified	13
Report of Committee, House organized	4
Special Committee, Notify House organized	3
State of State Address, Governor Gregoire	30
Statement for the Journal, Senator Berkey	314
Statement for the Journal, Senator McAuliffe	314
Statement for the Journal, Senator Parlette	561
Statement for the Journal, Senator Roach	730
Statement for the Journal, Senator Rockefeller	262, 373
Statement for the Journal, Senator Schmidt	802

911

Advisory committee: ***SHB 2543, CH 210 (2006)**, SB 6217

Enhanced 911 services, annual review: SB 5749

ABANDONED PROPERTY

Recovery agreements: ***SB 5948, CH 367 (2005)**

ABORTION

Breast cancer risk related to abortion, notice: SB 5820

Parental notification and consent provisions: SB 5821

Public funding prohibited: SB 5852

Reports to be kept by hospitals and facilities and sent to department of health: SB 5836

ACTIONS AND PROCEEDINGS (See also CIVIL PROCEDURE; CRIMINAL PROCEDURE)

Adverse possession, provisions: SB 6310

Arbitration, uniform act: ***SHB 1054, CH 433 (2005)**, SB 5172

Asbestos-related liabilities, limitations: SB 6771

Construction contractor, claim rights in construction contracts: SB 5936

Construction, statute of limitations provisions for defects: SB 6627

Crime victims, notice to prosecutors when victims' records are sought: SB 6691

Default judgments, military status of defendant: ***SHB 3074, CH 80 (2006)**

Dependent persons, rights and protections for victims and witnesses of crimes: ***ESHB 2126, CH 381 (2005)**

Employer disclosure of employee information to prospective employer, limited liability: ***HB 1625, CH 103 (2005)**

Governmental entities, notice requirements for tort claims against: ***SHB 3120, CH 82 (2006)**

Health insurance pool, liability limits for actions related to: SHB 1507, SB 5473

Initiative 330, health care liability reform: SI 330

Injuries resulting from health care, apologies and settlement offers inadmissible as evidence: 2E2SHB 1291, SHB 2292,

***2SHB 2292, CH 8 (2006)**, SB 6087

Injuries resulting from health care, expert witness qualifications: SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6087

Injuries resulting from health care, informed consent for medical services for minors: ***SHB 1281, CH 440 (2005)**

Injuries resulting from health care, liability reform: SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6087

Injuries resulting from health care, limitations of actions: SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6087

Injuries resulting from health care, limits noneconomic damages and attorney's fees: SB 6063

Injuries resulting from health care, mandatory mediation requirements: SB 5413

Injuries resulting from health care, patient safety fee and set aside: 2E2SHB 1291, SB 5318, SB 6072

Injuries resulting from health care, voluntary arbitration: SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6087

Injury as a result of engaging in misdemeanor or gross misdemeanor, defense in civil actions: SB 5300

Law enforcement officers, damages brought against: SB 5404

Liquified petroleum gas, liability limits: SHB 1159, SB 5657

Mandatory arbitration of civil actions, county population thresholds: EHB 1814, ***SB 5733, CH 472 (2005)**

Mediation, uniform act: ESHB 1055, SB 5173

Medical records, legal presumption of reasonable value established from certification: SB 5185

Missing or runaway children, law enforcement requirements to locate and liability for efforts: SB 5848

Nuisance actions against agricultural practices, costs recovery when defendant farm prevails: ***ESB 5962, CH 511 (2005)**

Prescription drugs, product liability: SB 5986

Public hazards, sunshine in public hazards litigation act: SB 5646

Seat belts and child car seats, failure to use may be admissible in civil action: SB 6563

Service of summons, service by publication: HB 1403, ***SB 5053, CH 117 (2005)**

State and local liability for acts of persons on supervision or in community-based treatment programs: SB 6852

Torts, liability limits for governmental entities: SB 6060, SB 6215

Unjust conviction and incarceration, damages: SB 6692

Wrongful injury or death: SB 5734

ADMINISTRATIVE PROCEDURE (See also REGULATORY REFORM)

Agency rules, reporting requirements: SB 6361

Agency rules, city and county participation: SB 6266

Agency rules, governor's signature on significant legislative rules: EHB 1276

Agency rules, small business advisory board and rule impact reduction: SB 5730

Agency rules, small business regulatory flexibility act: SB 5920

ADOPTION

Financial disclosure statement required, provisions revised: SB 6635

ADULT FAMILY HOMES

Definition revised to include married couples: SB 6638

Food safety training: SHB 1545, ***SHB 1591, CH 505 (2005) PV**, SB 5650

Location within communities, infrastructure and services regarding: SB 6678

Providers, administration and business planning class: ***SB 6637, CH 249 (2006)**

Resident capacity, maximum number allowed: SB 5687

ADVANCED COLLEGE TUITION PAYMENT PROGRAM

Bankruptcy filings, tuition units considered excluded personal units: HB 2021, ***SB 5926, CH 272 (2005)**

Eligible beneficiary and tuition and fees definitions: HB 2021, ***SB 5926, CH 272 (2005)**

Residency requirements: HB 2021, ***SB 5926, CH 272 (2005)**

ADVERTISING

Electricians, licensing required prior to advertising: HB 1331

Out-of-stock advertised merchandise, rain checks: SB 6203

Political, mailed advertising must be filed with secretary of state to be archived: SB 5408

Political, public disclosure violations and penalties: HB 1143, HB 2358, SB 5033, ***ESB 6152, CH 315 (2006)**

Tourism in Washington state, television campaign: SB 5798

Travel agents must be registered with licensing department: SB 5721

Wine industry, advertising and promotion: ***SHB 3150, CH 92 (2006)**

AFRICAN-AMERICANS

Historically black college fund pilot project: SB 5303

AGRICULTURE (See also FARMS; LIVESTOCK)

Animal carcasses, disposal: ***SB 6371, CH 155 (2006)**

Animal feeding operations, permit requirements and procedures: SB 5602

Asparagus, exception to fruit and vegetable standards: ***HB 1722, CH 234 (2005)**, SB 5723

Beef, business and occupation tax relief expiration date: ***HB 1407, CH 150 (2005)**

Biodiesel, property tax exemption for land used to grow crops: SB 6424

Bioenergy loan program, conversion of farm products: SB 6501

Burning of cereal grains and grass seeds, tax exemptions: SB 5663

Christmas trees, grower licensure: SB 6133

Code cities, agricultural lands exclusion from boundaries of: ***SB 5589, CH 77 (2005)**

Commercial feed, adulterated: SB 5190

Commercial feed, licensing provisions and regulations: ***HB 1086, CH 18 (2005)**, SB 5004

County conservation futures, farm and agricultural land: SB 5109

County facilities for agricultural promotion, lodging tax provisions: SB 5776, SB 6170

Crop dusting, tax exemptions for aircraft fuel: SB 6868

Dairy nutrient management program revisions: SB 5602

Dairy nutrient management tax exemptions for livestock other than dairy: SB 5960

Dairy products, excise taxation: ***EHB 3159, CH 354 (2006) PV**, SB 6704

Drought conditions, retrofitting of domestic wells to maintain agricultural irrigation: SB 6086

Economic development plans, matching fund program: SB 5093

Fairs, study of economic and social contribution: HB 2096, SB 5968

Farm labor contractors, regulations and protections: SB 6352

Farm machinery and equipment, sales and use tax exemptions: ***SHB 2457, CH 172 (2006)**

Farmers market nutrition programs, funding: SB 5597

Farmland mitigation fee, land secured through eminent domain for transportation projects: SB 5859

Fruit and vegetable district fund: SB 5488

Fruit and vegetable processing and storage, taxation provisions: ***ESHB 2221, CH 513 (2005)**, SB 5447

Grain, elevator and warehouse air registration: ***SB 5142, CH 138 (2005)**
 Growth management, agricultural land use and activities: ***SHB 2917, CH 147 (2006)**, SB 6575
 Growth management, agricultural zoning that supports family farms: SB 5945
 Habitat conservation programs, riparian protection and farmlands preservation accounts: SHB 1413, SB 5396
 Labor and industries department initial visit to small agricultural employers: SB 5632
 Livestock information security, task force and review: SB 5963
 Livestock mortalities, rules for proper management of carcass disposal: SB 5961
 Livestock nutrient management program: SB 5602
 Milk processing plant licensing fees: HB 1085, ***SB 5039, CH 414 (2005)**
 Milk products, cow shares: SB 6377
 Milk products, wholesale sales of raw milk exempted from business and occupation tax: SB 6609
 Nuisance actions against agricultural practices, costs recovery when defendant farm prevails: ***ESB 5962, CH 511 (2005)**
 Organic foods commission act: SB 5062
 Potato commission: SHB 1608, SB 5369
 Poultry, sales and use tax exemption for feed: SB 5716
 Property taxes, open space program taxation: ***HB 1554, CH 57 (2005)**, SB 5465
 Raw milk, wholesale sales of raw milk exempted from business and occupation tax: SB 6609
 Real estate seller's disclosure, notice to prospective buyer when property is located near a farm: ***SHB 2723, CH 77 (2006), *ESB 5962, CH 511 (2005)**, SB 6494
 Seeds, tax exemptions for facilities used in conditioning of vegetable seeds: ***SHB 1523, CH 142 (2006)**
 Walla Walla sweet onion, state vegetable: HB 1964, SB 6827
 Water rights, criteria for change from one agricultural use to another agricultural use: SB 6029
 Water rights, crop rotation as sufficient cause for nonuse: SB 5950
 Weights and measures program, fees: SB 6365
 Wetlands, provisions relating to agricultural lands and growth management: SB 6573
 Workers, protections for farm labor contractors: SB 6352

AGRICULTURE, DEPARTMENT

Animal carcasses, disposal: ***SB 6371, CH 155 (2006)**
 Appropriations: ***ESB 6121, CH 517 (2005)**
 Fairs, study of economic and social contribution: HB 2096, SB 5968
 Fruit and vegetable inspection account, expenditure restrictions: SB 6071
 Livestock identification program, advisory committee and plan: ***SHB 3033, CH 150 (2006)**, SB 6375
 Livestock mortalities, rules for proper management of carcass disposal: SB 5961
 Technical assistance services, export-related assistance fees: SB 5892

AIDS

HIV insurance coverage program, provisions: HB 2632

AIR POLLUTION

Agricultural burning of cereal grains and grass seeds, tax exemptions: SB 5663
 Burn bans, impaired air quality and fine particle measures: ***ESHB 1302, CH 197 (2005)**
 Coal use in electric plants, phase out: SB 5941
 Control agencies, fund disbursement: HB 1361
 Control authority boards, membership: SB 6802
 Environmental quality permit, application review of compliance history: SB 5688
 Fire fighter training, removal of hazardous materials prior to planned burning of structures: SB 5931
 Grain, elevator and warehouse air registration: ***SB 5142, CH 138 (2005)**
 Greenhouse gas reduction objectives, registry and annual report: SB 5100
 Indoor clean air act, smoking exemption for religious ceremonies: SB 6213
 Motor vehicle emissions, California standards: ***ESHB 1397, CH 295 (2005)**, SB 5099, SB 5397
 Outdoor burning, prohibition delayed in areas of small towns and cities: SB 6646
 Ride sharing grant program, projects up to five years in length: SB 6070

AIRPORTS

Aerospace task force and study: SCR 8418
 International airport expedited security screening task force: SB 6614

Registration fees for pilots, airmen, and airwomen: SB 5414
 Rental cars, customer facility charge on customers of rental car companies accessing airports: SB 5584
 Siting council and guidelines: SB 5121
 State officers and employees allowed to fly free under certain conditions: SB 6128

ALCOHOL AND DRUG ABUSE (See also DRIVING UNDER THE INFLUENCE)

At-risk youth, prevention quality council: SB 5047
 Chemical dependency treatment, standard assessment protocols: SB 5891
 Commercial drivers, employer alcohol and drug test result reports: ***SHB 1266, CH 325 (2005)**, SB 5263
 Contaminated property, cleanup provisions: SB 6239
 Controlled substances, illegal activities near schools: SB 5258
 Drug courts, definition: SB 6239
 Drug courts, jurisdiction: SB 6493
 Drug offender sentencing, alternative sentencing provisions: SB 6864
 Drug offender sentencing, judicially supervised substance abuse treatment: ***E2SHB 2015, CH 460 (2005)**
 Drug offender special sentencing alternative, study: SB 6239
 Drug overdoses, prosecution limits for person reporting: SB 5259
 Drug paraphernalia, display and distribution: SB 6505
 Drug task forces, review of funding: SB 6239
 Drug-free workplace program: SB 6239
 Enforcement, pilot areas established: SB 6239
 Meth action teams, review of funding: SB 6239
 Methamphetamine, contaminated property cleanup provisions: SB 6239
 Methamphetamine, penalties for manufacturing exposure to vulnerable adults: ESHB 2895
 Methamphetamine, purchase and possession of precursors including iodine and methylsulfonylmethane: ***HB 2567, CH 188 (2006)**
 Minors with alcoholic beverages, penalties to include suspension of drivers' license: SB 6768
 Multijurisdictional drug task force and local government drug prosecution assistance: SB 6239, SB 6484
 Omnibus treatment of mental and substance abuse disorders act of 2005: SB 5763
 Opiate treatment programs, information regarding health risks for pregnant women: HB 2115, ***SB 5974, CH 70 (2005)**
 Property acquired in drug forfeiture action, hazardous waste provisions: ***SHB 1208, CH 191 (2005)**, SB 5770
 Psychoactive substance control, commission on: SB 6055, SB 6880
 Substance abuse and mental health treatment pilot program: SB 6239

ALCOHOLIC BEVERAGES (See also DRIVING UNDER THE INFLUENCE)

Alcohol education programs, disbursement of liquor revolving fund moneys: SB 5380
 Beer, brewers may sell beer of their own production from their restaurant premises: ***HB 3154, CH 44 (2006)**
 Beer, brewery may act as distributor: SB 6823, SB 6850
 Beer, commission: ***ESB 6661, CH 330 (2006)**
 Beer, courses of instruction and samples: ***SHB 1431, CH 152 (2005)**
 Beer, samples in grocery stores: SB 5682
 Beer, shipment of beer and wine from manufacturers directly to retailers: SB 6799
 Businesses serving, fire inspections and automatic sprinkler systems: ***ESHB 1401, CH 148 (2005)**, SB 5374
 Caterer's endorsement, passenger vessels: ***HB 2897, CH 101 (2006)**
 Contract liquor stores: ***HB 1409, CH 151 (2005)**, SB 5090, SB 5379
 Ferries, sales of alcohol on : SB 6791
 Flavored malt beverages, regulations: ***HB 2562, CH 225 (2006)**, SB 6538
 ID for purchases, Canadian liquor control authority ID cards: ***HB 1621, CH 102 (2005)**
 Indian enrollment cards as identification for purchase: ***SHB 1496, CH 206 (2005)**, SB 5566
 Licenses, processing: SHB 2563, SB 6540
 Malt liquor, container size for sales of: SHB 1430, 2SHB 1430
 Minors with alcoholic beverages, penalties to include suspension of drivers' license: SB 6768
 Spas allowed to serve wine to customers: SB 6703
 Spirits, beer, and wine restaurant licenses, formula cap provisions: ***SB 6539, CH 85 (2006)**
 Spirits, beer, and wine restaurant licenses, provisions revised: SB 6332
 Spirits, courses of instruction and samples: ***SHB 1431, CH 152 (2005)**

Sports entertainment facilities, liquor license holders and agreements with manufacturers and distributors: SB 6842
 Sports entertainment facilities, liquor licenses: SB 6199
 State liquor retail sales business plan, sales on Sundays: ***SHB 1379, CH 231 (2005)**, SB 5487
 Taxation, additional retail sales tax: ***ESHB 2314, CH 514 (2005)**, SB 6100
 Wine, advertising and promotion of wine industry: ***SHB 3150, CH 92 (2006)**
 Wine, courses of instruction and samples: ***SHB 1431, CH 152 (2005)**
 Wine, direct shipment from manufacturers to consumers: ***ESB 6537, CH 49 (2006)**
 Wine, sale by a society or organization: ***SHB 3128, CH 43 (2006)**, SB 6838
 Wine, samples in grocery stores: SB 5682
 Wine, shipment of wine and beer from manufacturers directly to retailers: SB 6799
 Wine, spas allowed to serve to customers: SB 6703
 Wine, winery may act as distributor: SB 6823, SB 6850

ALL-TERRAIN VEHICLES

Safety education and training program: ESHB 1029, SB 5031

AMBER ALERT

Civil immunity for broadcasters: ***SB 5453, CH 128 (2005)**

AMBULANCES

Emergency vehicle permits, background checks: ***HB 1305, CH 27 (2006)**, SB 5438
 Insurance, private services exempt from code: SB 5736
 Local government utility service charges to fund ambulance and emergency services: ***ESHB 1635, CH 482 (2005)**, SB 5624
 Private air ambulance services, exemption from licensing under insurance code: HB 2615, ***SB 6231, CH 61 (2006)**
 Volunteer drivers, code city legislative personnel: ***SB 5168, CH 38 (2005)**

AMUSEMENT RIDES

Operation requirements, permits and fees: SB 5307

ANATOMIC GIFTS

Hospital procedures: HB 1763
 Organ donation awareness education: ESHB 2842

ANIMALS (See also DOGS; HORSES AND HORSE RACING; LIVESTOCK; WILDLIFE)

Animal fighting, penalties for the crime of: ***SB 6568, CH 287 (2006)**
 Beaver relocation permit: ***HB 2381 (2006) V**
 Body-gripping traps, furbearer management program and rules for traps and bait: ESB 5319
 Carcasses, disposal: ***SB 6371, CH 155 (2006)**
 Cruelty, conditions defining and penalties for: ***SHB 1304, CH 481 (2005)**, SB 5352, SB 5532
 Dogs, conditions for declaring dangerous: ESHB 1150, SB 6619
 Dogs, homeowner's insurance restrictions: EHB 1016
 Dogs, national war dog memorial: SJM 8021
 Dogs, sale or purchase of dogs for fighting: SB 5128
 Gray wolf management, introduction restrictions: SB 5216
 Grey wolf management plan: SB 6778
 Grizzly bears, grants for community outreach programs: SB 5448
 Massage therapists, certification: SB 6056
 Pet food, registration provisions and regulations: ***HB 1086, CH 18 (2005)**, SB 5004
 Pets, rescue by emergency workers engaged in emergency management activities: SB 6265
 Rabbits, temporary permit for slaughter, preparation, and sale of one thousand or fewer: SB 6252
 Sexual contact with, penalties: SB 6417
 Terrorist acts against animal and natural resource facilities, penalties: SB 5314
 Wild, keeping dangerous wild animals: ESHB 1151, SB 5377

APPLIANCES

Efficiency standards: ***ESHB 1062, CH 298 (2005)**, SB 5098, SB 6840
 Public utility districts, electrical appliance repair service: SB 5348

APPRENTICES

Community college required course tuition deducted from training contracts: ***SHB 1560, CH 159 (2005)**, SB 5613
 Cosmetology apprenticeship program, provisions: ***SHB 2596, CH 162 (2006)**, SB 6543
 Educational outreach program for middle and secondary school students, centers of excellence: ***2SHB 2789, CH 161 (2006)**, SB 6483
 Housing assistance program, application preference to projects utilizing apprentices: SB 5612
 Public works projects, apprenticeship utilization: SB 5097
 Public works projects, transportation department apprenticeship utilization requirements: SHB 3003, SB 6480

APPRENTICESHIP COUNCIL

Educational outreach program for middle and secondary school students, centers of excellence: ***2SHB 2789, CH 161 (2006)**, SB 6483

AQUACULTURE

Hood Canal, aquatic rehabilitation zone: ***SHB 2081, CH 478 (2005)**, SB 5693
 Hood Canal, rehabilitation program: ***ESHB 2097, CH 479 (2005)**

ARBITRATION (See also MEDIATION)

Injuries resulting from health care, voluntary arbitration: SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6087
 Mandatory arbitration of civil actions, county population thresholds: EHB 1814, ***SB 5733, CH 472 (2005)**
 Multiunit residential buildings, inspections and construction defect dispute resolutions: ***EHB 1848, CH 456 (2005)**
 Uniform arbitration act: ***SHB 1054, CH 433 (2005)**, SB 5172

ARCHAEOLOGY

Department of archaeology and historic preservation: SB 5056
 Native American cultural resources information, public disclosure exemption: ***SB 6429, CH 86 (2006)**

ART WORKS

McNeil Island, expenditures for works of art prohibited: SB 5795
 Nonprofit organizations, capital project funding criteria: ***ESHB 1577, CH 160 (2005)**, SB 5827
 State art collection conservation funding: ***HB 2188, CH 36 (2005)**, SB 5940

ARTS COMMISSION

McNeil Island, expenditures for works of art prohibited: SB 5795
 State art collection conservation funding: ***HB 2188, CH 36 (2005)**, SB 5940

ASBESTOS

Asbestos-related liabilities, limitations: SB 6771

ATTORNEY GENERAL

Office of privacy protection, personal information protection: SB 5327
 Public records, model rule on access and request assistance: ***2SHB 1758, CH 483 (2005)**, SB 5735

ATTORNEYS

Conflicts of interest when serving as pro tempore judges, commissioners, or guardians ad litem: HB 1139
 Injuries resulting from health care, limits noneconomic damages and attorney's fees: SB 6063
 Injuries resulting from health care, patient safety fee and set aside: 2E2SHB 1291, SB 5318, SB 6072
 Public defenders, personal information privacy: SB 5654
 Service of process, recovery of actual costs: SB 5737

AUCTIONS AND AUCTIONEERS

Vessels, auctioneer requirements: ESHB 1765, SB 5750

AUDITORS AND AUDITING

Holocaust-era insurance claims, performance audit of the international commission on: SJM 8023
 Industrial insurance fund audits: ***SHB 1856, CH 387 (2005)**
 Nuclear power plants, audits to be conducted by administrative auditor: SB 5292
 Performance audits, citizen accountability advisory board and assessment grading program: SB 6076
 Performance audits, citizen advisory board membership and duties: SB 6767

Performance audits, citizen commission for performance measurement of tax preferences: ***EBH 1069, CH 197 (2006)**
 Performance audits, citizen oversight board: ***ESHB 1064, CH 385 (2005) PV**, SB 5124
 Performance audits, joint transportation committee created: ***ESB 5513, CH 319 (2005) PV**
 Performance audits, priority performance measures: SHB 1834
 Performance audits, state auditor review: SB 5083

AUTISM

Caring for Washington children with autism task force: ***SB 5311, CH 259 (2005)**

AVIATION

Aerospace manufacturing, joint legislative task force and review: SB 6328
 Aerospace task force and study: SCR 8418
 Aircraft fuel tax exemption for operating under certificate of public convenience repealed: SB 6039
 Airplanes of historical significance, business and occupation tax exemption: SB 5351
 Commercial airplanes, business and occupation tax credit for property tax payments: ***ESHB 2314, CH 514 (2005)**, SB 5972
 Commercial airplanes, tax incentives for development: ***HB 2466, CH 177 (2006)**, SB 5864, SB 6329, SB 6604
 Crop dusting, tax exemptions for aircraft fuel: SB 6868
 Registration fees for pilots, airmen, and airwomen: SB 5414
 State officers and employees allowed to fly free under certain conditions: SB 6128

AWARDS

Wildlife conservationist award program: SB 5016

BACKGROUND CHECKS

Bureau of Indian affairs-funded schools, records checks for employees and applicants: SHB 2946, SB 6657
 Community protection program workers, background checks: SB 6824
 Criminal history record information, reporting requirements: ***SB 6720, CH 294 (2006)**
 Emergency vehicle permits: ***HB 1305, CH 27 (2006)**, SB 5438
 Gambling commission: SB 6894
 Gubernatorial appointments: ***SB 5439, CH 45 (2006)**
 Health care professionals: SHB 2431
 Joint task force on criminal background check process, expiration extended: SB 6717
 Joint task force on criminal background check process, membership: ***SHB 1681, CH 452 (2005)**, SB 5554
 Live scan devices for electronically gathering and transmitting fingerprints, pilot program: SB 5553
 Metropolitan park district employees: ***HB 2991, CH 222 (2006)**, SB 6633
 Parks and recreation commission for certain job and volunteer applicants: ***SHB 1313, CH 373 (2005)**, SB 5389
 Schools, employees: SB 6718
 Schools, payment of costs for checks of certified employees: SB 5568
 State patrol procedures: SHB 2215, SB 5899

BAIL AND BAIL BONDS

Bench warrants, agreements to allow agencies to execute: SB 5541
 Recovery agents, definition: SB 6745
 Recovery agents, uniform requirements: SB 5726

BANKS AND BANKING (See also FINANCIAL INSTITUTIONS)

Cashing of checks by payor institutions: SB 6520
 Community credit needs, performance investigation and assessment: SB 6716
 Employee job performance, employer providing information: SB 5533
 Limited liability companies, banks and savings banks allowed to organize as: ***SB 6463, CH 48 (2006)**
 Out-of-state, regulations: ESHB 2128, SB 5997
 Regulatory authority, state: SHB 1419, SB 5266

BEARS

Grizzly bears, grants for community outreach programs: SB 5448

BICYCLES

Motor vehicle restrictions for passing: ***HB 1108, CH 396 (2005)**
 Occupied baby carriers, bicycles with: SB 6142
 Share the road license plates, bicycle safety and awareness: ***HB 1254, CH 426 (2005)**, SB 5444
 Skate parks, fees and liability immunity: SHB 1643, SB 5511
 Skate parks, helmets in public parks: SB 5116

BIDS AND BIDDING (See also PUBLIC WORKS)

Counties, competitive bid requirements: SB 5975
 Higher education construction projects, threshold for public works bid requirements: HB 3106, SB 6754
 Public contracts, bid cancellation process: SB 6509
 State purchasing, electronic and web-based bids: ***HB 1439, CH 363 (2006) PV**, SB 5373
 Wastewater projects, bidding for insurance coverage: ESHB 1127

BIOTECHNOLOGY (See also TECHNOLOGY)

Biotechnology and biomedical device manufacturing sector, study: SB 6844
 Life sciences, joint legislative task force on: SB 6867
 Tax incentives for biotechnology product and medical device commercial expenditures and manufacturing: ***SHB 2640, CH 178 (2006)**, SB 6462

BLIND

Parking privileges, legally blind: SB 6287

BOARDING HOMES

Assisted living facility applicants, timely assessment of : SB 6372
 Business and occupation tax provisions: ***ESHB 2314, CH 514 (2005)**, SB 5571
 Dispute resolution process: ***SHB 1606, CH 506 (2005) PV**, SB 5649, SB 6809
 Holding medicaid eligible resident's rooms, report to legislature: ***SB 6373, CH 64 (2006)**
 Quality assurance committees and information sharing: ***SHB 1569, CH 33 (2005)**, ***EHB 2254, CH 291 (2005)**, SB 5698
 Rates, medicaid payment provisions: SB 6390
 Small boarding homes, standards: ***SHB 1591, CH 505 (2005) PV**
 Temporary management, provisions: SB 6810

BOATS (See also COMMERCIAL VESSELS AND SHIPPING)

Abandoned and derelict vessels, penalties for causing vessel to be abandoned or derelict on aquatic lands: SB 6223
 Auctions, auctioneer requirements: ESHB 1765, SB 5750
 Charter licenses, definitions: SB 6401
 Commercial passenger vessels, release of sewage and sludge into marine waters: E2SHB 1415
 Dealers, trust accounts: SB 5137
 Invasive species and algae, vessel registration fee to fund prevention and control: SB 5699
 Lady Washington, state ship: HB 2587
 Marine vessel construction, county contracts and security in lieu of bond: ***SHB 1460, CH 101 (2005)**
 Registration enforcement: SB 5270
 Registration, violations and penalties: ***HB 1641, CH 29 (2006)**
 Safety education program: SB 5145
 Sales tax exemption for vessels purchased by nonresidents: SB 6500
 Sandman foundation, funding: SB 5847
 Teak surfing, prohibiting certain activities such as: ***SB 6364, CH 140 (2006)**
 Vehicle combinations, motor vehicle and travel trailer and boat trailer: SB 5067

BODY PIERCING

Licensing requirements and violations: SB 5913
 Piercing persons under the age of eighteen prohibited, penalties: SB 5738
 Sterilization standards and requirements: SHB 2335

BOILERS

Boilers and unfired pressure vessels laws, revisions: ***HB 1312, CH 22 (2005)**, SB 5238

Recovered wood waste boiler equipment, sales and use tax exemptions: HB 3114

BONDS

Economic development finance authority: HB 1428

Economic development finance authority, bond amounts and authority expiration date: ***SB 5180, CH 137 (2005)**

General obligation bonds, capital and operating budgets: ***ESHB 2299, CH 487 (2005)**, SB 5050, SB 6093

General obligation bonds, Columbia river water supply development program: ***ESHB 3316, CH 167 (2006)**, SB 6898

General obligation bonds, correctional facilities: ***ESHB 3316, CH 167 (2006)**, SB 6898

General obligation bonds, Hood Canal aquatic rehabilitation program: ***ESHB 3316, CH 167 (2006)**

General obligation bonds, Puget Sound rehabilitation: ***ESHB 3316, CH 167 (2006)**

General obligation bonds, transportation funding: ***ESHB 2311, CH 315 (2005)**

Intangible personal property, taxation: SB 6004, SJR 8212

Payment provisions: HB 1182, SB 5205

Retirement accounts, elimination of obsolete accounts: SB 6027

Transportation debt limits: SB 5059

BREAST-FEEDING

Women in the workplace, joint task force and study: SB 6066

BRIDGES

Construction over waterways, city and county rights: ***SHB 1657, CH 58 (2005)**, SB 5437

Day labor construction projects, exemption for projects and publications in certain counties: SB 6649

Freedom Bridge, Berkeley Street crossing renamed: SJM 8024

Lake Washington bridge, county taxes to fund viaduct project: SB 6040

Sales and use tax exemptions for road, highway, or bridge construction: ESHB 1865, SB 6640

Tacoma Narrows bridge project sales and use tax exemptions: ESHB 1865

Tacoma Narrows, funds from construction of second bridge to be deposited into Tacoma Narrows toll bridge account: ***SB 6674, CH 17 (2006)**

Tolling, authority and provisions: SB 5139

Tolling, Tacoma Narrows bridge citizen advisory committee: ***HB 1864, CH 329 (2005)**

Tolling, Tacoma Narrows bridge toll discount study: HB 1947

BUDGET

Assessment process to focus on outcomes and priorities, state budgeting: ***ESHB 1242, CH 386 (2005)**

Capital, 2005-07 biennium and 2003-05 supplemental: SB 5051, SB 6094

Capital, 2006 supplemental: SB 6384

Capital, amendments to 2005-07: E2SHB 2393

Expenditure limit, computation and program cost shifting: SB 6078

Governor, operating budget document requirements: ***ESHB 1242, CH 386 (2005)**

Higher education, state budgetary commitment to fund enrollment demands: SB 5804

Operating, 2003-05 supplemental: SB 5074

Operating, 2005-07: SB 5073, SB 6090

Operating, 2006 supplemental: SB 6386

Priority performance measures, historical information data base and legislative review: SHB 1834

Transportation, 2003-05 supplemental: SB 5012

Transportation, 2005-07: SB 5011, SB 6091

Transportation, 2006 supplemental: SB 6241

BUILDING CODE COUNCIL

Nightclubs, fire inspections and automatic sprinkler systems: ***ESHB 1401, CH 148 (2005)**

Small boarding homes, standards: ***SHB 1591, CH 505 (2005) PV**

BUILDING CODES/PERMITS

Moratoriums on building permits, restrictions: SB 6506

Remodels, inspection requirements for single-family residences: SB 6156

BUSES (See also PUBLIC TRANSIT)

Bus stops, growth management comprehensive plans: SB 5421

Mileage fees for diesel: HB 3258

BUSINESSES (See also CORPORATIONS; NONPROFIT CORPORATIONS)

Alarm system companies, licensing requirements: SB 6296
 Alarm system company records provided to law enforcement agencies, public inspection exemption: SB 6260
 Automated sprinkler systems for fire protection, bars and nightclubs: ***ESHB 1401, CH 148 (2005)**, SB 5374
 Breaches of security that compromise personal information stored on computers, disclosure: SB 6043
 Broadcasting, noncompetition agreements: SB 5720
 Business and job retention and expansion program: SB 5642
 Business and occupation tax, credit against tax due calculation revisions: SB 6173
 Business development companies, financial institutions, and nondepository lenders: SHB 2339, SB 6168
 Child labor, fees for administration and enforcement of child labor laws: SB 5235
 Christmas trees, grower licensure: SB 6133
 City and town licensure, business not physically located in city: SB 6138
 Commercial airplanes, business and occupation tax credit for property tax payments: ***ESHB 2314, CH 514 (2005)**, SB 5972
 Commercial airplanes, tax incentives for development: ***HB 2466, CH 177 (2006)**, SB 5864, SB 6329, SB 6604
 Commercial parking businesses, regulations: SB 5672
 Construction contractors, display of licenses and certificates: SB 6862
 Controlling interest transfers, disclosure for real estate excise tax purposes: SB 6061
 Cosmetology apprenticeship program, provisions: ***SHB 2596, CH 162 (2006)**, SB 6543
 Cosmetology, licensing exemptions: SB 6291
 Customized employment training program: SB 5174
 Delivery charges for direct mail, tax exemptions: ***ESHB 2314, CH 514 (2005)**
 Electricians, licensing required prior to advertising: HB 1331
 Employee training programs through community or vocational colleges, employer tax credits: SB 5918
 Entrepreneurial assistance center: SB 5641
 Environmental quality permit, application review of compliance history: SB 5688
 Guest services or crowd management employees, exemption from security guard regulations: SB 6257
 Health care insurance, fees for large employers who do not provide insurance to employees: SB 5637
 Health care insurance, market stabilization pool: SB 5861
 Health care insurance, private employer enrollment in health care authority programs: SB 5472
 Health services expenditures for employee benefits, minimum labor standards: SB 6356
 Health studio services, contract restrictions: SB 5810
 High technology business and occupation tax credit: ***ESHB 2314, CH 514 (2005)**, SB 5639, SB 5673, SB 5697, SB 5863, SB 6774
 High technology, consistency improvements for tax incentives: SB 5863
 Home heating fuel service contractors, regulations: ***SHB 2776, CH 36 (2006)**, SB 6611
 Industry cluster-based development: ***2SHB 2498, CH 105 (2006)**, SB 5329
 Inmate labor, unfair competition with businesses: SJR 8206
 Interior designers, certification and standards: SB 5754
 International trade, trade corps fellowship program: SB 6330
 International, tax incentives for investing in Washington: ***SB 5175, CH 135 (2005)**
 Investment projects in rural areas, consistency improvements for tax incentives: SB 5863
 Light and power businesses, sales and use tax exemption for machinery and equipment: SB 5508
 Limited liability companies, campaign contributions: HB 2551
 Master licensing program, performance-based grant program for licensing agencies: ***HB 2131, CH 201 (2005)**, SB 5967
 Math and science technology student employees, tax credits for employers: SB 6293
 Microenterprise development program: SB 6714
 Municipal business and occupation tax, allocation of printing and publishing income: ***SHB 2033, CH 272 (2006)**
 Out-of-stock advertised merchandise, rain checks: SB 6203
 Professional employer organizations, regulations: SB 6672
 Professional employer organizations, taxation: SHB 3059, SB 6671
 Pyramid promotional schemes: SB 5211, ***SB 6416, CH 65 (2006)**
 Real estate appraisers, trainee classification: ***SB 5274, CH 339 (2005)**
 Rebates, sales and use tax exemptions: SB 5409

Retail merchants, limits on fees charged to merchant when purchase is made by credit card: SB 6240
 Roadside tire chain business: SB 6528
 Royalties on copyrights and patents, business and occupation tax exemption: SB 5640
 Semiconductor materials, tax incentives to support semiconductor cluster: ***SHB 3190, CH 84 (2006)**, SB 6812
 Small business development online curriculum: SB 6711
 Small, administrative rule impact reduction and small business advisory board: SB 5730
 Small, basic health plan: SB 5722
 Small, business and occupation tax exemption for owners trained in entrepreneurial development: SB 6712
 Small, entrepreneurial assistance center: SB 5641
 Small, health care insurance: SB 5982
 Small, health care insurance access through small business assist program: E2SHB 2069, SB 6018
 Small, health insurance market stabilization pool: SB 5861
 Small, health insurance partnership program: ***E2SHB 2572, CH 255 (2006)**
 Small, health savings accounts: SB 5980, SB 6049
 Small, health savings accounts and small group health benefit plans: SB 5981
 Small, incubator business program property tax exemption: SHB 1802, SB 5756
 Small, incubator competitive grant program: 2SHB 1815, 3SHB 1815
 Small, incubator program definitions and grant requirements: SB 5755
 Small, incubator program tax incentive proposals and study: SB 5925
 Small, innovation research assistance program at Washington State University: SB 6261
 Small, regulatory flexibility act: SB 5920
 Small, relief from filing requirements: SB 6173
 Small, tax credit increase: SB 5440, SB 6875
 Small, technology center proposal review process for federal innovation research program: SB 5902
 Tax incentive programs, streamlining provisions: SB 6764
 Tax incentives enacted during 2003-05 biennium, consistency improvements: SB 5863
 Tax incentives, annual survey requirements: SB 5863
 Tax refund anticipation loan act: ESHB 1251, SB 5692, SB 5796
 Temporary staffing services, taxation: SB 5218
 Uniform regulations of business and professions, revisions: E2SHB 1395, SB 5364
 Work force training, customized employment training program and tax exemption: SB 6326
 Worker training tax credit, business and occupation tax: ESHB 2565

CAMPAIGNS

Accounts, drop-in inspections: ***HB 1130, CH 184 (2005)**
 Advertising, mailed advertising must be filed with secretary of state to be archived: SB 5408
 Ballot measures, governmental entities may take positions on : ***SHB 2713, CH 215 (2006)**
 Candidates, filing with secretary of state or county auditor: ***SHB 1132, CH 221 (2005)**
 Candidates, time frame for soliciting or accepting contributions: SB 6798
 Contributions, county and local candidates: SB 6739
 Contributions, limited liability companies: HB 2551
 Contributions, limits: SHB 1226, ***3SHB 1226, CH 348 (2006)**
 Contributions, limits for judicial office: SB 6226
 Contributions, monetary threshold filing requirements: SB 6739
 Contributions, out-of-state entities: ESB 6522
 Electioneering communications, reports: SHB 1144, SB 5034
 Finance disclosure exceptions, candidates in political subdivisions: SB 6323
 Funding disclosure and restrictions: SHB 1144, SB 5034
 Local government offices, public funding: SB 5367, SB 6221
 Public disclosure violations and penalties: HB 1143, HB 2358, SB 5033, ***ESB 6152, CH 315 (2006)**
 Secretary of state, nonpartisan office: SB 5122
 Sheriffs, nonpartisan: SB 5464
 Surplus funds, disposal of: SB 5140, SB 5679

CAMPS AND CAMPING

Resorts, contracts: SB 5002

CANADA

Canadian cattle and beef importation: SJM 8010
 ID for liquor purchases, Canadian liquor control authority ID cards: ***HB 1621, CH 102 (2005)**
 Nonresident Canadian pharmacies, department of health licensing: ***2SHB 1168, CH 275 (2005)**
 Nonresident Canadian pharmacies, state board of pharmacy authority: ***2SHB 1168, CH 275 (2005)**
 Prescription drugs, licensing of Canadian wholesalers: SB 6020
 Prescription drugs, reimportation: HB 1194
 Prescription drugs, waiver to FDA for importation from Canadian wholesalers: 2SHB 1316, SB 5470

CANCER

Breast and cervical, early detection screening program: ***2ESB 5714, CH 55 (2006)**
 Breast cancer risk related to abortion, notice: SB 5820
 Chemotherapy and anticancer drugs, business and occupation tax exemption: SB 6623
 Comprehensive cancer center, property tax exemption: ***ESHB 2314, CH 514 (2005)**, SB 5398
 Prostate, insurance coverage for screening: SB 6188
 Prostate, resources for education: SJM 8017

CAPITOL CAMPUS

Cherberg and O'Brien buildings, renaming: SB 6860
 Commemorative works account: ***HB 1007, CH 16 (2005)**, SB 5252
 Firearms, possession in state legislative building: SB 5344
 Legislative buildings committee: ESHB 1301

CASELOAD FORECAST COUNCIL

Correctional facilities, operating capacity maximum: SB 5915
 Powers and duties, developmentally disabled programs: SB 6052

CELL PHONES

Disclosure protections for numbers: ***SHB 1185, CH 322 (2005)**
 Driving a motor vehicle, traffic infraction for cell phone use: ESB 5160
 Traffic accident reports to include cell phone use: SB 5161
 Unauthorized sale of numbers, penalties: SB 6776

CEMETERIES (See also FUNERAL DIRECTORS; HUMAN REMAINS)

Regulation revisions for cemeteries, funeral services, and cremation: SB 5752
 Single burial use of multiple interment spaces, disclosure: SB 5182

CEMETERY DISTRICTS (See also SPECIAL DISTRICTS)

County districts allowed to include areas within cities and towns: ***SB 6816, CH 335 (2006)**
 Multiyear excess property tax levies: SB 5214, SJR 8204

CENTRAL WASHINGTON UNIVERSITY

Operating fee waiver authority increase: ESB 5609

CHARITABLE DONATIONS

Raffles, public employees: HB 1944, SHB 1944
 Unclaimed personal property, donation to nonprofit charitable organizations: HB 1145

CHARITABLE ORGANIZATIONS (See also NONPROFIT ORGANIZATIONS)

Bingo, gambling tax exemption: HB 3285
 Solicitations and trusts, provisions: SB 6662

CHECKS AND CHECK CASHING

Cashers and sellers, borrower limits: SB 5482
 Cashers and sellers, borrower payment options: SB 5483
 Cashers and sellers, broker and server regulations: SB 5686
 Cashers and sellers, data to be provided to director of financial institutions: SB 5484
 Cashers and sellers, extortionate extension of credit and profiteering: SB 5481, SB 5540
 Cashers and sellers, limits on amount, interest, and fees: SB 5485, SB 6736

Cashers and sellers, repayment plan: SB 6738
 Cashers and sellers, state authority to regulate: SB 5486
 Cashing of checks by payor institutions: SB 6520
 Check cashers and sellers, military borrowers: SHB 2881, SB 6737
 Dishonored checks, penalties and notice: ***SHB 1347, CH 277 (2005)**
 Military borrowers, loans to: SB 5415, SB 6737

CHILD ABUSE

Dependency hearings, information sharing in cases of abuse and neglect: SB 5666
 Domestic violence, handling cases of child abuse co-occurring with domestic violence: SHB 2395
 Family and children's services, study: SB 5872
 Family assessment response demonstration program: SB 6841
 Investigations, constitutional rights of person making report: SB 5922
 Investigations, social and health services department employee training: SB 5922
 Older child victims, training for children's administration employees: ***ESB 5583, CH 345 (2005)**
 Postpartum depression, public information campaign: ***SB 5898, CH 347 (2005)**
 Reporting, committee to study best practices: SCR 8408
 Reporting, duty of nonprofit employee or volunteer: SHB 1467
 Reporting, duty of person in supervisory capacity: SB 5308
 Unfounded allegations, records retention: SB 5633
 Unfounded or meritless abuse or neglect, report provisions: SB 6331

CHILD CUSTODY

Dependency hearings, information sharing in cases of abuse and neglect: SB 5666
 Dependency hearings, interests of parents and alleged fathers: SB 5875
 Dependency hearings, parent's preference in shelter care placement: SB 5995
 Dependency hearings, parental deficiencies and termination of rights: ***SHB 2156, CH 430 (2005)**
 Dependency hearings, termination of rights after three or more removals and returns: SB 6007
 Dependency hearings, transition services: SB 6007
 Dissolution of marriage, presumption of shared parental responsibility: SB 5350
 Grandparents' rights: SB 5944, SB 6316, SB 6683
 Guardianship for dependent children, permanent placement: 2SHB 2030, SB 6008
 Kinship care, oversight committee and duties: ***SHB 1280, CH 439 (2005)**
 Nonparent visitation rights, initiation of court proceeding: SB 5996
 Parenting plans, cultural upbringing and religious beliefs: SHB 2979
 Parenting plans, shared parental responsibilities: SB 6270, SB 6888
 Public defense office to oversee and monitor dependency and termination legal representation: SB 5903
 Service of summons, service by publication: HB 1403, ***SB 5053, CH 117 (2005)**

CHILD SUPPORT

Compliance, certificate to acknowledge: SB 6200
 Interstate family support act, effective date: ***HB 3048, CH 96 (2006)**, SB 6590
 Noncompliance, notice provisions: SB 6340

CHILDREN (See also CHILD ABUSE; CHILD CUSTODY; CHILD SUPPORT; JUVENILE OFFENDERS)

Agencies providing care, facility location and licensing process: SB 6155
 Agencies providing care, license application process: SB 5294, SB 5296
 Agencies providing care, unique identifying number: SB 5295
 At-risk youth, educators authorized to request family reconciliation services: SB 5460
 At-risk youth, prevention quality council: SB 5047
 At-risk youth, public access to hearings: HB 1279, SHB 1279
 Autism, caring for Washington children with autism task force: ***SB 5311, CH 259 (2005)**
 Bicycles with occupied baby carriers: SB 6142
 Car seat installation technicians held harmless for damages: ***ESHB 1475, CH 132 (2005)**, SB 5085
 Child car seats, requirements regarding weight, height, and age of child: ***ESHB 1475, CH 132 (2005)**
 Child labor, fees for administration and enforcement of child labor laws: SB 5235
 Conversations and communications, parental rights to monitor: SB 5081

Day-care centers and family day-care providers, information regarding: SB 5806
 Dependency hearings, information sharing in cases of abuse and neglect: SB 5666
 Dependency hearings, interests of parents and alleged fathers: SB 5875
 Dependency hearings, parental deficiencies and termination of rights: ***SHB 2156, CH 430 (2005)**
 Dependency hearings, termination of rights after three or more removals and returns: SB 6007
 Dependency hearings, transition services: SB 6007
 Disabilities, early intervention services: ***SHB 1107, CH 269 (2006)**, SB 5141
 Early learning council, child care provider rating and tiered-reimbursement systems: ***E2SHB 1152, CH 490 (2005)**
 Early learning, department of: ***2SHB 2964, CH 265 (2006)**, SB 6466
 Embryos, legal status of children born from embryos transferred during assisted reproduction : SB 6743
 Environmental health and protection advisory board: SB 5188
 Family and children's services, study: SB 5872
 Family child care providers, collective bargaining: ***E2SHB 2353, CH 54 (2006)**, SB 6165
 Family reconciliation hearings, public access: HB 1279, SHB 1279
 Family reconciliation services, educators authorized to request: SB 5460
 Farmers market nutrition programs, funding: SB 5597
 Guardianship for dependent children, permanent placement: 2SHB 2030, SB 6008
 Health care insurance, access: ***E2SHB 1441, CH 279 (2005) PV**
 Health care, kids get care service delivery model for preventative and well-child services: 2SHB 1516
 Heavy metals soil contamination, safe playground soils program: SB 5125
 Heavy metals soil contamination, school and child care facility reduction assistance: ***E2SHB 1605, CH 306 (2005)**
 Hunting safety, supervision and minimum age for licenses: SB 5383
 Incarcerated parents, interagency plan and oversight committee: ***SHB 1426, CH 403 (2005)**, SB 5407
 Infant screening services, fees: SB 5491
 Infant-friendly employers: SB 5600
 Informed consent for medical services, persons allowed to give: ***SHB 1281, CH 440 (2005)**
 Insurance, coverage for dependent children of public employees: SB 6186
 Internet safety for children, pamphlet to promote: SB 5803
 Juvenile justice early intervention services, grants through investing in youth program: SB 5567
 Juvenile justice early intervention services, grants through reinvesting in youth program: 2SHB 1483, ***4SHB 1483, CH 304 (2006)**
 Kinship care, consent for mental health care: ***HB 3139, CH 93 (2006)**
 Kinship care, oversight committee and duties: ***SHB 1280, CH 439 (2005)**
 Lead-based paint activities, public health education program: SB 5189
 Legislative youth advisory council, established: ***SB 5254, CH 355 (2005)**
 Legislative youth advisory council, extension: SB 6536
 Mental health, age of consent for evaluation or treatment: ***SHB 1058, CH 371 (2005)**, SB 5257, SB 5557
 Mental health, RCW 74.34 subchapter headings: HB 1082
 Missing or runaway children, law enforcement requirements to locate and liability for efforts: SB 5848
 Newborns, additional transfer locations: SB 6357
 Newspapers, child labor law compliance: SB 5696
 No child left behind act, funding: SJM 8011
 Preschools, voluntary certification and standards: SB 5621
 Protection, penalties for criminal mistreatment or abandonment: ***ESHB 1080, CH 228 (2006)**
 Reading achievement account: ***SHB 2836, CH 120 (2006)**
 Safety of child protective, child welfare, and adult protective services workers: ***HB 3122, CH 95 (2006)**
 Services, task force on the administration and delivery of services: ***ESB 6741, CH 251 (2006)**
 Sex and kidnapping offenders, special verdicts for persons committing crimes against children: ***HB 3277, CH 122 (2006)**
 Sex offenses against, abuse of supervisory position to obtain consent of a minor: SB 5309
 Sex offenses against, rape of child in first degree and child molestation in first degree: SB 6153
 Staffed residential homes, positive social and educational outcomes: SB 6884
 Uniform transfer of minors act, threshold age of minors: ***HB 2380, CH 204 (2006)**
 Vaccines, mercury-containing: SB 5305
 Witnesses in court proceedings, provisions: ***HB 1837, CH 455 (2005)**

CHIROPRACTORS

Dietary supplements, sales and use tax exemption for sales to patients: SB 6698

CHURCHES

Property tax exemption: SB 5819

Property tax exemption, church directories: SB 6081

CIGARETTES (See also TOBACCO)

Fire-safe cigarettes, regulations: SB 6164

Indian enrollment cards as identification for purchase: ***SHB 1496, CH 206 (2005)**, SB 5566

Product sampling: ***ESB 5048, CH 14 (2006)**

Smoking areas, enclosed area or negative air pressure requirements: SB 5909

Smoking in public places prohibited: SB 5592

Smoking in public places, exemption to initiative 901 for religious ceremonies: SB 6213

Smoking prohibitions, modifications for economic viability of businesses and clubs: SB 6883

Smoking within a certain distance of public places: SB 5114, SB 6667

Tax agreements, additional tribes: ***HB 1915, CH 208 (2005)**, SB 5814

Tax agreements, Puyallup Tribe: HB 1916, ***SB 5794, CH 11 (2005)**

Taxes, additional tax to fund basic health plan enrollment: SB 5829

Taxes, additional tax to fund Initiative 728 and student achievement account: ***ESHB 2314, CH 514 (2005)**

CITIES AND TOWNS (See also LOCAL GOVERNMENT; METROPOLITAN MUNICIPAL CORPORATIONS)

Affordable housing incentive program, growth management provisions: ***ESHB 2984, CH 149 (2006)**

Ambulance and emergency services, utility service charges to fund: ***ESHB 1635, CH 482 (2005)**, SB 5624

Annexation, assumption of fire protection district assets: SB 6102

Annexation, direct property owner petition method: SB 6521

Annexation, surtax on municipal services: ESHB 1153, SB 5334

Annexation, water-sewer districts: SHB 1229, HB 2720, SB 5371

Aquatic lands, leases with state: SB 6535

Basketball arena funding, local sales and use taxes: SB 6065

Brownfield land, publicly owned contaminated land designated as priority cleanup: SB 6046, SB 6327

Business licensure, business not physically located in city: SB 6138

Cemeteries, county cemetery districts allowed to include areas within cities and towns: ***SB 6816, CH 335 (2006)**

Code cities, agricultural lands exclusion from boundaries of: ***SB 5589, CH 77 (2005)**

Community revitalization financing: SB 5325, SB 6700

Financial assistance advisory council and grant program: SB 6050

Financial institutions, state regulatory authority: SHB 1419, SB 5266

Fire departments, reporting and accountability standards: ***SHB 1756, CH 376 (2005)**

Fireworks, local surcharge: SB 5153

Forest practices, local regulations: SB 5376

Fuel tax, distribution for statewide taxes: SB 5969

Gambling activities, land use and zoning powers: SB 5591

Growth management, additional year to comply with comprehensive plan requirements: ***ESHB 2171, CH 294 (2005)**

Growth management, affordable housing incentive programs: ***ESHB 2984, CH 149 (2006)**

Growth management, agricultural lands for recreational activities: SB 5739

Growth management, agricultural zoning that supports family farms: SB 5945

Growth management, comprehensive plan compliance tiers for review and revision requirements: SB 5930

Growth management, comprehensive plan update and amendment process: SB 5152, SB 5923

Growth management, critical areas designation using best available science: SHB 2815, SB 5912, SB 6035, SB 6569

Growth management, essential public facilities joint task force: SB 5690

Growth management, example critical areas policies or regulations: SB 5954

Growth management, facilities for recreational or tourist use in rural areas: HB 2206, SB 6037

Growth management, forest lands of long-term commercial significance: SB 5618

Growth management, forest practices regulations: SB 5376

Growth management, good faith effort for comprehensive plan compliance requirements: ***ESHB 2171, CH 294 (2005)**

Growth management, infrastructure account: SB 5772

Growth management, petitions to hearings boards for review of comprehensive plan amendments: SB 6030
Growth management, public notification requirements: ESHB 2194
Growth management, recreational lands designation: ***EHB 2241, CH 423 (2005)**
Growth management, state projected population growth and urban residential densities: SB 5907
Growth management, study committee on outdoor recreation: ***EHB 2241, CH 423 (2005)**
Growth management, task force on one-year revisions and compliance extension: ***ESHB 2171, CH 294 (2005)**
Growth management, utility hookups for water and sewer services: SB 5694
Growth management, water quality and habitat requirements: SB 5619
Home rule charter cities, primaries: SB 5326
Homeless camps, siting: HB 1235
Homeless persons, county task forces to develop plans for housing: SB 5767
Homeless persons, homelessness housing and assistance act: ***E2SHB 2163, CH 484 (2005) PV**
Hospital benefit zones, financing through local sales and use taxes: ***SHB 2670, CH 111 (2006)**
Housing, affordable housing through flexible short subdivisions: SHB 2325, SB 6589
Indigent defense services, grant program and funding: ***2SHB 1542, CH 157 (2005)**, SB 5531
Infrastructure, local infrastructure financing tool demonstration program: ***E2SHB 2673, CH 181 (2006) PV**
Insurance, joint self-insurance program: ***HB 1356, CH 147 (2005)**, SB 5335
Interlocal agreements, electronic posting: ***HB 2676, CH 32 (2006)**
Interlocal agreements, municipal court services: SB 6023
Jails, alternative detention and rehabilitation facilities: SB 5542
Layoff of employees to hire inmate labor: SB 6220
Levy of taxes, date for submitting estimates to counties: ***HB 1048, CH 52 (2005)**
Local government financial assistance advisory council and grant program: SB 6050
Local infrastructure financing tool demonstration program: ***E2SHB 2673, CH 181 (2006) PV**
Local sales and use tax, proceed distribution: SB 5882
Local sales and use, credited against state tax and used to provide services to annexed areas: SB 6686
Manufactured homes, location restriction ordinances prohibited: SHB 1374
Manufactured housing communities, regulations: HB 2718, SB 6400
Manufactured housing communities, water and sewer connection charges: ***HB 1247, CH 324 (2005)**
Master licensing program, performance-based grant program for licensing agencies: ***HB 2131, CH 201 (2005)**, SB 5967
Medical coverage for elected officials and commissioners: SB 6721
Mental hospitals, law enforcement costs reimbursement: SB 5184
Minor league baseball facilities, taxes to fund: SB 5572
Mobile home parks, sewer-related charges: HB 2717
Mobile homes, location restriction ordinances prohibited: SHB 1374
Monorail transportation authority powers and duties and provisions modified: SB 6872
Monorail transportation authority powers and duties, taxation and fines: SB 5534
Monorail transportation authority, dissolution provisions: SB 6733, SB 6786, SB 6872
Multiple-unit dwellings in urban centers, definition of city in regard to tax incentive programs: HB 1742
Municipal business and occupation tax, allocation of printing and publishing income: ***SHB 2033, CH 272 (2006)**
Municipal court, interlocal agreements: SHB 3082
Municipal services, annexation surtax: ESHB 1153, SB 5334
Off-road vehicles, city and county roads: ***HB 2617, CH 212 (2006)**
Off-road vehicles, use in small cities: SB 6650
Parking and business improvement areas, tax exemptions for administrative costs: SB 5999
Parks and recreational facilities, funding: SB 5630
Passenger ferry service, funding and grant program: SB 6787
Payment of claims, second class cities allowed to pay by claim or warrant: ***HB 3056, CH 41 (2006)**, SB 6586
Petition signatures, corporations owning land within area involved: HB 2007
Physical activity, growth management planning and local legislation to promote: SB 5186
Public development authorities, business and occupation tax exemption: EHB 2270
Public works projects, population threshold for design-build procedure: SB 6845
Punch boards and pull tabs, taxation: SB 6889
Residential habilitation centers, law enforcement costs reimbursement: SB 5184
Rule-making process, city and county participation in state process: SB 6266

Safe neighborhood planning and pilot projects: SB 5678
 Second class cities and towns allowed to pay claims by check or warrant: ***HB 3056, CH 41 (2006)**, SB 6586
 Shoreline master program, interim timeline and full compliance exemption: SB 5251
 Storm water management and control, city liability for inadequate facilities: SB 5505
 Streets, financial assistance for small cities and towns: SB 5775
 Transportation authority, dissolution provisions: SB 6733, SB 6786, SB 6872
 Transportation authority, powers and duties and provisions modified: SB 6872
 Transportation funding, local option transportation taxes and motor vehicle fee: SB 6103
 Transportation funding, street utility program and motor vehicle and road improvement fees: SB 6016
 Trial court funding act: SB 5454
 Utilities, electronic payment: SHB 1009
 Volunteer ambulance drivers, code city legislative personnel: ***SB 5168, CH 38 (2005)**
 Water and sewer facilities, annexation of facilities and territory: SHB 1229, SB 5371
 Water and sewer facilities, consultation with public utilities during predesign phase: SHB 1228
 Water and sewer facilities, notice to water-sewer districts for relocation of: SB 5372
 Water quality joint development act, drinking water and treatment service improvements: SB 5285
 Water-sewer district services, taxation on services provided within cities and towns: E2SHB 2259
 Water-sewer district, assumption of district by city: E2SHB 2259
 Water-sewer district, assumption of district by code city: ***SB 5268, CH 43 (2005)**
 Water-sewer districts, annexation of territory within city: HB 2720
 Waterways, right to construct bridges and trestles over: ***SHB 1657, CH 58 (2005)**, SB 5437
 Weighing and measuring devices, registration fees: SB 5401
 Weights and measures program, fees: SB 6365

CIVIL PROCEDURE

Actions and claims against governmental entities, notice requirements: ***SHB 3120, CH 82 (2006)**
 Actions following wrongful injury or death: SB 5734
 Attorneys, recovery of actual costs for service of process: SB 5737
 Civil legal aid office and oversight committee: ***SHB 1747, CH 105 (2005)**, SB 5685
 Default judgments, military status of defendant: ***EHB 3074, CH 80 (2006)**
 Employer disclosure of employee information to prospective employer, limited liability: ***HB 1625, CH 103 (2005)**
 Fine-only misdemeanors, decriminalization: SB 5223
 Forfeiture action, disposal of property and distribution of proceeds: SB 5260
 Injury as a result of engaging in misdemeanor or gross misdemeanor, defense in civil actions: SB 5300
 Landlord and tenant, unlawful detainer process: SB 6572
 Mandatory arbitration of civil actions, county population thresholds: EHB 1814, ***SB 5733, CH 472 (2005)**
 Public hazards, sunshine in public hazards litigation act: SB 5646
 Recreational land owners, liability for off-road vehicle use: SB 6353
 Seat belts and child car seats, failure to use may be admissible in civil action: SB 6563
 State and local liability for acts of persons on supervision or in community-based treatment programs: SB 6852
 Unjust conviction and incarceration, damages: SB 6692

CLIMATE

Drought, joint legislative committee on water supply during drought: ***HB 2166, CH 60 (2005)**, SB 5894
 Drought, statewide emergency funding: SB 6092
 Greenhouse gas reduction objectives, registry and annual report: SB 5100
 Ice age floods national geologic trail: ***SJM 8000 (2005)**

CLONING

Stem cell research and human cloning, regulations: SB 5594
 Stem cell research and human cloning, regulations and advisory committee: EHB 1268

COASTAL AREAS

Ocean policy review commission: SB 5278

CODE REVISER

Administrative committee of the office of the code reviser: SB 5884

Mental health services for minors, RCW 74.34 subchapter headings: HB 1082
 Session law publication: HB 2375, ***SB 6208, CH 46 (2006)**
 Statute law committee membership, revisions: ***SHB 1847, CH 409 (2005)**

COLLECTION AGENCIES

Dishonored checks, penalties and notice: ***SHB 1347, CH 277 (2005)**

COLLECTIVE BARGAINING

Classified school employees, bargaining units: ***HB 1432, CH 232 (2005)**, SB 5705
 Compensation and fringe benefit provisions in master agreement: SB 6660
 Family child care providers: ***E2SHB 2353, CH 54 (2006)**, SB 6165
 Ferries, state employees: ***SHB 3178, CH 164 (2006)**, SB 6794
 Individual providers, hours of work: ***ESHB 2475, CH 106 (2006)**, SB 5724
 Juvenile detention facilities, public employees' provisions to apply to : SB 6813
 Six-year agreements: ***SB 6411 (2006) V**
 State employees, union security provision: SB 6755
 State patrol, negotiations for wages and wage-related matters: ***2SHB 1188, CH 438 (2005)**, SB 5208
 Supplemental insurance, state employees: SB 6702
 Union dues, payroll deductions for state employees: SB 6644
 Unions, disclosure of public sector unions' finances: SB 6756
 Western Washington University, agreements: ***SHB 2976, CH 10 (2006)**

COLLEGES AND UNIVERSITIES (See also COMMUNITY AND TECHNICAL COLLEGES)

Admissions, diversity policies and comprehensive review of applications: SB 6073
 Admissions, diversity standards similar to U.S. military academies: SB 5870
 Applied baccalaureate degree pilot projects for degrees in applied science and technology: ***E2SHB 1794, CH 258 (2005)**
 Boards, student members: SB 5022
 Bond retirement accounts, elimination of obsolete accounts: SB 6027
 Branch campuses, lower-division courses: ***E2SHB 1794, CH 258 (2005)**, SB 5411
 Construction projects, threshold for public works bid requirements: HB 3106, SB 6754
 Course materials, cost saving measures: ***SHB 3087, CH 81 (2006)**, SB 6699
 Cowlitz Tribe, higher education resident tuition eligibility: ***ESHB 1607, CH 163 (2005)**
 Credit cards, policies regarding company marketing activities: SB 5506
 Diversity in student population, policies and comprehensive review of applications: SB 6073
 Diversity in student population, promotion of: SB 5575
 Diversity in student population, standards similar to U.S. military academies: SB 5870
 False academic credentials, penalties: SB 6487
 False or misleading degrees, minimum standards for degree-granting institutions: ***ESHB 2507, CH 234 (2006)**
 Financial aid, office of student assistance: SB 5629
 Financial aid, part-time students: ***SHB 1345, CH 229 (2005)**
 Financial aid, state account: ***SHB 1100, CH 139 (2005)**
 Financial aid, zero interest loans: SB 6271
 Financing, comprehensive education study steering committee: SB 5441, SB 5603
 Foster youth, postsecondary education and training committee: ***ESHB 1079, CH 93 (2005)**, SB 5084
 Four-year baccalaureate institution, evaluation of need for new institution: SB 5874
 Funding, state budgetary commitment to fund enrollment demands: SB 5804
 Funding, state income tax: SB 6074
 Gender equity reporting: SB 5625
 Higher education endowment grant funds, deposit outside the state: ***SHB 2225, CH 203 (2005)**
 Historically Black college fund pilot project: SB 5303
 Latino accessibility to higher education, joint select committee: SCR 8401
 Master plan for education - prekindergarten through university, interim study work group: SCR 8402
 Math/science scholar high school diploma and scholarship: SB 6780
 Military, tuition refund for students called to active duty: ***SHB 1174, CH 249 (2005)**
 National guard conditional scholarship, provisions: ***SB 6766, CH 71 (2006)**

National guard, tuition waiver for dependents of members serving overseas in war or conflict: ***SHB 1174, CH 249 (2005)**

National guard, tuition waivers for eligible members: ***SHB 1174, CH 249 (2005)**

Nonprofit schools and colleges, property tax exemption: ***SHB 2804, CH 226 (2006)**, SB 6564

North Snohomish State College: SB 5425

NSIS region, funding to provide access to higher education using the university center model: ***SHB 3113, CH 179 (2006)**

Off-campus student housing, quality assessment program: SB 6135

Promise scholarship, academic eligibility: SB 5075

Promise scholarships, border county higher education opportunity project: SB 5001

Qualified professions conditional scholarship for math, science, and engineering: SB 6783

Research, ethical transfer of technology: ***SHB 1806, CH 106 (2005)**, SB 5811

Residency, Cowlitz Tribe eligibility: ***ESHB 1607, CH 163 (2005)**

Residency, Samish Indian Nation eligibility: ***ESHB 1607, CH 163 (2005)**

Running start, public tribal colleges: HB 1399, ***SHB 1708, CH 207 (2005) PV**

Samish Indian Nation, higher education resident tuition eligibility: ***ESHB 1607, CH 163 (2005)**

Scholarships, math/science scholar high school diploma and scholarship: SB 6780

Scholarships, qualified professions conditional scholarship for math, science, and engineering: SB 6783

Student association, statewide: SB 5971

Student athletes' bill of rights: SB 5019

Student regents and trustees, terms of appointment: ***HB 2857, CH 78 (2006)**, SB 6567

Students under temporary visas, basic health plan: ***HB 1170, CH 188 (2005)**

Supervisor defined for public employment purposes: ESB 5510

Technology, emphasis for enrollment and degrees related to: ***SHB 2817, CH 180 (2006)**

Technology, priority for enrollment and degrees related to: SB 6697

Tuition waivers, employees of political subdivisions: SB 6288

Tuition waivers, review and prioritization: HB 1986, SHB 1986

Veterans, tuition and fee waivers: ***SHB 1174, CH 249 (2005)**, ***SHB 2233, CH 229 (2006)**, SB 5112

COLUMBIA RIVER

Columbia river coastal crab mitigation work group: SB 6402

General obligation bonds, Columbia river water supply development program: ***ESHB 3316, CH 167 (2006)**, SB 6898

Hydropower mitigation fee program: SB 6581

Mainstream water management program and account: SB 5120

Salmon and steelhead recovery: ***ESB 5355, CH 308 (2005)**

Water supply development program: ***E2SHB 2860, CH 6 (2006)**

COMMERCIAL VESSELS AND SHIPPING (See also BOATS)

Marine pilot licensing qualifications and procedures, applicant training program: SB 5150

Marine vessel construction, county contracts and security in lieu of bond: ***SHB 1460, CH 101 (2005)**

Oil spill prevention and response, shellfish beds: SB 5676

Passenger vessels, release of sewage and sludge into marine waters: E2SHB 1415

Port maritime pilotage services, liability limits for Grays Harbor pilotage district: SB 5207

Registration, violations and penalties: ***HB 1641, CH 29 (2006)**

Sandman foundation, funding: SB 5847

COMMUNITY AND TECHNICAL COLLEGES (See also COLLEGES AND UNIVERSITIES)

Applied baccalaureate degree pilot projects for degrees in applied science and technology: ***E2SHB 1794, CH 258 (2005)**, SB 5867

Apprentices, required course tuition deducted from training contracts: ***SHB 1560, CH 159 (2005)**, SB 5613

Apprenticeship placement for secondary students, program to facilitate: ***2SHB 2789, CH 161 (2006)**, SB 6483

Capital projects account, interest provisions: HB 1120, SHB 1120, SB 5651

Construction projects, threshold for public works bid requirements: HB 3106, SB 6754

Cowlitz Tribe, higher education resident tuition eligibility: ***ESHB 1607, CH 163 (2005)**

Credit cards, policies regarding company marketing activities: SB 5506

Customized employment training program: SB 5174

Diversity in student population, promotion of: SB 5575
 Faculty, salary increments: SB 5304
 Financial aid, office of student assistance: SB 5629
 Financial aid, part-time students: ***SHB 1345, CH 229 (2005)**
 Financial aid, state account: ***SHB 1100, CH 139 (2005)**
 Financing, comprehensive education study steering committee: SB 5441, SB 5603
 Foster youth, postsecondary education and training committee: ***ESHB 1079, CH 93 (2005)**, SB 5084
 Funding system, study: SB 5728
 Funding, state budgetary commitment to fund enrollment demands: SB 5804
 Funding, state income tax: SB 6074
 Gender equity reporting: SB 5625
 High school completion programs: E2SHB 2582
 Master plan for education - prekindergarten through university, interim study work group: SCR 8402
 National guard, tuition waiver for dependents of members serving overseas in war or conflict: ***SHB 1174, CH 249 (2005)**
 National guard, tuition waivers for eligible members: ***SHB 1174, CH 249 (2005)**
 Nonprofit schools and colleges, property tax exemption: ***SHB 2804, CH 226 (2006)**, SB 6564
 NSIS region, funding to provide access to higher education using the university center model: ***SHB 3113, CH 179 (2006)**
 Opportunity grant program, work force education program: E2SHB 2630
 Part-time faculty, accumulation and use of sick leave: SB 6396
 Part-time faculty, associate faculty positions: SB 5970
 Part-time faculty, compensation review and update: SB 5018, ***ESB 5087, CH 119 (2005)**
 Part-time faculty, employee health benefits: ***2SHB 2583, CH 308 (2006)**, SB 6420
 Part-time faculty, pay equity: SB 5802
 Part-time faculty, salary schedule same as full-time faculty: SB 5871
 Promise scholarship, academic eligibility: SB 5075
 Promise scholarships, border county higher education opportunity project: SB 5001
 Residency, Cowlitz Tribe eligibility: ***ESHB 1607, CH 163 (2005)**
 Residency, Samish Indian Nation eligibility: ***ESHB 1607, CH 163 (2005)**
 Running start, public tribal colleges: HB 1399, ***SHB 1708, CH 207 (2005) PV**
 Salary increments, academic employees: 2SHB 2595, SB 6397
 Samish Indian Nation, higher education resident tuition eligibility: ***ESHB 1607, CH 163 (2005)**
 Student athletes' bill of rights: SB 5019
 Supervisor defined for public employment purposes: ESB 5510
 Technology, emphasis for enrollment and degrees related to: ***SHB 2817, CH 180 (2006)**
 Technology, priority for enrollment and degrees related to: SB 6697
 Tuition waivers, review and prioritization: HB 1986, SHB 1986
 Veterans, tuition and fee waivers: ***SHB 1174, CH 249 (2005)**, ***SHB 2233, CH 229 (2006)**, SB 5112

COMMUNITY AND TECHNICAL COLLEGES, BOARD

Customized employment training program: SB 5174
 Faculty salary increments, task force to review distribution of increment funds: SB 5304
 Opportunity grant program, work force education program: E2SHB 2630
 Part-time faculty, compensation review and update: SB 5018, ***ESB 5087, CH 119 (2005)**
 Strategic direction and performance measures for higher education: SB 5868

COMMUNITY ECONOMIC REVITALIZATION BOARD

Job development fund, grant program to assist local governments with infrastructure projects: ***ESHB 1903, CH 425 (2005)**
 Public facilities loans and grants, military-related private sector businesses: SHB 1091, SB 5040
 Public facility construction projects: SB 6544
 Small business incubator program, board authority: SHB 1091, SB 5040

COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT, DEPARTMENT

Affordable housing, Washington housing trust fund: ***E2SHB 2418, CH 349 (2006) PV**

Association of Washington generals: HB 1974, SB 5862
 Bioenergy loan program, conversion of farm products: SB 6501
 Business and job retention and expansion program: SB 5642
 Capital projects funding for nonprofit cultural and youth and social services facilities: ***ESHB 1577, CH 160 (2005)**, SB 5827
 Community preservation authorities: ESHB 3207
 Disaster recovery task force, state employee: SB 6797
 Early childhood education and assistance program: SB 5538
 Economic development grants program: ***ESB 5330, CH 314 (2006)**, SB 6689
 Economic development strategic reserve account: SB 5370
 Energy assistance account and funding: SB 6482
 Energy freedom program and board: ***E3SHB 2939, CH 171 (2006)**
 Entrepreneurial assistance center: SB 5641
 Historic county courthouse grant program: SB 5331
 Homelessness housing and assistance act: ***E2SHB 2163, CH 484 (2005) PV**
 Housing assistance and affordable housing programs, administrative cap: ***EHB 1074, CH 219 (2005)**, SB 5108
 Housing assistance program, application preference to projects utilizing apprentices: SB 5612
 Individual development account program, low-income family assistance: ***SHB 1408, CH 402 (2005)**, SB 5469
 Industry cluster-based development: ***2SHB 2498, CH 105 (2006)**, SB 5329
 International trade, trade corps fellowship program: SB 6330
 Investing in youth program, grants to counties for juvenile justice early intervention services: SB 5567
 Local government financial assistance advisory council and grant program: SB 6050
 Low-income families, pilot program to assist families to accumulate assets: ***HB 3156, CH 91 (2006)**
 Main street program and advisory committee: ***ESHB 2314, CH 514 (2005)**, SB 5455
 Manufactured/mobile home communities, landlord and tenant dispute resolution procedures: ***ESHB 1640, CH 429 (2005)**, SB 5660, SB 6647, SB 6648, SB 6709
 Manufacturing services, Washington manufacturing services nonprofit corporation: ***SHB 2726, CH 34 (2006)**, SB 6470
 Mental health, office of the state mental health ombudsman: SB 6587
 Microenterprise development program: SB 6714
 Mobile home relocation assistance, reimbursement limits: SB 5107
 Motion pictures, approved motion picture competitiveness program: SB 6558
 Mountains to Sound greenway outdoor recreation projects, account and funding: SB 6281
 Multimodal transportation improvements and strategies, growth management compliance study: ***2SHB 1565, CH 328 (2005)**
 Off-campus student housing, quality assessment program: SB 6135
 Powers and duties, department programs and director's authority: SB 5176
 Reinvesting in youth program, grants to counties for juvenile justice early intervention services: **2SHB 1483, *4SHB 1483, CH 304 (2006)**
 Rental assistance program for low-income persons: SB 6044
 Safe neighborhood planning and pilot projects: SB 5678
 Short line rail revitalization program: SB 5652
 Small business incubator competitive grant program: **2SHB 1815, 3SHB 1815**
 Small business incubator program definitions and grant requirements: SB 5755
 Small business incubator program property tax exemption: **SHB 1802, SB 5756**
 Small business incubator program tax incentive proposals and study: SB 5925
 Technical assistance services, export-related assistance fees: SB 5892
 Trafficking of humans, delivery of services work group and study: ***SB 5127, CH 358 (2005)**
 Washington rural loan fund provisions: ***HB 1092, CH 94 (2005)**, SB 5086

COMMUTING

Commute trip reduction program, application requirements and program modifications: ***ESB 6003, CH 297 (2005)**
 Commute trip reduction program, revisions: ESHB 3089, SB 6566
 Ride sharing grant program, projects up to five years in length: SB 6070

COMPUTERS (See also INTERNET)

Breaches of security that compromise personal information stored on computers, disclosure: SB 6043

Crimes, soliciting or requesting personally identifying information: ***E2SHB 1888, CH 378 (2005)**
 Cyberbullying, school harassment prevention policies: SB 5849
 Electronic mail fraud, soliciting or requesting personally identifying information: ***E2SHB 1888, CH 378 (2005)**
 Spyware regulations: ***ESHB 1012, CH 500 (2005)**

CONCURRENT RESOLUTIONS

2006 legislative assembly moved to a location east of the Cascade Mountains: SCR 8416
 Aerospace task force and study: SCR 8418
 Bills returned to house of origin: ***SCR 8411 (2005)**, ***SCR 8425 (2006)**
 Bills, reintroduction: ***HCR 4413 (2006)**
 Child abuse and neglect, committee to study best practices regarding reporting: SCR 8408
 Columbia room, legislative building: SCR 8405
 Cutoff dates, 2005 regular session: ***SCR 8400 (2005)**
 Cutoff dates, 2006 regular session: ***SCR 8414 (2006)**
 Cutoff exemptions: SCR 8410, ***ESCR 8419 (2006)**, SCR 8420, SCR 8421, SCR 8422
 Education, joint select committee on equitable opportunity for all: HCR 4411
 Facilities, approval of names: ***HCR 4415 (2006)**
 Former legislators: ***HCR 4403 (2005)**
 Gambling policy setting, joint select committee: SCR 8417
 Homeowners' association act committee and review: HCR 4409, ***SCR 8423 (2006)**
 Joint rules: ***HCR 4401 (2005)**
 Joint sessions of legislature: ***HCR 4402 (2005)**
 Latino accessibility to higher education, joint select committee: SCR 8401
 Legislature organized, governor notified: ***HCR 4400 (2005)**, ***HCR 4412 (2006)**
 Legislature, commission on evaluation of the: SCR 8404
 Major league baseball team, second team: SCR 8415
 Master plan for education - prekindergarten through university, interim study work group: SCR 8402
 Offshore outsourcing, task force and study: EHCR 4405, ***ESCR 8407 (2005)**
 Poet laureate, state: SCR 8403
 Public health financing joint select committee and review: ***EHCR 4410 (2005)**
 Secondary education, joint select committee and study: ***HCR 4408 (2005)**
 Sine Die, governor notified: SCR 8412
 Sine Die, regular session: ***SCR 8413 (2005)**, ***SCR 8426 (2006)**
 State medal of valor, recipients honored: ***HCR 4417 (2006)**
 State of the state address: ***HCR 4414 (2006)**
 Work force training, 2004 updates to the state comprehensive plan: ***EHCR 4404 (2005)**, SCR 8406
 Workers' compensation, joint select committee and study: SCR 8409

CONSERVATION

County conservation futures, farm and agricultural land: SB 5109
 County conservation futures, funding increase: ***ESHB 1631, CH 449 (2005)**, SB 5378
 County conservation futures, maintenance and operation of acquired property: ***ESHB 1631, CH 449 (2005)**, SB 5378
 County conservation futures, salmon restoration: ***ESHB 1631, CH 449 (2005)**
 Growth management, counties prohibited from regulations precluding enrollment in conservation programs: SB 6425, SB 6833
 Habitat conservation programs, riparian protection and farmlands preservation accounts: SHB 1413, SB 5396
 Habitat programs, funding and property tax criteria and distribution: SB 5118
 Joint committee on energy supply and energy conservation, conservation measures: ***SHB 1895, CH 299 (2005)**
 Publicly owned buildings, water conservation: SB 6729
 Puget Sound conservation and recovery partnership and management plan: SB 5895
 Veterans conservation corps program: SB 5539
 Wildlife conservationist award program: SB 5016

CONSERVATION COMMISSION

Conservation assistance revolving account management: ***SHB 1461, CH 30 (2005)**, SB 5009
 District funding, grant administration: ***SHB 1462, CH 31 (2005)**, SB 5010

CONSERVATION DISTRICTS (See also SPECIAL DISTRICTS)

Farm plans, content and disclosure provisions: SB 6617
 Funding, grant administration: ***SHB 1462, CH 31 (2005)**, SB 5010
 Special assessments, maximum per parcel rate: ***ESB 5094, CH 466 (2005)**, SB 6304

CONSUMER PROTECTION

Computer crimes, soliciting or requesting personally identifying information: ***E2SHB 1888, CH 378 (2005)**
 Computer spyware regulations: ***ESHB 1012, CH 500 (2005)**
 Electronic mail fraud, soliciting or requesting personally identifying information: ***E2SHB 1888, CH 378 (2005)**
 Identity theft, law enforcement reports to be given to victims: SB 5939
 Insurance renewal, credit history use restrictions: SB 5275
 Interstate insurance product regulation compact: ***HB 1032, CH 92 (2005)**, SB 5195
 Office of privacy protection, personal information protection: SB 5327
 Pyramid promotional schemes: SB 5211, ***SB 6416, CH 65 (2006)**

CONTRACTORS

Biodiesel requirements in public contracts: SB 6514
 Chattel liens: SB 5204
 Claim rights, construction contract provisions: SB 5936
 Claims or actions arising from construction, statute of limitations provisions for defects: SB 6627
 Construction contractors, display of licenses and certificates: SB 6862
 Home inspectors, registration program: SB 6229
 Homeowner protections and residential contractor requirements: SB 5773, SB 6740
 HVAC/R mechanics and contractors, regulations integrated into plumbers provisions: SB 6772
 Liens against residential homeowners, limits: SB 5239
 Multiunit residential buildings, inspections and construction defect dispute resolutions: ***EHB 1848, CH 456 (2005)**
 Unregistered contractors, unlawful for general contractor to employ: SB 6859
 Whistleblowers, protection and discrimination provisions for contractors who hold contracts with the state: SHB 3180

CONTRACTS (See also PUBLIC WORKS)

Camping resorts: SB 5002
 Health studio services, contract restrictions: SB 5810
 Outsourcing state contracts, policies to determine if contracts serve the best interest of the state: EHB 2257
 Outsourcing state contracts, work performed outside the United States prohibited: SB 5777
 State, policies to determine if contracts serve the best interest of the state: EHB 2257
 State, whistleblowers' protection and discrimination provisions for contractors who hold contracts with the state: SHB 3180
 Whistleblowers, protection and discrimination provisions for contractors who hold contracts with the state: SHB 3180

CONVENTION AND TRADE CENTERS

Funding, balance transfer and stabilization of funding levels: SB 6858

CORPORATIONS (See also NONPROFIT CORPORATIONS)

Controlling interest transfers, disclosure for real estate excise tax purposes: SB 6061
 Dissolution provisions: ***SB 6596, CH 52 (2006)**
 Petroleum corporations, monetary penalties on windfall profits: SB 6746

CORRECTIONS, DEPARTMENT

American citizenship and civil rights, education program for offenders: SB 6488
 Chaplains, state institutions: SB 6253
 Children of incarcerated parents, interagency plan and oversight committee: ***SHB 1426, CH 403 (2005)**, SB 5407
 Correctional medical facilities, disclosure and analysis of adverse events: SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6072, SB 6087
 Council on mentally ill offenders: SB 6685
 Facilities serving violent offenders, restrictions for siting on state hospital grounds: SHB 1614, SB 5428
 Fugitives, web site for information about: SHB 1344
 General obligation bonds, correctional facilities: ***ESHB 3316, CH 167 (2006)**, SB 6898

Inmate labor, unfair competition with businesses: SJR 8206
 Inmate work programs, corrections employees and families may purchase goods: SB 5631
 Inmate work programs, schools may purchase goods from class II programs: SB 5631
 Offender property, transport costs: ***HB 2282, CH 382 (2005)**, SB 6080
 Officers, certification: SB 5320
 Overcrowding and operating capacity maximum, offender population reduction: SB 5915
 Risk assessments, written justification when reducing category: SB 5429
 Voting rights and felons, provisions relating to: SB 6651

COSMETICS

Cosmetic medical services, taxation: SB 5451
 Cosmetology apprenticeship program, provisions: ***SHB 2596, CH 162 (2006)**, SB 6543
 Cosmetology, licensing exemptions: SB 6291

COUGARS

County surveys of population and management techniques: SB 5881
 Posting of interactions with pets, livestock, or humans: ***HB 1832, CH 107 (2005)**

COUNSELORS AND COUNSELING

Family counseling pilot program, family preparation program: SB 6664
 Medicaid enrollees, mental health providers authorized to provide services: SB 5919
 Mental health professionals and crisis outreach workers, safety measures to protect: 2SHB 2912
 Mental health, experience requirements: ***SB 6658, CH 69 (2006)**
 Sex offender treatment providers, restrictions for providers who are sex offenders: ***SHB 2654, CH 134 (2006)**

COUNTIES (See also LOCAL GOVERNMENT)

Affordable housing incentive program, growth management provisions: ***ESHB 2984, CH 149 (2006)**
 Agricultural promotion facilities, lodging tax provisions: SB 5776, SB 6170
 Air pollution control agencies, fund disbursement: HB 1361
 Annexation, boundary review board's authority to modify proposals: SB 6825
 Basketball arena funding, local sales and use taxes: SB 6065
 Bids, competitive bid requirements: SB 5975
 Boundary review boards, authority to modify annexation proposals: SB 6825
 Brownfield land, publicly owned contaminated land designated as priority cleanup: SB 6046, SB 6327
 Cemeteries, county cemetery districts allowed to include areas within cities and towns: ***SB 6816, CH 335 (2006)**
 Charter, chief financial officer: ***HB 3019, CH 280 (2006)**
 Community protection zones, county authority to establish: SB 6832
 Community revitalization financing: SB 5325, SB 6700
 Conservation futures, farm and agricultural land: SB 5109
 Conservation futures, funding increase: ***ESHB 1631, CH 449 (2005)**, SB 5378
 Conservation futures, maintenance and operation of acquired property: ***ESHB 1631, CH 449 (2005)**, SB 5378
 Cougars, surveys of population and management techniques: SB 5881
 Court filing fees: SB 6670
 Day care, family day care regulation authority pilot project for specified counties: ***SHB 2169, CH 509 (2005)**
 Day labor construction projects, exemption for projects and publications in certain counties: SB 6649
 Economic development, interlocal agreements with port districts: SB 5791
 Elected officials, training costs for newly elected: HB 1184, SB 5206
 Equipment, rental rates: HB 2960
 Ex parte orders, processing fees: SB 5984
 Farmland mitigation fee, land secured through eminent domain for transportation projects: SB 5859
 Financial assistance advisory council and grant program: SB 6050
 Financial institutions, state regulatory authority: SHB 1419, SB 5266
 Fire departments, reporting and accountability standards: ***SHB 1756, CH 376 (2005)**
 Fireworks, local surcharge: SB 5153
 Forest practices, local regulations: SB 5376
 Gambling activities, land use and zoning powers: SB 5591
 Growth management, additional year to comply with comprehensive plan requirements: ***ESHB 2171, CH 294 (2005)**

Growth management, affordable housing incentive programs: ***ESHB 2984, CH 149 (2006)**

Growth management, agricultural lands for recreational activities: SB 5739

Growth management, agricultural zoning that supports family farms: SB 5945

Growth management, comprehensive plan compliance tiers for review and revision requirements: SB 5930

Growth management, comprehensive plan review exemption for counties with low population densities: SB 6427, SB 6837

Growth management, comprehensive plan update and amendment process: SB 5152, SB 5923

Growth management, comprehensive plans transportation concurrency compliance: SB 6268

Growth management, comprehensive plans transportation concurrency compliance and study: ***2SHB 1565, CH 328 (2005)**

Growth management, comprehensive review and revision schedule: SB 6693

Growth management, counties prohibited from regulations precluding enrollment in conservation programs: SB 6425, SB 6833

Growth management, critical areas designation using best available science: SHB 2815, SB 5912, SB 6035, SB 6569

Growth management, critical areas notice and referendum: SB 5670

Growth management, essential public facilities joint task force: SB 5690

Growth management, example critical areas policies or regulations: SB 5954

Growth management, facilities for recreational or tourist use in rural areas: HB 2206, SB 6037

Growth management, forest lands of long-term commercial significance: SB 5618

Growth management, forest practices regulations: SB 5376

Growth management, good faith effort for comprehensive plan compliance requirements: ***ESHB 2171, CH 294 (2005)**

Growth management, hearings board order referred to county referendum: SB 5312

Growth management, infrastructure account: SB 5772

Growth management, petitions to hearings boards for review of comprehensive plan amendments: SB 6030

Growth management, plan update requirements for slower and faster growing counties: SB 5896

Growth management, public facilities element: SB 6269

Growth management, public notification requirements: ESHB 2194

Growth management, recreational lands designation: ***EHB 2241, CH 423 (2005)**

Growth management, state projected population growth and urban residential densities: SB 5907

Growth management, study committee on outdoor recreation: ***EHB 2241, CH 423 (2005)**

Growth management, task force on one-year revisions and compliance extension: ***ESHB 2171, CH 294 (2005)**

Growth management, urban industrial land bank criteria to include access to major rail line: EHB 2219, SHB 2219

Growth management, voluntary measures to protect critical areas: SB 6367

Growth management, water quality and habitat requirements: SB 5619

Historic county courthouse grant program: SB 5331

Homeless camps, siting: HB 1235

Homeless persons, county task forces to develop plans for housing: SB 5767

Homeless persons, homelessness housing and assistance act: ***E2SHB 2163, CH 484 (2005) PV**

Hospital benefit zones, financing through local sales and use taxes: ***SHB 2670, CH 111 (2006)**

Housing, affordable housing through flexible short subdivisions: SHB 2325, SB 6589

Indigent defense services, grant program and funding: ***2SHB 1542, CH 157 (2005)**, SB 5531

Infrastructure, local infrastructure financing tool demonstration program: ***E2SHB 2673, CH 181 (2006) PV**

Insurance, joint self-insurance program: ***HB 1356, CH 147 (2005)**, SB 5335

Intercounty rural library districts, county withdrawal from district: SB 5946

Interlocal agreements, electronic posting: ***HB 2676, CH 32 (2006)**

Interoperable communications system, county public safety agency pilot program: SB 5887

Jails, alternative detention and rehabilitation facilities: SB 5542

Juvenile justice early intervention services, grants through investing in youth program: SB 5567

Juvenile justice early intervention services, grants through reinvesting in youth program: 2SHB 1483, ***4SHB 1483, CH 304 (2006)**

Land use permit applications, vesting rights in land use actions: SB 6350

Law library funding, court filing and surcharge fees: SB 5454, SB 5890

Levy of taxes, date for local governments to submit estimates: ***HB 1048, CH 52 (2005)**

Libraries, regional law library establishment: HB 1906, ***SB 5701, CH 63 (2005)**

Lien authority, storm water control facilities: SHB 2656, SB 6510

Local government financial assistance advisory council and grant program: SB 6050
 Local infrastructure financing tool demonstration program: ***E2SHB 2673, CH 181 (2006) PV**
 Local sales and use tax, proceed distribution: SB 5882
 Lodging tax, facilities for agricultural promotion: SB 5776, SB 6170
 Magnetic levitation transportation funding: EHB 1429, SB 6707
 Manufactured homes, location restriction ordinances prohibited: SHB 1374
 Manufactured housing communities, water and sewer connection charges: ***HB 1247, CH 324 (2005)**
 Marine vessel construction, contracts and security in lieu of bond: ***SHB 1460, CH 101 (2005)**
 Master licensing program, performance-based grant program for licensing agencies: ***HB 2131, CH 201 (2005)**, SB 5967
 Medical coverage for elected officials and commissioners: SB 6721
 Mental health, omnibus treatment of mental and substance abuse disorders act of 2005: SB 5763
 Mental health, regional support network qualifications and responsibilities: SB 6793
 Minor league baseball facilities, taxes to fund: SB 5572
 Mobile homes, location restriction ordinances prohibited: SHB 1374
 Municipal court, interlocal agreements: SHB 3082
 Off-road vehicles, city and county roads: ***HB 2617, CH 212 (2006)**
 Open space plan and public benefit rating system, voluntary buffers and native vegetation: SB 5620
 Parks and recreational facilities, funding: SB 5630
 Passenger ferry service, funding and grant program: SB 6787
 Physical activity, growth management planning and local legislation to promote: SB 5186
 Property inspection and placement program, applicable to all counties: HB 2453
 Property, compensation to owners for actions lowering values: SB 5671
 Public transportation, office of transit mobility and regional mobility steering committee: ***SHB 2124, CH 318 (2005)**
 Public works projects, population threshold for design-build procedure: SB 6770, SB 6845
 Punch boards and pull tabs, taxation: SB 6889
 Regional support networks, financial responsibility of costs for individuals in involuntary treatment: SB 6696
 Regional transportation improvement authorities, certain counties authorized to create: ESHB 2157
 Rental assistance program for low-income persons: SB 6044
 Roads and bridges, county engineer defined: ***HB 1599, CH 161 (2005)**, SB 5587
 Roads and bridges, day labor construction projects exemption for projects and publications in certain counties: SB 6649
 Roads and bridges, engineering account provisions: ***HB 1600, CH 162 (2005)**, SB 5588
 Rule-making process, city and county participation in state process: SB 6266
 Safe neighborhood planning and pilot projects: SB 5678
 Sales and use taxes, authorized use of funds: SB 6789
 Sheriffs, nonpartisan: SB 5464
 Shoreline master program, interim timeline and full compliance exemption: SB 5251
 Storm water control facilities, lien authority: SHB 2656, SB 6510
 Transportation funding, local option transportation taxes and motor vehicle fee: SB 6103
 Transportation funding, street utility program and motor vehicle and road improvement fees: SB 6016
 Transportation, regional transportation improvement authorities authorized in certain counties: ESHB 2157
 Trial court funding act: SB 5454
 Utilities, electronic payment: SHB 1009
 Veterans, assistance programs for indigent veterans and families: ***SHB 1189, CH 250 (2005)**, SB 5393
 Water and sewer facilities, consultation with public utilities during predesign phase: SHB 1228
 Water conservancy boards, disclosure of certain financial information: SB 5387
 Water quality joint development act, drinking water and treatment service improvements: SB 5285
 Waterways, right to construct bridges and trestles over: ***SHB 1657, CH 58 (2005)**, SB 5437

COUNTY ASSESSORS

Property tax annual report, department of revenue: SB 5299

COUNTY AUDITORS

Candidates, filing: ***SHB 1132, CH 221 (2005)**
 Elections, random verification of registration list: SB 5399
 Elections, review of county procedures: ***HB 1749, CH 240 (2005)**
 Elective position, county auditors and chief elections officers in all counties: SB 5667

Historical documents, recording surcharge increase: ***HB 1386, CH 442 (2005)**, SB 5458
 Interlocal cooperative agreements, electronic posting: ***HB 2676, CH 32 (2006)**
 Privacy protections when instruments are presented for recording: ***HB 1385, CH 134 (2005)**, SB 5459
 Reelection, absentee ballot envelope content restrictions: SHB 2843

COUNTY CLERKS

Ex parte orders, processing fees: SB 5984
 Sex offender records, fee exemption for law enforcement agencies: ***SHB 2223, CH 202 (2005)**

COUNTY LEGISLATIVE AUTHORITY

Bids, competitive bid requirements: SB 5975
 Transportation funding, local option transportation taxes and motor vehicle fee: SB 6103
 Transportation funding, street utility program and motor vehicle and road improvement fees: SB 6016

COUNTY ROAD ADMINISTRATION BOARD

County engineer defined: ***HB 1599, CH 161 (2005)**, SB 5587
 Membership, population threshold categories: ***HB 1598, CH 233 (2005)**, SB 5586
 Project reporting, engineering account provisions: ***HB 1600, CH 162 (2005)**, SB 5588

COUNTY TREASURERS

Administrative provisions: ***SHB 1158, CH 502 (2005)**, SB 5014
 Real estate excise tax, automated system to process: ***2SHB 1240, CH 480 (2005)**, SB 5281

COURT OF APPEALS

Nonpartisan judicial commissions: SB 5015, SB 6048, SJR 8214

COURT REPORTERS

Commission on supreme court reports: ***HB 1183, CH 190 (2005)**

COURTS (See also COURT OF APPEALS; DISTRICT COURT; JURIES; MUNICIPAL COURT; SUPERIOR COURT; SUPREME COURT)

Attorneys as pro tempore judges, commissioners, or guardians ad litem: HB 1139
 Civil legal aid office and oversight committee: ***SHB 1747, CH 105 (2005)**, SB 5685
 County law library funding, court filing and surcharge fees: SB 5454, SB 5890
 Dissolution decrees, denial of due to pregnancy: ***SHB 1171, CH 55 (2005)**
 Domestic relations, one man and one woman only type considered valid in Washington state: SJR 8210
 Drug courts, definition: SB 6239
 Drug courts, jurisdiction: SB 6493
 Employees of criminal justice and court systems, personal information privacy: SB 5654
 Filing fees: SB 6670
 Historic county courthouse grant program: SB 5331
 Marriage shall be between one man and one woman, legal status and court jurisdiction: SJR 8209, SJR 8210
 Nonpartisan judicial commissions: SB 5015, SB 6048, SJR 8214
 Trial court funding act: SB 5454
 Water court: SB 5338, SJR 8205

COURTS, OFFICE OF THE ADMINISTRATOR

Salary warrants: ***HB 1024, CH 182 (2005)**
 Statute references updated: ***HB 1668, CH 282 (2005) PV**

CREDIT CARDS (See also RETAIL INSTALLMENT SALES)

College campuses, policies regarding company marketing activities: SB 5506
 Interchange and associated fees, limit on fees charged to retail merchant: SB 6240
 Issuers, phone number allowing consumers to connect with live person: SB 6584
 Solicitation lists, consumer may request removal of name: ***ESB 5418, CH 342 (2005)**
 Tax on the amounts raised by interest rates which exceed the usury rate: SB 6863

CREDIT SERVICES ORGANIZATIONS

Credit card solicitation lists, consumer may request removal of name: ***ESB 5418, CH 342 (2005)**

Identity theft, law enforcement reports to be given to victims: SB 5939
 Insurance, use of personal credit histories and scores: SB 5328
 Personal information security breaches, security freeze on credit report: SB 6665
 Security freeze on credit reports: ***ESB 5418, CH 342 (2005)**

CREDIT UNIONS

Employee job performance, employer providing information: SB 5533
 Merging credit union into state charter, use tax exemption: ***HB 2364, CH 11 (2006)**, SB 6132
 Regulatory authority, state: SHB 1419, SB 5266

CRIMES (See also CRIMINAL OFFENDERS; DRIVING UNDER THE INFLUENCE; SENTENCING; SEX OFFENSES AND OFFENDERS)

Academic credentials, penalties for false credentials: SB 6487
 Aggravated first degree murder, victim fourteen or younger: SB 6758
 Aggravated offenses, advisory sentence ranges: SB 5476
 Aggravated offenses, exceptional sentences: ***SB 5477, CH 68 (2005)**
 Animal cruelty, conditions defining and penalties for: ***SHB 1304, CH 481 (2005)**, SB 5352, SB 5532
 Animal fighting, penalties: ***SB 6568, CH 287 (2006)**
 Assault of a teacher, penalties: SB 6222
 Assault of child in second degree with sexual motivation, two-strike list: SB 6406
 Assault of school personnel, penalties: SB 6259
 Assault weapons, penalties for manufacture and possession: SB 5475
 Assaulting a peace officer with a stun gun, penalties: ***SHB 1934, CH 458 (2005)**
 Auto theft, penalties: SB 5807, SB 6491
 Cell phones, unauthorized sale of numbers: SB 6776
 Check cashers and sellers, extortionate extension of credit and profiteering: SB 5481, SB 5540
 Children, criminal trespass against children by sex offenders: SB 6775
 Commercial feed, adulterated: SB 5190
 Computers, soliciting or requesting personally identifying information: ***E2SHB 1888, CH 378 (2005)**
 Controlled substances, illegal activities near schools: SB 5258
 Crime prevention and privacy compact: SB 6719
 Criminal conspiracy, privileged communications exception for spouses involved in: SB 5133
 Dependent persons, penalties for mistreatment or abandonment: ***ESHB 1080, CH 228 (2006)**
 Disorderly conduct, fighting near a funeral home or procession: SHB 3293
 Drug paraphernalia, display and distribution: SB 6505
 Electronic mail fraud, soliciting or requesting personally identifying information: ***E2SHB 1888, CH 378 (2005)**
 Exceptional sentences, notice to offender regarding possibility: SB 6496
 Executive sessions, intercepting or recording communications and conversations: SHB 1648
 Failing to summon assistance, criteria: ***SHB 1236, CH 209 (2005)**, SB 5077
 Failure to secure a load, penalties: ***HB 2612, CH 268 (2006)**, SB 6341
 False sex offender community notification bulletin, penalties: SHB 3238
 Felonies, DNA and statute of limitations provisions: SB 5042
 Felony offenses, sentencing range revisions: SB 6497
 Felony offenses, seriousness level for selected unranked felonies: SB 6495
 Fine-only misdemeanors, decriminalization: SB 5223
 Firearms, .50 caliber BMG rifles banned: SB 5593
 Firearms, leaving a firearm where a child is likely to gain access: SB 5342
 Firearms, noise suppressors: SB 5167
 Firearms, possession by person previously found not guilty by reason of insanity: ***SHB 1687, CH 453 (2005)**, SB 5131
 Fraudulent transfer of a motor vehicle, penalties: SB 6676
 Harassment, third violation of antiharassment order penalized as class C felony: SB 5209
 Homicide by abuse, penalties: SB 5956
 Homicide, justifiable homicide: SB 6139
 Identity theft categorized as a crime against persons: ***HB 1966, CH 271 (2006)**
 Identity theft, law enforcement reports to be given to victims: SB 5939
 Identity theft, security freezes for victims of: SB 6303, SB 6665

Indecent liberties, penalties: SB 5224, SB 6105
 Indecent liberties, victim is person with developmental disabilities: SB 6882
 Inmates in possession of weapons, penalties: SB 5242
 Internet gambling, penalties: SB 5878, SB 6613
 Malicious theft, penalties increased: SB 6877
 Methamphetamine, penalties for manufacturing: SB 5480
 Methamphetamine, purchase and possession of precursors including iodine and methylsulfonylmethane: ***HB 2567, CH 188 (2006)**
 Misdemeanors, risk assessments: SB 5256
 Most serious offenses, out-of-state conviction with sentence of ten years or more: SB 6829
 Most serious offenses, robbery 2 removed from list: SB 5284
 Motor vehicle theft, penalties: SB 5807, SB 6491
 Motor vehicles, fraudulent transfer: SB 6676
 Murder, aggravated multiple murder cases: SB 5504
 Organized retail theft, crime guidelines: ***HB 2704, CH 277 (2006)**, SB 6554
 Property, threshold values for crimes against: SB 5323
 Prostitution, assessments in diversion agreements: SB 5243
 Rape in the second degree, victim is person with developmental disabilities: SB 6882
 Robbery 2, removed from most serious offenses list: SB 5284
 Robbery in the first degree, financial institutions: SB 6801
 Securing a load, penalties for failure to: ***HB 2612, CH 268 (2006)**, SB 6341
 Sexual assault protection orders: ***SHB 2576, CH 138 (2006)**, SB 6478
 Slander of a woman, repeal: HB 1206, ***SB 5148, CH 13 (2005)**
 Stun guns, assaulting a peace officer with a stun gun: ***SHB 1934, CH 458 (2005)**
 Stun guns, penalties for sale or possession of projectile stun guns: SB 5574
 Terrorism, acts against animal and natural resource facilities: SB 5314
 Theft of livestock, goats: SHB 1398, SB 5290
 Theft, organized retail theft included in crime guidelines: ***HB 2704, CH 277 (2006)**, SB 6554
 Theft, penalties increased: SB 6877
 Trafficking of persons, task force against: SB 6652
 Travel agents, promotion of travel for prostitution prohibited: SB 6642, ***SB 6731, CH 250 (2006)**
 Victim information and notification system, statewide automated: SB 6502
 Weapons in schools, violations and penalties: SB 6258

CRIMINAL JUSTICE SERVICES

Costs, fiscal notes for bills: SB 6349
 Drug task forces, multijurisdictional drug task force and local government drug prosecution assistance: SB 6484
 Employees of criminal justice and court systems, personal information privacy: SB 5654

CRIMINAL JUSTICE TRAINING COMMISSION

Corrections officers, certification: SB 5320
 Firearms training certificate for retired law enforcement officers: ***ESHB 2951, CH 40 (2006)**
 Law enforcement officers, prehire screening: ***HB 1081, CH 434 (2005)**
 School discipline, model policy and training standards regarding the use of force: SB 6001

CRIMINAL OFFENDERS (See also JUVENILE OFFENDERS; SEX OFFENSES AND OFFENDERS)

Aggravated offenses, advisory sentence ranges: SB 5476
 Aggravated offenses, exceptional sentences: ***SB 5477, CH 68 (2005)**
 American citizenship and civil rights, education program: SB 6488
 Children and vulnerable adults, special verdicts for persons committing crimes against: ***HB 3277, CH 122 (2006)**
 Community protection program workers, background checks: SB 6824
 Council on mentally ill offenders: SB 6685
 DNA, identification system expanded: SB 5165
 DNA, postconviction testing: ***SHB 1014, CH 5 (2005)**, SB 5003
 Drug offender sentencing, alternative sentencing provisions: SB 6864
 Drug offenders, judicially supervised substance abuse treatment: ***E2SHB 2015, CH 460 (2005)**

Earned release, city and county jail time: SB 5282
 Exceptional sentences, notice to offender regarding possibility: SB 6496
 Felons, insurance coverage protection: SB 5529
 Firearms, restoration of right to possess: SB 5635
 Fugitives, web site for information about: SHB 1344
 Health care directives information: SB 5815
 Joint select committee on offenders programs, sentencing, and supervision: SB 6308
 Kidnappers enrolled in public schools, offender registration and school enrollment requirements: ***HB 2101, CH 380 (2005)**
 Kidnappers, notification to public libraries: ***HB 1161, CH 99 (2005)**
 Kidnappers, registration for out-of-state offenders: SB 6405
 Kidnappers, registration information added to statewide sex offender web site: ***HB 1338, CH 228 (2005)**
 Kidnappers, registration provisions strengthened: ***HB 2409, CH 126 (2006)**, SB 6319
 Legal financial obligations, conversion to community restitution: SB 6492
 Legal financial obligations, discharge prior to completing payment: SB 5339, SB 6313
 Legal financial obligations, interest rate: 2SHB 1359, SB 5611
 Persistent offenders, release restrictions: SB 5760
 Property, transport costs: ***HB 2282, CH 382 (2005)**, SB 6080
 Risk assessments, misdemeanors and gross misdemeanors: SB 5256
 State and local liability for acts of persons on supervision or in community-based treatment programs: SB 6852
 Transfer and travel to or from another state, interstate compact provisions: ***ESHB 1402, CH 400 (2005)**, SB 5375
 Voting rights and felons, provisions relating to: SB 6651

CRIMINAL PROCEDURE (See also SENTENCING)

Antiharassment protection orders, hearing procedures: ***HB 1294, CH 144 (2005)**, SB 5434
 Death penalty, abolished: SB 6067
 DNA, postconviction testing: ***SHB 1014, CH 5 (2005)**, SB 5003
 Harassment, municipal court jurisdiction for antiharassment protection orders: ***HB 1296, CH 196 (2005)**, SB 5435
 Incarceration costs, limits on costs charged to offenders: ***SB 5461, CH 263 (2005)**
 Insanity defense, defendant refuses to participate in examination: ***HB 2328, CH 109 (2006)**, ESB 5222
 Legal financial obligations, conversion to community restitution: SB 6492
 Sex offenses, statute of limitations removed for certain offenses against minors: SHB 1453
 Sexual assault protection orders: ***SHB 2576, CH 138 (2006)**, SB 6478
 Sexually violent predators, release provisions: SB 5129

CULTURAL FACILITIES

Local sales and use tax funding for public stadium, convention, arts, and tourism facilities: SB 6849
 Nonprofit organizations, capital project funding criteria: ***ESHB 1577, CH 160 (2005)**, SB 5827

DAY CARE

Child care workers, wage ladder and program standards: ***SHB 1636, CH 507 (2005) PV**, SB 5684
 Counties, family day care regulation authority pilot project for specified counties: ***SHB 2169, CH 509 (2005)**
 Early learning council, child care provider rating and tiered-reimbursement systems: ***E2SHB 1152, CH 490 (2005)**
 Family child care providers, collective bargaining: ***E2SHB 2353, CH 54 (2006)**, SB 6165
 Inspection reports and enforcement actions, information available for parental review: SB 5806
 Licensing, application process: SB 5294, SB 5296
 Licensing, unique identifying number: SB 5295
 State-subsidized, unique identifying number for each child: SB 5297
 Toll-free number and web-based system to provide information: SB 5806

DEAF PERSONS

Driver's licenses, interpreters allowed to assist deaf or hearing impaired applicants: ***SB 6415, CH 190 (2006)**
 Education, certification endorsement for teachers of the deaf: ***SHB 1893, CH 493 (2005)**
 Educational interpreters, sign language translation for deaf and hard of hearing public school students: SB 6605, ***ESB 6606, CH 68 (2006)**
 Public schools, certification for sign language interpreters: SB 6098

DEATH PENALTY

Abolished: SB 6067

DEBT MANAGEMENT

Health care services debts, homestead exemption: SHB 2571

Hospital charity care and debt collection, notice of policies: E2SHB 2574

Transportation debt limits: SB 5059

DENTAL HYGIENISTS

Access to preventive care pilot projects: SB 6419

Board of dental hygiene: SB 6666

Board of dental hygiene, licensing and standards: SB 5706

Dental assistants, registration and scope of practice: SB 5706

Licenses, renew of initial limited: ***SB 6418, CH 66 (2006)**

DENTISTS AND DENTISTRY

Dental assistants, registration and scope of practice: SB 5706

Denturists, insurer preferred provider networks: SB 5656

Licensing, examination exemption: SHB 2463

Licensing, requirements in lieu of examination: ***SHB 1689, CH 454 (2005)**

Periodontal disease, insurance coverage study: SB 5061

Postdoctoral dental residency program, exception for individuals in program: ***SHB 1689, CH 454 (2005)**

University of Washington dental school faculty, licensing provisions: ***HB 1612, CH 164 (2005)**

DEPENDENT ADULTS (See also VULNERABLE ADULTS)

Exposure to manufacturing of methamphetamine, protections: ESHB 2895

Protection, penalties for criminal mistreatment or abandonment: ***ESHB 1080, CH 228 (2006)**

Victims and witnesses of crimes, rights and protections: ***ESHB 2126, CH 381 (2005)**

DETERGENTS

Phosphorus content in dishwashing detergent: ***EHB 2322, CH 223 (2006)**

DEVELOPMENTALLY DISABLED (See also DISABLED PERSONS)

Agencies providing care, facility location and licensing process: SB 6155

Agencies providing care, license application process: SB 5294, SB 5296

Agencies providing care, unique identifying number: SB 5295

Caseload forecast council, powers and duties: SB 6052

Community protection program workers, background checks: SB 6824

Community protection program, assessments for risk and/or dangerousness: SB 6630

Community trust account, proceeds from the disposal of excess property and timber harvest: ***SHB 1791, CH 353 (2005)**, SB 5702

Crimes against, second degree rape and indecent liberties: SB 6882

Dan Thompson act, developmental disabilities community trust account: ***SHB 1791, CH 353 (2005)**

DSHS property and facilities transfer to nonprofits who provide services for sensory, physical, or mental handicaps: ***SHB 2759, CH 35 (2006)**

Providers of residential services and support, compliance with certification standards: 2SHB 2914

Residential habilitation centers, law enforcement costs reimbursement: SB 5184

Service needs, study: SB 6865

Staffed residential homes, positive social and educational outcomes: SB 6884

State agency purchase of products and services, programs extended: ***HB 2271, CH 204 (2005)**

DIABETES

Educators, certified educators to be added as medicare providers: ***HJM 4038 (2006)**

DIETITIANS AND NUTRITIONISTS

Sales and use tax exemption for dietary supplements: SB 5255

DIKING DISTRICTS (See also SPECIAL DISTRICTS)

- Gravel in waterways, removal of: SB 6047
- Members of governing bodies, compensation: SB 6337
- Transportation department authority to maintain or repair damage: ***SB 6248, CH 368 (2006)**

DISABLED PERSONS (See also DEVELOPMENTALLY DISABLED)

- Agencies providing care, license application process: SB 5294, SB 5296
- Agencies providing care, unique identifying number: SB 5295
- Blind, parking privileges for legally blind: SB 6287
- Children, early intervention services: ***SHB 1107, CH 269 (2006)**, SB 5141
- DSHS property and facilities transfer to nonprofits who provide services for sensory, physical, or mental handicaps: ***SHB 2759, CH 35 (2006)**
- Handicapped facilities bond issue, transfer of fixed assets: SB 6636
- Hunters and fishers advisory committee: ***HB 1405, CH 149 (2005)**, SB 5134
- Light and power businesses, tax credit for contributions made to special needs transportation fund: SB 6779
- Parking places, marking requirements: ***SHB 1711, CH 390 (2005) PV**, SB 5580
- Parking places, physician assistants allowed to determine eligibility for special parking privilege: SHB 3093
- Parking places, porphyria: SHB 2389
- Passenger vehicle weight fee, exemption for wheelchair ramp or lift: SB 6602
- Property tax exemptions: SB 5361, ***SB 6338, CH 62 (2006)**
- Transport, specialized commercial vehicles: ***HB 1237, CH 193 (2005)**, SB 5653
- Veterans, property exemptions: ***HB 1019, CH 248 (2005)**, SHB 2432
- Visually impaired, accessibility to voting equipment: SB 6242
- Voting equipment, accessibility and advisory committee: ***ESHB 2479, CH 207 (2006)**

DISCRIMINATION

- Felons, insurance coverage protection: SB 5529
- Genetic information, life insurance testing restrictions: SB 5452
- Lawful source of income, discrimination based upon: SB 5917
- Life insurance, discrimination based on lawful travel destinations: ***EHB 1561, CH 441 (2005)**, ESB 5530
- Sexual orientation, human rights commission protections: HB 1515, ***ESHB 2661, CH 4 (2006)**, SB 6019
- Veterans and persons with military status, discrimination protections: HB 2564
- Women, treaty to fight discrimination against: SJM 8001

DISSOLUTION OF MARRIAGE (See also CHILD CUSTODY; CHILD SUPPORT; MARRIAGE AND MARRIED PERSONS)

- Dissolution decrees, denial of due to pregnancy: ***SHB 1171, CH 55 (2005)**
- Filing fees, for domestic violence prevention account: ***ESHB 1314, CH 374 (2005)**
- Grandparents' rights for child visitation: SB 5944, SB 6316, SB 6683
- Parenting plans, cultural upbringing and religious beliefs: SHB 2979
- Parenting plans, shared parental responsibilities: SB 6270, SB 6888
- Public defense office to oversee and monitor dependency and termination legal representation: SB 5903
- Service of summons, service by publication: HB 1403, ***SB 5053, CH 117 (2005)**
- Shared parental responsibility, presumption of: SB 5350

DISTRICT COURT

- Administration of local and district courts, reorganization: SB 6612
- Administration provisions reorganized: SB 5712
- Bench warrants, bail bond agencies: SB 5541
- Judgments, transfer from municipal court into district court: SHB 1348, SB 5353
- Jurisdiction, value of claim increase: SB 5322
- Kitsap county, additional judge: ***HB 1202, CH 91 (2005)**, SB 5241
- Student courts, jurisdiction: ***SB 5809, CH 73 (2005)**
- Thurston county, additional judge: ***HB 1202, CH 91 (2005)**, SB 5241
- Trial court funding act: SB 5454
- Youth courts, jurisdiction: ***SB 5809, CH 73 (2005)**

DNA (DEOXYRIBONUCLEIC ACID)

Criminal offender identification system expanded: SB 5165
 Criminal procedure, postconviction testing: ***SHB 1014, CH 5 (2005)**, SB 5003
 Felonies, statute of limitations provisions: SB 5042
 Life insurance, genetic testing restrictions: SB 5452

DOGS (See also ANIMALS)

Big game animals, dogs harassing: SB 5382
 Dangerous dogs, conditions for declaring dangerous: ESHB 1150, SB 6619
 Fighting, sale or purchase of dogs for: SB 5128
 Homeowner's insurance, dog restrictions: EHB 1016
 Search and rescue, penalties for interference: ***SB 5979, CH 212 (2005)**
 War dogs, national memorial: SJM 8021

DOMESTIC RELATIONS (See also CHILD CUSTODY; DISSOLUTION OF MARRIAGE; MARRIAGE AND MARRIED PERSONS)

Child custody, nonparent visitation rights: SB 5996
 Children born from embryos transferred during assisted reproduction, legal status: SB 6743
 Determination of parentage: SB 6742
 Parenting plans, restrictions on sex offender visitation rights: SHB 2893

DOMESTIC VIOLENCE

Antiharassment protection orders, hearing procedures: ***HB 1294, CH 144 (2005)**, SB 5434
 Children, handling cases of child abuse co-occurring with domestic violence: SHB 2395
 Confidentiality protection for information shared in advocacy or counseling services: ***ESHB 2848, CH 259 (2006)**
 Hope card study committee: SB 6806
 Legal aid for undocumented alien victims of domestic violence and human trafficking: SB 6348
 Prevention account, marriage and dissolution fees to fund: ***ESHB 1314, CH 374 (2005)**
 Victims, financial assistance for victims seeking protection orders: SB 5718

DRIVER TRAINING SCHOOLS

Provisions revised: ***HB 2829, CH 219 (2006)**, SB 6550

DRIVERS' LICENSES

Application, proof of legal United States presence: SB 5313
 Biometric matching system for licenses and identicards: ***SB 6680, CH 292 (2006)**
 Commercial, licensing and disqualification provisions: SB 6552
 Commercial, reciprocal agreements for out-of-state exemption: HB 2693
 Commercial, reciprocity agreements: SB 6486
 DUI, stay on suspension pending entry of deferred prosecution: SB 5644
 Examinations, reciprocal waiver agreements with other nations: ***HB 1260, CH 61 (2005)**, SB 5264
 Fees, increase: SB 5138
 Identicards, individual allowed to have driver's license and identicard: SB 6286
 Intermediate, cancellation of license on two-strike rule: SB 5929
 Intermediate, immediate family members defined and provisions revised: ESHB 2053
 Interpreters allowed to assist deaf or hearing impaired applicants: ***SB 6415, CH 190 (2006)**
 Minors with alcoholic beverages, penalties to include suspension of drivers' license: SB 6768
 Suspension, notice and administrative review: SB 5262
 Transport of persons at horse racing facilities, commercial driver's license exemption: SB 5952
 Withholding of the driving privilege, failure to pay fines or monetary penalties: ***SHB 1854, CH 288 (2005)**

DRIVING UNDER THE INFLUENCE

Commercial drivers, employer alcohol and drug test result reports: ***SHB 1266, CH 325 (2005)**, SB 5263
 Drivers' licenses, stay on suspension pending entry of deferred prosecution: SB 5644
 Fees, increase: SB 5138
 Fluorescent yellow license plate for persons convicted of driving under the influence: SB 6817
 Ignition interlock devices, proof requirement exemption when using employers vehicle: SB 5645

Ignition interlock devices, tampering penalties: ***HB 1872, CH 200 (2005)**
 John's law, third person liability for allowing arrested person to drive after release from custody: ESB 5417
 Penalties increased: ***HB 3317, CH 73 (2006)**, SB 5562, SB 6900
 Repeat offenses, penalties: SB 5283
 Vehicle impound upon arrest: ESB 5417

DROUGHT

Joint legislative committee on water supply during drought: ***HB 2166, CH 60 (2005)**, SB 5894
 Retrofitting of domestic wells to maintain agricultural irrigation: SB 6086
 Statewide emergency funding: SB 6092
 Water rights, temporary changes during drought conditions: SB 6084

DRUGS

Chemotherapy and anticancer drugs, business and occupation tax exemption: SB 6623
 Controlled substances to include salts, isomers, and salts of isomers: ***HB 1072, CH 218 (2005)**
 Controlled substances, illegal activities near schools: SB 5258
 Ephedrine, pseudoephedrine, and phenylpropanolamine, photo ID for sales and purchase: ***ESHB 2266, CH 388 (2005)**, SB 5123
 Ephedrine, pseudoephedrine, and phenylpropanolamine, sale restrictions: ***ESHB 2266, CH 388 (2005)**, SB 5123
 Marijuana, clarification of laws regarding medical use: SB 5943
 Methamphetamine, penalties for manufacturing: SB 5480
 Methamphetamine, purchase and possession of precursors including iodine and methylsulfonylmethane: ***HB 2567, CH 188 (2006)**
 Overdoses, prosecution limits for person reporting: SB 5259
 Pharmaceutical manufacturers, marketing activities and gift disclosures: SB 5149
 Precursor, sale records and restrictions: SB 5123
 Prescription, advanced registered nurse practitioners' prescriptive authority: ***HB 1479, CH 28 (2005)**, SB 5516
 Prescription, assistance foundation for low-income uninsured persons: SB 5558
 Prescription, chemotherapy and anticancer drugs business and occupation tax exemption: SB 6623
 Prescription, disclosure of human clinical trial results: SB 5985
 Prescription, efforts to lower costs: SJM 8016
 Prescription, health care authority to receive federal employer subsidy for retiree benefits: ***HB 1287, CH 195 (2005)**
 Prescription, hepatitis C limitation on preferred drug substitution: SB 5838
 Prescription, legibility requirements: 2E2SHB 1291, SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6087
 Prescription, licensing of Canadian wholesalers: SB 6020
 Prescription, pharmaceutical manufacturer marketing activities and gift disclosure: SB 5149
 Prescription, product liability: SB 5986
 Prescription, protection from dangerous prescription drugs: SB 6591
 Prescription, purchasing consortium: SHB 1219, SB 5471
 Prescription, reimportation from Canada: HB 1194
 Prescription, study of distribution of unused drugs to low-income persons: SB 5846
 Prescription, waiver to FDA for importation from Canadian wholesalers: 2SHB 1316, SB 5470
 Property acquired in drug forfeiture action, hazardous waste provisions: ***SHB 1208, CH 191 (2005)**, SB 5770
 Psychoactive substance control, commission on: SB 6880
 Psychoactive substance control, governor's commission regarding illegal drug markets: SB 6055

ECOLOGY, DEPARTMENT

Columbia river basin hydropower mitigation fee program: SB 6581
 Columbia river coastal crab mitigation work group: SB 6402
 Columbia river mainstream water management program and account: SB 5120
 Columbia river water supply development program: ***E2SHB 2860, CH 6 (2006)**
 Commercial passenger vessels, release of sewage and sludge into marine waters: E2SHB 1415
 Domestic water users, study of competing interest and other water users in regards to limited supplies: ***SB 6861, CH 170 (2006)**
 Drought conditions, retrofitting of domestic wells to maintain agricultural irrigation: SB 6086
 Drought conditions, temporary changes to water rights: SB 6084

Federal reclamation projects, use attainability analysis of water bodies within: SB 5937
 Heavy metals soil contamination, safe playground soils program: SB 5125
 Heavy metals soil contamination, school and child care facility reduction assistance: ***E2SHB 1605, CH 306 (2005)**
 Hydraulic works, inspection fees: SB 5528
 Initiative 297, clarifications regarding hazardous materials regulations: SB 5445
 Methow valley river basin, Twin Lakes restoration pilot project: SB 5203
 Model toxics control act, lien authority to recover remedial actions costs: SB 5449
 Noise control, enforcement responsibility: SB 5043
 Oil spill and prevention, rules for adequacy of contingency plans: 2SHB 2593, SB 6244
 On-site sewage, enhanced certification program for marine areas: SB 5431
 On-site sewage, program implementation plans for marine areas: E2SHB 1458, ***3SHB 1458, CH 18 (2006)**
 Polybrominated diphenyl ethers, sales of products containing: E2SHB 1488, SB 5515
 Rain barrels and cisterns to collect rainwater: SB 5113
 Waste tire cleanup, waste tire removal account and study of cleanup sites: ***SHB 2085, CH 354 (2005)**
 Water rights, Odessa ground water subarea: SB 6151
 Water rights, real estate excise tax procedures for transfers: SB 5027
 Water rights, trust program and resource management revisions: SB 5906
 Wells, construction standards and contractor licensing: HB 1939, ***SB 5831, CH 84 (2005)**

ECONOMIC AND REVENUE FORECAST COUNCIL

Rainy day reserve fund: SB 6471

ECONOMIC DEVELOPMENT

Agriculture, matching fund program for strategic development plans: SB 5093
 Brownfield land, publicly owned contaminated land designated as priority cleanup: SB 6046, SB 6327
 Business and job retention and expansion program: SB 5642
 Business development companies, financial institutions, and nondepository lenders: SHB 2339, SB 6168
 Community revitalization financing: SB 5325, SB 6700
 Counties, interlocal agreements with port districts: SB 5791
 Downtown and neighborhood commercial district revitalization tax incentives: ***ESHB 2314, CH 514 (2005)**, SB 5455
 Economic development grants program: ***ESB 5330, CH 314 (2006)**, SB 6689
 Economic development strategic reserve account: SB 5370
 Entrepreneurial assistance center: SB 5641
 Grants program: ***ESB 5330, CH 314 (2006)**, SB 6689
 Individual development account program, low-income family assistance: ***SHB 1408, CH 402 (2005)**, SB 5469
 Industry cluster-based development: ***2SHB 2498, CH 105 (2006)**, SB 5329
 Infrastructure, local infrastructure financing tool demonstration program: ***E2SHB 2673, CH 181 (2006) PV**
 International businesses, incentives for investing in Washington: ***SB 5175, CH 135 (2005)**
 International trade policy commission, federal-state: ***ESJM 8019 (2006)**
 Job development fund, grant program to assist local governments with infrastructure projects: ***ESHB 1903, CH 425 (2005)**
 Local infrastructure financing tool demonstration program: ***E2SHB 2673, CH 181 (2006) PV**
 Main street program and advisory committee: ***ESHB 2314, CH 514 (2005)**, SB 5455
 Microenterprise development program: SB 6714
 Public facilities construction loan revolving account, funding provisions: SB 6560
 Public facilities loans and grants, military-related private sector businesses: SHB 1091, SB 5040
 Public facility construction projects: SB 6544
 Seeds, tax exemptions for facilities used in conditioning of vegetable seeds: ***SHB 1523, CH 142 (2006)**
 Washington rural loan fund provisions: ***HB 1092, CH 94 (2005)**, SB 5086

ECONOMIC DEVELOPMENT FINANCE AUTHORITY

Bonds, amount increase and authority expiration date extension: ***SB 5180, CH 137 (2005)**
 Bonds, authority to issue: HB 1428
 Brownfield land, publicly owned contaminated land designated as priority cleanup: SB 6046, SB 6327
 Customized employment training program: SB 5174
 Work force training, customized employment training program and tax exemption: SB 6326

EDUCATION, STATE BOARD

Academic achievement and accountability commission, abolished and duties transferred: SB 5072, SB 5732
 Education ombudsman: ***ESHB 3127, CH 116 (2006) PV**
 Educational equity, state policy: SB 5854
 First aid class requirement, study: SB 6790
 Members, class four group compensation provisions: SB 5853
 Powers, duties, and membership revisions: SB 5072, SB 5732
 Reconstituted state board of education, transfer of duties: ***E2SHB 3098, CH 263 (2006)**, SB 6436
 Superintendent of public instruction, voting rights: HB 1941, SB 5855

EDUCATIONAL SERVICE DISTRICTS (See also SCHOOLS AND SCHOOL DISTRICTS)

District organization, petition and hearing for transfer of territory between districts: SB 6002

ELECTIONS (See also CAMPAIGNS; INITIATIVE AND REFERENDUM)

Absentee and mail ballot provisions for out-of-state, overseas, and service voters: ***SB 5565, CH 245 (2005)**, SB 6498
 Absentee and mail ballots, county-wide mail ballot elections: ***SHB 1754, CH 241 (2005)**, SB 5744
 Absentee and mail ballots, envelope contents when county auditor is seeking reelection: SHB 2843
 Absentee and mail ballots, examination and verification: SB 5740
 Absentee and mail ballots, must reach auditor by election day: SB 5082, SB 5315
 Absentee and mail ballots, notice requirements: SB 6423
 Absentee and mail ballots, notice requirements regarding signature errors: ***SHB 2695, CH 208 (2006)†**
 Absentee and mail ballots, privacy protections: SB 5315
 Abstention from voting on a particular office: SB 5088
 Accessibility for disabled persons, voting equipment and advisory committee: ***ESHB 2479, CH 207 (2006)**
 Ballots, clarifications of laws: EHB 2478, SB 6243
 Ballots, damaged: SB 5400, SB 5499
 Ballots, fiscal information in local measures authorizing taxes: SB 6414
 Ballots, governmental entities may take positions on ballot measures: ***SHB 2713, CH 215 (2006)**
 Ballots, manual inspection and enhancement restrictions: SB 5689, SB 5740, SB 5840, SB 6498
 Ballots, notice requirements for provisional ballots: SB 6423
 Ballots, notice requirements regarding signature errors on provisional ballots: ***SHB 2695, CH 208 (2006)**
 Ballots, processing and canvassing: SB 5740
 Ballots, provisional: SB 5400, SB 5499, SB 5525, SB 5526, SB 5740, SB 6075, SB 6498
 Ballots, recanvassing before or after certification of election results: SB 5942
 Ballots, rejection of ballots marked to identify voter: SB 6828
 Ballots, signatures: SB 5400, SB 5499
 Ballots, write-in votes: SB 5740
 Bilingual voting assistance, task force to on increasing voter participation: ESHB 2594
 Bilingual voting registration and voting assistance: SB 6886
 Canvassing boards, notices of civil infractions: SB 6134
 Canvassing, ballot processing and canvassing: SB 5740
 Canvassing, recanvassing before or after certification of election results: SB 5942
 Certification, legislature removed from process: SJR 8215
 Challenges, procedures: SB 6362, SB 6565
 Citizenship mark on ballot envelopes: SB 5080
 Citizenship, proof of: SB 6317
 Clean elections act: SB 6765
 Costs, state to assume share of: SB 5746
 County auditors and chief elections officers, elective positions in all counties: SB 5667
 County-wide mail ballot elections: ***SHB 1754, CH 241 (2005)**, SB 5744
 Crimes, altering or destroying registration form: SB 5400, SB 5499
 Dates and deadlines, revisions: ***ESB 6236, CH 344 (2006)**
 Electronic registration: SB 6530
 Felons, restricting and restoring voting rights: SB 6651
 Free access system toll-free telephone number and web site for provisional voters: SB 6075
 Governor, special runoff: SB 5079

* - Passed Legislation

Home rule charter cities, primaries: SB 5326
 Indian enrollment cards as identification: SB 5566
 Instant runoff voting, pilot project for nonpartisan offices: ***HB 1447, CH 153 (2005)**
 Manual of election laws and rules, secretary of state: ***SB 5564, CH 244 (2005)**
 Photo identification required at polls: SB 6333
 Presidential electors, popular proportional allocation of representatives: SB 5596
 Presidential, repeal of conflicting residency requirement: SJR 8213, SJR 8220
 Primaries, costs of partisan primaries to be borne by political parties: SB 6131
 Primaries, dates and procedures: ESHB 2027, SB 5219, SB 5745, SB 5927
 Proof of registration and identification: SB 5400, SB 5499, SB 5727
 Provisional voters, privacy protections: SB 5315
 Recount, county costs reimbursement: SB 5400, SB 5499
 Recount, procedures: SB 6422
 Reform, joint select committee on election reform: SB 6075
 Registration, canvassing boards may issue notices of civil infractions for challenging : SB 6134
 Registration, electronic: SB 6530
 Registration, information and identification requirements: SB 6317
 Registration, nontraditional addresses: SB 6362, SB 6565
 Registration, photocopy or duplication of forms prohibited: SB 6006
 Registration, proof of citizenship and photo identification: SB 6499
 Registration, random verification of county list: SB 5399
 Registration, recordkeeping: SB 5743
 Registration, reregistration: SB 5078
 Registration, timelines: ***HB 3041, CH 97 (2006)**, SB 6777
 Review of county procedures, provisions: ***HB 1749, CH 240 (2005)**, SB 5742
 Saturday counting of ballots: SHB 2694, SB 6421
 Secretary of state, nonpartisan office: SB 5122
 Sheriffs, nonpartisan: SB 5464
 Taxpayer and citizen protection act, Washington: SB 6075
 Technical changes to election laws: ***HB 2477, CH 206 (2006)**, SB 6235
 Violations, penalties: SB 6317
 Voters' pamphlets: SB 5741
 Voting devices, accessibility for persons with disabilities: ***ESHB 2479, CH 207 (2006)**
 Voting devices, accessibility for persons with visual impairment: SB 6242
 Voting devices, paper records: SB 5395
 Voting process education in schools: SB 5668
 Voting rights and felons, provisions relating to: SB 6651
 Voting rights, persons under guardianship: ***SHB 1876, CH 236 (2005)**

ELECTRIC UTILITIES

Biodiesel and qualified hydropower, tax exemptions for generation of electricity: SB 6503
 Bonneville Power Administration, transition from cost-based to market-based rates: SJM 8018
 Light and power businesses, tax credit for contributions made to special needs transportation fund: SB 6779
 Net metering, provisions and renewable energy definition: ***ESHB 2352, CH 201 (2006)**
 Nuclear power projects, restoration of unfinished sites for electrical generating energy park: SB 5949
 Public utility tax provisions, maximum tax rate applied to gross receipts: SB 6250
 Renewable energy and energy efficiency standards, integrated resource plan: ***ESHB 1010, CH 195 (2006)**
 Renewable energy, definition and net metering provisions: ***ESHB 2352, CH 201 (2006)**
 Renewable energy, tax credit for purchase or generation of renewable resource: SB 5659
 Renewable energy, tax incentive for customer-generated electricity system: SB 5101, ESB 6129
 Transmission facilities, siting application process and growth management: ***ESHB 1020, CH 196 (2006)**
 Transmission lines, task force on national interest transmission corridors: SHB 2401

ELECTRICAL BOARD

Membership, appliance repair business owner or manager: SB 5988
 Membership, certified electrician who is a representative of an industrial manufacturer: SB 5987

Membership, heating or ventilation or air conditioning business owner or manager: SB 5989
 Membership, outside line worker: ***HB 1557, CH 280 (2005)**, SB 5550

ELECTRICITY

Biodiesel and qualified hydropower, tax exemptions for generation of electricity: SB 6503
 Bonneville Power Administration, transition from cost-based to market-based rates: SJM 8018
 Coal use in electric plants, phase out: SB 5941
 Electricians, display of licenses and certificates: SB 6862
 Electricians, installation and maintenance of domestic well water systems: SB 6225
 Electricians, licensing required prior to advertising: HB 1331
 Electricians, trainee continuing education requirements: ***SHB 1841, CH 224 (2006)**
 Facilities, expedited processing of applications for facilities and alternative energy resources: ***SHB 2402, CH 205 (2006)**
 Hydroelectric power recognized as renewable resource and use encouraged: SB 6763
 Joint operating agencies, renewable electrical energy generation projects: SHB 1384, ***2SHB 1384, CH 176 (2006)**, SB 5291
 Light and power businesses, sales and use tax exemption for machinery and equipment: SB 5508
 Light and power businesses, tax credit for contributions made to special needs transportation fund: SB 6779
 Nuclear power projects, restoration of unfinished sites for electrical generating energy park: SB 5949
 Renewable energy standards for state agencies: E2SHB 2349
 Smart grid energy technologies, certification and tax incentives: SB 6879
 Solar electric generating facility, feasibility assessment: SB 6192
 Transmission lines, task force on national interest transmission corridors: SHB 2401
 Wind turbine generation facilities, property tax levy limit calculation: SB 6141

ELECTRONIC EQUIPMENT

Efficiency standards: SB 6840

ELECTRONICS

Product recycling: SB 6428

ELEVATORS

Contractors, display of licenses and certificates: SB 6862
 Grain, air registration: ***SB 5142, CH 138 (2005)**
 Mechanics, licensing requirements: SB 6561

EMERGENCY MEDICAL TECHNICIANS

Epinephrine, authority to administer: SB 5523, SB 5708
 Retirement, transfer from PERS to LEOFFRS: ***SHB 1936, CH 459 (2005)**, SB 5900

EMERGENCY SERVICES

Abandonment of duties during state of emergency, discharge for persons in certain employment: SB 6137
 Disaster medical assistance teams: SHB 2539
 Disaster response, workers' compensation claims: SB 6014
 Emergency management, preparedness, and assistance account: ESB 6433
 Emergency vehicle permits, background checks: ***HB 1305, CH 27 (2006)**, SB 5438
 Enhanced 911 services, annual review: SB 5749
 Local government utility service charges to fund ambulance and emergency services: ***ESHB 1635, CH 482 (2005)**, SB 5624
 Missing persons, investigation procedures: ***2SHB 2805, CH 102 (2006)**
 Pets, rescue by emergency workers engaged in emergency management activities: SB 6265
 Radio, work group to study volunteer amateur radio emergency communications: SB 6477
 Retired volunteer medical worker license, emergency or disaster services: ***ESHB 1850, CH 72 (2006)**
 State employee disaster recovery task force: SB 6797
 State employee leave, shared leave for declared emergencies: HB 3073
 Vehicles, requirements regarding sales of vehicles to nonpublic entities: SHB 2493
 Volunteer health care providers, immunity from liability during an emergency or disaster: SB 6902

EMINENT DOMAIN

Farmland mitigation fee, land secured for transportation projects: SB 5859
 Private property protection act: SB 6808
 Restrictions on the exercise of eminent domain, public use requirement: SB 6388, SB 6574, SB 6701
 Right of first refusal: SB 6701
 State law reaffirmed, state and local use of eminent domain: SB 6345
 Unblighted private property, restrictions on condemnation: SB 6807

EMPLOYMENT (See also WAGES AND HOURS)

Breast-feeding, joint task force and study on women in the workplace: SB 6066
 Child abuse reporting, duty of person in supervisory capacity: SB 5308
 Cities and towns, layoff of employees to hire inmate labor: SB 6220
 Commercial drivers, employer alcohol and drug test result reports: ***SHB 1266, CH 325 (2005)**, SB 5263
 Customized employment training program: SB 5174
 Drug-free workplace program: SB 6239
 Employee training programs through community or vocational colleges, employer tax credits: SB 5918
 Employer disclosure of employee information to prospective employer, limited liability: ***HB 1625, CH 103 (2005)**
 Employers health service expenditures, minimum labor standards: SB 6356
 Entrepreneurial assistance center: SB 5641
 Family leave insurance program: SB 5069
 Family leave, revisions to family and medical leave act: SB 6185
 Family leave, sick leave does not include leave granted through disability policies: SB 5850
 Financial institutions, employer providing information regarding employee job performance: SB 5533
 Health care insurance, fees for large employers who do not provide insurance to employees: SB 5637
 Health care insurance, small business assist program: E2SHB 2069, SB 6018
 Health care insurance, small employers and their employees: SB 5982
 Health care, small business health savings accounts: SB 5980, SB 6049
 Health care, small group health benefit plans and health savings accounts: SB 5981
 Health insurance market stabilization pool, small employers: SB 5861
 Infant-friendly employers: SB 5600
 On-call workers, compensation for active duty hours: SB 6434
 Professional employer organizations, regulations: SB 6672
 Professional employer organizations, taxation: SHB 3059, SB 6671
 Retirement, voluntary accounts program for private sector employers and all workers: SB 5544
 Self-employment assistance program: SB 5641, SB 6713
 Sex offenses, abuse of supervisory position to obtain consent of a minor: SB 5309
 Sick leave, minimum paid sick leave: SB 6592
 Student services office, pilot program for graduate and professional student job placement: SB 5935
 Telework, enhancement funding board: SB 5063
 Telework, tax incentives for employers: SB 5024
 Tipped employees, average and adjusted minimum wage rate provisions: SB 5774
 Wages, payment violations and penalties: ***SHB 3185, CH 89 (2006)**, SB 5240
 Wages, prompt payment of final wages: SB 5823
 Work force training, customized employment training program: SB 6326

EMPLOYMENT SECURITY, DEPARTMENT

Employment referrals, follow up : SB 6360
 Student services office, pilot program for graduate and professional student job placement: SB 5935

ENERGY

Appliances and products, efficiency standards: ***ESHB 1062, CH 298 (2005)**, SB 5098
 Assistance for low-income persons, account and funding: SB 6482
 Bioenergy loan program, conversion of farm products: SB 6501
 Biofuels, consumer education and outreach: SB 6515
 Columbia generation station, commercial production of hydrogen: HJM 4026
 Efficiency standards for products, modifications: SB 6840

Electrical transmission siting, application process and growth management: ***ESHB 1020, CH 196 (2006)**
 Energy freedom program and board : ***E3SHB 2939, CH 171 (2006)**
 Facilities, expedited processing of applications for facilities and alternative energy resources: ***SHB 2402, CH 205 (2006)**
 Freedom projects, funding for : E2SHB 2393
 Hydroelectric power recognized as renewable resource and use encouraged: SB 6763
 Joint committee on energy supply and energy conservation, conservation measures: ***SHB 1895, CH 299 (2005)**
 Joint operating agencies, renewable electrical energy generation projects: SHB 1384, ***2SHB 1384, CH 176 (2006)**, SB 5291
 Renewable electrical energy generation projects, joint operating agencies: SHB 1384, ***2SHB 1384, CH 176 (2006)**, SB 5291
 Renewable energy and energy efficiency standards, integrated resource plan: ***ESHB 1010, CH 195 (2006)**
 Renewable energy standards for state agencies: E2SHB 2349
 Renewable energy, definition and net metering provisions: ***ESHB 2352, CH 201 (2006)**
 Renewable energy, electric utility tax credit for purchase or generation of renewable resource: SB 5659
 Renewable energy, hydroelectric power recognized as renewable resource and use encouraged: SB 6763
 Renewable energy, tax incentive for customer-generated electricity system: SB 5101, ESB 6129
 Smart grid energy technologies, certification and tax incentives: SB 6879
 Solar demonstration projects, Washington State University: SB 6432
 Solar electric generating facility, feasibility assessment: SB 6192
 Solar hot water equipment, sales and use tax exemptions: ***2SHB 2799, CH 218 (2006)**
 Solar, tax incentives for manufacture of solar energy systems: SB 5111, ESB 6129
 State agencies to reduce energy purchases: SB 6518
 State buildings and schools, green building programs and LEED silver standards: SB 5509
 Transmission lines, task force on national interest transmission corridors: SHB 2401
 University of Washington forest systems and bioenergy program funding: SB 5883

ENERGY FACILITY SITE EVALUATION COUNCIL

Electrical transmission siting, application process and growth management: ***ESHB 1020, CH 196 (2006)**

ENVIRONMENT

Biomonitoring as part of the environmental health tracking program: SB 6513
 Children's environmental health and protection advisory board: SB 5188
 Environmental quality permit, application review of compliance history: SB 5688
 Environmental remediation services, business and occupation tax rate: SB 6781
 Mercury, removal of mercury-added components in end-of-life vehicles: ESB 5710
 Phosphorus content in dishwashing detergent: ***EHB 2322, CH 223 (2006)**
 Puget Sound conservation and recovery partnership and management plan: SB 5895
 SEPA, exemption for certain activities within urban growth areas: SB 5661
 State buildings and schools, green building programs and LEED silver standards: SB 5509
 Uniform environmental covenants act: SB 6517

ESTATES (See also PROBATE)

Guardianship, bond requirements: SB 5187
 Management procedures and requirements: ***HB 1125, CH 97 (2005)**, SB 5055
 Taxes, stand-alone state estate tax: ***ESB 6096, CH 516 (2005)**
 Taxes, Washington state pick-up credit for federal and state transfer taxes: SB 6309
 Trusts and estates, general revisions: SB 6597
 Uniform estate tax act: SB 5052
 Wills, specifically devised property distribution: SB 6053

ETHICS IN GOVERNMENT

Executive ethics board, members and length of terms: SB 6026
 Flights, state officers and employees allowed to fly free under certain conditions: SB 6128
 Investigations, complaint procedures: HB 1051, ***SB 5046, CH 116 (2005)**
 Opinions, state employees authorized to express professional opinions: SB 6782
 Public service announcements, restrictions for state officials: SB 6705
 Raffles, public employees: HB 1944, SHB 1944

State university research, ethical transfer of technology: ***SHB 1806, CH 106 (2005)**, SB 5811

EVERGREEN STATE COLLEGE, THE

Board, student member: SB 5022

EVIDENCE

Dependent persons, rights and protections for victims and witnesses of crimes: ***ESHB 2126, CH 381 (2005)**

Injuries resulting from health care, apologies and settlement offers inadmissible as evidence: 2E2SHB 1291, SHB 2292,

***2SHB 2292, CH 8 (2006)**, SB 6087

Privileged communications between spouses, criminal conspiracy exception: SB 5133

EXECUTIVE ETHICS BOARD

Members allowed to serve more than one term: SB 6351

FAIRS AND EXHIBITIONS

Agricultural fairs, study of economic and social contribution: HB 2096, SB 5968

FAMILY AND CHILDREN'S OMBUDSMAN, OFFICE

Duties, caseload assessments: SB 5873

FAMILY LIFE

Child's conversations and communications, parental right to monitor: SB 5081

Family and children's services, department: SB 5872

Family assessment response demonstration program, child maltreatment: SB 6841

Family counseling pilot program, family preparation program: SB 6664

Family leave insurance program: SB 5069

Family leave, sick leave does not include leave granted through disability policies: SB 5850

Interstate family support act, effective date: ***HB 3048, CH 96 (2006)**, SB 6590

Reconciliation hearings, public access: HB 1279, SHB 1279

Services, task force on the administration and delivery of services: ***ESB 6741, CH 251 (2006)**

FARMS

Beginning farmers loan program: SB 5092

Biodiesel, property tax exemption for land used to grow crops: SB 6424

Conservation district farm plans, content and disclosure provisions: SB 6617

County conservation futures, farm and agricultural land: SB 5109

Dairy nutrients, vehicle weight limits for transporting on roads and highways: ***SHB 1117, CH 96 (2005) PV**

Dyed special fuel used by farmers, sales and use tax exemptions: SB 6393

Estate tax, stand-alone state tax provisions relating to farm property: ***ESHB 2314, CH 514 (2005)**

Farmers market nutrition programs, funding: SB 5597

Fin fish aquaculture programmatic permitting group: SB 5787

Fuel used by farmers, sales and use tax exemptions: ***HB 2424, CH 7 (2006)**, SB 6148

Grain, elevator and warehouse air registration: ***SB 5142, CH 138 (2005)**

Growth management, agricultural land use and activities: ***SHB 2917, CH 147 (2006)**, SB 6575

Growth management, agricultural zoning that supports family farms: SB 5945

Habitat conservation programs, riparian protection and farmlands preservation accounts: SHB 1413, SB 5396

Labor and industries department initial visit to small agricultural employers: SB 5632

Machinery and equipment, sales and use tax exemptions: ***SHB 2457, CH 172 (2006)**

Mitigation fee, land secured through eminent domain for transportation projects: SB 5859

Nuisance actions against agricultural practices, costs recovery when defendant farm prevails: ***ESB 5962, CH 511 (2005)**

Potato commission: SHB 1608, SB 5369

Property taxes, open space program taxation: ***HB 1554, CH 57 (2005)**, SB 5465

Real estate disclosure, notice to prospective buyer when property is located near a farm: ***ESB 5962, CH 511 (2005)**

Real estate seller's disclosure, notice to prospective buyer when property is located near a farm: ***SHB 2723, CH 77 (2006)**, SB 6494

Services provided to farmers, business and occupation tax exemption: SB 6542

Vehicles, gross weight fee payment: SB 6015

Walla Walla sweet onion, state vegetable: HB 1964, SB 6827

Water rights, crop rotation as sufficient cause for nonuse: SB 5950
 Workers, protections for farm labor contractors: SB 6352

FEES

Automatic increases prohibited: ESB 5527
 County law library funding, court filing and surcharge fees: SB 5454, SB 5890

FERRIES

Alcohol, sales on ferries: SB 6791
 Collective bargaining by state ferry employees: ***SHB 3178, CH 164 (2006)**, SB 6794
 Costs mitigation of state ferry traffic at route terminals, state distribution to cities and counties: SB 6750
 Fares, prepurchase of multiple: SB 5729
 Fares, reduction for frequent users: SB 6062
 Fuel tax exemption for state ferries: SB 5402
 Local government passenger ferry service, funding and grant program: SB 6787
 New ferry construction, alternatives to design-build process: SB 6104
 Sewage and sludge, release into marine waters: E2SHB 1415
 State, galley services: SB 5103
 Vessel procurement, design-build process: SB 6853

FERTILIZERS

Custom blending of dry fertilizer, business and occupation tax exemption : SB 6485

FINANCIAL INSTITUTIONS (See also BANKS AND BANKING; CREDIT UNIONS)

Automated teller machines, access fees: ***HB 1138, CH 98 (2005)**
 Business development companies, financial institutions, and nondepository lenders: SHB 2339, SB 6168
 Cashing of checks by payor institutions: SB 6520
 Community credit needs, performance investigation and assessment: SB 6716
 Employee job performance, employer providing information: SB 5533
 Intangible personal property, taxation: SB 6004, SJR 8212
 Interchange and associated fees, limit on fees charged to retail merchants: SB 6240
 Mortgage lending fraud prosecution account, extension: ***HB 2338, CH 21 (2006)**, SB 6167
 Out-of-state, regulations: ESHB 2128, SB 5997
 Regulatory authority, state: SHB 1419, SB 5266
 Retail installment contracts for vehicle purchases: SHB 2863, SB 6570
 Robbery in the first degree, crimes against financial institutions: SB 6801

FINANCIAL INSTITUTIONS, DEPARTMENT

Check cashers and sellers, data to be provided to director: SB 5484

FINANCIAL MANAGEMENT, OFFICE

Agency budget requests, statewide budgeting priorities: ***ESHB 1242, CH 386 (2005)**
 At-risk youth, prevention quality council: SB 5047
 Priority performance measures, historical information data base and legislative review: SHB 1834
 Rule reporting requirements, modifications: SB 6361
 State information technology projects: SHB 2601
 State motor vehicles, valid driver's license requirement: SB 5669

FINGERPRINTING

Crime prevention and privacy compact: SB 6719
 Live scan devices for electronically gathering and transmitting fingerprints, pilot program: SB 5553

FIRE FIGHTERS

Abandonment of duties during state of emergency, discharge: SB 6137
 Fire departments, reporting and accountability standards: ***SHB 1756, CH 376 (2005)**
 Occupational and health standards for employees of fire departments: SB 5865
 Privileged communication, fire fighters and peer support groups: ***HB 2366, CH 202 (2006)**
 Training, removal of hazardous materials prior to planned burning of structures: SB 5931

Volunteer, board membership: SHB 2833

Volunteer, position in elective or appointed office: ***HB 2606, CH 211 (2006)**

Volunteer, state agency employee allowed to respond with continued pay when called to duty: SB 6289

Volunteer, state agency employee allowed to respond without continued pay when called to duty: SB 6290

FIRE PROTECTION

Alcoholic beverage serving businesses, inspections: ***ESHB 1401, CH 148 (2005)**, SB 5374

Automated sprinkler systems, bars and nightclubs: ***ESHB 1401, CH 148 (2005)**, SB 5374

Fire departments, reporting and accountability standards: ***SHB 1756, CH 376 (2005)**

Forest and range fires, use of state water to fight: SB 5215

Forest fire protection assessments, supplemental assessment: SB 6403

Impact fee proceeds for facilities: SB 5210

Occupational and health standards for employees of fire departments: SB 5865

Policy board, membership: ***HB 2088, CH 35 (2005)**, SB 5976

Regional fire protection service authorities, property tax levies: SB 5601

State director of fire protection, retirement provisions: SB 6873

Training, removal of hazardous materials prior to planned burning of structures: SB 5931

Wildfire prevention and protection work group: SB 6603

FIRE PROTECTION DISTRICTS (See also SPECIAL DISTRICTS)

Annexation by code cities, assumption of fire protection district assets: SB 6102

Competitive bidding requirement exemption for work performed by employees: SB 5595

Health clinic services: ***SHB 1652, CH 281 (2005) PV**, SB 5675

Property tax levies, prorationing: HB 1106, ***SB 5136, CH 122 (2005)**

Regional fire protection service authorities: ***SHB 2345, CH 200 (2006)**, SB 6163

FIRE PROTECTION SPRINKLER SYSTEM CONTRACTORS

Components subject to recall or replacement, assistance with identification: ***SHB 1945, CH 109 (2005)**

FIREARMS

.50 caliber BMG rifles banned, penalties: SB 5593

Assault weapons, penalties for manufacture and possession: SB 5475

Concealed, reciprocity provisions: HB 2622, SB 6426

Concealed, renewal extension for deployed members of armed forces: SB 5545, SB 6878

Crimes, sentence range enhancements for firearms and deadly weapons: SB 5041

Gun shows and events, sales regulations: SB 5343

Hunting safety for children, supervision and minimum age for licenses: SB 5383

Industry, protection from tort laws against: SJM 8005

Noise suppressors, restrictions: SB 5167

Possession, person previously found not guilty by reason of insanity: ***SHB 1687, CH 453 (2005)**, SB 5131

Reckless endangerment, leaving a firearm where a child is likely to gain access: SB 5342

Restoration of right to possess: SB 5635

Safety devices, dealers to provide or offer for sale: SB 5342

Schools, juvenile possessing a firearm at a school: HB 2825

Schools, violations and penalties for having weapons in school: SB 6258

State legislative building, possession in: SB 5344

Stun guns, penalties for sale or possession of projectile stun guns: SB 5574

FIREWORKS

Local surcharge: SB 5153

FISCAL NOTES

Criminal justice legislation, note requirements: SB 6349

Information technology projects, impacts: SHB 2601

FISH (See also SALMON; STEELHEAD; TROUT)

Columbia river coastal crab mitigation work group: SB 6402

Fin fish aquaculture programmatic permitting group: SB 5787

Hood Canal, aquatic rehabilitation zone: ***SHB 2081, CH 478 (2005)**, SB 5693
 Hood Canal, rehabilitation program: ***ESHB 2097, CH 479 (2005)**
 Independent forest and fish science panel: SB 6274
 Invasive species and algae, vessel registration fee to fund prevention and control: SB 5699
 Invasive species council: SB 5385
 Sensitive fish and wildlife data, public disclosure requirements: HB 2331, SB 6158
 Shellfish, oil spill contingency plans for shellfish beds: SB 5676
 Wenatchi band of Indians, limited ceremonial and subsistence salmon fishery: SB 5934

FISH AND WILDLIFE COMMISSION

Columbia river coastal crab mitigation work group: SB 6402
 Disabled hunters and fishers advisory committee: ***HB 1405, CH 149 (2005)**, SB 5134
 Enforcement, definition of conviction: ***HB 1128, CH 321 (2005)**, SB 5231
 Gray wolf management, introduction restrictions: SB 5216
 Property held by department, disposal to instrumentalities of U.S. for less than market value: SB 5955
 Trapping, rules for traps and bait: ESB 5319
 Trout planting provisions: ***SB 5869, CH 87 (2005)**

FISH AND WILDLIFE, DEPARTMENT

Aquatic invasive species and algae, vessel registration fee to fund prevention and control: SB 5699
 Cougars, posting of interactions with pets, livestock, or humans: ***HB 1832, CH 107 (2005)**
 Cougars, surveys of population and management techniques: SB 5881
 Director, gubernatorial appointment: SB 5858
 Enforcement account, penalties for hunting out of season and fishing for endangered species: ***ESHB 1696, CH 406 (2005)**, SB 5683
 Enforcement, definition of conviction: ***HB 1128, CH 321 (2005)**, SB 5231
 Enforcement, retirement provisions for enforcement officers: SB 6585
 Enforcement, secondary commercial fish receiver's failure to account for harvest: SB 5893
 Furbearer management program and rules for traps and bait: ESB 5319
 Gravel in waterways, removal of: SB 6047
 Grey wolf management plan: SB 6778
 Grizzly bears, grants for community outreach programs: SB 5448
 Habitat and recreation lands coordinating group: SB 6625
 Hood Canal, geoduck and sea cucumber comprehensive survey: ***E2SHB 1896, CH 307 (2005)**
 Hunting education training program, certificate for participants and certification of instructors: SB 6803
 Hydraulic project approval program, application and permitting process revisions: SB 5095
 Hydraulic project approval program, general revisions: ***2SHB 1346, CH 146 (2005)**
 Hydraulic project approval program, maintenance or mitigation agreement: SB 5095
 Natural resources department law enforcement program transfer: SB 5818
 Private lands for public use, charges: SB 5279
 Property held by department, disposal to instrumentalities of U.S. for less than market value: SB 5955
 Sensitive fish and wildlife data, public disclosure requirements: SB 6158
 Wildlife conservationist award program: SB 5016
 Wildlife rescue coalition: SB 6160

FISHING, COMMERCIAL (See also SALMON)

Aquacultural products, sale from leased state-owned lands: ***SB 5006, CH 113 (2005)**
 Charter licenses, definitions: SB 6401
 Coastal crab fisheries, vessel restrictions: SB 6439
 Crab pot buoy tag program, fee for holders of out-of-state licenses: ***HB 2330, CH 143 (2006)**, SB 6157
 Deliver and delivery of food fish and shellfish, definitions: ***SHB 1214, CH 20 (2005)**, SB 5233
 Dungeness crab fishery in Puget Sound, two licenses operating on one vessel: SB 5765
 Fin fish aquaculture programmatic permitting group: SB 5787
 Geoduck, harvest area restrictions: ***HB 2386, CH 144 (2006)**, SB 6179
 Geoduck, Hood Canal comprehensive survey: ***E2SHB 1896, CH 307 (2005)**
 Geoduck, licensing: SHB 3102

Geoduck, licensing and reseeding requirements: SB 6708
 Sea cucumbers, Hood Canal comprehensive survey: ***E2SHB 1896, CH 307 (2005)**
 Sea cucumbers, license renewal surcharge and excise tax provisions: ***HB 1958, CH 110 (2005)**
 Sea urchins, license renewal surcharge and excise tax provisions: ***HB 1958, CH 110 (2005)**
 Secondary commercial fish receiver's failure to account for harvest, penalties: SB 5893
 Washington coastal Dungeness crab pot buoy tag program, licensing fees to fund: ***SB 6033, CH 395 (2005)**

FISHING, RECREATIONAL (See also SALMON)

Albacore tuna, licensing requirement: HB 2332, ***SB 6159, CH 57 (2006)**
 Coastal crab fisheries, vessel restrictions: SB 6439
 Disabled hunters and fishers advisory committee: ***HB 1405, CH 149 (2005)**, SB 5134
 Group fishing permits, department outdoor education programs: SB 6161
 Licenses, definition of resident: ***HB 1695, CH 104 (2005)**
 Licenses, temporary combination: ***SHB 1210, CH 192 (2005)**, SB 5226
 Senior citizens, combination licenses free of charge: SB 5427
 Shellfish, biotoxin testing and monitoring funds to carry over: SB 5169
 Trout planting provisions: ***SB 5869, CH 87 (2005)**
 Violations, fishing for endangered species: ***ESHB 1696, CH 406 (2005)**, SB 5683

FLOOD CONTROL

Gravel in waterways, removal of: SB 6047
 Storm water management and control, city liability for inadequate facilities: SB 5505

FLOOD CONTROL DISTRICTS (See also SPECIAL DISTRICTS)

Administration and compensation: HB 1238, ***SB 5354, CH 127 (2005)**

FOOD AND FOOD PRODUCTS (See also MEAT; ORGANIC FOOD)

Candy, sales and use tax: SB 5973
 Cloned animals, labeling requirements: SB 6383
 Dairy products, excise taxation: ***EHB 3159, CH 354 (2006) PV**, SB 6704
 Litter tax exemption for food consumed in area contiguous to seller's place of business: ***SHB 1887, CH 289 (2005)**
 Litter tax exemption for prepared food in nonsingle containers: ***SHB 1887, CH 289 (2005)**
 Milk processing plant licensing fees: HB 1085, ***SB 5039, CH 414 (2005)**
 Milk products, cow shares: SB 6377
 Rabbits, temporary permit for slaughter, preparation, and sale of one thousand or fewer: SB 6252
 Sales and use tax exemption for dietary supplements: SB 5255
 Seafood, excise taxation: ***EHB 3159, CH 354 (2006) PV**
 Syrup sales, business and occupation tax credit: SB 5604, SB 6533
 Vending machines, sales tax repealed: SB 5778

FOREST LAND (See also TIMBER AND TIMBER INDUSTRIES)

Family forest landowners, long-term management: SB 5761
 Forest fire protection assessments, supplemental assessment: SB 6403
 Independent forest and fish science panel: SB 6274
 Local government regulations: SB 5376
 Property taxation, provisions for forest and timber lands: SB 6249
 Scenic beauty, forest practice protection of scenic areas for tourism purposes : SB 6276
 Timber land revitalization board, grants and loans: SB 5345, SB 6211
 University of Washington forest systems and bioenergy program funding: SB 5883
 Wildfire prevention and protection work group: SB 6603

FOREST PRACTICES (See also TIMBER AND TIMBER INDUSTRIES)

Board, membership: SB 6275
 Family forest landowners, long-term management: SB 5761
 Forest health work group, meeting requirements and expiration date: ***ESB 5179, CH 342 (2006)**
 Forest practices, department of natural resources authority: ESHB 2740
 Future of Washington forests review council: SB 5405

Growth management, forest lands of long-term commercial significance: SB 5618
 Local government regulations: SB 5376
 Scenic beauty, forest practice protection of scenic areas for tourism purposes : SB 6276
 Specialized forest products, specialty wood for musical instruments or ornamental boxes: ***SHB 1406, CH 401 (2005)**
 University of Washington forest systems and bioenergy program funding: SB 5883

FOSTER CARE

Endowed scholarship program: ***2SHB 1050, CH 215 (2005) PV**
 Family homes, license application process: SB 5294, SB 5296
 Family homes, unique identifying number: SB 5295
 Foster care health unit: ***SHB 2985, CH 221 (2006)**
 Foster parent critical support and retention program: ***2SHB 3115, CH 353 (2006) PV**, SB 6749
 Foster youth individual development account program, housing and education assistance: ***SHB 1408, CH 402 (2005)**, SB 5469
 Indian tribes, agencies located on or near reservations: ***SHB 3182, CH 90 (2006)**
 Postsecondary education and training committee: ***ESHB 1079, CH 93 (2005)**, SB 5084
 Services and support for youths up to age twenty-one: ***2SHB 2002, CH 266 (2006)**, SB 6324

FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight mobility strategic investment account created: SB 5662
 Freight mobility strategic multimodal account created: EHB 2889, SB 6601

FUELS (See also OIL AND GAS)

Aircraft fuel tax exemption for operating under certificate of public convenience repealed: SB 6039
 Alternative fuels, biofuels advisory committee: ESHB 2738
 Alternative fuels, percentage of biodiesel required in diesel fuel: ESHB 2738, SB 6508
 Alternative fuels, percentage of ethanol required in nondiesel fuel: ESHB 2738, SB 6508
 Alternative fuels, tax exemptions for modifications to vehicles: SB 6298, SB 6516
 Biodiesel requirements in public contracts: SB 6514
 Biodiesel seed crushing program, funding: E2SHB 2393
 Biodiesel, property tax exemption for land used to grow crops: SB 6424
 Bioenergy loan program, conversion of farm products: SB 6501
 Biofuels, consumer education and outreach: SB 6515
 Conversion of landfill methane gas to useable fuel, tax incentives: SB 6524
 Crop dusting, tax exemptions for aircraft fuel: SB 6868
 Energy freedom program and board: ***E3SHB 2939, CH 171 (2006)**
 Farmers, sales and use tax exemptions for dyed special fuel used by: SB 6393
 Farmers, sales and use tax exemptions for fuel used by: ***HB 2424, CH 7 (2006)**, SB 6148
 Harvesters, sales and use tax exemption for fuel used in cutting timber: SB 6394
 Home heating fuel service contractors, regulations: ***SHB 2776, CH 36 (2006)**, SB 6611
 Indian tribes, tax contracts between state and tribes: SB 6869
 Liquefied petroleum gas, filling and refilling restrictions and violations: SB 5658
 Liquefied petroleum gas, liability limits: SHB 1159, SB 5657
 Motor vehicle and special fuels, business and occupation tax exemption for wholesale sales: SB 5626
 Oil and gas severance and conservation act, taxation of oil and gas production: SB 6748
 Petroleum corporations, monetary penalties on windfall profits: SB 6746
 Regional transit authorities, special fuel tax exemption: SHB 2591
 State-owned refueling stations, information to be provided to legislature: SHB 2437
 Taxes, refund application period for motor vehicle fuel and special fuel tax refunds: SB 6857
 Underground petroleum storage tanks, financial assistance grants for underserved rural areas: ***SHB 1823, CH 428 (2005) PV**
 University of Washington forest systems and bioenergy program funding: SB 5883
 Wood biomass fuel, definition for sales tax purposes: SB 6191

FUNERAL DIRECTORS

Regulation revisions for cemeteries, funeral services, and cremation: SB 5752

FUNERALS

Disorderly conduct, fighting near a funeral home or procession: SHB 3293
 Regulation revisions for cemeteries, funeral services, and cremation: SB 5752

GAMBLING (See also HORSES AND HORSE RACING; LOTTERY)

Ballot measures, out-of-state contributions prohibited: SB 5879
 Bingo, smoking area restrictions: SB 5909
 Bingo, tax exemption for charitable or nonprofit organizations: HB 3285
 House-banked card rooms, limitation on number and location: SB 5994
 Indian gaming regulatory act, state consent for federal court jurisdiction: SB 6856
 Internet gambling prohibited: SB 5878, SB 6613
 Joint select committee on the future of gambling policy setting: SCR 8417
 Local government land use and zoning powers: SB 5591
 Minimum age for gambling, increase: SB 6523
 Off-reservation tribal gaming, compacts: SB 6301
 Problem gambling, tax to fund account and program: ***ESHB 1031, CH 369 (2005)**, SB 5037
 Punch boards and pull tabs, taxation: SB 6889
 Social card games, licensing and limitations: SB 6615
 Social card games, taxation: SB 5287
 Social card rooms, financial reports and listing of information on web site: SB 6057

GAMBLING COMMISSION

Background checks: SB 6894
 Social card rooms, financial reports and listing of information on web site: SB 6057

GENERAL ADMINISTRATION, DEPARTMENT

Bids, electronic and web-based: ***HB 1439, CH 363 (2006) PV**, SB 5373
 Capitol campus, preservation of public and historic facilities: ***SHB 1995, CH 330 (2005)**
 Commemorative works account: ***HB 1007, CH 16 (2005)**, SB 5252
 Joint committee on energy supply and energy conservation, conservation measures: ***SHB 1895, CH 299 (2005)**
 Motor pool management: ***HB 1008, CH 214 (2005)**, SB 5220
 Public works alternative contracting procedure, additional contracts: SB 5250
 Refueling stations, information to be provided to legislature: SHB 2437
 State buildings and schools, green building programs and LEED silver standards: ESHB 1272, SB 5509

GEOLOGY AND GEOLOGISTS

Ice age floods national geologic trail: ***SJM 8000 (2005)**
 Soil scientists, licensing: SB 5446
 State geological survey, state geologists: ***SHB 2384, CH 340 (2006)**, SB 6176

GOOD SAMARITANS

Failing to summon assistance, criteria: ***SHB 1236, CH 209 (2005)**, SB 5077

GOVERNOR

Agency rules, governor's signature on significant legislative rules: EHB 1276
 Budget, 2003-05 supplemental: SB 5074
 Budget, 2003-05 transportation supplemental: SB 5012
 Budget, 2005-07 biennium and 2003-05 supplemental capital: SB 5051, SB 6094
 Budget, 2005-07 operating: SB 5073, SB 6090
 Budget, 2005-07 transportation: SB 5011, SB 6091
 Budget, 2006 supplemental capital: SB 6384
 Budget, 2006 supplemental operating: SB 6386
 Budget, 2006 transportation supplemental: SB 6241
 Budget, operating budget document requirements: ***ESHB 1242, CH 386 (2005)**
 Center for the improvement of student learning: ***ESHB 3127, CH 116 (2006) PV**
 Education advisory committee: ***ESHB 3127, CH 116 (2006) PV**
 Elections, special runoff: SB 5079

Fish and wildlife department director, gubernatorial appointment: SB 5858
 Health disparities, governor's interagency council on: SB 6197
 National guard, governor's powers and duties: HB 1568, ***ESB 5606, CH 9 (2005)**

GRANDPARENTS

Child visitation rights: SB 5944, SB 6316, SB 6683

GRAVEL

Waterways, removal of gravel from: SB 6047

GRAYS HARBOR COUNTY

Port pilotage services, liability limits for Grays Harbor pilotage district: SB 5207

GREENHOUSE GASES

Coal use in electric plants, phase out: SB 5941
 Reduction objectives, registry and annual report: SB 5100

GROCERY STORES

Beer and wine samples: SB 5682
 Litter tax exemption for food consumed in area contiguous to seller's place of business: ***SHB 1887, CH 289 (2005)**
 Litter tax exemption for prepared food in nonsingle containers: ***SHB 1887, CH 289 (2005)**

GROWTH MANAGEMENT (See also LAND USE PLANNING)

Affordable housing incentive programs: ***ESHB 2984, CH 149 (2006)**
 Agricultural land use for outdoor recreational activities: SB 5739
 Agricultural land use for outdoor recreational activities, study committee: SB 5933
 Agricultural lands, accessory uses identified: ***SHB 2917, CH 147 (2006)**, SB 6575
 Agricultural zoning that supports family farms: SB 5945
 Comprehensive plans, additional year to comply with requirements: ***ESHB 2171, CH 294 (2005)**
 Comprehensive plans, bus stops and crosswalks: SB 5421
 Comprehensive plans, compliance tiers for review and revision requirements: SB 5930
 Comprehensive plans, conservation easements: SB 6833
 Comprehensive plans, facilities for recreational or tourist use in rural areas: HB 2206, SB 6037
 Comprehensive plans, good faith effort for compliance requirements: ***ESHB 2171, CH 294 (2005)**
 Comprehensive plans, off-campus higher education student housing quality assessment program: SB 6135
 Comprehensive plans, physical activity promotion: SB 5186
 Comprehensive plans, public facilities and services information: SB 6267
 Comprehensive plans, public facilities element: SB 6269
 Comprehensive plans, review and revision schedule: SB 6693
 Comprehensive plans, review exemption for counties with low population densities: SB 6427, SB 6837
 Comprehensive plans, task force on one-year revisions and compliance extension: ***ESHB 2171, CH 294 (2005)**
 Comprehensive plans, transportation concurrency compliance: SB 6268
 Comprehensive plans, transportation concurrency compliance and study: ***2SHB 1565, CH 328 (2005)**
 Comprehensive plans, update and amendment process: SB 5152, SB 5923
 Comprehensive plans, update requirements for slower and faster growing counties: SB 5896
 Conservation programs, counties prohibited from regulations precluding enrollment in: SB 6425, SB 6833
 Critical areas, best available science to be used for designating: SHB 2815, SB 5912, SB 6035, SB 6569
 Critical areas, conservation easements: SB 6833
 Critical areas, example critical areas policies or regulations: SB 5954
 Critical areas, referendum and notice: SB 5546, SB 5670
 Critical areas, safe harbors agreements: SB 6562
 Critical areas, voluntary measures to protect: SB 6367
 Electrical transmission siting, application process: ***ESHB 1020, CH 196 (2006)**
 Essential public facilities, joint task force: SB 5690
 Essential public facilities, public school facilities: SHB 1169
 Farmland mitigation fee, land secured through eminent domain for transportation projects: SB 5859
 Forest lands of long-term commercial significance, designation: SB 5618

Forest practices, local regulations: SB 5376
 Gambling activities, local government land use and zoning powers: SB 5591
 Hearings boards, senate confirmation: HB 3016, SB 6836
 Infrastructure account: SB 5772
 Islands consisting of rural lands, maximum residential density exemption: SB 6600
 Land use permitting process, joint legislative audit and review committee review: SB 6036
 Petitions to hearings boards, review of comprehensive plan amendments: SB 6030
 Public facilities element, planning requirements: SB 6269
 Public notification requirements: ESHB 2194
 Recreational lands designation: ***EHB 2241, CH 423 (2005)**
 Recreational lands designation, study committee on outdoor recreation: ***EHB 2241, CH 423 (2005)**
 SEPA, exemption for certain activities within urban growth areas: SB 5661
 Storm water management and control, city liability for inadequate facilities: SB 5505
 Urban growth areas, state projected population growth and urban residential densities: SB 5907
 Urban growth areas, utility hookups for water and sewer services: SB 5694
 Urban industrial land banks, major rail line access: EHB 2219, SHB 2219
 Vote on hearings board order, county referendum: SB 5312
 Water quality and habitat requirements: SB 5619
 Wetlands, provisions relating to agricultural lands: SB 6573

GUARDIANSHIP

Attorneys as guardian ad litem, conflicts of interest: HB 1139
 Bond requirements: SB 5187
 Dependent children, permanent placement: 2SHB 2030, SB 6008
 Trust and estate management procedures and requirements: ***HB 1125, CH 97 (2005)**, SB 5055
 Voting rights, persons under guardianship: ***SHB 1876, CH 236 (2005)**

HARASSMENT (See also CRIMES)

Antiharassment protection orders, hearing procedures: ***HB 1294, CH 144 (2005)**, SB 5434
 Antiharassment protection orders, municipal court jurisdiction: ***HB 1296, CH 196 (2005)**, SB 5435
 Cyberbullying, school harassment prevention policies: SB 5849
 Violation of antiharassment orders, third violation penalized as class C felony: SB 5209

HARBOR AREAS

Construction of bridges and trestles over waterways, city and county rights: ***SHB 1657, CH 58 (2005)**, SB 5437
 Growth management, critical areas safe harbor agreements: SB 6562
 Harbor lines, authority to regulate: SB 5007

HAZARDOUS MATERIALS

Children's environmental health and protection advisory council: SB 5188
 Environmental remediation services, business and occupation tax rate: SB 6781
 Fire fighter training, removal of hazardous materials prior to planned burning of structures: SB 5931
 Hazardous substances used for medical purposes or industrial processes, transport and storage: SB 5357, SB 5445
 Initiative 297, clarifications regarding hazardous materials regulations: SB 5445
 Lead-based paint activities, public health education program: SB 5189
 Polybrominated diphenyl ethers, sales of products containing: E2SHB 1488, SB 5515
 Railroad inspections, utilities and transportation commission authority: SB 5106
 Toxics exposure reporting and tracking review panel: SB 5030

HAZARDOUS WASTE

Brownfield land, publicly owned contaminated land designated as priority cleanup: SB 6046, SB 6327
 Heavy metals soil contamination, safe playground soils program: SB 5125
 Heavy metals soil contamination, school and child care facility reduction assistance: ***E2SHB 1605, CH 306 (2005)**
 Model toxics control act, ecology department lien authority to recover remedial actions costs: SB 5449
 Property acquired in drug forfeiture action: ***SHB 1208, CH 191 (2005)**, SB 5770
 Uniform environmental covenants act: SB 6517

HEALTH CARE (See also LONG-TERM CARE; MEDICAL RECORDS; NURSING HOMES)

- Advance directives, health care declarations registry: ***2SHB 2342, CH 108 (2006)**
- Asthma, prevention and treatment policies and programs: SB 5841
- Basic health plan, access and eligibility: ESHB 2060, HB 2398, ESHB 2540
- Basic health plan, health care responsibility act: SB 5637
- Basic health plan, report on recipients' employment status: SB 6759
- Basic health plan, small employers: SB 5722
- Basic health plan, students under temporary visas: ***HB 1170, CH 188 (2005)**
- Basic health plan, study: SB 5536
- Biomonitoring as part of the environmental health tracking program: SB 6513
- Blood-drawing procedures by research staff in homes of study participants, certification exemption: SB 6690
- Blue ribbon commission on health care cost and access: SB 6469
- Cancer, early detection breast and cervical screening program: ***2ESB 5714, CH 55 (2006)**
- Cancer, notice of breast cancer risks related to abortion: SB 5820
- Centralized technology assessment pilot project, scientific evidence of evolving procedures: SB 5924
- Chemotherapy and anticancer drugs, business and occupation tax exemption: SB 6623
- Children, kids get care service delivery model for preventative and well-child services: 2SHB 1516
- Clinical information technologies, business and occupation tax credit for physicians: SB 5392
- Community health care collaborative grant program: SB 6459
- Community health centers, business and occupation tax deduction for certain nonprofits: ***SB 5857, CH 86 (2005)**
- Comprehensive cancer center, property tax exemption: ***ESHB 2314, CH 514 (2005)**, SB 5398
- Coordinated quality improvement programs, qualifications: 2E2SHB 1291
- Death with dignity act, terminally ill may request medication to die: SB 6843
- Debts for services, homestead exemption: SHB 2571
- Denturists, insurer preferred provider networks: SB 5656
- Directives, development and distribution of information: SB 5815
- Disputes, independent review fee schedule: ***HB 1140, CH 54 (2005)**, SB 5159
- Health care declarations registry, advanced directives: ***2SHB 2342, CH 108 (2006)**
- Health disparities, governor's interagency council on: SB 6197
- Health impact assessments: SB 6195
- Home medical equipment, tax exemptions: SB 6300, SB 6784
- Information act, consistency with health insurance privacy regulation: SB 5158
- Information and planning, office of: SB 5748
- Information technology systems, adoption of: ***SHB 2573, CH 103 (2006)**, SB 6307
- Information, advisory board and study of electronic medical records: SB 5064
- Information, disclosure and authorization provisions: SB 5054
- Information, disclosure of certain information for law enforcement purposes: SB 6106
- Informed consent for medical services for minors, persons allowed to give: ***SHB 1281, CH 440 (2005)**
- Initiative 330, health care liability reform: SI 330
- Initiative 336, health care quality protections and supplemental malpractice insurance: SI 336
- Injuries resulting from, hospital notice of unanticipated outcomes: SB 5065
- Insurance, access for children: ***E2SHB 1441, CH 279 (2005) PV**
- Insurance, access to individual coverage through state health insurance pool: SB 5888
- Insurance, commissioner authorized to review and approve individual benefit plan rates: SB 6233
- Insurance, community rates for health benefit plans: ***HB 2972, CH 100 (2006)**, SB 6761
- Insurance, coverage for members of legislature: SB 6871
- Insurance, escrow accounts for self-funded multiple employer welfare arrangements: SHB 1528, ***SB 5957, CH 7 (2005)**
- Insurance, grievance and appeal process: SB 5607
- Insurance, health care insurance pool membership and provisions: SB 6831
- Insurance, health care liability system reform: SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6087
- Insurance, health care responsibility act: SB 5637
- Insurance, health carriers required to report certain information: ***SHB 2500, CH 104 (2006)**, SB 6232
- Insurance, health savings accounts and high deductible plan options for public employees: SB 6130
- Insurance, health savings accounts option for public employees: ***EHB 1383, CH 299 (2006)**, SB 5202

Insurance, health technology assessment program for state purchased services: ***E2SHB 2575, CH 307 (2006) PV**, SB 6306

Insurance, liability limits for actions related to state health pool: SHB 1507, SB 5473

Insurance, market stabilization pool: SB 5861

Insurance, minimum labor standards for employers health service expenditures : SB 6356

Insurance, neurodevelopmental therapies: SB 5771

Insurance, omnibus civil liability reform: SB 6072

Insurance, pool coverage eligibility: HB 2398, ESHB 2540

Insurance, private employer enrollment in health care authority programs: SB 5472

Insurance, provider contracts and unfair practices: ESHB 2942, ESHB 2943

Insurance, retainer health care practices: SHB 2404, SB 6212

Insurance, right of conscience for insurance providers: SB 5851

Insurance, small business assist program: E2SHB 2069, SB 6018

Insurance, small business health savings accounts: SB 5980, SB 6049

Insurance, small employer health insurance partnership program: ***E2SHB 2572, CH 255 (2006)**

Insurance, small employers and their employees: SB 5982

Insurance, small group health benefit plans and health savings accounts: SB 5981

Insurance, study of statutory requirements for coverage: EHB 3310

Insurance, tricare supplemental for state employees: ***SB 5391, CH 46 (2005)**

Johns Hopkins University Atlantic cardiovascular patient outcomes research team elective angioplasty study: SB 6632

Kidney care quality improvement act: ***HJM 4023 (2006)**, SJM 8025

Kidney disease, glomerular filtration rate when testing for serum creatinine levels: SB 6677

Marijuana for medicinal purposes, states to decide: SJM 8028

Marijuana, clarification of laws regarding medical use: SB 5943

Medical malpractice, reforms: ***2SHB 2292, CH 8 (2006)**

Medicine and surgery, scope of practice regulation: SJR 8216

Municipalities and political subdivisions, medical coverage for elected officials and commissioners: SB 6721

Nerve conduction tests and needle electromyography: SB 6011

Pandemic influenza, preparation and response: SB 6366

Patient safety measures : ***2SHB 2292, CH 8 (2006)**

Postpartum depression, public information campaign: ***SB 5898, CH 347 (2005)**

Prostate cancer, insurance coverage for screening: SB 6188

Prostate cancer, resources for education: SJM 8017

Quality assurance committees and information sharing: ***SHB 1569, CH 33 (2005), *EHB 2254, CH 291 (2005)**, SB 5698

Stem cell research and human cloning, regulations: SB 5594

Stem cell research and human cloning, regulations and advisory committee: EHB 1268

Transport vehicles, specialized commercial vehicles for persons with disabilities: ***HB 1237, CH 193 (2005)**, SB 5653

Work force supply and demographics, survey: SB 6193

HEALTH CARE AUTHORITY

Asthma, management plan and registry: SB 5841

Basic health plan, access and eligibility: ESHB 2060, HB 2398, ESHB 2540

Basic health plan, report on recipients' employment status: SB 6759

Blue ribbon commission on health care cost and access: SB 6469

Centralized technology assessment pilot project, scientific evidence of evolving procedures: SB 5924

Community health care collaborative grant program: SB 6459

Directives, development and distribution of information: SB 5815

Electronic medical records, advisory board and study: SB 5064

Employment status of recipients of medical assistance and basic health plan, report: ***SHB 1486 (2005) V, *ESHB 3079, CH 264 (2006) PV**

Evidence-based medical principles to develop performance measures: ***SHB 1512, CH 446 (2005)**, SB 5390

Health care insurance, fees for large employers who do not provide insurance to employees: SB 5637

Health insurance market stabilization pool: SB 5861

Hospitals, information technology systems: ***SHB 2573, CH 103 (2006)**, SB 6307

Medical flexible spending account: ***HB 1286, CH 143 (2005)**

Office of health information and planning: SB 5748
 Pharmacy benefits, federal employer subsidy for retiree benefits: ***HB 1287, CH 195 (2005)**
 Pool coverage, eligibility: HB 2398, ESHB 2540
 Prescription drugs, assistance foundation for low-income uninsured persons: SB 5558
 Private employer enrollment in programs: SB 5472
 Small business assist program: E2SHB 2069, SB 6018
 Small employer health insurance partnership program: ***E2SHB 2572, CH 255 (2006)**
 Technology assessment program: ***E2SHB 2575, CH 307 (2006) PV**, SB 6306
 Tricare supplemental insurance policy: ***SB 5391, CH 46 (2005)**
 Tricare supplemental insurance removed from definition of health plan: SB 6187
 Worksite health promotion program: SB 5751, SB 6363

HEALTH CARE FACILITIES

Abortion, reports to be kept by hospitals and facilities and sent to department of health: SB 5836
 Certificate of need, task force and review: ***E2SHB 1688, CH 283 (2005)**
 Community health centers, business and occupation tax deduction for certain nonprofits: ***SB 5857, CH 86 (2005)**
 Free-standing health clinics, licensure and regulation study: SB 5839
 Patient safety, disclosure and analysis of adverse events: SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6072, SB 6087

HEALTH CARE PROFESSIONS

Actions for injuries resulting from health care, mandatory mediation requirements: SB 5413
 Background checks: SHB 2431
 Blood-drawing procedures by research staff in homes of study participants, certification exemption: SB 6690
 Community health care collaborative grant program: SB 6459
 Coordinated quality improvement programs, qualifications: 2E2SHB 1291
 Death with dignity act, terminally ill may request medication to die: SB 6843
 Disaster medical assistance teams: SHB 2539
 Disciplinary act, work group review of complaint processing and sanction determination phases: E2SHB 1071
 Disciplinary and unprofessional conduct provisions: ***SHB 2974, CH 99 (2006)**
 Disputes, independent review fee schedule: ***HB 1140, CH 54 (2005)**, SB 5159
 Home care agencies, vendor rate study: SB 5801
 Hospital privileges restricted due to unprofessional conduct, report: SB 5492
 Immunity for claim of unprofessional conduct against another health professional: SB 5764
 Individual home care providers, personal information protections: SB 5800
 Informed consent for medical services for minors, liability limits: ***SHB 1281, CH 440 (2005)**
 Initiative 330, health care liability reform: SI 330
 Initiative 336, health care quality protections and supplemental malpractice insurance: SI 336
 Injuries resulting from health care, apologies and settlement offers inadmissible as evidence: 2E2SHB 1291, SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6087
 Injuries resulting from health care, expert witness qualifications: SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6087
 Injuries resulting from health care, limitations of actions: SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6087
 Injuries resulting from health care, limits noneconomic damages and attorney's fees: SB 6063
 Injuries resulting from health care, voluntary arbitration: SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6087
 Long-term care, payment of providers for medically needy consumers: SB 5799
 Malpractice, insurance cancellation and renewal: SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6087
 Malpractice, insurance claim and settlement report to insurance commissioner: SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6087
 Malpractice, insurance rate filings: SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6038, SB 6087
 Malpractice, insurance reform: SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6087
 Malpractice, insurance underwriting: SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6087
 Malpractice, omnibus civil liability reform: SB 6072
 Malpractice, supplemental insurance program: SB 5785
 Mental health professionals and crisis outreach workers, safety measures to protect: 2SHB 2912
 Mental health providers authorized to provide services to medicaid enrollees: SB 5919
 Multicultural education: ***ESB 6194, CH 237 (2006)**
 Nurses, license surcharge to fund central nursing resource center: SHB 1353, SB 5599

Patient safety fee and set aside: 2E2SHB 1291, SB 5318, SB 6072

Patient safety, disclosure and analysis of adverse events occurring in medical facilities: SHB 2292, *2SHB 2292, CH 8 (2006), SB 6072, SB 6087

Pharmaceutical manufacturers, marketing activities and gift disclosures: SB 5149

Prescriptions, legibility requirements: 2E2SHB 1291, SHB 2292, *2SHB 2292, CH 8 (2006), SB 6087

Retired primary and specialty care providers, liability malpractice insurance program: *HB 1534, CH 156 (2005), SB 5494

Retired volunteer medical worker license, emergency or disaster services: *ESHB 1850, CH 72 (2006)

Right of conscience provisions: SB 5851

Stem cell research and human cloning, regulations: SB 5594

Stem cell research and human cloning, regulations and advisory committee: EHB 1268

Unprofessional conduct, license revocation: SHB 2292, *2SHB 2292, CH 8 (2006), SB 6087

Unprofessional conduct, sanctions: SB 5636

Work force supply and demographics, survey: SB 6193

HEALTH DEPARTMENTS, LOCAL

On-site sewage, enhanced certification program for marine areas: SB 5431

On-site sewage, program implementation plans for marine areas: E2SHB 1458, *3SHB 1458, CH 18 (2006)

Pandemic influenza, preparation and response: SB 6366

HEALTH MAINTENANCE ORGANIZATIONS

Taxes and assessments for medicaid, medical assistance, and basic health plan prepayments: *HB 1690, CH 405 (2005)

HEALTH STUDIOS

Contracts for services, restrictions: SB 5810

Physical fitness services, taxation: SB 5066, SB 5824, SB 6757

HEALTH, DEPARTMENT

Abortion, reports to be kept by hospitals and facilities and sent to department: SB 5836

Advance directives, health care declarations registry: *2SHB 2342, CH 108 (2006)

Asthma, prevention and treatment policies and programs: SB 5841

Blue ribbon commission on health care cost and access: SB 6469

Boarding homes, standards for small boarding homes: *SHB 1591, CH 505 (2005) PV

Certificate of need, task force and review: *E2SHB 1688, CH 283 (2005)

Children, kids get health care service delivery model for preventative and well-child services: 2SHB 1516

Coordinated quality improvement programs, qualifications: 2E2SHB 1291

Family counseling pilot program, family preparation program: SB 6664

Free-standing health clinics, licensure and regulation study: SB 5839

Health care declarations registry, advance directives: *2SHB 2342, CH 108 (2006)

Health care disputes, independent review fee schedule: *HB 1140, CH 54 (2005), SB 5159

Health care practitioner hospital privileges restricted due to unprofessional conduct, report: SB 5492

Health care professionals, disciplinary and unprofessional conduct provisions: *SHB 2974, CH 99 (2006)

Health care professionals, multicultural education: *ESB 6194, CH 237 (2006)

Health care professionals, sanction process for unprofessional conduct violations: SB 5636

Health care professionals, work force supply and demographics survey: SB 6193

Health care professions disciplinary act, work group review: E2SHB 1071

Health impact assessments: SB 6195

Hospital-acquired infections, reporting provisions: E2SHB 1015

Infant screening services, fees: SB 5491

Johns Hopkins University Atlantic cardiovascular patient outcomes research team elective angioplasty study: SB 6632

Lead-based paint activities, public health education program: SB 5189

Nonresident Canadian pharmacies, licensing: *2SHB 1168, CH 275 (2005)

Nurses, license surcharge to fund central nursing resource center: SHB 1353, SB 5599

Pandemic influenza, preparation and response: SB 6366

Patient safety fee and set aside: 2E2SHB 1291, SB 5318, SB 6072

Patient safety, disclosure and analysis of adverse events occurring in medical facilities: SHB 2292, *2SHB 2292, CH 8 (2006), SB 6072, SB 6087

Physicians, tax credits for serving uninsured, medicare, and medicaid patients: **SHB 2292, *2SHB 2292, CH 8 (2006)**
 Polybrominated diphenyl ethers, sales of products containing: **E2SHB 1488, SB 5515**
 Postpartum depression, public information campaign: ***SB 5898, CH 347 (2005)**
 Public health financing committee, joint: **SB 5715**
 Quality improvement committee, confidentiality: **SB 5146**
 Retired primary and specialty care providers, liability malpractice insurance program: ***HB 1534, CH 156 (2005), SB 5494**
 Schools, drinking water quality standards: **SB 5029**
 Secretary of health, authority to administer grants: ***SHB 1536, CH 32 (2005), SB 5495**
 Shellfish, biotoxin testing and monitoring funds to carry over: **SB 5169**
 Stem cell research and human cloning, regulations: **SB 5594**
 Tattooing and body piercing, sterilization standards and requirements: **SHB 2335**

HEALTH, STATE BOARD

Children's environmental health and protection advisory board: **SB 5188**
 Health impact assessments: **SB 6195**
 Membership, member of the American Indian health commission: **SB 6196**
 Membership, tribal representative: **SB 6009**

HEARING AIDS

Insurance coverage: **SB 5277**

HEATING

Home heating fuel service contractors, regulations: ***SHB 2776, CH 36 (2006)**
 HVAC/R mechanics and contractors, regulations integrated into plumbers provisions: **SB 6772**
 Solar hot water equipment, sales and use tax exemptions: ***2SHB 2799, CH 218 (2006)**

HEPATITIS

Hepatitis C drug prescriptions, limitation on preferred drug substitution: **SB 5838**
 Hepatitis C state plan, funding: **SB 5493**
 Hepatitis C state registry, awareness and education campaign: **SB 6183**

HIGHER EDUCATION COORDINATING BOARD

Applied baccalaureate degree pilot projects for degrees in applied science and technology: ***E2SHB 1794, CH 258 (2005)**
 College and career readiness centers, work group and study: **SB 6821**
 Financial aid, office of student assistance: **SB 5629**
 Financial aid, state account: ***SHB 1100, CH 139 (2005)**
 Foster care endowed scholarship program: ***2SHB 1050, CH 215 (2005) PV**
 Gender equity reporting: **SB 5625**
 Historically Black college fund pilot project: **SB 5303**
 North Snohomish State College: **SB 5425**
 Strategic direction and performance measures for higher education: **SB 5868**
 Tuition waivers, review and prioritization: **HB 1986, SHB 1986**

HISPANIC-AMERICANS

Higher education, endowed scholarship program: **SB 5021**
 Latino accessibility to higher education, joint select committee: **SCR 8401**

HISTORIC PRESERVATION

Capitol campus, preservation of public and historic facilities: ***SHB 1995, CH 330 (2005)**
 Community preservation authorities: **ESHB 3207**
 Department of archaeology and historic preservation: **SB 5056**
 Documents, county auditors' recording surcharge increase: ***HB 1386, CH 442 (2005), SB 5458**
 Historic county courthouse grant program: **SB 5331**
 Historic property, property tax exemption: **SB 5298**
 Historic property, tax exemption for municipal corporation property: **SB 5154**
 Hood Canal, program to record and document oral histories: **ESHB 1883**
 Ice age floods national geologic trail: ***SJM 8000 (2005)**

Native American cultural resources information, public disclosure exemption: ***SB 6429, CH 86 (2006)**
 Sandman foundation, funding: SB 5847
 Women's history consortium established in Washington historical society: ***SB 5707, CH 391 (2005)**

HISTORICAL SOCIETIES

Burke memorial museum, funding from sale of logs and wood: SB 5017
 Historic automobile museum, sales and use tax deferrals: ***ESHB 2314, CH 514 (2005)**, SB 5990
 Women's history consortium established in Washington historical society: ***SB 5707, CH 391 (2005)**

HOLOCAUST

International commission on holocaust-era insurance claims, performance audit of: SJM 8023

HOMELESS PERSONS

County task forces to develop plans for housing: SB 5767
 Homeless camps, siting: HB 1235
 Housing, homelessness housing and assistance act: ***E2SHB 2163, CH 484 (2005) PV**

HOMEOWNER ASSOCIATIONS

Amendment procedure for governing documents: SB 5559
 Dispute resolution services: SB 5561
 Dispute resolution, arbitration requirements: SB 6202
 Disputes, conflicts between statutes and governing documents of homeowners' associations: SB 6228
 Dissolution procedures: SB 5547
 Documents, removal of discriminatory provisions: EHB 2801, ***ESB 6169, CH 58 (2006)**
 Email addresses, privacy protection: SB 5560
 Homeowners' association act committee and review: HCR 4409, SB 6201, ***SCR 8423 (2006)**
 Political yard signs, limits on restrictions: SB 5410, SB 6064

HOOD CANAL

Aquatic rehabilitation account: ***SHB 3282, CH 366 (2006)**
 Aquatic rehabilitation zone: ***SHB 2081, CH 478 (2005)**, SB 5693
 General obligation bonds, Hood Canal aquatic rehabilitation program: ***ESHB 3316, CH 167 (2006)**
 Geoducks and sea cucumbers, comprehensive survey: ***E2SHB 1896, CH 307 (2005)**
 On-site sewage grant program: EHB 2105
 On-site sewage, program implementation plans for marine areas: E2SHB 1458, ***3SHB 1458, CH 18 (2006)**
 On-site sewage, study of nitrogen contributions: 2SHB 3287
 Oral histories, program to record and document: ESHB 1883
 Rehabilitation program: ***ESHB 2097, CH 479 (2005)**
 Sewage treatment systems, extension or expansion in rural areas: SHB 2086

HORSE RACING COMMISSION

Equine industry, funds for development: SB 6382
 Licenses, application information disclosure exemption: SHB 2071, SB 5951

HORSES AND HORSE RACING

Equine industry, funds for development: SB 6382
 Handicapping contests: SB 5953
 Licenses, application information disclosure exemption: SHB 2071, SB 5951
 Problem gambling, tax to fund account and program: ***ESHB 1031, CH 369 (2005)**, SB 5037
 Transport of persons, commercial driver's license exemption: SB 5952

HOSPITALS

Abortion, reports to be kept by hospitals and facilities and sent to department of health: SB 5836
 Ambulatory surgical centers, reports to health department regarding procedures and drugs: SB 6189
 Anatomic gifts, procedures: HB 1763
 Benefit zones, financing: ***SHB 2670, CH 111 (2006)**, SB 6395
 Charity care and debt collection, notice of policies: E2SHB 2574
 Health care practitioner privileges restricted due to unprofessional conduct, report: SB 5492

Infections acquired in hospitals, reporting provisions: E2SHB 1015
 Information technology systems, adoption of: *SHB 2573, CH 103 (2006), SB 6307
 Initiative 330, health care liability reform: SI 330
 Initiative 336, health care quality protections and supplemental malpractice insurance: SI 336
 Injuries resulting from health care, expert witness qualifications: SHB 2292, *2SHB 2292, CH 8 (2006), SB 6087
 Injuries resulting from health care, notice of unanticipated outcomes: SB 5065
 Investigations, timeline for inspections: *HB 1533, CH 447 (2005), SB 5496
 Medical assistance, payment for services provided by rural hospitals: *SHB 2289, CH 383 (2005)
 Patient safety fee and set aside: 2E2SHB 1291, SB 5318, SB 6072
 Patient safety, disclosure and analysis of adverse events occurring in medical facilities: SHB 2292, *2SHB 2292, CH 8 (2006), SB 6072, SB 6087
 Patient safety, safe patient handling committee and patient care activities program: SB 6595
 Physician-owned specialty, moratorium on licenses: SB 5178
 Pricing and billing procedures, reports to health department regarding procedures and drugs: SB 6189
 Quality assurance committees and information sharing: *SHB 1569, CH 33 (2005), *EHB 2254, CH 291 (2005), SB 5698
 Specialty, conditions for licensing: SHB 2669, SB 6278
 Surveys and audits, reports: *HB 1533, CH 447 (2005), SB 5496

HOTELS AND MOTELS (See also TAXES - LODGING TAX)

Lodging business amenities, tax exemption: SB 6796

HOUSING (See also MANUFACTURED HOUSING; MOBILE HOMES; RENT)

Affordable housing incentive program, growth management provisions: *ESHB 2984, CH 149 (2006)
 Affordable housing through flexible short subdivisions: SHB 2325, SB 6589
 Affordable housing, multiunit residential building construction liability revolving fund program for nonprofit organizations: *2SHB 3070, CH 262 (2006)
 Affordable housing, Washington housing trust fund: *E2SHB 2418, CH 349 (2006) PV
 Assistance and affordable housing programs, administrative cap: *EHB 1074, CH 219 (2005), SB 5108
 Assistance program, application preference to projects utilizing apprentices: SB 5612
 Home heating fuel service contractors, regulations: *SHB 2776, CH 36 (2006), SB 6611
 Homeless persons, county task forces to develop plans for housing: SB 5767
 Homelessness housing and assistance act: *E2SHB 2163, CH 484 (2005) PV
 Homeowner protections and residential contractor requirements: SB 5773, SB 6740
 Individual development account program, low-income family assistance: *SHB 1408, CH 402 (2005), SB 5469
 Inspectors, registration program: SB 6229
 Low-cost housing for low-income buyers, tax incentives for nonprofit organizations: SB 5183
 Low-income, energy assistance: *SHB 2370, CH 3 (2006), SB 6285, SB 6482
 Low-income, tax credits for persons who make financial contributions to assistance programs: SB 6559
 Multiple-unit dwellings in urban centers, definition of city in regard to tax incentive programs: HB 1742
 Multiple-unit dwellings in urban centers, population density provisions for tax incentive: SB 6588, SB 6626
 Multiple-unit housing rehabilitation, tenant relocation assistance: *SB 5713, CH 80 (2005)
 Multiunit residential building construction liability revolving fund program for nonprofit organizations, affordable housing: *2SHB 3070, CH 262 (2006)
 Remodels, inspection requirements for single-family residences: SB 6156
 Rental assistance program for low-income persons: SB 6044
 Rental, relocation assistance from landlords who fail to provide safe and sanitary housing: SB 5577
 Veteran homeownership downpayment assistance program: *SHB 2471, CH 252 (2006)

HOUSING AUTHORITIES

Joint authorities, dissolution or deactivation procedures: SB 5590, SB 5835

HOUSING FINANCE COMMISSION

Beginning farmers loan program: SB 5092
 Debt limit increase: SB 6334
 Veteran homeownership downpayment assistance program: *SHB 2471, CH 252 (2006)

HUMAN REMAINS

Missing persons, law enforcement investigation procedures: ***2SHB 2805, CH 102 (2006)**
 Regulation revisions for cemeteries, funeral services, and cremation: SB 5752
 Single burial use of multiple interment spaces, disclosure: SB 5182

HUMAN RIGHTS COMMISSION

Lawful source of income, discrimination based upon: SB 5917
 Sexual orientation, discrimination protections: HB 1515, ***ESHB 2661, CH 4 (2006)**, SB 6019
 Veterans and persons with military status, discrimination protections: HB 2564

HUNTING

Access to private lands, agreements to furnish money, material, or labor: SB 5234
 Body-gripping traps, furbearer management program and rules for traps and bait: ESB 5319
 County-owned lands, hunting in county composed entirely of islands and connected to mainland by highway: SB 6598
 Disabled hunters and fishers advisory committee: ***HB 1405, CH 149 (2005)**, SB 5134
 Education training program, certificate exemption for active duty military personnel: SB 6358
 Education training program, certificate for participants and certification of instructors: SB 6803
 Education training program, volunteers to teach: ***SHB 2372, CH 23 (2006)**, SB 6804
 Licenses, definition of resident: ***HB 1695, CH 104 (2005)**
 Licenses, surcharge for big and small game: SB 5234
 Multiple season big game permits: ***HB 1211, CH 140 (2005)**, SB 5225
 Nontoxic shot, violations and penalties: ***SHB 2958, CH 148 (2006)**
 Report of harvest efforts, penalty for failure to: SB 5227
 Safety for children, supervision and minimum age for licenses: SB 5383
 Schools, restrictions on hunting near schools: SB 6616
 Toxic shot, violations and penalties: SB 6481
 Turkey, tags: ***ESB 5232, CH 15 (2006)**
 Violations, hunting out of season: ***ESHB 1696, CH 406 (2005)**, SB 5683

HYDRAULIC PERMITS

Environmental quality permit, application review of compliance history: SB 5688
 Fees, inspection of hydraulic works: SB 5528
 Project approval program, application and permitting process revisions: SB 5095
 Project approval program, general revisions: ***2SHB 1346, CH 146 (2005)**
 Project approval program, maintenance or mitigation agreement: SB 5095
 Project approval program, permit appeals process: HB 2710

IDENTIFICATION

Documents, nongovernmental entity may only electronically read identification documents: SB 6822
 Identical cards, fee increase: SB 5138
 Identical cards, individual allowed to have driver's license and identical card: SB 6286
 Identical cards, proof of legal United States presence: SB 5313
 Office of privacy protection, personal information protection: SB 5327
 Personal information security breaches, security freeze on credit report: SB 6665

IMMIGRATION

Crime victims and witnesses, law officers may not inquire about immigration status: SB 5648
 Enforcement of federal laws, limits on law enforcement officers' authority: SB 5647
 Federal legislation to prohibit alien trafficking: SJM 8026

IMMUNITY

Amber alert, civil immunity for broadcasters: ***SB 5453, CH 128 (2005)**
 Bovine handling facilities, limited liability: ***SHB 2382, CH 158 (2006)**
 Financial institutions, employer providing information regarding employee job performance: SB 5533
 Health professional, claim of unprofessional conduct against another health professional: SB 5764
 Injury as a result of engaging in misdemeanor or gross misdemeanor, defense in civil actions: SB 5300
 Skate parks, fees and liability immunity: SHB 1643, SB 5511

Torts, liability limits for governmental entities: SB 6060, SB 6215

Volunteer health care providers, immunity from liability during an emergency or disaster: SB 6902

IMPACT FEES (See also FEES)

Fire protection facilities, proceeds for: SB 5210

Manufactured housing communities, impact fees: HB 1373

Transportation department authority to impose: SB 5164

INDETERMINATE SENTENCE REVIEW BOARD

Membership revisions: ***EHB 3261, CH 313 (2006) PV**

Overcrowding and operating capacity maximum, offender population reduction: SB 5915

Victims allowed input at hearings: ***EHB 3261, CH 313 (2006) PV**

INDIANS

Bureau of Indian affairs-funded schools, records checks for employees and applicants: SHB 2946, SB 6657

Cigarette tax agreements, additional tribes: ***HB 1915, CH 208 (2005)**, SB 5814

Cigarette tax agreements, Puyallup Tribe: HB 1916, ***SB 5794, CH 11 (2005)**

Cowlitz Tribe, higher education resident tuition eligibility: ***ESHB 1607, CH 163 (2005)**

Enrollment cards as ID to purchase alcohol or tobacco: ***SHB 1496, CH 206 (2005)**

Enrollment cards as ID to purchase alcohol or tobacco and for voter registration: SB 5566

Foster care agencies, location on or near reservations: ***SHB 3182, CH 90 (2006)**

Fuel tax contracts, motor vehicle fuels and special fuels: SB 6869

Gaming, state consent for federal court jurisdiction in Indian gaming compact: SB 6856

Native American cultural resources information, public disclosure exemption: ***SB 6429, CH 86 (2006)**

Off-reservation tribal gaming, compacts: SB 6301

Running start, public tribal colleges: HB 1399, ***SHB 1708, CH 207 (2005) PV**

Sales and use taxes, concurrent taxing jurisdictions of tribal municipalities and the state: HB 1721

Samish Indian Nation, higher education resident tuition eligibility: ***ESHB 1607, CH 163 (2005)**

State health board, member of the American Indian health commission: SB 6196

State health board, tribal representative: SB 6009

Tribal history and cultural curriculum in public schools: ***SHB 1495, CH 205 (2005)**, SB 5655

Tribal police officers, certification: ***HB 2367, CH 22 (2006)**, SB 6404

Wenatchi band of Indians, limited ceremonial and subsistence salmon fishery: SB 5934

INDIGENTS

Affordable housing, multiunit residential building construction liability revolving fund program for nonprofit organizations: ***2SHB 3070, CH 262 (2006)**

Civil legal aid office and oversight committee: ***SHB 1747, CH 105 (2005)**, SB 5685

Local transit agency motor vehicle excise tax, exemption: SB 6583

Public defense services, grant program and funding: ***2SHB 1542, CH 157 (2005)**, SB 5531

Veterans, county assistance programs for indigent veterans and families: ***SHB 1189, CH 250 (2005)**, SB 5393

INDUSTRIAL SAFETY

Boilers and unfired pressure vessels laws, revisions: ***HB 1312, CH 22 (2005)**, SB 5238

Inspections, consent from owners and superior court warrants: ***SHB 2538, CH 31 (2006)**, SB 6263

INFORMATION SERVICES BOARD

Membership, provisions: HB 3099

INFORMATION SERVICES, DEPARTMENT

Interoperability committee, purchase of state and local wireless radio communications systems: ***SHB 2715, CH 76 (2006)**, SB 6431

Personally identifiable information collected by agencies, registry describing data systems: SB 6344

State information technology projects: SHB 2601

INITIATIVE 601

Expenditure limit, computation and program cost shifting: SB 6078

Fees, automatic increases prohibited: ESB 5527

INITIATIVE AND REFERENDUM

Ballot measures, governmental entities may take positions on : ***SHB 2713, CH 215 (2006)**
 Constitutional powers of the people: SJR 8201
 Gambling ballot measures, out-of-state contributions prohibited: SB 5879
 Growth management critical areas, notice and referendum: SB 5546, SB 5670
 Growth management hearings board order, county referendum: SB 5312
 Impact on local tax authority, voters within area affected must approve initiative: SB 5412
 Initiative 297, clarifications regarding hazardous materials regulations: SB 5445
 Initiative 330, health care liability reform: SI 330
 Initiative 336, health care quality protections and supplemental malpractice insurance: SI 336
 Initiative 728, additional cigarette tax to fund student achievement account: ***ESHB 2314, CH 514 (2005)**
 Petitions, lawful gathering activity statement: ***EHB 1222, CH 239 (2005)**
 Petitions, signature gathering: SB 5147
 Refusal to file, review procedures: EHB 2478, SB 6243
 Repeal of statute, repealed language must be set forth: SB 5556

INSANITY, CRIMINAL

Defense, defendant refuses to participate in examination: ***HB 2328, CH 109 (2006)**, ESB 5222
 Firearms, possession by person previously found not guilty by reason of insanity: ***SHB 1687, CH 453 (2005)**, SB 5131

INSURANCE (See also MEDICAL RECORDS; MEDICARE; WORKERS' COMPENSATION)

Abstracts of driving records, access provisions: SB 6684
 Ambulances, private services exempt from code: SB 5736
 Automobile, compensating victims of underinsured and uninsured motorists: ***SHB 2415, CH 187 (2006)**, SB 6182
 Automobile, fee to fund transportation safety improvement : SB 6726
 Automobile, mandatory coverage requirements: SB 5837
 Automobile, underinsured motorist property damage waivers: HB 1716
 Basic health plan, access and eligibility: ESHB 2060, HB 2398, ESHB 2540
 Basic health plan, health care responsibility act: SB 5637
 Basic health plan, report on recipients' employment status: SB 6759
 Basic health plan, small employers: SB 5722
 Basic health plan, students under temporary visas: ***HB 1170, CH 188 (2005)**
 Basic health plan, study: SB 5536
 Basic health plan, taxes and assessments on prepayments: ***HB 1690, CH 405 (2005)**
 Brokers, compensation paid by an insurer to a broker: SHB 2405, SB 6181
 Confidentiality of documents, commissioner examinations: SHB 1035, SB 5317
 Credit histories and scores: SB 5328
 Credit history, renewal of insurance: SB 5275
 Denturists, preferred provider networks: SB 5656
 Driving records , access to abstracts of: SB 6684
 Employer-owned life insurance policy, contract provisions: SHB 1033, ***SB 5196, CH 337 (2005)**
 False or fraudulent refusal of a claim, penalties: SB 6346
 Felons, coverage protection: SB 5529
 Financially distressed insurers, administrative supervision: ***HB 1034, CH 432 (2005)**, SB 5197
 Fraud, insurance fraud program: SB 6234
 Group, funding provisions: ***EHB 1146, CH 222 (2005)**, SB 5212
 Health care, access for children: ***E2SHB 1441, CH 279 (2005) PV**
 Health care, access to individual coverage through state health insurance pool: SB 5888
 Health care, commissioner authorized to review and approve individual benefit plan rates: SB 6233
 Health care, community rates for health benefit plans: ***HB 2972, CH 100 (2006)**, SB 6761
 Health care, coverage for dependent children of public employees: SB 6186
 Health care, coverage for members of legislature: SB 6871
 Health care, escrow accounts for self-funded multiple employer welfare arrangements: SHB 1528, ***SB 5957, CH 7 (2005)**
 Health care, grievance and appeal process: SB 5607
 Health care, health carriers required to report certain information: ***SHB 2500, CH 104 (2006)**, SB 6232

Health care, health insurance pool membership: SB 6831
 Health care, health insurance pool provisions: SB 6831
 Health care, health savings accounts and high deductible plan options for public employees: SB 6130
 Health care, health savings accounts option for public employees: ***EHB 1383, CH 299 (2006)**, SB 5202
 Health care, market stabilization pool: SB 5861
 Health care, medical coverage for local government elected officials and commissioners: SB 6721
 Health care, minimum labor standards for employers health service expenditures : SB 6356
 Health care, model benefit plans developed by office of health information and planning: SB 5748
 Health care, omnibus civil liability reform: SB 6072
 Health care, overpayment recovery: ***E2SHB 1418, CH 278 (2005)**, SB 5579
 Health care, private employer enrollment in health care authority programs: SB 5472
 Health care, prostate screening: SB 6188
 Health care, provider contracts and unfair practices: ESHB 2942, ESHB 2943
 Health care, responsibility act: SB 5637
 Health care, retainer health care practices: SHB 2404, SB 6212
 Health care, right of conscience for insurance providers: SB 5851
 Health care, small business assist program: E2SHB 2069, SB 6018
 Health care, small business health savings accounts: SB 5980, SB 6049
 Health care, small employer health insurance partnership program: ***E2SHB 2572, CH 255 (2006)**
 Health care, small employers and their employees: SB 5982
 Health care, small group health benefit plans and health savings accounts: SB 5981
 Health care, study of statutory requirements for coverage: EHB 3310
 Health care, technology assessment program for state purchased services: ***E2SHB 2575, CH 307 (2006) PV**, SB 6306
 Health care, tricare supplemental for state employees: ***SB 5391, CH 46 (2005)**
 Health care, tricare supplemental insurance removed form definition of health plan : SB 6187
 Health insurance pool, liability limits for actions related to: SHB 1507, SB 5473
 Hearing aids, coverage: SB 5277
 HIV insurance coverage program, provisions: HB 2632
 Homeowner's, dog restrictions: EHB 1016
 Homeowners', adverse underwriting decision restrictions: HB 1779
 Initiative 330, health care liability reform: SI 330
 Initiative 336, health care quality protections and supplemental malpractice insurance: SI 336
 Insurance, pool coverage eligibility: HB 2398, ESHB 2540
 Interstate insurance product regulation compact: ***HB 1032, CH 92 (2005)**, SB 5195
 Life, discrimination based on lawful travel destinations: ***EHB 1561, CH 441 (2005)**, ESB 5530
 Life, employer-owned policies: SHB 1033, ***SB 5196, CH 337 (2005)**
 Life, genetic testing restrictions: SB 5452
 Local government, joint self-insurance program: ***HB 1356, CH 147 (2005)**, SB 5335
 Medical malpractice, cancellation and renewal: SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6087
 Medical malpractice, claim and settlement report to insurance commissioner: SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6087
 Medical malpractice, omnibus civil liability reform: SB 6072
 Medical malpractice, rate filing: SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6038, SB 6087
 Medical malpractice, reform: SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6087
 Medical malpractice, supplemental insurance program: SB 5785
 Medical malpractice, underwriting: SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6087
 Mental health, group health benefit plan coverage of mental health services: ***HB 2501, CH 74 (2006)**, SB 6392
 Mental health, parity with medical and surgical coverage: ***SHB 1154, CH 6 (2005)**, SB 5450
 Motorcycle and motor-driven cycle, mandatory coverage requirements: SB 5837
 Motorcycle and motor-driven cycle, rejection of underinsured motorist coverage: ***SHB 1257, CH 110 (2006)**
 Neurodevelopmental therapies: SB 5771
 Overpayment recovery: ***E2SHB 1418, CH 278 (2005)**, SB 5579
 Periodontal disease, coverage study: SB 5061
 Pharmacy services, open pharmacy networks: SB 5628
 Premiums, tax provisions: SB 6578

Private air ambulance services, exemption from licensing under insurance code: HB 2615, ***SB 6231, CH 61 (2006)**
 Property inspection and placement program, applicable to all counties: HB 2453
 Public building or construction contracts, wrap-up insurance policies: SB 5384, SB 6022
 Regulations, insurance commissioner revisions: ***SHB 1197, CH 223 (2005) PV**, SB 5362
 Retired primary and specialty care providers, liability malpractice insurance program: ***HB 1534, CH 156 (2005)**, SB 5494
 Self-funded multiple employer welfare arrangements, escrow accounts: SHB 1528, ***SB 5957, CH 7 (2005)**
 Service contracts and protection product guarantees: ***SHB 2553, CH 274 (2006)**
 Statutes, general revisions: ***HB 2406, CH 25 (2006)**
 Taxes and assessments for medicaid, medical assistance, and basic health plan prepayments: ***HB 1690, CH 405 (2005)**
 Title agents, guarantee to cover: EHB 1157, ***ESB 5045, CH 115 (2005)**
 Victims of crimes, access to insurance: ***SHB 2481, CH 145 (2006)**
 Washington guaranty association, longshore and harbor workers' compensation account: ***SHB 1196, CH 100 (2005)**, ***ESB 5194 (2005) V**
 Wastewater projects, bidding for coverage: ESHB 1127
 Wastewater treatment and conveyance system projects, wrap-up insurance policies: SB 6022

INSURANCE COMMISSIONER

Authority to review and approve individual health benefit plan rates: SB 6233
 Blue ribbon commission on health care cost and access: SB 6469
 Confidentiality of documents, commissioner examinations: SHB 1035, SB 5317
 Fraud, insurance fraud program: SB 6234
 Health care insurance, study of statutory requirements for coverage: EHB 3310
 Health insurance pool, liability limits for actions related to: SHB 1507, SB 5473
 Insurance regulations, revisions: ***SHB 1197, CH 223 (2005) PV**, SB 5362
 Medical malpractice, claim and settlement report to commissioner: SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6087
 Statutes, general revisions: ***HB 2406, CH 25 (2006)**

INTERIOR DESIGNERS

Registered interior designer act of 2005, certification and standards: SB 5754

INTERNATIONAL RELATIONS

Association of Washington generals: HB 1974, SB 5862

INTERNATIONAL TRADE

Businesses, tax incentives for investing in Washington: ***SB 5175, CH 135 (2005)**
 Federal-state international trade policy commission: ***ESJM 8019 (2006)**
 Trade corps fellowship program: SB 6330

INTERNET

Crimes, soliciting or requesting personally identifying information: ***E2SHB 1888, CH 378 (2005)**
 Cyberbullying, school harassment prevention policies: SB 5849
 Electronic mail fraud, soliciting or requesting personally identifying information: ***E2SHB 1888, CH 378 (2005)**
 Gambling prohibited: SB 5878, SB 6613
 Law libraries, on-line services: SB 5301
 Safety for children, pamphlet to promote: SB 5803
 Small business development online curriculum: SB 6711

INTERSTATE COMPACTS

Adult offender supervision, transfer provisions: ***ESHB 1402, CH 400 (2005)**, SB 5375
 Insurance product regulation compact: ***HB 1032, CH 92 (2005)**, SB 5195

INVESTMENTS (See also STATE INVESTMENT BOARD)

Intangible personal property, taxation: SB 6004, SJR 8212
 Public hospital districts authority to invest funds: SHB 1341, HJR 4202
 Uniform securities act: SB 6593
 Uniform securities act, exemption for transfer by gift to a nonprofit entity: ***HB 2975, CH 220 (2006)**

IRRIGATION

Drought conditions, retrofitting of domestic wells to maintain agricultural irrigation: SB 6086
 Federal reclamation projects, use attainability analysis of water bodies within: SB 5937

IRRIGATION DISTRICTS (See also SPECIAL DISTRICTS)

Water services, tax exemptions: SB 6146, SB 6369

ISLAND COUNTY

Boundary provisions: ***SHB 2908, CH 146 (2006)**

Higher education, funding to provide access to higher education using the university center model: ***SHB 3113, CH 179 (2006)**

JAILS

Alternative detention and rehabilitation facilities, cities and counties: SB 5542

Earned release time: SB 5282

Medical care for inmates, costs reimbursement: SB 5964

Weapons, inmates in possession of: SB 5242

JOINT MEMORIALS

Anadromous fish predators: SJM 8027

Bonneville Power Administration, transition from cost-based to market-based rates: SJM 8018

Canadian cattle and beef importation: SJM 8010

Columbia generation station, commercial production of hydrogen: HJM 4026

Communications, repeal of federal excise tax: SJM 8002

Contraception, access to Plan B: SJM 8032

Death tax, repeal: SJM 8004

Defense appropriations legislation, passage of: SJM 8006, SJM 8035

Diabetes educators, certified educators to be added as medicare providers: ***HJM 4038 (2006)**

Eastern Washington, petition for a new state: SJM 8009

Electricity, Bonneville Power Administration transition from cost-based to market-based rates: SJM 8018

Federal lands recreation enhancement act: SJM 8029

Federal tax reform, Washington delegation to support: SJM 8034

Filipino veterans, benefits: SJM 8012

Firearms industry, protection from tort laws against: SJM 8005

Freedom Bridge, Berkeley Street crossing renamed: SJM 8024

Hobbs act, reauthorization: SJM 8007

Holocaust-era insurance claims, performance audit of the international commission on: SJM 8023

Ice age floods national geologic trail: ***SJM 8000 (2005)**

Immigration, federal legislation to prohibit alien trafficking: SJM 8026

Intellectual and physical property rights: SJM 8036

International trade policy commission, federal-state: ***ESJM 8019 (2006)**

Inventoried roadless areas, federal action: SJM 8031

Kidney care quality improvement act: ***HJM 4023 (2006)**, SJM 8025

Magnetic levitation transportation funding: SHJM 4003

Marijuana for medicinal purposes, states to decide: SJM 8028

Marine mammal protection act, section 5: ***HJM 4031 (2006)**

Medicare modernization act: SJM 8039

No child left behind act, funding: SJM 8011, SJM 8038

Nonresident income tax freedom act: SJM 8022

Peace and nonviolence, department of: SJM 8040

Prescription drugs, efforts to lower costs: SJM 8016

Prostate cancer, resources for education: SJM 8017

REAL ID act of 2005: SJM 8037

Right-to-ride livestock on federal land act of 2005: SJM 8041

Social security reform, optional personal retirement accounts: SJM 8008

Social security reform, rejection of privatization: ***SJM 8014 (2005)**

State route 2, Washington national guard highway: SJM 8015

State route 99, William P. Stewart memorial highway: SJM 8013
 Sudan, crisis in: SJM 8030
 United Nations population fund: SJM 8033
 United States supreme court confirmations: SJM 8003
 USA patriot act: SJM 8020
 War dogs, national memorial: SJM 8021
 Women, treaty to fight discrimination against: SJM 8001

JOINT OPERATING AGENCIES

Check issuance, payment of claims: HB 2900
 Renewable electrical energy generation projects: SHB 1384, ***2SHB 1384, CH 176 (2006)**, SB 5291

JOINT RESOLUTIONS

Cemetery districts, multiyear excess property tax levies: SJR 8204
 Domestic relations, one man and one woman only type considered valid in Washington state: SJR 8210
 Election certification, legislature removed from process: SJR 8215
 Homesteads, exemption for property taxes: SJR 8221
 Income tax, state: SJR 8211
 Initiatives and referenda, constitutional powers of the people: SJR 8201
 Inmate labor, unfair competition with businesses: SJR 8206
 Intangible personal property, taxation: SJR 8212
 Judicial conduct commission, membership: HJR 4201, ***SJR 8207 (2005)**
 Legislature, session length extended and adjournment after regular session cutoff established: SJR 8208
 Marriage shall be between one man and one woman, legal status and court jurisdiction: SJR 8209, SJR 8210, SJR 8224
 Medicine and surgery, scope of practice regulation: SJR 8216
 Presidential election, repeal of conflicting residency requirement: SJR 8213, SJR 8220
 Property tax exemption for head of the family, increase: ***HJR 4223 (2006)**
 Property tax levies, voter-approved modifications: SB 5333, SB 5769, SJR 8223
 Property tax valuation, base years: SJR 8218, SJR 8223
 Property, assessment of real property values: SJR 8219
 Public hospital district funds, investments: HJR 4202
 Rainy day reserve fund: SJR 8222
 Revenue stabilization fund: SJR 8203, SJR 8217
 School district levies, simple majority of voters voting: SHJR 4205, SJR 8202
 Supreme court vacancies: SJR 8200, SJR 8214
 Water court: SJR 8205

JUDGES

Attorneys as pro tempore judge, conflicts of interest: HB 1139
 Campaign contribution limits: SB 6226
 Clallam county, superior court judge increase: ***SHB 2344, CH 20 (2006)**, ***SB 6412 (2006) V**
 Cowlitz county, superior court judge increase: ***SHB 2344, CH 20 (2006)**, ***SB 6412 (2006) V**
 District court, additional judges in Kitsap and Thurston counties: ***HB 1202, CH 91 (2005)**, SB 5241
 Municipal court, election and appointment provisions: ESB 6342
 Nonpartisan judicial commissions: SB 5015, SB 6048, SJR 8214
 Oath of office, Declaration of Independence: SB 6032
 Personal information privacy: SB 5654
 Retirement, optional benefits: ***SHB 2691, CH 189 (2006)**, SB 6455
 Retirement, provisions: SB 6655
 Salary warrants: ***HB 1024, CH 182 (2005)**
 Skagit county, superior court judge increase: ***HB 1112, CH 95 (2005)**, SB 5070
 Superior court, compensation for part-time judge sitting as judge pro tempore: ***HB 1262, CH 142 (2005)**
 Supreme court, vacancies to be filled by statute provisions: SJR 8200, SJR 8214
 Trial court funding act: SB 5454

JUDGMENTS

Court filing fees: SB 6670

Default judgments, military status of defendant: ***EHB 3074, CH 80 (2006)**
 Health care services debts, homestead exemption: SHB 2571
 Jurisdiction, transfer from municipal court into district court: SHB 1348, SB 5353

JUDICIAL CONDUCT COMMISSION

Membership: HB 1297, HJR 4201, ***SB 5433, CH 15 (2005), *SJR 8207 (2005)**
 Public hearings and information disclosure: SB 5876

JURIES

Source lists, divided by case assignment areas: ***HB 1769, CH 199 (2005)**, SB 5691
 Superior court juror fees: SB 6887
 Trial court funding act: SB 5454

JUVENILE COURT

Applicants for court services employment, lie detector test: ***SB 5501, CH 265 (2005)**
 Automatic transfer to adult court, age of juvenile on date alleged offense was committed: ***HB 2064, CH 290 (2005)**
 Automatic transfer to adult court, disposition returned to juvenile court in certain cases: ***SHB 2061, CH 238 (2005)**
 Community commitment disposition alternative, county program: SB 5719
 Dependency hearings, information sharing in cases of abuse and neglect: SB 5666
 Dependency hearings, interests of parents and alleged fathers: SB 5875
 Dependency hearings, parent's preference in shelter care placement: SB 5995
 Dependency hearings, parental deficiencies and termination of rights: ***SHB 2156, CH 430 (2005)**
 Dependency hearings, termination of rights after three or more removals and returns: SB 6007
 Dependency hearings, transition services: SB 6007
 Disposition order, modification provisions: ESHB 3186
 Family reconciliation hearings, public access: HB 1279, SHB 1279
 School safety, information sharing: SB 5171
 Sentencing alternatives: ***SHB 2073, CH 508 (2005)**, SB 5502
 Transfer of proceedings: ***SHB 1661, CH 165 (2005)**, SB 5500
 Youth courts, jurisdiction: ***SB 5809, CH 73 (2005)**

JUVENILE JUSTICE ACT

Juveniles in custody of law enforcement officers, protections and rights: SB 6024

JUVENILE OFFENDERS

Case filing reduction in King county compared to other counties, study: SB 5834
 Community commitment disposition alternative, county program: SB 5719
 Detention facilities, collective bargaining provisions for employees: SB 6813
 Disposition order, modification provisions: ESHB 3186
 Interrogation procedures: SB 5288
 Investing in youth program, grants to counties for juvenile justice early intervention services: SB 5567
 Notice to parents when taken into custody: SB 6579
 Possessing a firearm at a school, deferred prosecution eligibility: HB 2825
 Reinvesting in youth program, grants to counties for juvenile justice early intervention services: 2SHB 1483, ***4SHB 1483, CH 304 (2006)**
 Sentencing alternatives: ***SHB 2073, CH 508 (2005)**, SB 5502
 Sex and kidnapping offenders in schools, work groups to evaluate issues: SB 6580
 Tried as adult, mandatory minimum sentences: ***EHB 1187, CH 437 (2005)**

KINDERGARTENS, NURSERY SCHOOLS, AND PRESCHOOLS

Licensing and regulations for preschools and kindergartens: SB 5805
 Preschools, voluntary certification and standards: SB 5621

KING COUNTY

HOV lanes, toll lane pilot project on state route 167: ***SHB 1179, CH 312 (2005)**, SB 5201
 Juvenile offender case filing reduction compared to other counties, study: SB 5834
 Lake Washington bridge, county taxes to fund viaduct project: SB 6040
 Rev. Dr. Martin Luther King, Jr., county named in honor of: ***ESB 5332, CH 90 (2005)**

KITSAP COUNTY

District court, additional judge: ***HB 1202, CH 91 (2005)**, SB 5241

LABOR

Child, fees for administration and enforcement of child labor laws: SB 5235
 Farm labor contractors, regulations and protections: SB 6352
 Fire department employees, occupational and health standards: SB 5865
 Newspapers, child labor law compliance: SB 5696
 On-call workers, compensation for active duty hours: SB 6434
 Sick leave, minimum paid sick leave: SB 6592
 Union dues, labor organization prohibited from using for political purposes: SB 5711
 Wages, payment violations and penalties: ***SHB 3185, CH 89 (2006)**, SB 5240

LABOR AND INDUSTRIES, DEPARTMENT

Child labor, fees for administration and enforcement of child labor laws: SB 5235
 Crime victims' compensation program, funding: SHB 2137, SB 5430, ***SB 5993, CH 10 (2005)**
 Family leave insurance program: SB 5069
 Industrial insurance fund audits: ***SHB 1856, CH 387 (2005)**
 Prevailing wage, program funding: SB 5236
 Small agricultural employers, initial department visit: SB 5632
 Water and wastewater pump installer licensing fees: SB 5766
 Workers' compensation, state industrial insurance fund annual audits: SB 5614

LABOR RELATIONS

Family leave insurance program: SB 5069
 Hobbs act, reauthorization: SJM 8007

LAKES AND RESERVOIRS

Aquatic invasive species and algae, vessel registration fee to fund prevention and control: SB 5699
 Twin Lakes restoration project: SB 5203

LAND DEVELOPMENT

Brownfield land, publicly owned contaminated land designated as priority cleanup: SB 6046, SB 6327
 Impact fees, transportation department authority to impose: SB 5164
 Land use permit applications, vesting rights in land use actions: SB 6350
 Uniform environmental covenants act: SB 6517
 Utility service charges of tenants must be paid by tenant: SB 6819

LAND USE PLANNING (See also GROWTH MANAGEMENT; ZONING)

Gambling activities, local government land use and zoning powers: SB 5591
 Land use permit applications, vesting rights in land use actions: SB 6350
 Permitting process, joint legislative audit and review committee review: SB 6036
 SEPA, exemption for divisions into nine or fewer lots within urban growth areas: SB 5661

LANDLORD AND TENANT

Actions, time periods: SB 5479, SB 6572
 Eviction, tenants involved in criminal activity: SB 5905
 Late payment of tenant's rent, limits on fees: SB 6227
 Manufactured/mobile home communities, landlord and tenant dispute resolution procedures: ***ESHB 1640, CH 429 (2005)**, SB 5660, SB 6647, SB 6648, SB 6709
 Mold in residential dwellings, disclosure information: ***ESB 5049, CH 465 (2005)**
 Relocation assistance from landlords who fail to provide safe and sanitary housing: SB 5577
 Rental assistance program for low-income persons: SB 6044
 Unlawful detainer process: SB 6572
 Utility liens against rental property, protection for landlords when tenants' payment is delinquent: SB 6818

LAUNDRY FACILITIES

Self-service facilities excluded from definition of retail sale: ***ESHB 2314, CH 514 (2005)**, SB 5911

LAW ENFORCEMENT (See also POLICE; SHERIFFS; STATE PATROL)

Alarm system company records provided to law enforcement agencies, public inspection exemption: SB 6260
 Automatic fingerprint identification system: SB 5157
 DNA identification system expanded: SB 5165
 Drug abuse, enforcement pilot areas established: SB 6239
 Electronic monitoring system: ***HB 1136, CH 435 (2005) PV**, SB 5166
 Fish and wildlife, definition of conviction: ***HB 1128, CH 321 (2005)**, SB 5231
 Health care information, disclosure of certain information for law enforcement purposes: SB 6106
 Immigration status, officers may not ask crime victims and witnesses: SB 5648
 Immigration, limits on officers' authority to enforce federal laws: SB 5647
 Juveniles in custody of law enforcement officers, protections and rights: SB 6024
 Missing or runaway children, requirements to locate and liability for efforts: SB 5848
 Missing persons, investigation procedures: ***2SHB 2805, CH 102 (2006)**
 Natural resources department law enforcement program transfer: SB 5818
 School safety, information sharing: SB 5171
 Sex offender records, fee exemption for law enforcement agencies: ***SHB 2223, CH 202 (2005)**
 Vehicles, requirements regarding sales of vehicles to nonpublic entities: SHB 2493
 Vehicles, sale of used : SB 6413
 Vehicles, windshield tint exemption: SB 6381

LAW ENFORCEMENT OFFICERS (See also POLICE; SHERIFFS; STATE PATROL)

Applicants, prehire screening: ***HB 1081, CH 434 (2005)**
 Damages brought against, paying for defense costs: SB 5404
 Firearms training certificate for retired officers: ***ESHB 2951, CH 40 (2006)**
 Immigration status, officers may not ask crime victims and witnesses: SB 5648
 Immigration, limits on officers' authority to enforce federal laws: SB 5647
 Improper use of position or authority, policies to prevent: SB 5170
 Juveniles in custody of law enforcement officers, protections and rights: SB 6024
 Juveniles taken into custody, interrogation procedures: SB 5288
 Juveniles taken into custody, notice to parents: SB 6579
 Park rangers, powers and duties: SB 5336
 Park rangers, task force on state public recreational lands and public safety: ***ESHB 1799, CH 408 (2005) PV**
 Permissible weaponry for on-duty officers, spring blade knife: SB 6295
 Personal information privacy: SB 5654
 Sound and video recordings, provisions: ***SHB 2876, CH 38 (2006)**, SB 6547
 Traffic accident reports to include cell phone use: SB 5161
 Vehicle accidents involving officers, accountability: SB 5507
 Volunteer reserve officers, board membership: SHB 2833

LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM (See also RETIREMENT AND PENSIONS)

Disability boards, composition and jurisdiction of city and county boards: ***HB 1328, CH 66 (2005)**, SB 5192
 Plan 1, additional service credit one time purchase: ***HB 2690, CH 214 (2006)**, SB 6457
 Plan 1, cap on benefits removed: ***SHB 2688, CH 350 (2006) PV**, SB 5901
 Plan 1, joint executive task force on funding postretirement medical benefits: ***SHB 2688, CH 350 (2006) PV**, SB 6447
 Plan 1, reduced retirement allowance: ***HB 1329, CH 67 (2005)**, SB 5514
 Plan 1, survivor benefits for ex spouses: ***HB 1319, CH 62 (2005)**, SB 5247
 Plan 2, benefits for member who is killed in course of employment: SHB 2934, ***SB 6723, CH 345 (2006)**
 Plan 2, catastrophic disability allowance: ***HB 2932, CH 39 (2006)**, SB 6722
 Plan 2, death benefits: ***SHB 2933, CH 351 (2006)**, SB 6724
 Plan 2, disability allowance: SB 5615
 Plan 2, emergency medical technicians may transfer from PERS: ***SHB 1936, CH 459 (2005)**, SB 5900
 Plan 2, fish and wildlife enforcement officers allowed to transfer service credit: SB 6585
 Plan 2, interruptive military service credit: ***HB 1325, CH 64 (2005)**, SB 5261
 Plan 2, reemployment after retirement: ***HB 1270, CH 372 (2005) PV**, SB 5617
 Plan 2, service credit purchase: ***HB 1269, CH 21 (2005)**, SB 5616

State director of fire protection, retirement provisions: SB 6873

LEAD

Children's environmental health and protection advisory council: SB 5188

Heavy metals soil contamination, safe playground soils program: SB 5125

Heavy metals soil contamination, school and child care facility reduction assistance: ***E2SHB 1605, CH 306 (2005)**

Lead paint hazard education and awareness strategy: SB 5189

LEGAL AID

Civil legal aid office and oversight committee: ***SHB 1747, CH 105 (2005)**, SB 5685

Indigent defense services, grant program and funding: ***2SHB 1542, CH 157 (2005)**, SB 5531

Undocumented alien victims of domestic violence and human trafficking, availability: SB 6348

University of Washington law school loan repayment assistance program: SB 5910

LEGAL NOTICES

Broadcast requirements: HB 1717

LEGISLATIVE AUDIT AND REVIEW COMMITTEE, JOINT

Aquatic lands, review of aquatic resources program funding and management : HB 3237

Basic health plan, study: SB 5536

Biotechnology and biomedical device manufacturing sector, study: SB 6844

Dyslexia reading instruction pilot program, study of: SB 5349

Juvenile offender case filing reduction in King county compared to other counties, study: SB 5834

Land use permitting process, joint legislative audit and review committee review: SB 6036

Local government whistleblower program, review of: SB 5119

Priority performance measures, historical information data base and legislative review: SHB 1834

Tax preferences, annual review: SB 5416

LEGISLATIVE ETHICS BOARD

Members allowed to serve more than one term: SB 6351

Nonlegislative members, terms: ESB 5462

LEGISLATURE

2006 legislative assembly moved to a location east of the Cascade Mountains: SCR 8416

Administrative committee of the office of the code reviser: SB 5884

Bills returned to house of origin: ***SCR 8411 (2005)**, ***SCR 8425 (2006)**

Bills, reintroduction: ***HCR 4413 (2006)**

Commission on evaluation of the legislature: SCR 8404

Cutoff dates, 2005 regular session: ***SCR 8400 (2005)**

Cutoff dates, 2006 regular session: ***SCR 8414 (2006)**

Cutoff exemptions: SCR 8410, ***ESCR 8419 (2006)**, SCR 8420, SCR 8421, SCR 8422

Election certification, legislature removed from process: SJR 8215

Emergency clauses, two-thirds vote required: SB 6318

Former legislators: ***HCR 4403 (2005)**

Full time legislature: SB 6659

Governor notified, legislature organized: ***HCR 4400 (2005)**

Health care coverage for members: SB 6871

Joint rules: ***HCR 4401 (2005)**

Joint select committee on offenders programs, sentencing, and supervision: SB 6308

Joint sessions of legislature: ***HCR 4402 (2005)**

Legislative youth advisory council, established: ***SB 5254, CH 355 (2005)**

Legislative youth advisory council, extension: SB 6536

Legislature organized, governor notified: ***HCR 4412 (2006)**

Life sciences, joint legislative task force on: SB 6867

Mail to constituents, restrictions: HB 1131, HB 1382

Public works projects, approval: SB 6045

Quality improvement programs for the senate and house of representatives: ***2SHB 1970, CH 384 (2005)**

Session law publication: HB 2375, ***SB 6208, CH 46 (2006)**
 Session length extended and adjournment after regular session cutoff established: SJR 8208
 Sine Die, governor notified: SCR 8412
 Sine Die, regular session: ***SCR 8426 (2006)**
 Statute law committee membership, revisions: ***SHB 1847, CH 409 (2005)**

LIBRARIES

County law library funding, court filing and surcharge fees: SB 5454, SB 5890
 Intercounty rural library districts, county withdrawal from district: SB 5946
 Law, on-line services: SB 5301
 Regional law libraries, establishment: HB 1906, ***SB 5701, CH 63 (2005)**
 Sex and kidnapping offender notification to public libraries: ***HB 1161, CH 99 (2005)**
 State, preservation of state publications: ***SHB 2155, CH 199 (2006)**, SB 6005

LIBRARY DISTRICTS (See also SPECIAL DISTRICTS)

Intercounty rural library districts, county withdrawal from district: SB 5946
 Rural, nonvoter approved general obligation bonds: HB 1813, SB 5947

LICENSE PLATES

Armed forces license plate collection: ***SHB 1065, CH 216 (2005)**, SB 5096, SB 6467
 Attachment provisions, minimum height requirement: ***SB 6545, CH 326 (2006)**
 Collection of special license plates: ***ESB 5423, CH 210 (2005)**
 Distinguished flying cross: SB 6901
 Endangered wildlife: ***SHB 1218, CH 225 (2005)**, SB 5229
 Fees, increase: SB 5138
 Fluorescent yellow license plate for persons convicted of driving under the influence: SB 6817
 Gonzaga University alumni association: ***SB 5833, CH 85 (2005)**
 Keep kids safe: ***SHB 1097, CH 53 (2005)**, SB 5104
 Multiple sclerosis: SB 6897
 Replacement, fixed schedule: SB 5000
 Share the road, bicycle safety and awareness: ***HB 1254, CH 426 (2005)**, SB 5444
 Ski and ride Washington: ***SHB 1116, CH 220 (2005)**, SB 5143
 State parks and recreation commission: SB 5316
 Support our troops: SB 6830
 Washington lighthouses: ***SB 5424, CH 48 (2005)**
 Washington's national park fund: SB 5832
 Washington's wildlife license plate collection: SB 5230
 We love our pets: ***SB 5977, CH 71 (2005)**
 Wild on Washington: ***SHB 1216, CH 224 (2005)**, SB 5228

LICENSING, DEPARTMENT

All-terrain vehicles, safety and education program: ESHB 1029, SB 5031
 Business and professions account: ***SHB 1394, CH 25 (2005)**, SB 5365
 Business and professions, uniform regulations: E2SHB 1395, SB 5364
 Driver's license examinations, reciprocal waiver agreements with other nations: ***HB 1260, CH 61 (2005)**, SB 5264
 Drivers' licenses, biometric matching system for licenses and identicards: ***SB 6680, CH 292 (2006)**
 Land surveyors, continuing education requirements: ***HB 1396, CH 29 (2005)**, SB 5117
 Master licensing program, performance-based grant program for licensing agencies: ***HB 2131, CH 201 (2005)**, SB 5967
 Motor vehicle licensing and registration subagents, fees: ***SB 5518, CH 343 (2005)**
 Motor vehicle licensing and registration subagents, successor: SB 5519
 Motorcycle safety courses, department approval: SB 5280
 Soil scientists, licensing: SB 5446
 Tattooing and body piercing, licensing requirements and violations: SB 5913
 Youth athletic private coaches, registration: SB 5880

LIENS

Chattel liens: SB 5204

Court filing fees: SB 6670

Residential homeowners, limits for liens against: SB 5239

Self-service storage facilities, lien on and sale of personal property: SB 5844

LIEUTENANT GOVERNOR

Association of Washington generals: HB 1974, SB 5862

Duties and responsibilities: SHB 2420, SB 6246

National lieutenant governors' association's annual conference, funding: ***SHB 2419, CH 5 (2006)**, SB 6245

LIMITATIONS OF ACTIONS

Asbestos-related liabilities, limitations: SB 6771

Construction, statute of limitations provisions for defects: SB 6627

Felonies, DNA provisions: SB 5042

Injuries resulting from health care, limitations of actions: SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6087

Sex offenses, modifications for felony offenders: HB 2408, SB 6408

Sex offenses, personal injury actions: SB 6881

Sex offenses, statute of limitations removed for certain offenses against minors: SHB 1453

LIMITED LIABILITY COMPANIES

Banks and savings banks allowed to organize as limited liability companies: ***SB 6463, CH 48 (2006)**

Campaign contributions, provisions regarding: HB 2551

Dissolution, remedies: ***SB 6531, CH 325 (2006)**

LIQUOR CONTROL BOARD

Alcohol education programs, disbursement of liquor revolving fund moneys: SB 5380

Contract liquor stores: ***HB 1409, CH 151 (2005)**, SB 5090, SB 5379

Nightclubs, fire inspections requirements for license applicants: ***ESHB 1401, CH 148 (2005)**

Retail sales business plan, sales on Sundays: ***SHB 1379, CH 231 (2005)**, SB 5487

LIVESTOCK

Animal feeding operations, permit requirements and procedures: SB 5602

Ban on American beef, business and occupation tax relief expiration date: ***HB 1407, CH 150 (2005)**

Bovine handling facilities, limited liability: ***SHB 2382, CH 158 (2006)**

Canadian cattle and beef importation: SJM 8010

Carcasses, disposal: ***SB 6371, CH 155 (2006)**

Commercial feed, adulterated: SB 5190

Commercial feed, licensing provisions and regulations: ***HB 1086, CH 18 (2005)**, SB 5004

Dairy nutrient management program revisions: SB 5602

Dairy nutrient management tax exemptions for livestock other than dairy: SB 5960

Feed, sales and use tax exemption: SB 5716

Identification program, advisory committee and plan: ***SHB 3033, CH 150 (2006)**, SB 6375

Information security, task force and review: SB 5963

Inspection fees: ***ESB 6376, CH 156 (2006)**

Livestock nutrient management program: SB 5602

Livestock nutrient management, tax exemptions for handling and processing manure: ***ESHB 3222, CH 151 (2006)**

Mortalities, rules for proper management of carcass disposal: SB 5961

Right-to-ride livestock on federal land act of 2005: SJM 8041

Theft, goats: SHB 1398, SB 5290

Voluntary identification information, public disclosure exemption: ***ESHB 2651, CH 75 (2006)**, SB 6854

LOANS

Check cashers and sellers, borrower limits: SB 5482

Check cashers and sellers, borrower payment options: SB 5483

Check cashers and sellers, broker and server regulations: SB 5686

Check cashers and sellers, data to be provided to director of financial institutions: SB 5484

Check cashers and sellers, extortionate extension of credit and profiteering: SB 5481, SB 5540

Check cashers and sellers, limits on amount, interest, and fees: SB 5485, SB 6736

Check cashers and sellers, military borrowers: SB 6737
 Check cashers and sellers, repayment plan: SB 6738
 Check cashers and sellers, state authority to regulate: SB 5486
 Higher education, zero interest loans: SB 6271
 Mortgage lenders, phone number allowing consumers to connect with live person: SB 6584
 Mortgage lending fraud prosecution account, extension: ***HB 2338, CH 21 (2006)**, SB 6167
 National guard, business loan payments and interest accrual suspension for active duty members: ***SHB 2497, CH 253 (2006)**
 Tax refund anticipation loan act: ESHB 1251, SB 5692, SB 5796

LOBBYISTS

Public disclosure violations and penalties: HB 1143, HB 2358, SB 5033, ***ESB 6152, CH 315 (2006)**

LOCAL GOVERNMENT (See also CITIES AND TOWNS; COUNTIES; SPECIAL DISTRICTS)

Ambulance and emergency services, utility service charges to fund: ***ESHB 1635, CH 482 (2005)**, SB 5624
 Brownfield land, publicly owned contaminated land designated as priority cleanup: SB 6046, SB 6327
 Campaigns for local offices, public funding: SB 5367, SB 6221
 Community revitalization financing: SB 5325, SB 6700
 Commute trip reduction program, revisions: ESHB 3089, SB 6566
 Drug abuse, multijurisdictional drug task force and local government drug prosecution assistance: SB 6239
 Drug task forces, multijurisdictional drug task force and local government drug prosecution assistance: SB 6484
 Energy conservation measures, joint committee on energy supply and energy conservation: ***SHB 1895, CH 299 (2005)**
 Financial assistance advisory council and grant program: SB 6050
 Forest practices, department of natural resources authority: ESHB 2740
 Gambling activities, land use and zoning powers: SB 5591
 Hospital benefit zones, financing: ***SHB 2670, CH 111 (2006)**, SB 6395
 Infrastructure, local infrastructure financing tool demonstration program: ***E2SHB 2673, CH 181 (2006) PV**
 Insurance, joint self-insurance program: ***HB 1356, CH 147 (2005)**, SB 5335
 Interlocal cooperative agreements, electronic posting: ***HB 2676, CH 32 (2006)**
 Interoperable communications system, county public safety agency pilot program: SB 5887
 Job development fund, grant program to assist local governments with infrastructure projects: ***ESHB 1903, CH 425 (2005)**
 Levy of taxes, date for submitting estimates to counties: ***HB 1048, CH 52 (2005)**
 Levy of taxes, voter-approved modifications: SB 5573
 Local infrastructure financing tool demonstration program: ***E2SHB 2673, CH 181 (2006) PV**
 Local sales and use, credited against state tax and used to provide services to annexed areas: SB 6686
 Master licensing program, performance-based grant program for licensing agencies: ***HB 2131, CH 201 (2005)**, SB 5967
 Medical coverage for elected officials and commissioners: SB 6721
 Municipal court services, interlocal agreements: SB 6023
 Noise control, enforcement responsibility: SB 5043
 Passenger ferry service, funding and grant program: SB 6787
 Public transportation, office of transit mobility and regional mobility steering committee: ***SHB 2124, CH 318 (2005)**
 Puget Sound conservation and recovery partnership and management plan: SB 5895
 Retired employees, health benefits through public employees' benefits board: SB 5781
 Safe neighborhood planning and pilot projects: SB 5678
 Shoreline master program, interim timeline and full compliance exemption: SB 5251
 State and local liability for acts of persons on supervision or in community-based treatment programs: SB 6852
 Whistleblower program, review of: SB 5119

LONG-TERM CARE (See also ADULT FAMILY HOMES; NURSING HOMES)

Agencies providing care, license application process: SB 5294, SB 5296
 Agencies providing care, unique identifying number: SB 5295
 Assisted living facility applicants, timely assessment of : SB 6372
 Assisted living medicaid minimum occupancy: ***ESHB 2925, CH 260 (2006)**, SB 6374
 Continuing care retirement community, provision of services: SB 6391
 COPEs pilot project: SB 6190

Death with dignity act, terminally ill may request medication to die: SB 6843
 Home and community services, alternative delivery system for case management services: SHB 1365, SB 5886
 Home care agencies, parity for workers' wages and benefits: *SHB 2333, CH 9 (2006), SB 6145
 Home care agencies, vendor rate study: SB 5801
 Home care agencies, workers' compensation parity for agency home care workers: SB 6054
 Individual home care providers, personal information protections: SB 5800
 Individual providers, collective bargaining for hours of work: *ESHB 2475, CH 106 (2006), SB 5724
 Joint legislative and executive task force on financing and chronic care management: *2SHB 1220, CH 276 (2005), SB 5442
 Prescription drugs, study of distribution of unused drugs to low-income persons: SB 5846
 Providers, payment for medically needy consumers: SB 5799
 Sex offenders placed in facilities, information and notification: SB 6769

LONGSHORE AND HARBOR WORKERS

Workers' compensation account included in Washington insurance guaranty association: *SHB 1196, CH 100 (2005), *ESB 5194 (2005) V

LOW-INCOME PERSONS

Achievers' scholarship program, low-income students: SB 5759
 Affordable housing, multiunit residential building construction liability revolving fund program for nonprofit organizations: *2SHB 3070, CH 262 (2006)
 Assets, pilot program to assist families to accumulate assets: *HB 3156, CH 91 (2006)
 Energy assistance, account and funding: SB 6482
 Farmers market nutrition programs, funding: SB 5597
 Housing, energy assistance: *SHB 2370, CH 3 (2006), SB 6285, SB 6482
 Housing, tax credits for persons who make financial contributions to assistance programs: SB 6559
 Housing, tax incentives for nonprofit organizations: SB 5183
 Housing, Washington housing trust fund: *E2SHB 2418, CH 349 (2006) PV
 Individual development account program, low-income family assistance: *SHB 1408, CH 402 (2005), SB 5469
 Prescription drugs, assistance foundation for low-income uninsured persons: SB 5558
 Prescription drugs, study of distribution of unused drugs to low-income persons: SB 5846
 Rental assistance program: SB 6044
 TANF, financial literacy information: HB 3157

MAIL

Delivery charges for direct mail, tax exemptions: *ESHB 2314, CH 514 (2005)

MALPRACTICE

Alternatives to I-330 and I-336, patient safety and malpractice insurance provisions: SHB 2292
 Health care services quality improvement committee, confidentiality: SB 5146
 Patient safety and malpractice insurance provisions: *2SHB 2292, CH 8 (2006)

MANUFACTURED HOUSING (See also MOBILE HOMES)

Communities, city regulations: HB 2718, SB 6400
 Communities, closure notice provisions: SB 6851
 Communities, impact fees: HB 1373
 Communities, landlord and tenant dispute resolution procedures: *ESHB 1640, CH 429 (2005), SB 5660, SB 6647, SB 6648, SB 6709
 Communities, water and sewer connection charges: *HB 1247, CH 324 (2005)
 Location restriction, cities and counties prohibited from enacting ordinances: SHB 1374

MANUFACTURING

Aerospace manufacturing, joint legislative task force and review: SB 6328
 Aluminum smelters, tax relief extension: *HB 2348, CH 182 (2006)
 Commercial airplanes, business and occupation tax credit for property tax payments: *ESHB 2314, CH 514 (2005), SB 5972
 Electronics, product recycling: SB 6428

Environmental quality permit, application review of compliance history: SB 5688
 Motor vehicles, removal of mercury-added components in end-of-life vehicles: ESB 5710
 Pharmaceutical, marketing activities and gift disclosure: SB 5149
 Pharmaceutical, product liability: SB 5986
 Rebates, sales and use tax exemptions: SB 5409
 Semiconductor materials, tax incentives to support semiconductor cluster: ***SHB 3190, CH 84 (2006)**, SB 6812
 Small manufacturers, Washington manufacturing services nonprofit corporation: ***SHB 2726, CH 34 (2006)**, SB 6470
 Solar energy systems, tax incentives for manufacture of: SB 5111, ESB 6129

MARIJUANA

Medical use, clarification of laws regarding: SB 5943
 Medical use, states to decide: SJM 8028

MARITIME COMMISSION

Training program for pilot applicants, licensing qualifications and procedures: SB 5150

MARKETING

Pharmaceutical, marketing activities and gift disclosure: SB 5149

MARRIAGE AND MARRIED PERSONS (See also DISSOLUTION OF MARRIAGE; DOMESTIC RELATIONS)

Domestic relations, one man and one woman only type considered valid in Washington state: SJR 8210
 Family preservation education program: ***ESHB 1252, CH 491 (2005)**
 License fees, domestic violence prevention account: ***ESHB 1314, CH 374 (2005)**
 Marriage shall be between one man and one woman, legal status and court jurisdiction: SJR 8209, SJR 8210
 Privileged communications between spouses, criminal conspiracy exception: SB 5133

MASSAGE THERAPY

Animal massage certification: SB 6056

MEAT

Ban on American beef, business and occupation tax relief expiration date: ***HB 1407, CH 150 (2005)**
 Business and occupation tax on slaughtering, breaking, and/or processing perishable products: SB 5779, SB 6100
 Canadian cattle and beef importation: SJM 8010
 Cloned animals, labeling requirements: SB 6383
 Rabbits, temporary permit for slaughter, preparation, and sale of one thousand or fewer: SB 6252

MEDIATION (See also ARBITRATION)

Actions for injuries resulting from health care, mandatory mediation requirements: SB 5413
 Multiunit residential buildings, inspections and construction defect dispute resolutions: ***EHB 1848, CH 456 (2005)**
 Uniform mediation act: ESHB 1055, SB 5173

MEDICAID

Employment status of recipients of medical assistance and basic health plan, report: ***ESHB 3079, CH 264 (2006) PV**
 Management information system upgrade: SB 5703
 Mental health providers authorized to provide services to enrollees: SB 5919
 Nursing facility payment system, insurance component rate allocation: SB 5569, SB 5762
 Nursing facility payment system, program trust account: SB 5812
 Nursing facility payment system, rate setting: SB 5780
 Physicians, tax credits for serving uninsured, medicare, and medicaid patients: SHB 2292, ***2SHB 2292, CH 8 (2006)**
 Retroactive payment to health care providers: SB 5703
 Taxes and assessments on prepayments: ***HB 1690, CH 405 (2005)**

MEDICAL RECORDS

Disclosure and authorization provisions: SB 5054
 Disclosure of certain information for law enforcement purposes: SB 6106
 Electronic, advisory board and study of: SB 5064
 Health care information act, consistency with health insurance privacy regulation: SB 5158
 Hospitals, information technology systems: ***SHB 2573, CH 103 (2006)**, SB 6307

Legal presumption of reasonable value established from certification: SB 5185

MEDICARE

Diabetes educators, certified educators to be added as providers: ***HJM 4038 (2006)**

Drug benefit coverage for dual eligible beneficiaries: SB 6891

Federal compliance revisions: HB 1443, SB 5406

Medicare modernization act of 2003, compliance with federal standards: HB 1497, ***SB 5198, CH 41 (2005)**

MEDICINE AND MEDICAL DEVICES

Centralized technology assessment pilot project, scientific evidence of evolving procedures: SB 5924

Home medical equipment, tax exemptions: SB 6300, SB 6784

Life sciences, joint legislative task force on: SB 6867

Sales and use tax exemptions for certain medical and mobility enhancing equipment: SB 6784

Scope of practice regulation for medicine and surgery: SJR 8216

Stem cell research and human cloning, regulations: SB 5594

Stem cell research and human cloning, regulations and advisory committee: EHB 1268

Tax incentives for biotechnology product and medical device commercial expenditures and manufacturing: ***SHB 2640, CH 178 (2006)**, SB 6462

MEMORIALS

State route 99, William P. Stewart memorial highway: SJM 8013

War dogs, national memorial: SJM 8021

MENTAL HEALTH

Advance directives, health care declarations registry: ***2SHB 2342, CH 108 (2006)**

Children, kinship caregivers' consent for mental health care: ***HB 3139, CH 93 (2006)**

Community services, regional support networks: ***E2SHB 1290, CH 503 (2005) PV**

Consumer or advocate-run service delivery system: SB 5753

Council on mentally ill offenders: SB 6685

Counselors, experience requirements: ***SB 6658, CH 69 (2006)**

Insurance, group health benefit plan coverage of mental health services: ***HB 2501, CH 74 (2006)**, SB 6392

Insurance, parity with medical and surgical coverage: ***SHB 1154, CH 6 (2005)**, SB 5450

Medicaid enrollees, mental health providers authorized to provide services: SB 5919

Mental health professionals and crisis outreach workers, safety measures to protect: 2SHB 2912

Minors, age of consent for evaluation or treatment: ***SHB 1058, CH 371 (2005)**, SB 5257, SB 5557

Minors, RCW 74.34 subchapter headings: HB 1082

Office of the state mental health ombudsman: SB 6587

Omnibus treatment of mental and substance abuse disorders act of 2005: SB 5763

Regional support networks, financial responsibility of costs for individuals in involuntary treatment: SB 6696

Regional support networks, qualifications and responsibilities: SB 6793

Substance abuse and mental health treatment pilot program: SB 6239

MENTAL HOSPITALS

Correctional facilities serving violent offenders, siting restrictions: SHB 1614, SB 5428

Law enforcement costs, reimbursement: SB 5184

Workplace violence reduction in state hospitals: ***HB 1160, CH 187 (2005)**

MERCHANT MARINE

Merchant mariner included in definition of veteran: ***HB 1307, CH 251 (2005)**, SB 5467

MERCURY

Motor vehicles, removal of mercury-added components in end-of-life vehicles: ESB 5710

Vaccines, mercury-containing: SB 5305

METROPOLITAN MUNICIPAL CORPORATIONS

Property acquisition, condemnation authority limited to property within certain boundaries: SB 5608

METROPOLITAN PARK DISTRICTS (See also SPECIAL DISTRICTS)

City or county property, transfer and dissolution: ***HB 1303, CH 226 (2005)**, SB 5337
 Employees, background checks: ***HB 2991, CH 222 (2006)**, SB 6633
 Fund, disbursement of metropolitan park district fund: HB 2655, SB 6511
 Surplus property, disposition of: SB 5151

MILITARY (See also NATIONAL GUARD; VETERANS)

Armed forces license plate collection: ***SHB 1065, CH 216 (2005)**, SB 5096, SB 6467
 Check cashers and sellers, military borrowers: SHB 2881, SB 6737
 Check cashing loans for military borrowers, provisions: SB 5415
 Civil relief act, Washington service members': ***SHB 2173, CH 254 (2005)**, SB 6028
 College and university tuition refund for students called to active duty: ***SHB 1174, CH 249 (2005)**
 College and university tuition waivers: SB 6695
 Concealed pistol license, renewal extension for deployed members of armed forces: SB 5545, SB 6878
 Default judgments, military status of defendant: ***EHB 3074, CH 80 (2006)**
 Defense appropriations legislation, passage of: SJM 8006
 Discrimination, protections: HB 2564
 Hunter education training program, certificate exemption for active duty military personnel: SB 6358
 Joint committee on veterans' and military affairs: ***HB 1261, CH 141 (2005)**, SB 5221
 Military communities infrastructure projects, funding: E2SHB 2393
 Military department capital account: ***HB 1457, CH 252 (2005)**, ***SB 5340 (2005) V**
 Military department rental and lease account: ***HB 1457, CH 252 (2005)**, ***SB 5340 (2005) V**
 Public assistance income definition, housing assistance or vouchers for military personnel or veterans: SB 6336
 Public employment retirement systems, military service credit: ***SHB 1938, CH 247 (2005)**, SB 5521
 Public employment, military service, and retirement act: SB 5877
 Relocation orders, excise tax exemption for home sales resulting from : SHB 2439
 Retirement benefits for persons who left employment to serve: ***HB 1325, CH 64 (2005)**, SB 5261
 State employee return-to-work program, credit for time served: SHB 2527
 Tuition waivers, eligible members: SB 6695
 Uranium exposure, treatment services and study: SB 6732
 War dogs, national memorial: SJM 8021
 World War II oral history project, women's contribution to war effort: HB 1592, ***SB 5563, CH 75 (2005)**

MINES AND MINING

Environmental quality permit, application review of compliance history: SB 5688
 Oil and gas exploration and development, regulatory cost-reimbursement: SB 6177
 Surface mining, permit application and performance security requirements: SB 6175

MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Linked deposit program, funding: SB 5782

MOBILE HOME PARKS

Closure, notice provisions: SB 6851
 Sewer-related charges, city and town charge restrictions: HB 2717

MOBILE HOMES (See also MANUFACTURED HOUSING)

Location restriction, cities and counties prohibited from enacting ordinances: SHB 1374
 Older homes, moving procedures: ***SHB 1393, CH 399 (2005)**, SB 5366
 Parks, landlord and tenant dispute resolution procedures: ***ESHB 1640, CH 429 (2005)**, SB 5660, SB 6647, SB 6648, SB 6709
 Relocation assistance, reimbursement limits: SB 5107

MODEL TOXICS CONTROL ACT

Ecology department lien authority to recover remedial actions costs: SB 5449
 Owner or operator definition, excludes government when ownership based on easement, street, or right-of-way: SB 6474

MONORAIL

City transportation authority powers and duties and provisions modified: SB 6872

City transportation authority powers and duties, taxation and fines: SB 5534
 City transportation authority, dissolution provisions: SB 6733, SB 6786
 Motorists information signs, icons and pictograms: ***SHB 1090, CH 19 (2005)**, SB 5394

MOORAGE FACILITIES

Vessel registration, proof of: SB 5270

MORTGAGE BROKERS

Branch offices: SB 5253
 Loan issuers, phone number allowing consumers to connect with live person: SB 6584
 Mortgage brokers and loan originators, provisions : ***EHB 2340, CH 19 (2006)**, SB 6166

MOSQUITO CONTROL

Districts, valuation of land for monetary assessments: ***HB 1555, CH 181 (2005)**, SB 6760

MOTION PICTURES

Approved motion picture competitiveness program: SB 6558
 Production services, taxation: SB 6557

MOTOR VEHICLES (See also ALL-TERRAIN VEHICLES; DRIVERS' LICENSES; DRIVING UNDER THE INFLUENCE; LICENSE PLATES; MOTORCYCLES; RECREATIONAL VEHICLES; TRAFFIC; TRUCKS AND TRUCKING)

Abandoned vehicle auctions, notice: ***SHB 1504, CH 28 (2006)**
 Abstracts of driving records, access provisions: SB 6684
 Alternative and clean fuel vehicles and conversion equipment, tax incentives for purchase: SB 5916
 Alternative fuels, tax exemptions for modifications to vehicles: SB 6298, SB 6516
 Automated traffic safety cameras, regulations: SB 5060, SB 6526
 Bicyclists, vehicle restrictions for passing: ***HB 1108, CH 396 (2005)**
 Booting, locking wheel boots prohibited: ***ESB 5966, CH 88 (2005)**
 Brake lights, requirements: ***HB 2465, CH 306 (2006)**
 Bushing, definition : SB 6571
 Child car seat installation technicians held harmless for damages: ***ESHB 1475, CH 132 (2005)**, SB 5085
 Child car seats, failure to use may be admissible in civil action: SB 6563
 Child car seats, requirements regarding weight, height, and age of child: ***ESHB 1475, CH 132 (2005)**
 Combinations, motor vehicle and travel trailer and boat trailer: SB 5067
 Commercial motor vehicles, general provisions: HB 2981, ***SB 6549, CH 50 (2006)**
 Commercial motor vehicles, hearings procedures for violations: ***HB 1469, CH 444 (2005)**, SB 5436
 Compression brakes, restrictions and penalties: ***HB 1002, CH 320 (2005)**
 Dealers, bushing: SHB 1827, SB 6571
 Driving records , access to abstracts of: SB 6684
 Emissions, California standards: ***ESHB 1397, CH 295 (2005)**, SB 5099, SB 5397
 Farm vehicles, gross weight fee payment: SB 6015
 Fraudulent transfer of a motor vehicle, penalties: SB 6676
 Freight mobility strategic multimodal account created: EHB 2889, SB 6601
 Fuel, business and occupation tax exemption for wholesale sales: SB 5626
 Headlights, required use at all times during fall and winter months: SB 6694
 Headlights, required when wipers are in use: SB 5023
 Historic automobile museum, sales and use tax deferrals: ***ESHB 2314, CH 514 (2005)**, SB 5990
 HOV lanes, toll lane feasibility evaluation of Interstate 450 and state route 520: SB 6017
 HOV lanes, toll lane pilot project on state route 167: ***SHB 1179, CH 312 (2005)**, SB 5201
 HOV lanes, vehicle towing trailer prohibited: SB 6725
 Hybrid technology vehicles and conversion equipment, tax incentives for purchase: SB 5916
 Hydraulics, restrictions and penalties for vehicles equipped with: ***SHB 1381 (2005) V**, HB 2643
 Immobilization, locking wheel boots prohibited: ***ESB 5966, CH 88 (2005)**
 Import vehicles, disclosure at sale or trade: SB 6848
 Inspections, vehicle inspection account and funding provisions: SB 6143
 Insurance, compensating victims of underinsured and uninsured motorists: ***SHB 2415, CH 187 (2006)**, SB 6182

Insurance, mandatory coverage requirements: SB 5837
 Insurance, requirements for motorcycles, motor-driven cycles, and mopeds: SB 5468
 Insurance, underinsured motorist property damage waivers: HB 1716
 Jake brakes, restrictions and penalties: ***HB 1002, CH 320 (2005)**
 Licensing and registration, application for title reissuance when vehicle declared a total loss: SB 6548
 Licensing and registration, fees based upon scale weight of vehicle: SB 5860
 Licensing and registration, full disclosure of taxes and fees: ESHB 2534
 Licensing and registration, subagent fees: ***SB 5518, CH 343 (2005)**
 Licensing and registration, subagent successor: SB 5519
 Licensing and registration, use taxation for sales between private parties: SB 6673
 Licensing and registration, vehicles operated solely in inaccessible national recreation areas: SB 5709
 Licensing and registration, violations and penalties: ***EHB 1241, CH 323 (2005)**
 Limousines, definition: ***HB 3001, CH 98 (2006)**, SB 6551
 Loads on highways, failure to secure: ***SHB 1478, CH 431 (2005)**, SB 5457
 Mercury, removal of mercury-added components in end-of-life vehicles: ESB 5710
 Mopeds, definition and specifications: SB 6546
 Motor-driven cycles, impoundment when driven without valid endorsement: SB 6727
 Motorists information signs, icons and pictograms: ***SHB 1090, CH 19 (2005)**, SB 5394
 Muffler noise standards: SB 5490
 Oversized vehicles, special permit restrictions during peak commute periods: SB 6398
 Owners' addresses, disclosure: ***SB 5321, CH 340 (2005)**
 Parts, original invoices for new and used: ***SB 5181, CH 173 (2005)**
 Passenger vehicle weight fee, exemption for wheelchair ramp or lift: SB 6602
 Pedestrians, vehicle restrictions for passing: ***HB 1108, CH 396 (2005)**
 Persons with disabilities, specialized commercial transport vehicles: ***HB 1237, CH 193 (2005)**, SB 5653
 Proportional registration, technical corrections RCW 46.87: ***HB 1259, CH 194 (2005)**, SB 5265
 Rental cars, customer facility charge on customers of rental car companies accessing airports: SB 5584
 Retail installment contracts for vehicle purchases: SHB 2863, SB 6570
 Sales between private parties, use taxation: SB 6673
 Seat belts, failure to wear as evidence of negligence: SB 5856
 Seat belts, failure to wear may be admissible in civil action: SB 6563
 Securing loads, penalties for failure to: ***HB 2612, CH 268 (2006)**, SB 6341
 Securing loads, requirements: SB 6387
 Sound system equipment, secure attachment: ***EHB 1246, CH 50 (2005)**
 State motor vehicles, valid driver's license requirement: SB 5669
 Taxes and fees, transportation benefit district project funding: SB 5177
 Taxes, locally imposed motor vehicle excise tax provisions: SB 6247
 Taxes, use tax on sales between private parties: SB 6673
 Theft, auto theft task force program: SB 5807
 Theft, penalties: SB 6491
 Titles, chattel lien process for transfer of title: SB 5204
 Total loss, application for title reissuance when vehicle declared a total loss: SB 6548
 Traffic control signal preemption devices, violations and penalties: ***SHB 1113, CH 183 (2005)**, SB 5115
 Traffic violations, liability after sale or transfer of vehicle: ***HB 1999, CH 331 (2005)**
 Trailer hitches, unused hitch hazard study: SB 6013
 Unattended vehicles, east of crest of Cascade Mountains exemption: SB 6251
 Use tax, additional rate: SB 5790
 Vehicle gross weight violations, penalties: ***SHB 2987, CH 297 (2006)**
 Vehicles for hire, mileage fees for diesel: HB 3258
 Weight fees for transportation funding: SB 6103

MOTORCYCLES

Children as passengers, restrictions: SB 5420
 Helmets, requirements: SB 5783
 Impoundment when driven without valid endorsement: SB 6727
 Insurance, mandatory coverage requirements: SB 5837

Insurance, rejection of underinsured motorist coverage: ***SHB 1257, CH 110 (2006)**
 Insurance, requirements for motorcycles, motor-driven cycles, and mopeds: SB 5468
 Mopeds, definition and specifications: SB 6546
 Navigation around traffic in certain circumstances: SB 6663
 Posting of hazardous road conditions due to construction or maintenance, limits on: HB 2765, ***SB 6762, CH 331 (2006)**
 Safety courses, department of licensing approval: SB 5280
 Traffic signals, motorcyclist allowed to proceed if signal inoperative: EHB 1466

MUNICIPAL COURT

Administration and jurisdiction provisions: SHB 3082
 Administration of local and district courts, reorganization: SB 6612
 Administration provisions reorganized: SB 5712
 Antiharassment protection orders, jurisdiction: ***HB 1296, CH 196 (2005)**, SB 5435
 Bench warrants, bail bond agencies: SB 5541
 Interlocal agreements for services, municipalities: SHB 3082, SB 6023
 Judges, election and appointment provisions: ESB 6342
 Judgments, transfer from municipal court into district court: SHB 1348, SB 5353
 Trial court funding act: SB 5454

MUSIC

Musical instruments, specialized forest products permit for specialty wood harvest or possession: ***SHB 1406, CH 401 (2005)**
 Vehicles sound system equipment, secure attachment: ***EHB 1246, CH 50 (2005)**

NATIONAL GUARD

Activation, governor's powers and duties: HB 1568, ***ESB 5606, CH 9 (2005)**
 Business loan payments and interest accrual, suspension for active duty members: ***SHB 2497, CH 253 (2006)**
 Civil relief act, Washington service members': ***SHB 2173, CH 254 (2005)**, SB 6028
 College and university tuition waivers: SB 6695
 Concealed pistol license, renewal extension for deployed members of armed forces: SB 6878
 Conditional scholarship, provisions: ***SB 6766, CH 71 (2006)**
 Life insurance for active duty members: ESHB 1343, SB 6069
 State route 2, Washington national guard highway: SJM 8015
 Tuition waivers, dependents of members serving overseas in war or conflict: ***SHB 1174, CH 249 (2005)**
 Tuition waivers, eligible members: ***SHB 1174, CH 249 (2005)**, SB 6695

NATURAL RESOURCES

Protection of state's natural resources through comprehensive and integrated resource management policies: SB 6273
 Scenic beauty, forest practice protection of scenic areas for tourism purposes : SB 6276
 Terrorist acts against animal and natural resource facilities, penalties: SB 5314

NATURAL RESOURCES CONSERVATION AREAS

Funding criteria and distribution, property tax provisions: SB 5118

NATURAL RESOURCES, DEPARTMENT

Aquatic lands compensatory mitigation endowment account, single pilot mitigation bank: SB 5273
 Aquatic lands, review of aquatic resources program funding and management : HB 3237
 Aquatic lands, state aquatic reserve system: SB 6068
 Aquatic lands, statutes recodified: ***SHB 1491, CH 155 (2005) PV**, SB 5272
 Exchange of state lands, provisions: SB 6180
 Forest practices, department authority: ESHB 2740
 Geological survey, state survey and state geologists: ***SHB 2384, CH 340 (2006)**, SB 6176
 Habitat and recreation lands coordinating group: SB 6625
 Law enforcement program transfer: SB 5818
 Oil and gas exploration and development, regulatory cost-reimbursement: SB 6177
 Public lands, state granted lands lease program: SB 5537
 Public lands, state granted lands purchase program: SB 5555

Public lands, state granted lands sales program: SB 5817
 State trust lands, authority to contract out management: SB 5816
 State trust lands, review committee recommendations on management of lands: SB 5830
 Surface mining, permit application and performance security requirements: SB 6175
 Tidelands and shorelands, department authority to buy and sell: SB 5271
 Timber land revitalization board, grants and loans: SB 5345, SB 6211

NATUROPATHY

Controlled substances, education and training: ***HB 1546, CH 158 (2005)**, SB 5605
 Minor office procedures, injections of substances: ***HB 1546, CH 158 (2005)**, SB 5605

NEWS MEDIA

Amber alert, civil immunity for broadcasters: ***SB 5453, CH 128 (2005)**
 Broadcasting, noncompetition agreements: SB 5720
 Privilege from compelled testimony for members of news media: SHB 2452, SB 6216
 Public service announcements, restrictions for state officials: SB 6705

NEWSPAPERS (See also NEWS MEDIA)

Child labor law compliance: SB 5696

NOISE

Control, enforcement responsibility: SB 5043
 Off-road vehicles, noise management study and task force: ***ESB 5089, CH 168 (2005)**
 Off-road vehicles, noise restrictions: SB 6687, SB 6688

NONPROFIT CORPORATIONS (See also CORPORATIONS)

Controlling interest transfers, disclosure for real estate excise tax purposes: SB 6061
 Convention and tourism promotion corporations, business and occupation tax deduction: SB 6621
 Convention and tourism promotion corporations, business and occupation tax exemption: ***SHB 2778, CH 310 (2006)**
 Manufacturing services, Washington manufacturing services nonprofit corporation: ***SHB 2726, CH 34 (2006)**, SB 6470

NONPROFIT ORGANIZATIONS (See also CHARITABLE ORGANIZATIONS)

Affordable housing, multiunit residential building construction liability revolving fund program for nonprofit organizations: ***2SHB 3070, CH 262 (2006)**
 Bingo, gambling tax exemption: HB 3285
 Child abuse or neglect, duty of employee or volunteer to report: SHB 1467
 Community health care collaborative grant program: SB 6459
 Community health centers, business and occupation tax deduction for certain nonprofits: ***SB 5857, CH 86 (2005)**
 Cultural and social service capital projects, funding criteria: ***ESHB 1577, CH 160 (2005)**, SB 5827
 DSHS property and facilities transfer to nonprofits who provide services for sensory, physical, or mental handicaps: ***SHB 2759, CH 35 (2006)**, SB 6442
 Low-cost housing for low-income buyers, tax incentives: SB 5183
 Property tax exemption criteria: ***SHB 1510, CH 305 (2006)**, ***SB 6280, CH 319 (2006)**, SB 6370
 Religious organizations, property tax exemption: SB 5819
 Schools and colleges, property tax exemption: ***SHB 2804, CH 226 (2006)**, SB 6564
 Small business incubator program property tax exemption: SHB 1802, SB 5756
 Trail grooming, sales tax exemption for services on state-owned or privately-owned lands: SHB 2646
 Trail maintenance and construction services, tax exemptions: SHB 1975
 Unclaimed personal property, donation to charitable organizations: HB 1145
 Uniform securities act, exemption for transfer by gift to a nonprofit entity: ***HB 2975, CH 220 (2006)**
 Zoological facilities, business and occupation tax exemptions: SHB 2590, SB 6282

NOXIOUS WEED CONTROL BOARD

State agencies' duties and priorities: SB 5155

NUCLEAR POWER

Plants, audits to be conducted by administrative auditor: SB 5292
 Unfinished nuclear power project sites, restoration for electrical generating energy park: SB 5949

NURSES

Advanced registered nurse practitioners, prescriptive authority: ***HB 1479, CH 28 (2005)**, SB 5516
 Central resource center for nursing workforce, licensing surcharge to fund: SHB 1353, SB 5599
 Nursing care quality assurance commission, membership: ***SHB 1075, CH 17 (2005)**, SB 5598
 Overtime hours, mandatory overtime restrictions and exceptions: SB 5368
 Patient safety, disclosure and analysis of adverse events occurring in medical facilities: SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6072, SB 6087
 Prescriptions, legibility requirements: 2E2SHB 1291, SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6087
 Schools, work group to assess services in class I district schools: ESHB 1494, SB 6136

NURSING HOMES (See also LONG-TERM CARE)

Bed tax repealed: SB 5570, ***SB 6368, CH 241 (2006)**
 Dispute resolution process: SB 6809
 Informal review process for deficiencies cited during complaint investigation or surveys: ***SHB 1606, CH 506 (2005) PV**, SB 5649
 Medicaid payment system, insurance component rate allocation: SB 5569, SB 5762, SB 6430, SB 6624
 Medicaid payment system, program trust account: SB 5812
 Medicaid payment system, rate setting: SB 5780, SB 6430
 Personal needs allowance: SB 5758
 Quality assurance committees and information sharing: ***SHB 1569, CH 33 (2005)**, ***EHB 2254, CH 291 (2005)**, SB 5698
 Quality maintenance fee, exemption for mental disease institutions: SHB 1921, SB 5813
 Quality maintenance fee, yearly reduction and expiration: ***ESHB 2314, CH 514 (2005)**, SB 6100
 Staff levels, posting of: SB 6279
 Temporary managers appointed by social services and health department, defense of: ***HB 1364, CH 375 (2005)**, ***SB 5347 (2005) V**
 Video equipment to observe and monitor common areas, use authorized: SB 5965

NUTRITION

Farmers market nutrition programs, funding: SB 5597

OCEAN RESOURCES

Ocean policy review commission: SB 5278

OIL AND GAS (See also FUELS)

Alternative fuels, biofuels advisory committee: ESHB 2738
 Alternative fuels, percentage of biodiesel required in diesel fuel: ESHB 2738, SB 6508
 Alternative fuels, percentage of ethanol required in nondiesel fuel: ESHB 2738, SB 6508
 Conversion of landfill methane gas to useable fuel, tax incentives: SB 6524
 Exploration and development, regulatory cost-reimbursement: SB 6177
 Gas distribution businesses, public utility tax credit: 2SHB 2645, SB 6380
 Liquefied petroleum gas, filling and refilling restrictions and violations: SB 5658
 Liquefied petroleum gas, liability limits: SHB 1159, SB 5657
 Petroleum corporations, monetary penalties on windfall profits: SB 6746
 Petroleum products taxation provisions modified: SB 6088
 Public utility tax provisions, maximum tax rate applied to gross receipts: SB 6250
 Severance and conservation act, taxation of oil and gas production: SB 6748
 Spill prevention and response, oil spill monitoring and oversight council: SB 5432
 Spill prevention and response, rules for adequacy of contingency plans: 2SHB 2593, SB 6244
 Spill prevention and response, shellfish beds: SB 5676
 State-owned refueling stations, information to be provided to legislature: SHB 2437
 Underground petroleum storage tanks, financial assistance grants for underserved rural areas: ***SHB 1823, CH 428 (2005) PV**
 Underground utilities, excavation without notification near transmission pipeline: ***ESHB 1539, CH 448 (2005)**, SB 5456

OPEN PUBLIC MEETINGS

Executive sessions, intercepting or recording communications and conversations: SHB 1648

Special meetings, called by electronic mail: ***HB 1000, CH 273 (2005)**

OPTOMETRY AND OPTOMETRISTS

Licensing requirements: SHB 2341, SB 5535

OREGON

Nonresident income tax freedom act: SJM 8022

ORGANIC FOOD

Washington organic foods commission act: SB 5062

OUTDOOR RECREATION

Ballfields on agricultural lands, growth management regulations: SB 5739, SB 5933

Boater safety education program: SB 5145

Boats, certain activities such as teak surfing prohibited: ***SB 6364, CH 140 (2006)**

Camping resorts, contracts: SB 5002

Growth management, study committee on outdoor recreation: ***EHB 2241, CH 423 (2005)**

Milwaukee cross-state trail, negotiation period extension: SB 6527

Mountains to Sound greenway outdoor recreation projects, funding: SB 6281

Off-road vehicles, statewide data base of trails and parks: SHB 2658

Private lands for public use, charges: SB 5279

Recreational land owners, fees for off-road vehicle parks or facilities: SB 6354

Recreational land owners, liability for off-road vehicle use: SB 6353

State park facilities, sales and use tax to fund: SB 6031

Tourism, nature-based and wildlife viewing: SB 5005

Trail grooming, sales tax exemption for services on state-owned lands: SB 6077

Trail grooming, sales tax exemption for services on state-owned or privately-owned lands: SHB 2646

Trail maintenance and construction services, tax exemptions for nonprofit organizations: SHB 1975

Underwater viewing, promotion: SB 6610

Vehicles operated solely in inaccessible national recreation areas, registration fee exemption: SB 5709

OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR

Off-road vehicles, statewide data base of trails and parks: SHB 2658

OUTSOURCING

Offshore, task force and study: EHCR 4405, ***ESCR 8407 (2005)**

State contract work performed outside the United States prohibited: SB 5777

State contracts, policies to determine if contracts serve the best interest of the state: EHB 2257

PAINTS

Lead-based paint activities, public health education program: SB 5189

PARENTS AND PARENTING

Abortion, parental notification and consent provisions: SB 5821

Child custody, nonparent visitation rights: SB 5996

Child day-care centers and family day-care providers, information regarding: SB 5806

Child's conversations and communications, parental right to monitor: SB 5081

Children born from embryos transferred during assisted reproduction, legal status: SB 6743

Dependency hearings, interests of parents and alleged fathers: SB 5875

Dependency hearings, parent's preference in shelter care placement: SB 5995

Dependency hearings, parental deficiencies and termination of rights: ***SHB 2156, CH 430 (2005)**

Dependency hearings, termination of rights after three or more removals and returns: SB 6007

Dependency hearings, transition services: SB 6007

Determination of parentage: SB 6742

Family counseling pilot program, family preparation program: SB 6664

Family preservation education program: ***ESHB 1252, CH 491 (2005)**

Family reconciliation hearings, public access: HB 1279, SHB 1279

Newborns, additional transfer locations for newborns: SB 6357

Parenting plans, cultural upbringing and religious beliefs: SHB 2979
 Parenting plans, shared parental responsibilities: SB 6270, SB 6888
 Sex offenders, restrictions on visitation rights under parenting plans: SHB 2893
 Women's correctional center, parenting program: SB 5269

PARKING

Commercial parking businesses, regulations: SB 5672
 Infractions, rental car provisions: HB 3111
 Persons with disabilities, marking requirements for parking places: *SHB 1711, CH 390 (2005) PV, SB 5580
 Persons with disabilities, parking privileges for legally blind: SB 6287
 Persons with disabilities, physician assistants allowed to determine eligibility for special parking privilege: SHB 3093
 Persons with disabilities, porphyria: SHB 2389
 State parks, fees: *SHB 2416, CH 141 (2006), SB 6302, SB 6675

PARKING AND BUSINESS IMPROVEMENT AREAS

Administrative costs, tax exemptions: SB 5999
 Transportation services: *SB 6012, CH 178 (2005)

PARKS (See also STATE PARKS)

City and county parks and recreational facilities, funding: SB 5630
 Funding, state parks centennial account: 2SHB 2422
 Park passes, commission authority to deny or revoke: SB 6206
 Skate parks, fees and liability immunity: SHB 1643, SB 5511
 Skate, helmets in public parks: SB 5116
 Unneeded park land, disposal: SB 6205

PARKS AND RECREATION COMMISSION

Background checks for certain job and volunteer applicants: *SHB 1313, CH 373 (2005), SB 5389
 Basic parkland access, fees: SB 5091
 Boater safety education program: SB 5145
 Habitat and recreation lands coordinating group: SB 6625
 License plates, state parks and recreation commission: SB 5316
 Park passes, commission authority to deny or revoke: SB 6206
 Park rangers, powers and duties: SB 5336
 Park rangers, task force on state public recreational lands and public safety: *ESHB 1799, CH 408 (2005) PV
 Private lands for public use, charges: SB 5279
 Trail grooming, sales tax exemption for services on state-owned lands: SB 6077
 Trail grooming, sales tax exemption for services on state-owned or privately-owned lands: SHB 2646
 Unneeded park land, disposal: SB 6205

PARTNERSHIPS

Controlling interest transfers, disclosure for real estate excise tax purposes: SB 6061
 Limited liability companies, campaign contributions: HB 2551

PAYMENT AGREEMENTS

Public facilities districts defined as local government: *HB 1487, CH 154 (2005)

PEACE CORPS

School employees, leaves of absence: SB 5020
 State employees, right of return to employment: 2ESB 6010

PEDESTRIANS

Crosswalks, growth management comprehensive plans: SB 5421

PERSONAL PROPERTY

Chattel liens: SB 5204
 Civil forfeiture action, disposal of property and distribution of proceeds: SB 5260
 Contaminated property, cleanup provisions: SB 6239

Crimes against property, threshold values: SB 5323
 Crimes against, penalties for theft and malicious theft increased: SB 6877
 Distrain of personal property, procedures for judicial orders concerning: SB 6440, SB 6441
 Drug forfeiture action, hazardous waste provisions: ***SHB 1208, CH 191 (2005)**, SB 5770
 Intangible, taxation: SB 6004, SJR 8212
 Self-service storage facilities, lien on and sale of personal property: SB 5844
 Unclaimed, donation to nonprofit charitable organizations: HB 1145

PERSONNEL, DEPARTMENT

Sexual harassment, state agency policies and employee training: SB 5126

PEST CONTROL

Body-gripping traps, furbearer management program and rules for traps and bait: ESB 5319
 Integrated pest management provisions: SB 5388

PESTICIDES

Application, notice to certain entities: SB 6607
 Private applicators, recertification: ***HB 1110, CH 397 (2005)**
 State agencies, notice of application: SB 5388
 Toxics exposure reporting and tracking review panel: SB 5030

PHARMACIES AND PHARMACISTS

Ephedrine, pseudoephedrine, and phenylpropanolamine, photo ID for sales and purchase: ***ESHB 2266, CH 388 (2005)**, SB 5123
 Ephedrine, pseudoephedrine, and phenylpropanolamine, sale restrictions: ***ESHB 2266, CH 388 (2005)**, SB 5123
 Hepatitis C drug prescriptions, limitation on preferred drug substitution: SB 5838
 Insurance, open pharmacy networks: SB 5628
 Nonresident Canadian pharmacies, department of health licensing: ***2SHB 1168, CH 275 (2005)**
 Nonresident Canadian pharmacies, state board of pharmacy authority: ***2SHB 1168, CH 275 (2005)**
 Pharmaceutical manufacturer marketing activities and gift disclosure: SB 5149
 Precursor drugs, sale records and restrictions: SB 5123
 Prescriptions, legibility requirements: 2E2SHB 1291, SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6087

PHARMACY, BOARD

Licensing of Canadian wholesalers: SB 6020
 Nonresident Canadian pharmacies, board authority: ***2SHB 1168, CH 275 (2005)**
 Waiver to FDA for importation from Canadian wholesalers: 2SHB 1316, SB 5470

PHYSICAL THERAPISTS

Licensing and standards: ***SHB 1137, CH 501 (2005)**, SB 5248

PHYSICIAN ASSISTANTS

Disability for special parking privileges, physician assistants allowed to determine: SHB 3093
 Emergencies or disasters, immunity from liability for voluntary service: SB 6902

PHYSICIANS

Application requirements for licensing: SB 6820
 Business and occupation tax credits for serving uninsured, medicare, and medicaid patients: SHB 2292, ***2SHB 2292, CH 8 (2006)**
 Clinical information technologies, business and occupation tax credit: SB 5392
 Nerve conduction tests and needle electromyography: SB 6011
 Patient safety, disclosure and analysis of adverse events occurring in medical facilities: SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6072, SB 6087
 Physician-owned specialty hospitals, moratorium on licenses: SB 5178
 Prescriptions, legibility requirements: 2E2SHB 1291, SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6087
 Stem cell research and human cloning, regulations: SB 5594
 Stem cell research and human cloning, regulations and advisory committee: EHB 1268

Uninsured and medicaid and medicare patients, business and occupation tax credits for services: SHB 2292, ***2SHB 2292, CH 8 (2006)**

Uninsured and medicaid patients, economic incentives and administrative streamlining: SB 5703

PILOTAGE COMMISSIONERS, BOARD

Training program, funding: SB 6870

PILOTS, MARITIME

Licensing qualifications and procedures, applicant training program: SB 5150

Port pilotage services, liability limits Grays Harbor pilotage district: SB 5207

PLATS

Land use permit applications, vesting rights in land use actions: SB 6350

PLUMBERS

Display of licenses and certificates: SB 6862

Domestic well water systems, installation and maintenance: SB 6225

HVAC/R mechanics and contractors, regulations integrated into plumbers provisions: SB 6772

POET LAUREATE

State poet laureate: SCR 8403

POISONING PREVENTION

Lead-based paint activities, public health education program: SB 5189

POLICE (See also LAW ENFORCEMENT; LAW ENFORCEMENT OFFICERS)

Abandonment of duties during state of emergency, discharge: SB 6137

Applicants, prehire screening: ***HB 1081, CH 434 (2005)**

Automatic fingerprint identification system: SB 5157

Firearms training certificate for retired officers: ***ESHB 2951, CH 40 (2006)**

Identity theft, reports to be given to victims: SB 5939

Sound and video recordings, provisions: ***SHB 2876, CH 38 (2006)**, SB 6547

Tribal police officers, certification: ***HB 2367, CH 22 (2006)**, SB 6404

Vehicle accidents involving officers, accountability: SB 5507

POLITICAL PARTIES

Advertising, mailed advertising must be filed with secretary of state to be archived: SB 5408

Campaign finance disclosure exceptions, candidates in political subdivisions: SB 6323

Campaigns for local government offices, public funding: SB 5367, SB 6221

Campaigns, contribution limits: SHB 1226, ***3SHB 1226, CH 348 (2006)**

Campaigns, contribution monetary threshold for filing requirements: SB 6739

Campaigns, contribution provisions for county and local candidates: SB 6739

Campaigns, contributions made by out-of-state entities: ESB 6522

Campaigns, electioneering communications reports: SHB 1144, SB 5034

Campaigns, funding disclosure and restrictions: SHB 1144, SB 5034

Campaigns, small political subdivision candidate disclosure requirements: SHB 2846

Candidates, filing with secretary of state or county auditor: ***SHB 1132, CH 221 (2005)**

Candidates, time frame for soliciting or accepting contributions: SB 6798

Primaries, costs of partisan primaries to be borne by political parties: SB 6131

Public disclosure violations and penalties: HB 1143, HB 2358, SB 5033, ***ESB 6152, CH 315 (2006)**

Surplus funds, disposal of: SB 5140, SB 5679

POLLUTION CONTROL HEARINGS BOARD

Appeals, threshold for short board appeals: ***HB 1838, CH 34 (2005)**, SB 5808

PORT DISTRICTS (See also SPECIAL DISTRICTS)

Commercial waterway district, authority to lease land purchased from: SB 5585

Economic development, interlocal agreements with counties: SB 5791

Maritime pilot services, liability limits for Grays Harbor pilotage district: SB 5207

Ocean-going containers, heavy haul industrial highway corridors for trucks hauling within port district property: ***SHB 1181, CH 311 (2005)**, SB 5200
 Regional transportation planning organization executive board, membership: HB 1248, ***ESB 5110, CH 334 (2005)**
 Wastewater projects, bidding for insurance coverage: ESHB 1127

PREGNANCY

Agencies providing care for expectant mothers, license application process: SB 5294, SB 5296
 Agencies providing care for expectant mothers, unique identifying number: SB 5295
 Cancer, notice of breast cancer risks related to abortion: SB 5820
 Children born from embryos transferred during assisted reproduction, legal status: SB 6743
 Contraception, access to Plan B: SJM 8032
 Dissolution decrees, denial of due to pregnancy: ***SHB 1171, CH 55 (2005)**
 Medical assistance for children and pregnant women: ***E2SHB 1441, CH 279 (2005) PV**
 Opiate treatment programs, information regarding health risks: HB 2115, ***SB 5974, CH 70 (2005)**
 Postpartum depression, public information campaign: ***SB 5898, CH 347 (2005)**
 Vaccines, mercury-containing: SB 5305

PRISONS AND PRISONERS

American citizenship and civil rights, education program: SB 6488
 Chaplains, institutional: SB 6253
 Children of incarcerated parents, interagency plan and oversight committee: ***SHB 1426, CH 403 (2005)**, SB 5407
 Correctional medical facilities, disclosure and analysis of adverse events: SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6072, SB 6087
 Corrections officers, certification: SB 5320
 Felons, insurance coverage protection: SB 5529
 Fugitives, web site for information about: SHB 1344
 General obligation bonds, correctional facilities: ***ESHB 3316, CH 167 (2006)**, SB 6898
 Incarceration costs, limits on costs charged to offenders: ***SB 5461, CH 263 (2005)**
 Legal financial obligations, conversion to community restitution: SB 6492
 Legal financial obligations, discharge prior to completing payment: SB 5339, SB 6313
 Legal financial obligations, interest rate: 2SHB 1359, SB 5611
 McNeil Island, expenditures for works of art prohibited: SB 5795
 Offender property, transport costs: ***HB 2282, CH 382 (2005)**, SB 6080
 Overcrowding and operating capacity maximum, offender population reduction: SB 5915
 Transfer and travel to or from another state, interstate compact provisions: ***ESHB 1402, CH 400 (2005)**, SB 5375
 Weapons, inmates in possession of: SB 5242
 Women's correctional center, parenting program: SB 5269

PRIVACY (See also PRIVILEGED COMMUNICATIONS)

Address confidentiality program, provisions: HB 3057, SB 6653
 Breaches of security that compromise personal information stored on computers, disclosure: SB 6043
 Cell phone numbers, protections: ***SHB 1185, CH 322 (2005)**
 Child's conversations and communications, parental right to monitor: SB 5081
 Computer spyware regulations: ***ESHB 1012, CH 500 (2005)**
 County auditors, privacy protections when instruments are presented for recording: ***HB 1385, CH 134 (2005)**, SB 5459
 Crime prevention and privacy compact: SB 6719
 Domestic violence information shared in advocacy or counseling services, privacy protection: ***ESHB 2848, CH 259 (2006)**
 Health care information act, consistency with health insurance privacy regulation: SB 5158
 Identification documents, nongovernmental entity may only electronically read identification documents: SB 6822
 Individual home care providers, personal information protections: SB 5800
 Motor vehicle owners' addresses, disclosure: ***SB 5321, CH 340 (2005)**
 Office of privacy protection, personal information protection: SB 5327
 Public employees, personal information protections: ***SHB 1694, CH 284 (2005)**, SB 5132
 Social security numbers, businesses must state that the request for a number is not mandatory: SB 6890
 USA patriot act: SJM 8020

PRIVILEGED COMMUNICATIONS (See also PRIVACY)

Fire fighters and peer support groups: ***HB 2366, CH 202 (2006)**

News media, privilege from compelled testimony: SHB 2452, SB 6216

Sexual assault advocates, provisions: ***HB 2454, CH 30 (2006)**, SB 6479

Spouses, criminal conspiracy exception: SB 5133

PROBATE (See also ESTATES; WILLS)

Guardianship, bond requirements: SB 5187

Guardianship, voting rights of person under: ***SHB 1876, CH 236 (2005)**

Trust and estate management procedures and requirements: ***HB 1125, CH 97 (2005)**, SB 5055

Uniform transfer of minors act, threshold age of minors: ***HB 2380, CH 204 (2006)**

Wills, disposal of nonprobate assets under will: ***HB 2379, CH 203 (2006)**

Wills, specifically devised property distribution: SB 6053

PROFESSIONAL EDUCATOR STANDARDS BOARD

Deaf, certification endorsement for teachers of the deaf: ***SHB 1893, CH 493 (2005)**

Powers, duties, and membership revisions: SB 5072, SB 5732

Preparation programs, rule authority and standards: ***2SHB 2212, CH 461 (2005)**, SB 5983

Professional certification, rule authority and standards: ***2SHB 2212, CH 461 (2005)**, SB 5983

PROFITEERING

Check cashers and sellers, extortionate extension of credit: SB 5481, SB 5540

PROSTITUTION

Diversion agreements, assessments: SB 5243

Travel agents, promotion of travel for prostitution prohibited: SB 6642, ***SB 6731, CH 250 (2006)**

PSYCHOLOGISTS

Medicaid enrollees, mental health providers authorized to provide services: SB 5919

Mental health professionals and crisis outreach workers, safety measures to protect: 2SHB 2912

PUBLIC ASSISTANCE (See also MEDICAID)

Child care, unique identifying number for each child eligible for state-subsidized: SB 5297

Fraud investigations, cooperation with law enforcement: SB 5293

Income definition, housing assistance or vouchers for military personnel or veterans: SB 6336

Medical assistance, children and pregnant women: ***E2SHB 1441, CH 279 (2005) PV**

Medical assistance, children exempt from copremiums: SB 5703

Medical assistance, cost-sharing repealed: ***SHB 2376, CH 24 (2006)**

Medical assistance, eligibility reverified annually: SB 5703

Medical assistance, evidence-based medical principles to develop performance measures: ***SHB 1512, CH 446 (2005)**, SB 5390

Medical assistance, exemption from independent review determinations: SB 5681

Medical assistance, health care directives information: SB 5815

Medical assistance, payment for services provided by rural hospitals: ***SHB 2289, CH 383 (2005)**

Medical assistance, recovery of debts owed to department of social and health services: ***SHB 2304, CH 292 (2005)**, SB 6095

Medical assistance, report on employment status of recipients: ***SHB 1486 (2005) V, *ESHB 3079, CH 264 (2006) PV**

Medical assistance, report on recipients' employment status : SB 6759

Medical assistance, taxes and assessments on prepayments: ***HB 1690, CH 405 (2005)**

TANF, applicant with drug-related felony conviction: SB 5213

TANF, financial literacy information: HB 3157

TANF, working connections child care: SB 6629

WorkFirst, applicant with drug-related felony conviction: SB 5213

WorkFirst, child safety net program: SB 6628

WorkFirst, financial literacy included in work activity provisions: ***SHB 2394, CH 107 (2006)**, SB 6305

WorkFirst, parenting provisions : SB 6224

WorkFirst, vocational education as qualified work activity: SB 5578

PUBLIC DEFENDER SERVICES

Public defenders, personal information privacy: SB 5654

PUBLIC DEFENSE, OFFICE

Advisory committee, member may serve as appellate judge on a pro tem basis: ***HB 2028, CH 111 (2005)**, SB 5928

Dependency and termination legal representation, director to oversee and monitor: SB 5903

Funding for city and county indigent defense services, grant program: ***2SHB 1542, CH 157 (2005)**, SB 5531

PUBLIC DEPOSITARIES

Higher education endowment grant funds, deposit outside the state: ***SHB 2225, CH 203 (2005)**

PUBLIC DISCLOSURE (See also CAMPAIGNS)

Breaches of security that compromise personal information stored on computers, disclosure: SB 6043

Campaign finance disclosure exceptions, candidates in political subdivisions: SB 6323

Campaigns, contribution limits: SHB 1226, ***3SHB 1226, CH 348 (2006)**

Campaigns, drop-in inspections of accounts: ***HB 1130, CH 184 (2005)**

Campaigns, electioneering communications reports: SHB 1144, SB 5034

Campaigns, funding disclosure and restrictions: SHB 1144, SB 5034

Campaigns, small political subdivision candidate disclosure requirements: SHB 2846

Horse racing licenses, application information exemption: SHB 2071, SB 5951

Hospital-acquired infections, reporting provisions: E2SHB 1015

Individual home care providers, personal information protections: SB 5800

Livestock, exemption for voluntary identification information: ***ESHB 2651, CH 75 (2006)**, SB 6854

Motor vehicle owners' addresses, disclosure: ***SB 5321, CH 340 (2005)**

Native American cultural resources information, exemption: ***SB 6429, CH 86 (2006)**

Position statements in files of agency request legislation or rules: SB 5156

Prescription drugs, human clinical trial results: SB 5985

Public records act, disclosure: ***SHB 1133, CH 274 (2005)**

Real estate excise taxes, disclosure: ***HB 1315, CH 326 (2005)**

Sensitive fish and wildlife data, requirements: HB 2331, SB 6158

Sex offender information, certain information exempt from disclosure: SB 5643

Sex offender information, model policy for disclosure of: SB 6320

Technical corrections to public disclosure law: ***HB 2520, CH 209 (2006)**

Union dues, labor organization prohibited from using for political purposes: SB 5711

Unions, disclosure of public sector unions' finances: SB 6756

Violations and penalties for campaign finance, political advertising, and lobbyists: HB 1143, HB 2358, SB 5033, ***ESB 6152, CH 315 (2006)**

PUBLIC EMPLOYEES' BENEFITS BOARD

Health care directives information: SB 5815

Health care insurance, tricare supplemental: ***SB 5391, CH 46 (2005)**

Health savings account option: ***EHB 1383, CH 299 (2006)**, SB 5202

Health savings accounts and high deductible plan options: SB 6130

Local government retired employees, health benefits: SB 5781

PUBLIC EMPLOYEES' RETIREMENT SYSTEM (See also RETIREMENT AND PENSIONS)

Additional service credit, one time purchase: ***HB 2690, CH 214 (2006)**, SB 6457

Allowances, irrevocable elections: SB 5866

Contribution rates: ***HB 2681, CH 365 (2006)**, SB 5246, SB 6452

Gain-sharing provisions, replacement: SB 6795

Interruptive military service credit: ***HB 1325, CH 64 (2005)**, SB 5261

Judges, optional benefits: ***SHB 2691, CH 189 (2006)**, SB 6455

Military service credit: ***SHB 1938, CH 247 (2005)**, SB 5521

Optional membership and distributions of allowances: SB 6456

Plan 1 and 2, emergency medical technicians may transfer to LEOFFRS plan 2: ***SHB 1936, CH 459 (2005)**, SB 5900

Plan 1 and 3, funding of unfunded actuarial accrued liability: SB 6847

Plan 1, age and retirement requirements for receipt of annual increase amount : SB 6454

Plan 1, funding of unfunded actuarial accrued liability: SB 6085, SB 6451, SB 6896
 Plan 1, one thousand dollar minimum monthly benefit: HB 2687, ***SB 6453, CH 244 (2006)**
 Plan 1, postretirement employment restrictions: SHB 2689, SB 5286, SB 5792, SB 6448
 Plan 1, unfunded liabilities stabilization accounts: SB 6893
 Plan 2 and 3, unreduced benefits: SB 6445
 Plan 2, insurance plans and contracts for separated members: SB 5520
 Plan 3, vesting after five years: SHB 1320, ***SHB 2684, CH 33 (2006)**, SB 5517, SB 6450
 Postretirement employment sixty percent cap: SB 6127
 Public employment, military service, and retirement act: SB 5877
 Rehire restrictions: SHB 1326, SB 5244
 Service credit lost due to injury, purchase of: ***SB 5522, CH 363 (2005)**
 State director of fire protection allowed to refuse membership: SB 6873
 Terminally ill members allowed to remove themselves from plan: SHB 1634, SB 5497

PUBLIC FACILITIES DISTRICTS (See also SPECIAL DISTRICTS)

Freight mobility strategic multimodal account created: EHB 2889, SB 6601
 Payment agreements: ***HB 1487, CH 154 (2005)**
 Reimbursement by property owners for street, road, and water or sewer projects: ***EHB 3192, CH 88 (2006)**
 Sales and use tax credit, extension: SHB 2447, SB 6230
 Sales tax for new regional center, conditions: SB 5363

PUBLIC FUNDS AND ACCOUNTS

2006 Seahawks championship account: SB 6892
 Aquatic invasive species enforcement account: SB 5699
 Aquatic invasive species prevention account: SB 5699
 Aquatic lands compensatory mitigation endowment account: SB 5273
 Aquatic sustaining investment account: SB 5271
 Bond retirement accounts, elimination of obsolete accounts: SB 6027
 Business and professions account: ***SHB 1394, CH 25 (2005)**, SB 5365
 Campaigns for local government offices, public funding: SB 5367, SB 6221
 Citizen councilor revolving fund: SB 5346
 City-county assistance account: SB 6050
 Columbia river basin water supply development account: ***E2SHB 2860, CH 6 (2006)**
 Columbia river water mainstream account: SB 5120
 Commemorative works account: ***HB 1007, CH 16 (2005)**, SB 5252
 Community and technical colleges capital projects account, interest provisions: HB 1120, SHB 1120, SB 5651
 Conservation assistance revolving account management: ***SHB 1461, CH 30 (2005)**, SB 5009
 Developmental disabilities community trust account: ***SHB 1791, CH 353 (2005)**, SB 5702
 Domestic violence prevention account: ***ESHB 1314, CH 374 (2005)**
 Economic development strategic reserve account: SB 5370
 Economic stability account: SB 6443
 Education legacy trust account: ***ESHB 2314, CH 514 (2005)**
 Education legacy trust account, distributions to: SB 6294
 Education ombudsman account: ***ESHB 3127, CH 116 (2006) PV**
 Emergency management, preparedness, and assistance account: ESB 6433
 Emergency school repair account: SB 5725
 Energy assistance account: SB 6482
 Energy freedom account: ***E3SHB 2939, CH 171 (2006)**
 Entrepreneurial assistance center fund: SB 5641
 Family and medical leave enforcement account: SB 6185
 Farmland preservation account: SHB 1413, SB 5396
 Financial aid, state account: ***SHB 1100, CH 139 (2005)**
 Fish and wildlife enforcement reward account: ***ESHB 1696, CH 406 (2005)**, SB 5683
 Forestry revitalization account: SB 5345
 Foster care endowed scholarship trust fund: ***2SHB 1050, CH 215 (2005) PV**
 Freight mobility strategic investment account: SB 5662

Freight mobility strategic multimodal account created: EHB 2889, SB 6601
Freshwater aquatic algae control account: SB 5699
Fruit and vegetable inspection account, expenditure restrictions: SB 6071
Gambling, problem gambling account: ***ESHB 1031, CH 369 (2005)**, SB 5037
Granted lands lease program account, state: SB 5537
Granted lands purchase program management account, state: SB 5555
Granted lands sales account, state: SB 5817
Granted lands sales management account, state: SB 5817
Growth management infrastructure account: SB 5772
Guaranteed opportunities scholarship account: SB 6744
High-occupancy toll lanes operations account: ***SHB 1179, CH 312 (2005)**, SB 5201
Higher education endowment grant funds, deposit outside the state: ***SHB 2225, CH 203 (2005)**
Historic county courthouse account: SB 5331
Homeless housing account: ***E2SHB 2163, CH 484 (2005) PV**
Hood Canal aquatic rehabilitation account: ***SHB 3282, CH 366 (2006)**
Individual development account program account: ***SHB 1408, CH 402 (2005)**, SB 5469
Invasive species council account: SB 5385
Job development fund: ***ESHB 1903, CH 425 (2005)**
Joint state and local transportation account: SB 6083
Liquor revolving fund, disbursement of moneys: SB 5380
Local development project financing account: SB 6327
Main street trust fund account: ***ESHB 2314, CH 514 (2005)**, SB 5455
Manufactured/mobile home investigations account: ***ESHB 1640, CH 429 (2005)**, SB 5660, SB 6709
Maritime historic restoration and preservation account: SB 5847
Math/science high school scholar diploma scholarship account: SB 6780
Medical flexible spending account: ***HB 1286, CH 143 (2005)**
Metropolitan park district fund, disbursement: HB 2655, SB 6511
Military department capital account: ***HB 1457, CH 252 (2005)**, ***SB 5340 (2005) V**
Military department rental and lease account: ***HB 1457, CH 252 (2005)**, ***SB 5340 (2005) V**
Minor league baseball account: SB 5572
Mortgage lending fraud prosecution account, extension: ***HB 2338, CH 21 (2006)**, SB 6167
Mountains to Sound greenway outdoor recreation project account: SB 6281
National guard life insurance reimbursement account, Washington: SB 6069
Nursing facility medicaid program trust account: SB 5812
Nursing resource center account: SHB 1353, SB 5599
Patient safety account: 2E2SHB 1291, SB 5318, SB 6072
Pavement preservation account: SB 5775
Pension funding stabilization account: SB 6444, SB 6896
Political party and candidate surplus funds, disposal of: SB 5140, SB 5679
Prescription drug consortium account: SHB 1219, SB 5471
Public facilities construction loan revolving account, funding provisions: SB 6560
Public works administration account, administration and prevailing wage program funding: SB 5236
Qualified professions conditional scholarship account: SB 6783
Rainy day reserve fund: SB 6471, SJR 8222
Reading achievement account: ***SHB 2836, CH 120 (2006)**
Real estate excise tax electronic technology account: ***2SHB 1240, CH 480 (2005)**, SB 5281
Real estate research account expiration date: ***HB 1141, CH 185 (2005)**
Reinvesting in youth account: 2SHB 1483, ***4SHB 1483, CH 304 (2006)**, SB 5567
Revenue stabilization fund: SJR 8203, SJR 8217
Riparian protection account: SHB 1413, SB 5396
School bus safety enhancement account: SB 5731
School nurse account: ESHB 1494, SB 6136
Shellfish, biotoxin testing and monitoring funds to carry over: SB 5169
Small employer-purchased health insurance premium assistance account: SB 5861
Special purpose district research services account: SB 5422, SB 6555

State parks centennial account: 2SHB 2422
 Telework enhancement account: SB 5063
 Transportation accounts and revenue distribution, revisions: SB 6839
 Transportation innovative partnership account: ***SHB 1541, CH 317 (2005)**
 Transportation partnership account: SB 6103
 Transportation, joint state and local account: SB 6083
 Veterans innovations program account: ***2SHB 2754, CH 343 (2006)**
 Vocational education account: SB 6863
 Voluntary accounts program principal account, Washington: SB 5544
 Washington rural loan fund provisions: ***HB 1092, CH 94 (2005)**, SB 5086
 Waste tire removal account: ***SHB 2085, CH 354 (2005)**
 Water conservation project revolving fund: SB 6581
 Wildlife account, redirection of moneys to: SB 6866

PUBLIC HEALTH

Autism, caring for Washington children with autism task force: ***SB 5311, CH 259 (2005)**
 Biomonitoring as part of the environmental health tracking program: SB 6513
 Children's environmental health and protection advisory board: SB 5188
 Disaster medical assistance teams: SHB 2539
 Financing joint select committee and review: ***EHCR 4410 (2005)**
 Health disparities, governor's interagency council on: SB 6197
 Health impact assessments: SB 6195
 Hospital-acquired infections, reporting provisions: E2SHB 1015
 Indoor clean air act, smoking exemption for religious ceremonies: SB 6213
 Joint public health financing committee: SB 5715
 Lead-based paint activities, public health education program: SB 5189
 On-site sewage, enhanced certification program for marine areas: SB 5431
 On-site sewage, program implementation plans for marine areas: E2SHB 1458, ***3SHB 1458, CH 18 (2006)**
 Pandemic influenza, preparation and response: SB 6366
 Phosphorus content in dishwashing detergent: ***EHB 2322, CH 223 (2006)**
 Physical activity, promotion of policy and planning measures to increase: SB 5186
 Polybrominated diphenyl ethers, sales of products containing: E2SHB 1488, SB 5515
 Postpartum depression, public information campaign: ***SB 5898, CH 347 (2005)**
 Schools, drinking water quality standards: SB 5029
 Sex education, healthy youth act of 2005: ESHB 1282, SB 5306
 Sexual activity, health information and disease prevention for youth: SB 5068
 Smoking prohibitions, modifications for economic viability of businesses and clubs: SB 6883
 Stem cell research and human cloning, regulations: SB 5594
 Stem cell research and human cloning, regulations and advisory committee: EHB 1268
 Toxics exposure reporting and tracking review panel: SB 5030
 Underground storage tanks, pollution liability insurance agency: ***SHB 2678, CH 276 (2006)**, SB 6207
 Vaccines, mercury-containing: SB 5305
 Water quality joint development act, drinking water and treatment service improvements: SB 5285

PUBLIC HOSPITAL DISTRICTS (See also SPECIAL DISTRICTS)

Contract interests, officers of rural districts: ***SB 5044, CH 114 (2005)**
 Employees serving as commissioners, restrictions: ***SB 6504, CH 322 (2006)**
 Funding, state levies and distribution of proceeds: SB 5700
 Investments, authority: SHB 1341, HJR 4202
 Quality improvement committee, confidentiality: SB 5146

PUBLIC INSTRUCTION, SUPERINTENDENT

Achievers' scholarship program, low-income students: SB 5759
 Assessments, alternative assessment pilots and retake provisions: SB 5638
 Assessments, alternative methods and appeals: E2SHB 2785
 Assessments, career and technical assessment alternative: ***SHB 1987, CH 494 (2005)**

Assessments, pilot project in six districts for reading and mathematics: ***SHB 2414, CH 175 (2006)**
 Assessments, revised plan and locally selected assessments: SB 6532
 Asthma, uniform policy and in-service training: SB 5841
 Board of education, voting rights: HB 1941, SB 5855
 Center for the improvement of student learning: ***ESHB 3127, CH 116 (2006) PV**
 College and career readiness centers, work group and study: SB 6821
 College in high school program: SB 6846
 Community learning center program: SB 6256
 Dropouts, prevention policies: ***SHB 1708, CH 207 (2005) PV**
 Dyslexia reading instruction pilot program and study: SB 5349
 Early childhood education and assistance program: SB 5538
 Early learning, department of: ***2SHB 2964, CH 265 (2006)**, SB 6466
 Educational equity, state policy: SB 5854
 Environmental education, study of: ***EHB 2910, CH 79 (2006)**, SB 6735
 Family preservation education program: ***ESHB 1252, CH 491 (2005)**
 Financing, comprehensive education study steering committee: SB 5441, SB 5603
 Guidance, counseling, and planning programs: SHB 2423
 Internet safety for children, pamphlet to promote: SB 5803
 Interpreters, certification for sign language interpreters: SB 6098
 Juvenile sex and kidnapping offenders in schools, work groups to evaluate issues: SB 6580
 Nursing services in class I district schools, work group to assess: ESHB 1494, SB 6136
 Preschools, voluntary certification and standards: SB 5621
 Sexual orientation, superintendent shall not encourage or promote teaching of : SB 6876
 Staffed residential homes, positive social and educational outcomes for children living in : SB 6884
 Student-centered planning program: SB 6255
 Truancy and dropouts, policies to reduce: ***SHB 1708, CH 207 (2005) PV**, SB 5426

PUBLIC LANDS

Aquatic lands, leases with cities: SB 6535
 Aquatic lands, log and wood sale proceeds to fund Burke memorial museum: SB 5017
 Aquatic lands, natural resources department authority to buy and sell tidelands and shorelands: SB 5271
 Aquatic lands, penalties for causing vessels to be abandoned or derelict : SB 6223
 Aquatic lands, priority for use of state-owned lands by a governmental entity: SB 5959
 Aquatic lands, review of aquatic resources program funding and management : HB 3237
 Aquatic lands, sale of aquacultural products from leased state-owned lands: ***SB 5006, CH 113 (2005)**
 Aquatic lands, single pilot mitigation bank: SB 5273
 Aquatic lands, state aquatic reserve system: SB 6068
 Aquatic lands, statutes recodified: ***SHB 1491, CH 155 (2005) PV**, SB 5272
 Capitol campus, preservation of public and historic facilities: ***SHB 1995, CH 330 (2005)**
 Conservation programs, funding and property tax criteria and distribution: SB 5118
 Exchange of state lands, provisions: SB 6180
 Forest health work group, meeting requirements and expiration date: ***ESB 5179, CH 342 (2006)**
 Forests, future of Washington forests review council: SB 5405
 Habitat and recreation lands coordinating group: SB 6625
 Habitat conservation programs, riparian protection and farmlands preservation accounts: SHB 1413, SB 5396
 Harbor lines, authority to regulate: SB 5007
 Recreational lands, Milwaukee cross-state trail negotiation period extension: SB 6527
 Recreational lands, task force on state public recreational lands and public safety: ***ESHB 1799, CH 408 (2005) PV**
 Specialized forest products, specialty wood for musical instruments or ornamental boxes: ***SHB 1406, CH 401 (2005)**
 State granted lands lease program: SB 5537
 State granted lands purchase program: SB 5555
 State granted lands sales program: SB 5817
 State trust lands, authority to contract out management: SB 5816
 State trust lands, review committee recommendations on management of lands: SB 5830
 Statutes, technical corrections: ***SHB 3085, CH 42 (2006)**, SB 6178
 Trail grooming, sales tax exemption for services on state-owned lands: SB 6077

Trail grooming, sales tax exemption for services on state-owned or privately-owned lands: SHB 2646

PUBLIC LANDS, COMMISSIONER

Aquatic lands, statutes recodified: *SHB 1491, CH 155 (2005) PV, SB 5272

State granted lands lease program: SB 5537

State granted lands purchase program: SB 5555

State granted lands sales program: SB 5817

State trust lands, review committee recommendations on management of: SB 5830

PUBLIC OFFICERS AND EMPLOYEES (See also CAMPAIGNS)

Collective bargaining, compensation and fringe benefit provisions in master agreement: SB 6660

Collective bargaining, union security provision for state employees: SB 6755

Communications from employee or charitable organizations, distribution: *SHB 2898, CH 217 (2006), SB 6645

Conference for statewide elected officials, funding: SB 6245

Disaster recovery task force: SB 6797

Domestic partners, retirement benefits: SB 6218

Employee return-to-work program, employees called to active duty: SHB 2527

Flights, state officers and employees allowed to fly free under certain conditions: SB 6128

Health care, coverage for dependent children: SB 6186

Health care, savings account option: *EHB 1383, CH 299 (2006), SB 5202

Health care, savings accounts and high deductible plan options: SB 6130

Leave, shared leave for declared emergencies: HB 3073

Oath of office, Declaration of Independence: SB 6032

Opinions, state employees authorized to express professional opinions: SB 6782

Payroll deductions, voluntary employee contributions to labor or employee organizations: *SHB 2780, CH 216 (2006), SB 6643

Peace corps volunteers, right of return to employment: 2ESB 6010

Personal information, protections: *SHB 1694, CH 284 (2005), SB 5132

Public disclosure violations and penalties: HB 1143, HB 2358, SB 5033, *ESB 6152, CH 315 (2006)

Public service announcements, restrictions: SB 6705

Raffles, charitable donations: HB 1944, SHB 1944

Retirement, domestic partners: SB 6218

Retirement, rehire restrictions: SHB 1326, SB 5244

Sexual harassment policies and training programs: SB 5126

Sick leave, employee pools: *SB 6059, CH 356 (2006)

Sick leave, remuneration at time of separation or dismissal: SB 5784

State treasurer, nonpartisan office: SB 5889

Supervisor defined for public employment purposes: ESB 5510

Union dues, payroll deductions: SB 6644

Unions, disclosure of public sector unions' finances: SB 6756

Volunteer fire fighters, position in elective or appointed office: *HB 2606, CH 211 (2006)

Worksite health promotion program: SB 5751, SB 6363

PUBLIC POLICY, INSTITUTE

Minimum wage, study: SB 5551, SB 6734

PUBLIC SAFETY EMPLOYEES' RETIREMENT SYSTEM

Additional service credit, one time purchase: *HB 2690, CH 214 (2006), SB 6457

Contribution rates: *HB 2681, CH 365 (2006), SB 6452

General provisions, changes: *ESHB 2685, CH 309 (2006), SB 6449

PUBLIC TRANSIT (See also BUSES)

Fare cards for transportation facilities and services, unclaimed property act exemption: *ESHB 1703, CH 285 (2005), SB 5576

Light and power businesses, tax credit for contributions made to special needs transportation fund: SB 6779

Magnetic levitation transportation funding: EHB 1429, SHJM 4003, SB 6707

Office of transit mobility and regional mobility steering committee: *SHB 2124, CH 318 (2005)

Public utility taxes, fees and charges for transit services exempted from taxes: ***SB 6826, CH 336 (2006)**
 Regional transit authorities, provisions modified: SB 6872
 Regional transit authorities, sales and use tax does not apply to bus or rail combined agreements: SB 5623
 Regional transit authorities, special fuel tax exemption: SHB 2591
 Regional transportation governance, regional transportation commission: ***ESHB 2871, CH 311 (2006)**
 Transportation innovative partnerships act: ***SHB 1541, CH 317 (2005)**

PUBLIC UTILITY DISTRICTS (See also SPECIAL DISTRICTS)

Electrical appliance repair service: SB 5348
 Light and power businesses, tax credit for contributions made to special needs transportation fund: SB 6779
 Public transit services, fees and charges exempted from taxes: ***SB 6826, CH 336 (2006)**
 Water services, tax exemptions: SB 6146, SB 6369

PUBLIC WATER SUPPLY SYSTEMS (See also WATER COMPANIES)

Pump installer licensing requirements: SB 5766
 Tax exemptions for services provided by small water system: SB 6146, SB 6369
 Water quality joint development act, drinking water and treatment service improvements: SB 5285

PUBLIC WORKS

Administration account, administration and prevailing wage program funding: SB 5236
 Alternative contracting procedure, additional contracts for general administration department: SB 5250
 Alternative contracting procedure, public body definition: SB 5768
 Alternative contracting procedures, study: ***ESHB 1830, CH 377 (2005)**
 Apprenticeship utilization: SB 5097
 Apprenticeship utilization for public works projects, transportation department: SHB 3003, SB 6480
 Bids, cancellation process: SB 6509
 Biodiesel requirements in public contracts: SB 6514
 Building or construction contracts, wrap-up insurance policies: SB 5384, SB 6022
 Higher education construction projects, threshold for bid requirements: HB 3106, SB 6754
 Legislative approval for projects: SB 6045
 Population threshold for counties and cities eligible to use design-build procedure: SB 6845
 Population threshold for counties eligible to use design-build procedure: SB 6770
 Projects, authorization and funding: ***HB 1049, CH 8 (2005)**, SHB 2337, ***HB 2544, CH 273 (2006)**, SB 5036, SB 6150, SB 6210
 School district demonstration projects, number of projects allowed: ***SHB 3024, CH 261 (2006)**, SB 6682
 Small works roster, bond and retainage requirements waiver: SB 5249
 Transportation projects, design-build process: ***HB 2874, CH 37 (2006)**, SB 6525
 Wastewater treatment and conveyance system projects, wrap-up insurance policies: SB 6022
 Whistleblowers, protection and discrimination provisions for contractors who hold contracts with the state: SHB 3180

PUBLIC WORKS BOARD

Projects, authorization and funding: ***HB 1049, CH 8 (2005)**, SHB 2337, ***HB 2544, CH 273 (2006)**, SB 5036, SB 6150, SB 6210
 Projects, legislative approval: SB 6045

PUGET SOUND

Conservation and recovery partnership and management plan: SB 5895
 General obligation bonds, Puget Sound rehabilitation: ***ESHB 3316, CH 167 (2006)**
 Marine mammal protection act, section 5: ***HJM 4031 (2006)**
 On-site sewage, program implementation plans for marine areas: E2SHB 1458, ***3SHB 1458, CH 18 (2006)**
 Regional transportation governance, central Puget Sound transportation commission: SB 6089, SB 6599
 Regional transportation governance, regional transportation commission: ***ESHB 2871, CH 311 (2006)**

PUGET SOUND ACTION TEAM

Conservation and recovery partnership and management plan: SB 5895
 Hood Canal, on-site sewage grant program: EHB 2105
 Hood Canal, on-site sewage treatment system inventory and assessment: SHB 2086

RADIATION

Military members, uranium exposure treatment services and study: SB 6732

Radioactive substances used for medical purposes or industrial processes, transport and storage: SB 5357, SB 5445

RADIO (See also NEWS MEDIA)

Work group to study volunteer amateur radio emergency communications: SB 6477

RAILROADS

Inspections of hazardous materials, utilities and transportation commission authority: SB 5106

Short line rail revitalization program: SB 5652

Train speeds, federal law preemption: SB 6679

RAINIER STATE SCHOOL

Agricultural lands, cognizance and control transferred to social and health services department: HB 1587, SB 5680

REAL ESTATE AND REAL PROPERTY (See also EMINENT DOMAIN; TAXES - EXCISE TAX; TAXES - PROPERTY TAX)

Seller's disclosure, unimproved real property zoned for residential use: SB 6728

Actions lowering property value, compensation from counties: SB 5671

Adverse possession, provisions: SB 6310

Appraisers, trainee classification: ***SB 5274, CH 339 (2005)**

Assessments, reduction for property with land use limitations due to government activity: SB 5548

Assessments, value to reflect annual inflationary and deflationary changes: SJR 8219

Construction contractors, display of licenses and certificates: SB 6862

Contaminated properties, cleanup of hazardous chemicals used to manufacture illegal drugs: SB 6239

Crimes against property, threshold values: SB 5323

Discrimination based on lawful source of income: SB 5917

Excise tax, automated system to process: ***2SHB 1240, CH 480 (2005)**, SB 5281

Historical property, tax exemption for municipal corporation property: SB 5154

Home inspectors, registration program: SB 6229

Homeowner protections and residential contractor requirements: SB 5773, SB 6740

Homeowners' insurance, adverse underwriting decision restrictions: HB 1779

Military relocation orders, excise tax exemption for home sales resulting from : SHB 2439

Mortgage brokers and loan originators, provisions : ***EHB 2340, CH 19 (2006)**, SB 6166

Mortgage lending fraud prosecution account, extension: ***HB 2338, CH 21 (2006)**, SB 6167

Multiunit residential buildings, inspections and construction defect dispute resolutions: ***EHB 1848, CH 456 (2005)**

Natural disasters, tax abatements for property destroyed by: ***SHB 1502, CH 56 (2005)**, SB 5026

Open space plan and public benefit rating system, voluntary buffers and native vegetation: SB 5620

Property inspection and placement program, applicable to all counties: HB 2453

Purchase and sale agreements, earnest money: ***SHB 1699, CH 186 (2005)**

Real estate research account expiration date: ***HB 1141, CH 185 (2005)**

Recreation, charges for public use of private lands: SB 5279

Reimbursement by property owners for street, road, and water or sewer projects: ***EHB 3192, CH 88 (2006)**

Residential homeowners, limits for liens against: SB 5239

Seller's disclosure statement, public facilities and services: SB 6267

Seller's disclosure, notice to prospective buyer when property is located near a farm: ***SHB 2723, CH 77 (2006)**, ***ESB 5962, CH 511 (2005)**, SB 6494

SEPA, exemption for residential structures of ten or fewer dwellings within urban growth areas: SB 5661

Uniform environmental covenants act: SB 6517

Valuation, base years: SJR 8218

RECORDINGS

Sound and video recordings by law enforcement officers, provisions: ***SHB 2876, CH 38 (2006)**

RECORDS

Alarm system company records provided to law enforcement agencies, public inspection exemption: SB 6260

Authentication of documents, seals and electronic transmission: ***HB 1471, CH 198 (2006)**

Breaches of security that compromise personal information stored on computers, disclosure: SB 6043
 County auditors, privacy protections when instruments are presented for recording: ***HB 1385, CH 134 (2005)**, SB 5459
 Crime victims, notice to prosecutors when victims' records are sought: SB 6691
 Historical documents, county auditors' recording surcharge increase: ***HB 1386, CH 442 (2005)**, SB 5458
 Identification documents, nongovernmental entity may only electronically read identification documents: SB 6822
 Position statements in files of agency request legislation or rules: SB 5156
 Public records act: ***SHB 1133, CH 274 (2005)**
 Public records, agency liaison to assist public with disclosure requests: ***2SHB 1758, CH 483 (2005)**, SB 5735
 Public records, attorney general to develop model rule on access and request assistance: ***2SHB 1758, CH 483 (2005)**, SB 5735
 Public records, division of archives and records management: SB 6668
 Public records, preservation and destruction provisions: SB 6668
 Public records, requests which are deemed overboard: ***2SHB 1758, CH 483 (2005)**, SB 5735
 Public records, state library services to preserve publications: ***SHB 2155, CH 199 (2006)**, SB 6005

RECREATIONAL VEHICLES

Appurtenances, width limits: SB 5463
 Motorist information signs, RV logos: SB 5013
 Off-road vehicles on nonhighway roads: ***EHB 1003, CH 213 (2005) PV**
 Off-road vehicles, city and county roads: ***HB 2617, CH 212 (2006)**
 Off-road vehicles, funding for education and enforcement activities: SB 6355
 Off-road vehicles, liability for recreational landowners: SB 6353
 Off-road vehicles, noise management study and task force: ***ESB 5089, CH 168 (2005)**
 Off-road vehicles, noise restrictions: SB 6355, SB 6687, SB 6688
 Off-road vehicles, statewide data base of trails and parks: SHB 2658
 Off-road vehicles, use in small cities: SB 6650
 Off-road vehicles, work group for access to public and private lands: SB 6355
 Recreational land owners, fees for off-road vehicle parks or facilities: SB 6354
 Shows, regulations for recreational vehicle shows: ***ESHB 2056, CH 364 (2006)**
 Small trailer fees: SB 5138, SB 5162
 Trailer hitches, unused hitch hazard study: SB 6013
 Vehicle combinations, motor vehicle and travel trailer and boat trailer: SB 5067

RECYCLING

Electronic products: SB 6428
 Transporter restrictions and violations: SHB 1817, SB 5788

REFRIGERATION AND AIR CONDITIONING

HVAC/R mechanics and contractors, regulations integrated into plumbers provisions: SB 6772

REGIONAL TRANSPORTATION INVESTMENT DISTRICTS

Motor vehicle surcharge: SB 5885, SB 6089, SB 6204
 Regional transportation governance, central Puget Sound transportation commission: SB 6089, SB 6599
 Regional transportation governance, regional transportation commission: ***ESHB 2871, CH 311 (2006)**
 Toll-related facilities, operation and maintenance: SB 5885, SB 6089

REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS

Commute trip reduction program, revisions: ESHB 3089
 Executive board membership, port district members: HB 1248, ***ESB 5110, CH 334 (2005)**
 Federal surface transportation program enhancement funds, allocations: SB 6339
 Regional transportation governance, regional transportation commission: ***ESHB 2871, CH 311 (2006)**

REGULATORY ASSISTANCE, OFFICE

Fin fish aquaculture programmatic permitting group: SB 5787

REGULATORY REFORM

Rule-making process, city and county participation: SB 6266
 Small business regulatory flexibility act: SB 5920

RELIGION

Chaplains, state institutions: SB 6253
 Parenting plans, cultural upbringing and religious beliefs: SHB 2979
 Property tax exemption for religious organizations: SB 5819
 Smoking in public places, exemption to initiative 901 for religious ceremonies: SB 6213
 Unemployment insurance exemption: SB 6895

RENAL DISEASE

Glomerular filtration rate when testing for serum creatinine levels: SB 6677
 Kidney care quality improvement act: ***HJM 4023 (2006)**, SJM 8025

RENT

Assistance program for low-income persons: SB 6044
 Eviction, tenants involved in criminal activity: SB 5905
 Late payment of tenant's rent, limits on fees: SB 6227
 Mold in residential dwellings, disclosure information: ***ESB 5049, CH 465 (2005)**
 Multiple-unit housing rehabilitation, tenant relocation assistance: ***SB 5713, CH 80 (2005)**
 Relocation assistance from landlords who fail to provide safe and sanitary housing: SB 5577
 Utility liens against rental property, protection for landlords when tenants' payment is delinquent: SB 6818
 Utility service charges of tenants must be paid by tenant: SB 6819

RESEARCH AND DEVELOPMENT

Blood-drawing procedures by research staff in homes of study participants, certification exemption: SB 6690
 High technology business and occupation tax credit: ***ESHB 2314, CH 514 (2005)**, SB 5639, SB 5673, SB 5697, SB 6774
 Life sciences discovery fund authority: SB 5581
 Royalties on copyrights and patents, business and occupation tax exemption: SB 5640
 State university research, ethical transfer of technology: ***SHB 1806, CH 106 (2005)**, SB 5811
 Stem cell research and human cloning, regulations: SB 5594
 Stem cell research and human cloning, regulations and advisory committee: EHB 1268

RETAIL INSTALLMENT SALES (See also CREDIT CARDS)

Motor vehicle purchases, provisions: SHB 2863, SB 6570

RETIREMENT AND PENSIONS (See also LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM; PUBLIC EMPLOYEES' RETIREMENT SYSTEM; TEACHERS)

Collective bargaining for supplemental insurance, state employees: SB 6702
 Contribution rates: SB 5246
 Domestic partners, retirement benefits: SB 6218
 Funding methodology, revisions: ***ESHB 1044, CH 370 (2005)**, SB 6101
 Gain-sharing adjustments: SB 6101
 Gain-sharing provisions: SB 5246
 Interruptive military service credit: ***HB 1325, CH 64 (2005)**, SB 5261
 Judges, provisions: SB 6655
 Pension funding council, certain duties transferred to state actuary: SB 6079
 Pension funding stabilization account: SB 6444, SB 6896
 Public employment, military service, and retirement act: SB 5877
 Rehire restrictions: SHB 1326, SB 5244
 Select committee on pension policy, executive committee membership: ***HB 1323, CH 24 (2005)**, SB 5193
 Technical corrections, RCW: ***HB 1330, CH 327 (2005)**, SB 5245
 Voluntary accounts program for private sector employers and all workers: SB 5544

RETIREMENT SYSTEMS, DEPARTMENT

Organization of department, revisions: SB 6792

REVENUE, DEPARTMENT

County assessor property tax annual report: SB 5299
 Excise tax administration revisions: SB 5904

Intangible personal property, taxation: SB 6004, SJR 8212
 Local infrastructure financing tool demonstration program: ***E2SHB 2673, CH 181 (2006) PV**
 Property tax statute clarifications: SB 5845
 Real estate excise tax, portion of proceeds to be dedicated to general fund: ***HB 2170, CH 486 (2005)**
 Real estate excise taxes, disclosure: ***HB 1315, CH 326 (2005)**
 Streamlined sales and use tax agreements, conforming tax structure to agreements: SB 5908, SB 6594
 Streamlined sales and use tax agreements, conforming tax structure to portions not implemented: SB 5622
 Tax application and administration simplified: SB 6237
 Tax expenditure report, biennial budget documents: HB 1096
 Tax incentive programs, streamlining provisions: SB 6764
 Tax incentives enacted during 2003-05 biennium, consistency improvements: SB 5863
 Water rights, real estate excise tax procedures for transfers: SB 5027

REVISED CODE OF WASHINGTON

Administrative office of the courts, statute references updated: ***HB 1668, CH 282 (2005) PV**
 Aquatic lands, statutes recodified: ***SHB 1491, CH 155 (2005) PV**, SB 5272
 Election laws, technical changes: ***HB 2477, CH 206 (2006)**, SB 6235
 Insurance statutes, general revisions: ***HB 2406, CH 25 (2006)**
 Mental health services for minors, RCW 74.34 subchapter headings: HB 1082
 Public disclosure law, technical corrections: ***HB 2520, CH 209 (2006)**
 Public lands statutes, technical corrections: ***SHB 3085, CH 42 (2006)**, SB 6178
 Retirement and pensions, technical corrections: ***HB 1330, CH 327 (2005)**, SB 5245
 Session law publication: HB 2375, ***SB 6208, CH 46 (2006)**
 Tax references, repeal of outdated and unused references: ***SHB 1299, CH 443 (2005)**
 Technical correction, RCW 46.87: ***HB 1259, CH 194 (2005)**, SB 5265

RIVERS

Gravel in waterways, removal of: SB 6047
 Methow valley river basin, Twin Lakes restoration pilot project: SB 5203

ROADS AND HIGHWAYS (See also TRAFFIC; TRAFFIC OFFENSES)

Automated traffic safety cameras, regulations: SB 5060, SB 6526
 Automated traffic safety cameras, use on arterial highways: SB 6238
 Crosswalks, growth management comprehensive plans: SB 5421
 Dairy nutrients, vehicle weight limits for transporting: ***SHB 1117, CH 96 (2005) PV**
 Day labor construction projects, exemption for projects and publications in certain counties: SB 6649
 Freedom Bridge, Berkeley Street crossing renamed: SJM 8024
 Funding, fuel taxes and vehicle weight fees: SB 6103
 Growth management, infrastructure account: SB 5772
 HOV lanes, toll lane feasibility evaluation of Interstate 450 and state route 520: SB 6017
 HOV lanes, toll lane pilot project on state route 167: ***SHB 1179, CH 312 (2005)**, SB 5201
 HOV lanes, vehicle towing trailer prohibited: SB 6725
 Lake Washington bridge, county taxes to fund viaduct project: SB 6040
 Local funding, local option transportation taxes and motor vehicle fee: SB 6103
 Local funding, street utility program and motor vehicle and road improvement fees: SB 6016
 Motorcycles, limits on posting of hazardous road conditions due to construction or maintenance: HB 2765, ***SB 6762, CH 331 (2006)**
 Motorcycles, navigation around traffic in certain circumstances: SB 6663
 Motorist information signs, RV logos: SB 5013
 Motorists information signs, icons and pictograms: ***SHB 1090, CH 19 (2005)**, SB 5394
 Motorists information signs, installation and maintenance costs recovery: ***SHB 1798, CH 407 (2005)**, SB 5822
 Ocean-going containers, heavy haul industrial highway corridors for trucks hauling within port district property: ***SHB 1181, CH 311 (2005)**, SB 5200
 Off-road vehicles on nonhighway roads: ***EBH 1003, CH 213 (2005) PV**
 Off-road vehicles, city and county roads: ***HB 2617, CH 212 (2006)**
 Oversized vehicles, special permit restrictions during peak commute periods: SB 6398

Pedestrians and bicyclists, vehicle restrictions for passing: ***HB 1108, CH 396 (2005)**
 Regional transportation improvement authorities, certain counties authorized to create: ESHB 2157
 Roadside tire chain business: SB 6528
 Sales and use tax exemptions for road, highway, or bridge construction: ESHB 1865, SB 6640
 Securing a load, penalties for failure to: ***HB 2612, CH 268 (2006)**, SB 6341
 Securing loads, requirements: SB 6387
 Signs, banners, and decorations over highways: ***HB 1124, CH 398 (2005)**
 Small cities and towns, financial assistance for streets: SB 5775
 Solicitation of contributions or employment on highways: SB 5503, SB 6312
 State route 169, highway of statewide significance: ***HB 3266, CH 83 (2006)**
 State route 2, Washington national guard highway: SJM 8015
 State route 290, alignment modification: ***SB 5356, CH 14 (2005)**
 State route 99, William P. Stewart memorial highway: SJM 8013
 Tacoma Narrows bridge project sales and use tax exemptions: ESHB 1865
 Tolling, authority and provisions: SB 5139
 Tolling, Tacoma Narrows bridge citizen advisory committee: ***HB 1864, CH 329 (2005)**
 Tolling, Tacoma Narrows bridge toll discount study: HB 1947
 Transportation funding, toll charges and fuel tax increases for joint state and local projects: SB 6083
 Transportation innovative partnerships act: ***SHB 1541, CH 317 (2005)**
 Transportation safety improvement funding, automobile insurance fee: SB 6726
 Unattended vehicles, east of crest of Cascade Mountains exemption: SB 6251
 Urban arterial program, revisions: SB 6162

RURAL DEVELOPMENT

Seeds, tax exemptions for facilities used in conditioning of vegetable seeds: ***SHB 1523, CH 142 (2006)**
 Tax incentives, consistency improvements: SB 5863

RURAL HEALTH

Medical assistance, payment for services provided by rural hospitals: ***SHB 2289, CH 383 (2005)**

SALMON (See also FISH AND WILDLIFE, DEPARTMENT; FISHING, COMMERCIAL; FISHING, RECREATIONAL)

Anadromous fish predators: SJM 8027
 Canned salmon, excise tax relief for processing: HB 2580
 County conservation futures, salmon restoration: ***ESHB 1631, CH 449 (2005)**
 Habitat conservation programs, riparian protection and farmlands preservation accounts: SHB 1413, SB 5396
 Recovery funding board, grant and loan conditions: SB 5914
 Recovery funding board, veterans conservation corps program: SB 5539
 Recovery, forum on monitoring salmon recovery and watershed health: SB 5610
 Recovery, lower Columbia river: ***ESB 5355, CH 308 (2005)**
 Wenatchi band of Indians, limited ceremonial and subsistence fishery: SB 5934

SCHOLARSHIPS

Achievers' scholarship program, low-income students: SB 5759
 Foster care endowed scholarship program: ***2SHB 1050, CH 215 (2005) PV**
 Guaranteed opportunities scholarship program: SB 6744
 Hispanic American endowed scholarship program: SB 5021
 Math/science scholar high school diploma and scholarship: SB 6780
 Promise, academic eligibility: SB 5075
 Promise, border county higher education opportunity project: SB 5001
 Promise, funding: SB 6811
 Qualified professions conditional scholarship for math, science, and engineering: SB 6783

SCHOOLS AND SCHOOL DISTRICTS (See also EDUCATIONAL SERVICE DISTRICTS; KINDERGARTENS, NURSERY SCHOOLS, AND PRESCHOOLS; TEACHERS)

Academic achievement and accountability commission, abolished and duties transferred: SB 5072, SB 5732
 Academic progress, certificate of: SB 6435

Achievers' scholarship program, low-income students: SB 5759
 Appeals, time limitation and provisions: SB 6805
 Apple award, elementary school achievement recognition and grant: ***EHB 1998, CH 495 (2005)**
 Applicants for employment, information from out-of-state employers: SB 5552
 Apprenticeship opportunities and placement, centers of excellence: ***2SHB 2789, CH 161 (2006)**, SB 6483
 Assault of a teacher, penalties: SB 6222
 Assault of school personnel, penalties: SB 6259
 Assessments, alternate assessment pilots and retake provisions: SB 5638
 Assessments, alternative methods and appeals: E2SHB 2785, SB 6475
 Assessments, career and technical assessment alternative: ***SHB 1987, CH 494 (2005)**
 Assessments, civics: ***EHB 2579, CH 113 (2006)**, SB 6468
 Assessments, norm-referenced: ***EHB 1068, CH 217 (2005)**, SB 5071
 Assessments, notice to parents regarding questions and results: E2SHB 2489
 Assessments, options: SB 6618
 Assessments, pilot project in six districts for reading and mathematics: ***SHB 2414, CH 175 (2006)**
 Assessments, revised plan and locally selected assessments: SB 6532
 Assessments, score reporting: SB 5359
 Assessments, study of options: ESHB 2998
 Assessments, weighted multiple measures approach: SB 6461
 Asthma, uniform policy and in-service training: SB 5841
 At-risk youth, educators authorized to request family reconciliation services: SB 5460
 At-risk youth, prevention quality council: SB 5047
 Background checks, provisions: SB 6718
 Bidding requirements for supplies and buildings: ***SHB 1719, CH 286 (2005)**, SB 5524, SB 5704
 Bilingual and special education teachers, demonstration project to recruit classified public school employees: SB 6171
 Bonds and levies, simple majority of voters voting: SB 5144
 Breakfast programs: ***HB 1771, CH 287 (2005)**
 Bureau of Indian affairs-funded schools, records checks for employees and applicants: SHB 2946, SB 6657
 Buses, bid process: ***HB 1485, CH 492 (2005)**
 Buses, seat belts: SB 5731
 Career and technical high school courses, course equivalencies: ***SHB 2973, CH 114 (2006) PV**, SB 6437
 Center for the improvement of student learning: ***ESHB 3127, CH 116 (2006) PV**
 Certificate of academic progress: SB 6435
 Chinese and Spanish language instruction, requirements: SB 6899
 Chinese and Spanish language instruction, study: SB 6815
 Civics assessments: ***EHB 2579, CH 113 (2006)**, SB 6468
 Civics courses: SB 6343
 Classroom size reduction, additional cigarette tax to fund Initiative 728: ***ESHB 2314, CH 514 (2005)**
 Collective bargaining, bargaining units and fragmentation: ***HB 1432, CH 232 (2005)**, SB 5705
 College and career readiness centers, work group and study: SB 6821
 College in high school program: SB 5076, SB 5843, SB 6846
 Community learning center program: SB 6256
 Community protection zones, housing restriction for released sex offenders: ***SHB 1147, CH 436 (2005)**
 Controlled substances, illegal activities near schools: SB 5258
 Cyberbullying, harassment prevention policies: SB 5849
 Deaf and hard of hearing, certification for sign language interpreters: SB 6098, SB 6605, ***ESB 6606, CH 68 (2006)**
 Diesel fuel, budget allocations: SB 6297
 Digital learning programs: ESHB 1633
 Digital or online learning programs: SB 5828
 Discipline, model policy and training standards regarding the use of force: SB 6001
 District boards of directors, compensation: SB 5302
 District organization, petition and hearing for transfer of territory between districts: SB 6002
 Drinking water quality standards: SB 5029
 Dropouts, prevention policies: ***SHB 1708, CH 207 (2005) PV**
 Dyslexia reading instruction pilot program and study: SB 5349

Early childhood education and assistance program: SB 5538
 Early intervention services for children with disabilities: ***SHB 1107, CH 269 (2006)**, SB 5141
 Early learning, department of: ***2SHB 2964, CH 265 (2006)**, SB 6466
 Education advisory committee: ***ESHB 3127, CH 116 (2006) PV**
 Education legacy trust account, distributions to: SB 6294
 Education ombudsman: ***ESHB 3127, CH 116 (2006) PV**
 Educational associated staff, years of service: SB 5757
 Educational equity, state policy: SB 5854
 Educational interpreters, sign language translation for deaf and hard of hearing students: SB 6605, ***ESB 6606, CH 68 (2006)**
 Emergency school repair account: SB 5725
 Employees' retirement, additional service credit one time purchase: ***HB 2690, CH 214 (2006)**, SB 6457
 Employees' retirement, contribution rates: ***HB 2681, CH 365 (2006)**, SB 5246, SB 6452
 Employees' retirement, insurance plans and contracts for separated plan 2 members: SB 5520
 Employees' retirement, interruptive military service credit: ***HB 1325, CH 64 (2005)**, SB 5261
 Employees' retirement, military service credit: SB 5521
 Employees' retirement, optional membership and distributions of allowances: SB 6456
 Employees' retirement, plan 1 funding of unfunded actuarial accrued liability: SB 6896
 Employees' retirement, plan 2 and 3 unreduced benefits: SB 6445
 Employees' retirement, plan 3 unfunded actuarial accrued liability: SB 6847
 Employees' retirement, plan 3 vesting after five years: SHB 1320, ***SHB 2684, CH 33 (2006)**, SB 5517, SB 6450
 Employees' retirement, replacement of gain-sharing provisions: SB 6795
 Employees' retirement, terminally ill members allowed to remove themselves from plan: SHB 1634, SB 5497
 Employees, collective bargaining unit fragmentation: ***HB 1432, CH 232 (2005)**, SB 5705
 Employees, notice regarding sex offense conviction or guilty plea: ***HB 2058, CH 237 (2005)**
 Employees, possession of pornography on school grounds: SB 5677
 Environmental education, study of: ***EHB 2910, CH 79 (2006)**, SB 6735
 Equitable opportunity for all, joint select committee and study: HCR 4411, SB 5938
 Facilities, green building programs and LEED silver standards: SB 5509
 Facilities, growth management essential public facilities requirements: SHB 1169
 False academic credentials, penalties: SB 6487
 Family preservation education program: ***ESHB 1252, CH 491 (2005)**
 Family reconciliation services, educators authorized to request: SB 5460
 Financial literacy education: SB 6219
 Financing, comprehensive education study steering committee: SB 5441, SB 5603
 Financing, K-12 education finance study and executive committee: SB 5191
 Firearms, deferred prosecution for juvenile offender charged with possessing a firearm at a school: HB 2825
 First aid class requirement, study: SB 6790
 Funding, state income tax: SB 6074
 Graduation requirements, certificate of academic achievement eliminated: SB 6620
 Graduation requirements, weighted multiple measures approach: SB 6461
 Graduation, assistance for students at risk to not graduate: E2SHB 2489
 Guaranteed opportunities scholarship program: SB 6744
 Guidance, counseling, and planning programs: SHB 2423
 Health information and disease prevention, sexual activity: SB 5068
 High school completion programs: E2SHB 2582
 High school graduation requirements: ESHB 2706
 High school transcripts, WASL scores eliminated: SHB 2733
 Hunting, restrictions on hunting near schools: SB 6616
 Initiative 728, additional cigarette tax to fund student achievement account: ***ESHB 2314, CH 514 (2005)**
 Inmate work programs, schools may purchase goods from class II programs: SB 5631
 Interpreters, certification for sign language interpreters: SB 6098
 Juvenile sex and kidnapping offenders in schools, work groups to evaluate issues: SB 6580
 K-12 education finance study and executive committee: SB 5191
 Kidnappers, offender registration and school enrollment requirements: ***HB 2101, CH 380 (2005)**

Learning assistance program, distribution formula: ***HB 1066, CH 489 (2005)**
 Learns steering committee, study to include classified school employees: HB 3028, SB 6706
 Legislative youth advisory council, established: ***SB 5254, CH 355 (2005)**
 Legislative youth advisory council, extension: SB 6536
 Levies and bonds, simple majority of voters voting: SHJR 4205, SJR 8202
 Levies, increased maximum for financial emergencies: SB 5958
 Levies, levy base calendar: SB 6438
 Levies, levy base calendar for increases: ***SHB 2812, CH 119 (2006)**
 Levies, voter-approved regular levies for cost-of-living salary supplements: E2SHB 1484, E3SHB 1484, SB 5786
 Master plan for education - prekindergarten through university, interim study work group: SCR 8402
 Mathematics, math/science scholar high school diploma and scholarship: SB 6780
 Mathematics, qualified professions conditional scholarship for math, science, and engineering: SB 6783
 Mathematics, teach math-science program: SHB 2989, SB 6639
 Meningococcal immunization information: ***SHB 1463, CH 404 (2005) PV**
 No child left behind act, funding: SJM 8011
 Nonprofit schools and colleges, property tax exemption: ***SHB 2804, CH 226 (2006)**, SB 6564
 Nurses, work group to assess services in class I district schools: ESHB 1494, SB 6136
 Organ donation awareness education: ESHB 2842
 Peace corps volunteers, leaves of absence: SB 5020
 Physical activity, policies to promote: SB 5186
 Preschools and kindergartens, licensing and regulations: SB 5805
 Promise scholarship, academic eligibility: SB 5075
 Promotion and retention of students, policies: SB 6472
 Public works demonstration projects, number of projects allowed: ***SHB 3024, CH 261 (2006)**, SB 6682
 Pupil transportation, state formula for funding allocations: SB 6198
 Qualified professions conditional scholarship for math, science, and engineering: SB 6783
 Reading achievement account: ***SHB 2836, CH 120 (2006)**
 Real estate excise tax, portion of proceeds to be dedicated to general fund: ***HB 2170, CH 486 (2005)**
 Remedial postsecondary education, districts must provide or pay for costs: SB 6489
 Running start, certificate of academic achievement: SB 5360
 Running start, home-based students exempted from federal accountability reporting: SB 5289
 Running start, public tribal colleges: HB 1399, ***SHB 1708, CH 207 (2005) PV**
 Safety, comprehensive safe school plans: SB 6747
 Safety, information sharing with juvenile justice and care agencies: SB 5171
 Scholarships, math/science scholar high school diploma and scholarship: SB 6780
 Scholarships, qualified professions conditional scholarship for math, science, and engineering: SB 6783
 Science, math/science scholar high school diploma and scholarship: SB 6780
 Science, qualified professions conditional scholarship for math, science, and engineering: SB 6783
 Science, teach math-science program: SHB 2989, SB 6639
 Secondary education, joint select committee and study: ***HCR 4408 (2005)**
 Sex education, 2005 guidelines for sexual health information and disease prevention: ESHB 1282, SB 5306
 Sex education, abstinence education and comprehensive sex education: SB 5478
 Sex education, healthy youth act of 2005: ESHB 1282, SB 5306
 Sex offender, offender registration and school enrollment requirements: ***HB 2101, CH 380 (2005)**
 Sexual misconduct, employees' letters of recommendation must disclose: SB 5797
 Sexual orientation, superintendent shall not encourage or promote teaching of : SB 6876
 Small districts, exemption from certain laws and rules: SB 6147
 Spanish and Chinese language instructions, requirements: SB 6899
 Spanish and Chinese language instructions, study: SB 6815
 Special education ombudsman: SB 6641
 Speech-language pathologists and audiologists, educational staff associate licensing requirements: ***SB 5358, CH 45 (2005)**
 Staffed residential homes, positive social and educational outcomes for children living in : SB 6884
 Student courts, jurisdiction: ***SB 5809, CH 73 (2005)**
 Student-centered planning program: SB 6255

Students, access to information regarding: SB 6681
 Students, access to student records: SB 6681
 Students, policies for retention and promotion of: SB 6472
 Students, vision exams for students diagnosed with learning disabilities: ***SHB 1951, CH 379 (2005)**, SB 5897
 Substitute teachers and substitute educational aides, contracts : ***SHB 2446, CH 121 (2006)**, SB 6149
 Teach math-science program: SHB 2989, SB 6639
 Teacher retention in small and rural districts, study: HB 3215
 Teachers, ability to teach students with learning differences: SB 5664
 Teachers, appeals time limitations and provisions: SB 6805
 Teachers, certification rule authority and standards: ***2SHB 2212, CH 461 (2005)**, SB 5983
 Teachers, educational credits used for salary increases: SB 5634
 Teachers, housing allowances: SB 5932
 Teachers, notice regarding sex offense conviction or guilty plea: ***HB 2058, CH 237 (2005)**
 Teachers, payment of costs for background checks: SB 5568
 Teachers, possession of pornography on school grounds: SB 5677
 Teachers, preparation program rule authority and standards: ***2SHB 2212, CH 461 (2005)**, SB 5983
 Teachers, salary bonus for maintaining national board standards certification: SB 6184
 Teachers, salary bonus for teachers in high market demand jobs: SB 6311
 Teachers, zero interest loans to obtain national board certification: SB 6272
 Technical and career high school courses, course equivalencies: ***SHB 2973, CH 114 (2006) PV**, SB 6437
 Transfer of territory between districts, petition for: SB 6002
 Transportation services for students, state formula for funding allocations: SB 6198
 Tribal history and culture curriculum: ***SHB 1495, CH 205 (2005)**, SB 5655
 Truancy and dropouts, policies to reduce: ***SHB 1708, CH 207 (2005) PV**, SB 5426
 Vision exams, students diagnosed with learning disabilities: ***SHB 1951, CH 379 (2005)**, SB 5897
 Voting process education: SB 5668
 WASL, score reporting: SB 5359
 Weapons in schools, violations and penalties: HB 2825, SB 6258
 World War II oral history project transferred to department of veterans affairs: HB 3078
 World War II oral history project, women's contribution to war effort: HB 1592, ***SB 5563, CH 75 (2005)**

SCIENCE

Academy of sciences: ***ESB 5381, CH 305 (2005)**
 Applied baccalaureate degree pilot projects for degrees in applied science and technology: ***E2SHB 1794, CH 258 (2005)**, SB 5867
 Independent forest and fish science panel: SB 6274
 Life sciences discovery fund authority: SB 5581
 Life sciences, joint legislative task force on: SB 6867
 Math and science technology student employees, tax credits for employers: SB 6293
 Teach math-science program: SHB 2989, SB 6639

SEARCH AND RESCUE

Dogs, penalties for interference: ***SB 5979, CH 212 (2005)**

SEARCH AND SEIZURE

Civil forfeiture action, disposal of property and distribution of proceeds: SB 5260
 Labor and industries safety and health inspections, consent from owner and superior court warrants: ***SHB 2538, CH 31 (2006)**, SB 6263

SEATTLE

Lake Washington bridge, county taxes to fund viaduct project: SB 6040

SECRETARY OF STATE

Archives and records management, division: SB 6668
 Candidates, filing: ***SHB 1132, CH 221 (2005)**
 Controlling interest transfers, disclosure for real estate excise tax purposes: SB 6061
 Elections, free access system toll-free telephone number and web site for provisional voters: SB 6075

Elections, primary dates and procedures: ESHB 2027, SB 5927
 Manual of election laws and rules: ***SB 5564, CH 244 (2005)**
 Nonpartisan office, election procedures: SB 5122
 Political advertising, mailed advertising must be filed with secretary of state to be archived: SB 5408
 Public records, denial of records requests which are deemed overboard: ***2SHB 1758, CH 483 (2005)**, SB 5735
 Voting rights and felons, provisions relating to: SB 6651

SECURITY GUARDS AND FIRMS

Alarm system companies, licensing requirements: SB 6296
 Guest services or crowd management employees, exemption from security guard regulations: SB 6257
 Training requirements: EHB 1849, SB 6214

SECURITY INTERESTS

Uniform securities act: SB 6593

SEEDS

Conditioning of vegetable seeds, tax exemptions for construction of facilities: SB 5543

SELF-SERVICE STORAGE FACILITIES

Lien on and sale of personal property: SB 5844

SENIOR CITIZENS

Combination fishing licenses, free of charge: SB 5427
 Farmers market nutrition programs, funding: SB 5597
 Property tax exemptions: SB 5361, ***SB 6338, CH 62 (2006)**
 State parks golden age pass: SB 6582

SENTENCING (See also CRIMINAL PROCEDURE)

Academic credentials, penalties for false credentials: SB 6487
 Advisory sentence ranges for aggravated offenses: SB 5476
 Aggravated first degree murder, victim fourteen or younger: SB 6758
 Alford pleas, special sex offender sentencing alternative: ***HB 3252, CH 133 (2006)**
 Animal cruelty, conditions defining and penalties for: ***SHB 1304, CH 481 (2005)**, SB 5352, SB 5532
 Animal fighting, penalties: ***SB 6568, CH 287 (2006)**
 Animals, sexual contact with: SB 6417
 Assault of a teacher, penalties: SB 6222
 Assault of child in second degree with sexual motivation, two-strike list: SB 6406
 Assault weapons, penalties for manufacture and possession: SB 5475
 Assaulting a peace officer with a stun gun, penalties: ***SHB 1934, CH 458 (2005)**
 Auto theft, penalties: SB 5807, SB 6491
 Cell phones, unauthorized sale of numbers: SB 6776
 Child molestation in first degree and rape of child in first degree, penalties: SB 6153
 Children and vulnerable adults, special verdicts for persons committing crimes against: ***HB 3277, CH 122 (2006)**
 Children, criminal trespass against children by sex offenders: SB 6775
 Children, penalties increased for sex offenses against: ***HB 3277, CH 122 (2006)**
 Computer crimes, soliciting or requesting personally identifying information: ***E2SHB 1888, CH 378 (2005)**
 Deadly weapons, sentence range enhancements: SB 5041
 Death penalty, abolished: SB 6067
 Dependent persons, penalties for mistreatment or abandonment: ***ESHB 1080, CH 228 (2006)**
 Depictions of a minor engaged in sexually explicit conduct, penalties increased: SB 6407
 Disorderly conduct, fighting near a funeral home or procession: SHB 3293
 Drug offender special sentencing alternative, study: SB 6239
 Drug offenders, alternative sentencing provisions: SB 6864
 Drug offenders, judicially supervised substance abuse treatment: ***E2SHB 2015, CH 460 (2005)**
 Drug paraphernalia, display and distribution: SB 6505
 DUI, penalties increased: ***HB 3317, CH 73 (2006)**, SB 5562, SB 6900
 DUI, repeat offenses: SB 5283

Earned release, city and county jail time: SB 5282
 Electronic mail fraud, soliciting or requesting personally identifying information: ***E2SHB 1888, CH 378 (2005)**
 Exceptional sentences for aggravated offenses: ***SB 5477, CH 68 (2005)**
 Exceptional sentences, notice to offender regarding possibility: SB 6496
 Executive sessions, intercepting or recording communications and conversations: SHB 1648
 False sex offender community notification bulletin, penalties: SHB 3238
 Felony offenses, range revisions: SB 6497
 Felony offenses, seriousness level for selected unranked felonies: SB 6495
 Firearms, .50 caliber BMG rifles banned: SB 5593
 Firearms, leaving a firearm where a child is likely to gain access: SB 5342
 Firearms, restoration of right to possess: SB 5635
 Firearms, sentence range enhancements: SB 5041
 Fraudulent transfer of a motor vehicle, penalties: SB 6676
 Harassment, third violation of antiharassment order penalized as class C felony: SB 5209
 Homicide by abuse, penalties: SB 5956
 Identity theft categorized as a crime against persons: ***HB 1966, CH 271 (2006)**
 Incarceration costs, limits on costs charged to offenders: ***SB 5461, CH 263 (2005)**
 Indecent liberties, penalties: SB 5224, SB 6105
 Indecent liberties, victim is person with developmental disabilities: SB 6882
 Inmates in possession of weapons, penalties: SB 5242
 Internet gambling, penalties: SB 5878, SB 6613
 Jessica Lunsford act, sex offense penalties enhanced: SB 6389
 Juvenile offenders, mandatory minimum sentences when tried as adults: ***EHB 1187, CH 437 (2005)**
 Juvenile sentencing alternatives: ***SHB 2073, CH 508 (2005)**, SB 5502
 Legal financial obligations, conversion to community restitution: SB 6492
 Legal financial obligations, discharge prior to completing payment: SB 5339, SB 6313
 Legal financial obligations, interest rate: 2SHB 1359, SB 5611
 Malicious theft, penalties increased: SB 6877
 Methamphetamine, penalties for manufacturing: SB 5480
 Mitigating circumstances for departures from guidelines, additional: SB 6490
 Most serious offenses, out-of-state conviction with sentence of ten years or more: SB 6829
 Most serious offenses, robbery 2 removed from list: SB 5284
 Motor vehicle theft, penalties: SB 5807, SB 6491
 Motor vehicles, fraudulent transfer: SB 6676
 Murder, aggravated multiple murder cases: SB 5504
 Organized retail theft, crime guidelines: ***HB 2704, CH 277 (2006)**, SB 6554
 Persistent offenders, release restrictions: SB 5760
 Property, threshold values for crimes against: SB 5323
 Prostitution, assessments in diversion agreements: SB 5243
 Rape in the second degree, victim is person with developmental disabilities: SB 6882
 Rape of child in first degree and child molestation in first degree, penalties: SB 6153
 Risk assessments, misdemeanors and gross misdemeanors: SB 5256
 Risk assessments, written justification when reducing category: SB 5429
 Robbery in the first degree, financial institutions: SB 6801
 Sex offenders, sentencing and disposition alternatives: SB 6409
 Sex offenses, abuse of supervisory position to obtain consent of a minor: SB 5309
 Sex offenses, penalties increased for offenses against children and vulnerable adults: ***HB 3277, CH 122 (2006)**†
 Sex offenses, penalties strengthened: SB 6172, SB 6314, SB 6315, SB 6389
 Sex offenses, possession of depictions of minor engaged in sexually explicit conduct: SB 6465
 Sex offenses, sexually violent predator included in definition of first degree murder: SB 6154
 Sex offenses, special sex offender sentencing alternative conditions: SB 6321, SB 6669
 Sex offenses, special sex offender sentencing and Alford pleas: ***HB 3252, CH 133 (2006)**†
 Sexual motivation, enhancements for crimes committed with : SB 6460
 Sexually violent offenders, petition for conditional release to less restrictive alternative: ***SB 5582, CH 344 (2005)**
 Special sex offender alternative sentencing, study: SB 6834

Special sex offender sentencing alternative, Alford pleas: ***HB 3252, CH 133 (2006)**
 Stun guns, assaulting a peace officer with a stun gun: ***SHB 1934, CH 458 (2005)**
 Stun guns, penalties for sale or possession of projectile stun guns: SB 5574
 Theft of livestock, goats: SHB 1398, SB 5290
 Theft, organized retail theft included in crime guidelines: ***HB 2704, CH 277 (2006)**, SB 6554
 Theft, penalties increased: SB 6877
 Transfer and travel of offenders to or from another state, interstate compact provisions: ***ESHB 1402, CH 400 (2005)**, SB 5375
 Travel agents, promotion of travel for prostitution prohibited: SB 6642, ***SB 6731, CH 250 (2006)**
 Weapons in schools, violations and penalties: SB 6258

SEPTIC SYSTEMS, ON-SITE

Hood Canal, on-site sewage grant program: EHB 2105
 Hood Canal, Puget Sound action team inventory and assessment: SHB 2086
 Hood Canal, study of nitrogen contributions: 2SHB 3287
 Marine areas, enhanced on-site sewage system certification program: SB 5431
 Marine areas, on-site sewage program implementation plans: E2SHB 1458, ***3SHB 1458, CH 18 (2006)**

SEWAGE (See also SEPTIC SYSTEMS, ON-SITE; WATER-SEWER DISTRICTS)

Hood Canal, on-site sewage grant program: EHB 2105
 Hood Canal, sewage system extension or expansion in rural areas: SHB 2086
 Reclaimed water permits for private utility companies: ***SHB 1891, CH 59 (2005)**

SEX DISCRIMINATION

Sexual harassment, state agency policies and employee training: SB 5126

SEX OFFENSES AND OFFENDERS

Abuse of supervisory position to obtain consent of a minor: SB 5309
 Alford pleas, special sex offender sentencing alternative: ***HB 3252, CH 133 (2006)**
 Animals, sexual contact with: SB 6417
 Assault of child in second degree with sexual motivation, two-strike list: SB 6406
 Child molestation in first degree and rape of child in first degree, penalties: SB 6153
 Child witnesses in court proceedings, provisions: ***HB 1837, CH 455 (2005)**
 Children and vulnerable adults, special verdicts for persons committing crimes against: ***HB 3277, CH 122 (2006)**
 Children, criminal trespass against children by sex offenders: SB 6775
 Children, penalties increased for offenses against: ***HB 3277, CH 122 (2006)**
 Community protection program workers, background checks: SB 6824
 Community protection program, assessments for risk and/or dangerousness: SB 6630
 Community protection zones, county authority to establish: SB 6832
 Community protection zones, housing restriction for released offenders: ***SHB 1147, CH 436 (2005)**
 Community protection zones, provisions: SB 6410
 Council on mentally ill offenders: SB 6685
 Depictions of a minor engaged in sexually explicit conduct, penalties: SB 6407
 Earned release, city and county jail time: SB 5282
 Electronic monitoring, global positioning system: SB 6322, SB 6476
 Electronic monitoring, requirements: ***SHB 2407, CH 130 (2006)**
 False sex offender community notification bulletin, penalties: SHB 3238
 Jessica Lunsford act, penalties enhanced: SB 6389
 Joint select committee on offenders programs, sentencing, and supervision: SB 6308
 Juvenile offenders in schools, work groups to evaluate issues: SB 6580
 Limitation of actions, personal injury actions: SB 6881
 Long-term care facilities, notification when sex offender placed in facility: SB 6769
 Notification, public libraries: ***HB 1161, CH 99 (2005)**
 Offender information, certain information exempt from disclosure: SB 5643
 Offender information, model policy for disclosure of: SB 6320
 Offender information, procedures for forwarding: HB 2983, ***SB 6576, CH 136 (2006)**
 Parenting plans, restrictions on offender visitation rights: SHB 2893

Penalties, strengthened: SB 6172, SB 6314, SB 6315, SB 6389
 Possession of depictions of minor engaged in sexually explicit conduct, penalties: SB 6465
 Rape of child in first degree and child molestation in first degree, penalties: SB 6153
 Records, electronic storage: ***SHB 1337, CH 227 (2005)**
 Records, fee exemption for law enforcement agencies: ***SHB 2223, CH 202 (2005)**
 Registration, additional requirements for level III offenders: SB 6405
 Registration, homeless offenders: SB 6634
 Registration, kidnappers added to statewide sex offender web site: ***HB 1338, CH 228 (2005)**
 Registration, out-of-state offenders: SB 6144, SB 6405
 Registration, provisions strengthened: SB 6319
 Registration, provisions strengthened for sex offenders and kidnappers: ***HB 2409, CH 126 (2006)**, SB 6319
 Registration, verification that information is accurate: SB 6519
 Residence restrictions and community protection zones: SB 6325
 School employees or teachers, notice regarding conviction or guilty plea: ***HB 2058, CH 237 (2005)**
 Schools, offender registration and school enrollment requirements: ***HB 2101, CH 380 (2005)**
 Secure community transition facilities, transportation plans: SB 5130
 Sentencing and disposition alternatives, provisions: SB 6409
 Sentencing, condition for special sex offender alternative: SB 6321, SB 6669
 Sentencing, enhancements for crimes committed with a sexual motivation: SB 6460
 Sexual assault protection orders: ***SHB 2576, CH 138 (2006)**, SB 6478
 Sexually violent offenders, apprehension of conditionally released persons: ***HB 3205, CH 282 (2006)**
 Sexually violent offenders, petition for conditional release to less restrictive alternative: ***SB 5582, CH 344 (2005)**
 Sexually violent predators, definition of aggravated first degree murder: SB 6154
 Sexually violent predators, release provisions: SB 5129
 Special sex offender alternative sentencing, study: SB 6834
 Special sex offender sentencing alternative, Alford pleas: ***HB 3252, CH 133 (2006)**
 Statute of limitations removed for certain offenses against minors: SHB 1453
 Statute of limitations, modifications for felony offenders: HB 2408, SB 6408
 Treatment providers, restrictions for providers who are sex offenders: ***SHB 2654, CH 134 (2006)**

SEXUAL ORIENTATION

Discrimination, human rights commission protections: HB 1515, ***ESHB 2661, CH 4 (2006)**, SB 6019
 Domestic relations, one man and one woman only type considered valid in Washington state: SJR 8210
 Marriage shall be between one man and one woman, legal status and court jurisdiction: SJR 8209, SJR 8210
 Retirement benefits, domestic partners: SB 6218
 Schools, superintendent of public instruction shall not encourage or promote teaching of sexual orientation: SB 6876

SEXUALLY TRANSMITTED DISEASES

Sex education, healthy youth act of 2005: ESHB 1282, SB 5306
 Youth, health information and disease prevention: SB 5068

SHERIFFS

Abandonment of duties during state of emergency, discharge: SB 6137
 Applicants, prehire screening: ***HB 1081, CH 434 (2005)**
 Automatic fingerprint identification system: SB 5157
 Firearms training certificate for retired officers: ***ESHB 2951, CH 40 (2006)**
 Identity theft, reports to be given to victims: SB 5939
 Nonpartisan: SB 5464
 Sex offenders, electronic monitoring with global positioning system: SB 6322
 Sex offenders, forwarding information regarding: HB 2983, ***SB 6576, CH 136 (2006)**
 Sound and video recordings, provisions: ***SHB 2876, CH 38 (2006)**, SB 6547
 Vehicle accidents involving officers, accountability: SB 5507

SHERIFFS AND POLICE CHIEFS, ASSOCIATION OF

Auto theft task force program: SB 5807
 Electronic monitoring system: ***HB 1136, CH 435 (2005) PV**, SB 5166
 Sex offender information, model policy work group: SB 6320

Sex offender records, electronic storage: ***SHB 1337, CH 227 (2005)**
 Statewide registered sex offender web site, kidnappers: ***HB 1338, CH 228 (2005)**
 Victim information and notification system, statewide automated: SB 6502

SHORELINES AND SHORELINE MANAGEMENT

Construction of bridges and trestles over waterways, city and county rights: ***SHB 1657, CH 58 (2005)**, SB 5437
 Master program, interim timeline and full compliance exemption: SB 5251
 State-owned shorelands, natural resources department authority to buy and sell: SB 5271
 State-owned shorelands, state aquatic reserve system: SB 6068

SHORELINES HEARINGS BOARD

Appeals, threshold for short board appeals: ***HB 1838, CH 34 (2005)**, SB 5808

SKAGIT COUNTY

Higher education, funding to provide access to higher education using the university center model: ***SHB 3113, CH 179 (2006)**
 Superior court judges, increase: ***HB 1112, CH 95 (2005)**, SB 5070

SMOKING

Prohibitions, modifications for economic viability of businesses and clubs: SB 6883
 Public places, exemption to initiative 901 for religious ceremonies: SB 6213
 Public places, smoking prohibited: SB 5592
 Public places, smoking within a certain distance of: SB 5114, SB 6667
 Smoking areas, enclosed area or negative air pressure requirements: SB 5909

SNOHOMISH COUNTY

Higher education, funding to provide access to higher education using the university center model: ***SHB 3113, CH 179 (2006)**
 North Snohomish State College: SB 5425

SNOWMOBILES

Registration, requirements: SB 6656
 Vintage, registration fee: ***HB 1739, CH 235 (2005)**

SOCIAL AND HEALTH SERVICES, DEPARTMENT (See also PUBLIC ASSISTANCE)

Adult family homes, infrastructure and services regarding location within communities: SB 6678
 Adult protective services, worker safety provisions: ***HB 3122, CH 95 (2006)**
 Assisted living facility applicants, timely assessment of : SB 6372
 Assisted living medicaid minimum occupancy: ***ESHB 2925, CH 260 (2006)**, SB 6374
 At-risk youth, educators authorized to request family reconciliation services: SB 5460
 Background checks, rules: SHB 2215
 Blue ribbon commission on health care cost and access: SB 6469
 Boarding homes, medicaid payment provisions: SB 6390
 Boarding homes, standards for small boarding homes: ***SHB 1591, CH 505 (2005) PV**
 Care agencies, license application process: SB 5294, SB 5296
 Care agencies, unique identifying number: SB 5295
 Chemical dependency treatment, standard assessment protocols: SB 5891
 Child abuse, unfounded or meritless abuse or neglect report provisions: SB 6331
 Child abuse, family assessment response demonstration program: SB 6841
 Child abuse, handling cases of child abuse co-occurring with domestic violence: SHB 2395
 Child abuse, investigation procedure training for department employees: SB 5922
 Child abuse, investigation procedures regarding constitutional rights of person making report: SB 5922
 Child abuse, retention of records regarding unfounded allegations: SB 5633
 Child care workers, wage ladder and program standards: ***SHB 1636, CH 507 (2005) PV**, SB 5684
 Child care, unique identifying number for each child eligible for state-subsidized: SB 5297
 Child day-care centers and family day-care providers, information regarding: SB 5806
 Child protective and welfare services workers, safety provisions: ***HB 3122, CH 95 (2006)**
 Child protective and welfare services workers, work group to address safety issues: ***HB 2189, CH 389 (2005)**

Child protective workers, training in legal duty to protect constitutional and statutory rights: SB 5922
 Children of incarcerated parents, interagency plan and oversight committee: ***SHB 1426, CH 403 (2005)**, SB 5407
 Children's administration employee training for referrals involving older child victims of abuse: ***ESB 5583, CH 345 (2005)**
 Children, task force on administration and delivery of services: ***ESB 6741, CH 251 (2006)**
 Community mental health services, regional support networks: ***E2SHB 1290, CH 503 (2005) PV**
 Community options program pilot project: SB 6190
 Community protection program, assessments for risk and/or dangerousness: SB 6630
 Community protection zones, provisions: SB 6410
 Continuing care retirement community, provision of services: SB 6391
 Day care, family day care regulation authority pilot project for specified counties: ***SHB 2169, CH 509 (2005)**
 Developmentally disabled, certification standards compliance for providers of residential services and support: 2SHB 2914
 Domestic violence victims, diversion assistance program: SB 5718
 Domestic violence, handling cases of child abuse co-occurring with domestic violence: SHB 2395
 Drug-free workplace program: SB 6239
 Early learning council, child care provider rating and tiered-reimbursement systems: ***E2SHB 1152, CH 490 (2005)**
 Early learning, department of: ***2SHB 2964, CH 265 (2006)**, SB 6466
 Employment status of recipients of medical assistance and basic health plan, report: ***SHB 1486 (2005) V, *ESHB 3079, CH 264 (2006) PV**
 Facilities providing care to children and persons with developmental disabilities, location and licensing provisions: SB 6155
 Family and children's services, study: SB 5872
 Family assessment response demonstration program: SB 6841
 Family reconciliation services, educators authorized to request: SB 5460
 Foster care, health unit: ***SHB 2985, CH 221 (2006)**
 Foster care, services and support for youths up to age twenty-one: ***2SHB 2002, CH 266 (2006)**, SB 6324
 Foster parent critical support and retention program: ***2SHB 3115, CH 353 (2006) PV**, SB 6749
 Foster youth, postsecondary education and training committee: ***ESHB 1079, CH 93 (2005)**, SB 5084
 Fraud investigations, cooperation with law enforcement: SB 5293
 Guardianship for dependent children, permanent placement: 2SHB 2030, SB 6008
 Handicapped facilities bond issue, transfer of fixed assets: SB 6636
 Home and community services, alternative delivery system for case management services: SHB 1365, SB 5886
 Home care agencies, parity for workers' wages and benefits: ***SHB 2333, CH 9 (2006)**, SB 6145
 Home care agencies, worker's compensation parity for agency home care workers: SB 6054
 Kinship care, oversight committee and duties: ***SHB 1280, CH 439 (2005)**
 Long-term care, payment of providers for medically needy consumers: SB 5799
 Medical assistance, cost-sharing repealed: ***SHB 2376, CH 24 (2006)**
 Medical assistance, evidence-based medical principles to develop performance measures: ***SHB 1512, CH 446 (2005)**, SB 5390
 Medical assistance, exemption from independent review determinations: SB 5681
 Medical assistance, recovery of debts owed to the department: ***SHB 2304, CH 292 (2005)**, SB 6095
 Medical assistance, report on recipients' employment status : SB 6759
 Mental hospitals, law enforcement costs reimbursement: SB 5184
 Nursing homes, bed tax repealed: SB 5570
 Nursing homes, defense of temporary managers appointed by department: ***HB 1364, CH 375 (2005), *SB 5347 (2005) V**
 Nursing homes, medicaid program trust account: SB 5812
 Nursing homes, quality maintenance fee exemption for mental disease institutions: SHB 1921, SB 5813
 Omnibus treatment of mental and substance abuse disorders act of 2005: SB 5763
 Preschools and kindergartens, licensing and regulations: SB 5805
 Property and facilities transfer to nonprofits who provide services for sensory, physical, or mental handicaps: ***SHB 2759, CH 35 (2006)**, SB 6442
 Quality assurance committees and information sharing: ***SHB 1569, CH 33 (2005), *EHB 2254, CH 291 (2005)**, SB 5698
 Rainier state school, agricultural lands: HB 1587, SB 5680

Regional support networks, financial responsibility of costs for individuals in involuntary treatment: SB 6696
 Regional support networks, qualifications and responsibilities: SB 6793
 Residential habilitation centers, law enforcement costs reimbursement: SB 5184
 Safety of child protective, child welfare, and adult protective services workers: ***HB 3122, CH 95 (2006)**
 Secure community transition facilities, transportation plans: SB 5130
 Staffed residential homes, positive social and educational outcomes: SB 6884
 Substance abuse and mental health treatment pilot program: SB 6239
 Vulnerable adult abuse investigation, limited reporting of results: SB 6622
 WorkFirst, child safety net program: SB 6628
 WorkFirst, parenting provisions: SB 6224

SOCIAL SECURITY

Numbers, businesses must state that the request for a number is not mandatory: SB 6890
 Privatization, rejection: ***SJM 8014 (2005)**
 Reform, optional personal retirement accounts: SJM 8008

SOLID WASTE

Advisory committee, membership: SB 5217
 Conversion of landfill methane gas to useable fuel, tax incentives: SB 6524
 Landfills, SEPA exemption for certain size landfill or excavation within urban growth areas: SB 5661
 Recycling, transporter restrictions and violations: SHB 1817, SB 5788

SPAS, HOT TUBS, AND SWIMMING POOLS

University of Washington community swim facility: SB 5025
 Wine, spas allowed to serve to customers: SB 6703

SPECIAL DISTRICTS (See also LOCAL GOVERNMENT)

Drainage districts, compensation for members of governing bodies: SB 6337
 Drainage districts, transportation department authority to maintain or repair damage: ***SB 6248, CH 368 (2006)**
 Valuation of land for monetary assessments: ***HB 1555, CH 181 (2005)**, SB 6760

SPECIAL PURPOSE DISTRICTS

Research and services, municipal research council: SB 5422, SB 6555

SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

Educational staff associate licensing requirements: HB 1198, ***SB 5358, CH 45 (2005)**

SPORTS

2006 Seahawks championship account: SB 6892
 Administrative fees and provisions for boxing, kickboxing, and martial arts: ESHB 2668
 Athletic training services, licensing: SB 6378
 Basketball arena funding, local sales and use taxes: SB 6065
 Boats, certain activities such as teak surfing prohibited: ***SB 6364, CH 140 (2006)**
 Entertainment facilities, liquor license holders and agreements with manufacturers and distributors: SB 6842
 Entertainment facilities, liquor licenses: SB 6199
 Growth management planning, recreational lands: ***EHB 2241, CH 423 (2005)**
 Health studio services, contract restrictions: SB 5810
 Local sales and use tax funding for public stadium, convention, arts, and tourism facilities: SB 6849
 Major league baseball team, second team: SCR 8415
 Minor league baseball facilities, funding: SB 5572
 Mountains to Sound greenway outdoor recreation projects, funding: SB 6281
 Outdoor ballfields on agricultural lands, growth management regulations: SB 5739, SB 5933
 Physical fitness services, taxation: SB 5066, SB 5824, SB 6757
 Skate parks, fees and liability immunity: SHB 1643, SB 5511
 Skate parks, helmets in public parks: SB 5116
 Student athletes' bill of rights, higher education: SB 5019
 Youth athletic private coaches, registration: SB 5880

STATE ACTUARY

Pension funding council, certain duties transferred to state actuary: SB 6079

STATE AGENCIES AND DEPARTMENTS (See also STATE GOVERNMENT)

Agency rules, small business advisory board and rule impact reduction: SB 5730

Agency rules, small business regulatory flexibility act: SB 5920

Archaeology and historic preservation, department: SB 5056

Breaches of security that compromise personal information stored on computers, disclosure: SB 6043

Budgets, assessment process to focus on outcomes and priorities: ***ESHB 1242, CH 386 (2005)**

Citizen councilor, office of: SB 5346

Contracts, policies to determine if contracts serve the best interest of the state: EHB 2257

Early learning, department of: ***2SHB 2964, CH 265 (2006)**, SB 6466

Efficiency hotline: SHB 2495

Employees, sick leave pools: ***SB 6059, CH 356 (2006)**

Employees, sick leave remuneration at time of separation or dismissal: SB 5784

Energy purchase reduction : SB 6518

Executive meetings, intercepting or recording communications and conversations: SHB 1648

Leave, shared leave for declared emergencies: HB 3073

Motor pool management: ***HB 1008, CH 214 (2005)**, SB 5220

Noxious weeds, agencies' duties and priorities: SB 5155

Open public meetings, special meetings called by electronic mail: ***HB 1000, CH 273 (2005)**

Performance audits, citizen accountability advisory board and assessment grading program: SB 6076

Performance audits, citizen advisory board membership and duties: SB 6767

Performance audits, citizen oversight board: ***ESHB 1064, CH 385 (2005) PV**, SB 5124

Performance audits, state auditor review: SB 5083

Performance, management, and accountability system and assessments: ***2SHB 1970, CH 384 (2005)**, SB 5921

Personally identifiable information collected by agencies, registry describing data systems: SB 6344

Pesticides, notice of application: SB 5388

Position statements in files of request legislation or rules: SB 5156

Public records, agency liaison to assist public with disclosure requests: ***2SHB 1758, CH 483 (2005)**, SB 5735

Public records, denial of records requests which are deemed overboard: ***2SHB 1758, CH 483 (2005)**, SB 5735

Puget Sound conservation and recovery partnership and management plan: SB 5895

Renewable energy standards for state agencies: E2SHB 2349

Rules, governor's signature on significant legislative rules: EHB 1276

Sexual harassment policies and training programs: SB 5126

Sick leave, employee pools: ***SB 6059, CH 356 (2006)**

State motor vehicles, valid driver's license requirement: SB 5669

Worksite health promotion program: SB 5751, SB 6363

STATE AUDITOR

Citizen councilor, office of: SB 5346

Efficiency hotline: SHB 2495

Performance audits, state government: SB 5083

STATE BUILDINGS

Capitol, preservation of public and historic facilities: ***SHB 1995, CH 330 (2005)**

Cherberg and O'Brien buildings, renaming: SB 6860

Columbia room, legislative building: SCR 8405

Green building programs and LEED silver standards: ESHB 1272, SB 5509

Legislative buildings committee: ESHB 1301

Pesticides, notice of application: SB 5388

Water conservation: SB 6729

STATE GOVERNMENT (See also LEGISLATURE; STATE AGENCIES AND DEPARTMENTS)

Agency performance, management, and accountability system and assessments: ***2SHB 1970, CH 384 (2005)**, SB 5921

Art, state art collection conservation funding: ***HB 2188, CH 36 (2005)**, SB 5940

Association of Washington generals: HB 1974, SB 5862

Buildings, green building programs and LEED silver standards: ESHB 1272, SB 5509
 Citizen councilor, office of: SB 5346
 Community preservation authorities: ESHB 3207
 Conference for lieutenant governors, funding: ***SHB 2419, CH 5 (2006)**
 Conference for statewide elected officials, funding: SB 6245
 Contracts, policies to determine if contracts serve the best interest of the state: EHB 2257
 Eastern Washington, petition for a new state: SJM 8009
 Economic stability account: SB 6443
 Efficiency hotline: SHB 2495
 Expenditure limit, computation and program cost shifting: SB 6078
 Fees, automatic increases prohibited: ESB 5527
 Full time legislature: SB 6659
 Garry oak, state oak tree: SB 6277
 Higher education, state budgetary commitment to fund enrollment demands: SB 5804
 Income tax, state: SB 5991, SB 6074, SJR 8211
 Lady Washington, state ship: HB 2587
 Legislative youth advisory council, established: ***SB 5254, CH 355 (2005)**
 Legislative youth advisory council, extension: SB 6536
 Natural resources, protection of state's resources through comprehensive and integrated resource management policies: SB 6273
 Oath of office, Declaration of Independence: SB 6032
 Orca, state marine mammal: ***HB 1759, CH 51 (2005)**
 Outsourcing state contracts, policies to determine if contracts serve the best interest of the state: EHB 2257
 Outsourcing state contracts, work performed outside the United States prohibited: SB 5777
 Performance audits, citizen accountability advisory board and assessment grading program: SB 6076
 Performance audits, citizen oversight board: ***ESHB 1064, CH 385 (2005) PV**, SB 5124
 Performance audits, state auditor review: SB 5083
 Poet laureate, state: SCR 8403
 Publication preservation, state library services: ***SHB 2155, CH 199 (2006)**, SB 6005
 Puget Sound conservation and recovery partnership and management plan: SB 5895
 Rainy day reserve fund: SB 6471
 Real estate excise tax, portion of proceeds to be dedicated to general fund: ***HB 2170, CH 486 (2005)**
 Revenue stabilization fund: SJR 8203, SJR 8217
 State and local liability for acts of persons on supervision or in community-based treatment programs: SB 6852
 State motor vehicles, valid driver's license requirement: SB 5669
 Tax expenditure report: HB 1096
 Walla Walla sweet onion, state vegetable: HB 1964, SB 6827

STATE INVESTMENT BOARD

Rainy day reserve fund: SB 6471

STATE LIBRARY

State publication preservation services: ***SHB 2155, CH 199 (2006)**, SB 6005

STATE PARKS (See also PARKS)

Basic parkland access, fees: SB 5091
 Funding, distribution of moneys from general fund to state parks renewal and stewardship account: SB 6556
 Funding, state parks centennial account: 2SHB 2422
 Golden age pass: SB 6582
 License plates, state parks and recreation commission: SB 5316
 Park rangers, powers and duties: SB 5336
 Park rangers, task force on state public recreational lands and public safety: ***ESHB 1799, CH 408 (2005) PV**
 Parking fees: ***SHB 2416, CH 141 (2006)**, SB 6302, SB 6556, SB 6675
 Sales and use tax to fund park facilities: SB 6031
 Trail grooming, sales tax exemption for services on state-owned lands: SB 6077
 Trail grooming, sales tax exemption for services on state-owned or privately-owned lands: SHB 2646

STATE PATROL

Abandonment of duties during state of emergency, discharge: SB 6137
 Applicants, prehire screening: ***HB 1081, CH 434 (2005)**
 Automatic fingerprint identification system: SB 5157
 Background checks, procedures: SHB 2215, SB 5899
 Brock Loshbaugh act, vehicle accidents involving officers: ***SHB 1387, CH 27 (2005)**
 Crime prevention and privacy compact: SB 6719
 Criminal history record information, reporting requirements: ***SB 6720, CH 294 (2006)**
 Extended authority commission: SB 6631
 Firearms training certificate retired officers: ***ESHB 2951, CH 40 (2006)**
 Improper use of position or authority, policies to prevent: SB 5170
 Missing persons, investigation procedures: ***2SHB 2805, CH 102 (2006)**
 Off-duty employment in plainclothes for private benefit: ***HB 1232 (2005) V, *SB 5267, CH 124 (2005)**
 Retirement, additional service credit one time purchase: ***HB 2690, CH 214 (2006)**, SB 6457
 Retirement, benefits for surviving spouses of disabled officers: ***SHB 3137, CH 94 (2006)**
 Retirement, contribution rates: HB 2682, SB 5341, SB 6446
 Retirement, interruptive military service credit: ***HB 1325, CH 64 (2005)**, SB 5261
 Sound and video recordings, provisions: ***SHB 2876, CH 38 (2006)**, SB 6547
 Vehicle accidents involving officers, investigations and corrective actions: ***SHB 1387, CH 27 (2005)**
 Vehicle inspection account and funding provisions: SB 6143
 Vehicle size, weight, and load enforcement: SB 5102
 Wages and wage-related matters, collective bargaining negotiations: ***2SHB 1188, CH 438 (2005)**, SB 5208

STATE TREASURER

Nonpartisan office: SB 5889

STATUTE LAW COMMITTEE

Administrative committee of the office of the code reviser: SB 5884
 Membership, revisions: ***SHB 1847, CH 409 (2005)**

STEELHEAD (See also FISHING, RECREATIONAL)

Recovery, lower Columbia river: ***ESB 5355, CH 308 (2005)**

STORM WATER MANAGEMENT AND CONTROL

City liability for inadequate facilities: SB 5505

STUDIES

Aerospace manufacturing, joint legislative task force and review: SB 6328
 Aerospace task force and study: SCR 8418
 Agricultural fairs, study of economic and social contribution: HB 2096, SB 5968
 Aquatic lands, review of aquatic resources program funding and management : HB 3237
 Autism, task force and study: ***SB 5311, CH 259 (2005)**
 Basic health plan: SB 5536
 Biotechnology and biomedical device manufacturing sector, study: SB 6844
 Breast-feeding, joint task force and study on women in the workplace: SB 6066
 Child abuse and neglect, committee to study best practices regarding reporting: SCR 8408
 Chinese and Spanish language instruction in secondary school, study: SB 6815
 College and career readiness centers, work group and study: SB 6821
 Community and technical college funding system: SB 5728
 Developmental disabilities, study of service needs for persons with: SB 6865
 Domestic violence hope card study committee: SB 6806
 Domestic water users, study of competing interest and other water users in regards to limited supplies: ***SB 6861, CH 170 (2006)**
 Dyslexia reading instruction pilot program, study of: SB 5349
 Education financing, comprehensive education study steering committee: SB 5441, SB 5603
 Electronic monitoring system: ***HB 1136, CH 435 (2005) PV**, SB 5166
 Environmental education, study of: ***EHB 2910, CH 79 (2006)**, SB 6735

First aid class high school requirement, study: SB 6790
 Four-year baccalaureate institution, evaluation of need for new institution: SB 5874
 Free-standing health clinics, licensure and regulation study: SB 5839
 Growth management, agricultural land use for outdoor recreational activities: SB 5933
 Health care insurance, study of statutory requirements for coverage: EHB 3310
 Homeowners' association act committee and review: HCR 4409, SB 6201, ***SCR 8423 (2006)**
 Hood Canal, nitrogen contributions from on-site sewage: 2SHB 3287
 HOV lanes, toll lane feasibility evaluation of Interstate 450 and state route 520: SB 6017
 Juvenile offender case filing reduction in King county compared to other counties: SB 5834
 K-12 education finance study and executive committee: SB 5191
 Learns steering committee, study to include classified school employees: HB 3028, SB 6706
 Master plan for education - prekindergarten through university, interim study work group: SCR 8402
 Medical records, electronic: SB 5064
 Minimum wage: SB 5551, SB 6734
 Multimodal transportation improvements and strategies, growth management compliance study: ***2SHB 1565, CH 328 (2005)**
 Off-road vehicles, noise management study and task force: ***ESB 5089, CH 168 (2005)**
 Offshore outsourcing, task force and study: EHCR 4405, ***ESCR 8407 (2005)**
 Periodontal disease, insurance coverage study: SB 5061
 Prescription drugs, distribution of unused drugs to low-income persons: SB 5846
 Public health financing joint select committee and review: ***EHCR 4410 (2005)**
 Public works alternative contracting procedures, study: ***ESHB 1830, CH 377 (2005)**
 Radio, volunteer amateur radio emergency communications: SB 6477
 Regional transportation governance, central Puget Sound transportation commission: SB 6089, SB 6599
 Schools, equitable opportunity for all joint select committee and study: HCR 4411, SB 5938
 Schools, study of assessment options: ESHB 2998
 Secondary education, joint select committee and study: ***HCR 4408 (2005)**
 Small business incubator program tax incentive proposals and study: SB 5925
 Spanish and Chinese language instructions in secondary school, study: SB 6815
 Special sex offender alternative sentencing, study: SB 6834
 Teacher retention in small and rural districts: HB 3215
 Tolling, Tacoma Narrows bridge toll discount study: HB 1947
 Trafficking of humans, delivery of services work group and study: ***SB 5127, CH 358 (2005)**
 Trailer hitches, unused hitch hazard study: SB 6013
 Transportation department, alternative contracting processes and project management techniques: ***SHB 1541, CH 317 (2005)**
 Uranium exposure in military members, task force and study: SB 6732
 Waste tire cleanup sites: ***SHB 2085, CH 354 (2005)**
 Wildfire prevention and protection work group: SB 6603
 Work force education and programs and aid: E2SHB 2630
 Workers' compensation, joint select committee and study: SCR 8409

SUBDIVISIONS

Housing, affordable housing through flexible short subdivisions: SHB 2325, SB 6589
 Land use permit applications, vesting rights in land use actions: SB 6350
 SEPA, exemption for divisions into nine or fewer lots within urban growth areas: SB 5661

SUPERIOR COURT

Clallam county, judge increase: ***SHB 2344, CH 20 (2006), *SB 6412 (2006) V**
 Cowlitz county, judge increase: ***SHB 2344, CH 20 (2006), *SB 6412 (2006) V**
 Juror fees: SB 6887
 Labor and industries safety and health inspections, warrants: ***SHB 2538, CH 31 (2006)**, SB 6263
 Part-time judge sitting as judge pro tempore, compensation: ***HB 1262, CH 142 (2005)**
 Sex offender records, fee exemption for law enforcement agencies: ***SHB 2223, CH 202 (2005)**
 Skagit county, judges increased: ***HB 1112, CH 95 (2005)**, SB 5070

SUPREME COURT

Commission on supreme court reports: ***HB 1183, CH 190 (2005)**
 Nonpartisan judicial commission: SB 5015, SB 6048, SJR 8214
 Quality improvement programs: ***2SHB 1970, CH 384 (2005)**
 United States supreme court confirmations: SJM 8003
 Vacancies, statute provisions: SJR 8200, SJR 8214

SURPLUS PROPERTY

Metropolitan park districts, disposition of property: SB 5151

SURVEYORS

Land, continuing education requirements: ***HB 1396, CH 29 (2005)**, SB 5117

TACOMA

Construction of second Tacoma Narrows bridge, funds to be deposited into Tacoma Narrows toll bridge account: ***SB 6674, CH 17 (2006)**
 Tacoma Narrows bridge project sales and use tax exemptions: ESHB 1865
 Tolling, Tacoma Narrows bridge citizen advisory committee: ***HB 1864, CH 329 (2005)**

TATTOOS AND TATTOOERS

Licensing requirements and violations: SB 5913
 Sterilization standards and requirements: SHB 2335

TAXES - AIRCRAFT FUEL TAX

Crop dusting, tax exemptions for aircraft fuel: SB 6868
 Exemption for operating under certificate of public convenience repealed: SB 6039

TAXES - ALCOHOL SALES TAX

Additional retail sales tax: ***ESHB 2314, CH 514 (2005)**, SB 6100

TAXES - ALCOHOL TAX

Additional retail sales tax: ***ESHB 2314, CH 514 (2005)**, SB 6100

TAXES - BUSINESS AND OCCUPATION TAX

Airplanes of historical significance, business and occupation tax exemption: SB 5351
 Aluminum smelters, tax relief extension: ***HB 2348, CH 182 (2006)**
 Ban on American beef, tax relief expiration date: ***HB 1407, CH 150 (2005)**
 Biotechnology and medical devices, tax credit: SB 6462
 Boarding homes, tax provisions: ***ESHB 2314, CH 514 (2005)**, SB 5571
 Canned salmon, tax provisions: HB 2580
 Chemotherapy and anticancer drugs, business and occupation tax exemption: SB 6623
 Clinical information technologies, tax credit for physicians: SB 5392
 Commercial airplanes, tax credit for development: ***HB 2466, CH 177 (2006)**, SB 5864, SB 6329, SB 6604
 Commercial airplanes, tax credit for property tax payments: ***ESHB 2314, CH 514 (2005)**, SB 5972
 Community health centers, tax deduction for certain nonprofits: ***SB 5857, CH 86 (2005)**
 Cosmetic medical services, taxation: SB 5451
 Credit against tax due, amount used to calculate maximum credit: SB 6173
 Credit cards, tax on the amounts raised by interest rates which exceed the usury rate: SB 6863
 Dairy products, excise taxation provisions: ***EHB 3159, CH 354 (2006) PV**, SB 6704
 Delivery charges for direct mail, tax deduction: ***ESHB 2314, CH 514 (2005)**
 Downtown and neighborhood commercial district revitalization tax incentives: ***ESHB 2314, CH 514 (2005)**, SB 5455
 Dry fertilizer, tax exemption for custom blending: SB 6485
 Employee training programs through community or vocational colleges, employer tax credits: SB 5918
 Environmental remediation services, tax rate: SB 6781
 Farmers, tax exemption for services provided to: SB 6542
 Fruit and vegetable processing and storage, tax exemption: ***ESHB 2221, CH 513 (2005)**, SB 5447
 High technology tax credit: ***ESHB 2314, CH 514 (2005)**, SB 5639, SB 5673, SB 5697, SB 6774
 International businesses, incentives for investing in Washington: ***SB 5175, CH 135 (2005)**

Low-cost housing for low-income buyers, tax incentives for nonprofit organizations: SB 5183
 Math and science technology student employees, tax credits for employers: SB 6293
 Meat, tax on slaughtering, breaking, and/or processing perishable products: SB 5779, SB 6100
 Milk products, wholesale sales of raw milk exempted from tax: SB 6609
 Monthly business tax credit increase: SB 5440
 Motion picture and video production services, tax provisions: SB 6557
 Motion pictures, approved motion picture competitiveness program and tax credit: SB 6558
 Motor vehicle and special fuels, tax exemption for wholesale sales: SB 5626
 Municipal tax, allocation of printing and publishing income: ***SHB 2033, CH 272 (2006)**
 Nonprofit convention and tourism promotion corporations, business and occupation tax deduction: SB 6621
 Nonprofit convention and tourism promotion corporations, business and occupation tax exemption: ***SHB 2778, CH 310 (2006)**
 Parking and business improvement areas, tax exemptions for administrative costs: SB 5999
 Physical fitness services, taxation: SB 5066, SB 5824, SB 6757
 Physicians, tax credits for serving uninsured, medicare, and medicaid patients: SHB 2292, ***2SHB 2292, CH 8 (2006)**
 Professional employer organizations, taxation: SHB 3059, SB 6671
 Public development authorities, tax exemption: EHB 2270
 Raw milk, wholesale sales of raw milk exempted from tax: SB 6609
 Regional transit authorities, sales and use tax does not apply to bus or rail combined agreements: SB 5623
 Royalties on copyrights and patents, tax exemption: SB 5640
 Seafood, excise taxation provisions: ***EHB 3159, CH 354 (2006) PV**
 Self-service laundry facilities excluded from definition of retail sale: ***ESHB 2314, CH 514 (2005)**, SB 5911
 Semiconductor materials, tax incentives to support semiconductor cluster: ***SHB 3190, CH 84 (2006)**, SB 6812
 Small businesses, credit increase: SB 5440, SB 6875
 Small businesses, tax exemption for owners trained in entrepreneurial: SB 6712
 Solar energy systems, tax incentives for manufacture of: SB 5111, ESB 6129
 Syrup sales, tax credit: SB 5604, SB 6533
 Tax incentives enacted during 2003-05 biennium, consistency improvements: SB 5863
 Telework, tax incentives for employers: SB 5024
 Temporary staffing services, taxation: SB 5218
 Timber, tax incentives for persons who extract, manufacture, or process timber: SB 6874
 Trail maintenance and construction services, tax exemptions for nonprofit organizations: SHB 1975
 Truck stops, tax deduction to enhance air quality through stand-alone electrification systems: SB 6512
 Water services, tax exemptions: SB 6146, SB 6369
 Work force training, customized employment training program and tax exemption: SB 6326
 Worker training tax credit: ESHB 2565
 Zoological facilities, tax exemptions for nonprofit organizations: SHB 2590, SB 6282

TAXES - CIGARETTE TAX

Additional tax to fund basic health plan enrollment: SB 5829
 Additional tax to fund Initiative 728 and student achievement account: ***ESHB 2314, CH 514 (2005)**
 Tax agreements, additional tribes: ***HB 1915, CH 208 (2005)**, SB 5814
 Tax agreements, Puyallup Tribe: HB 1916, ***SB 5794, CH 11 (2005)**

TAXES - ENHANCED FOOD FISH TAX

Sea cucumbers, tax provisions: ***HB 1958, CH 110 (2005)**
 Sea urchins, tax provisions: ***HB 1958, CH 110 (2005)**

TAXES - ESTATE TAX

Federal death tax, repeal: SJM 8004
 Federal law compliance, state law updates: SB 5008
 Stand-alone state estate tax: ***ESB 6096, CH 516 (2005)**
 Stand-alone state estate tax, farm property provisions: ***ESHB 2314, CH 514 (2005)**
 Uniform estate tax act: SB 5052
 Washington state pick-up credit for federal and state transfer taxes: SB 6309

TAXES - EXCISE TAX

Administration revisions: SB 5904
Due dates and assessment penalties, modifications to provide tax relief: ***HB 2671, CH 256 (2006)**, SB 6385
Intangible personal property, taxation: SB 6004, SJR 8212
International businesses, incentives for investing in Washington: ***SB 5175, CH 135 (2005)**
Leasehold, municipal corporation historical property exemption: SB 5154
Leasehold, tax exemption for amphitheater entertainment or public areas: ***ESHB 2314, CH 514 (2005)**
Oil and gas severance and conservation act, taxation of oil and gas production: SB 6748
Real estate, automated system to process: ***2SHB 1240, CH 480 (2005)**, SB 5281
Real estate, city and county parks and recreational facilities funding: SB 5630
Real estate, disclosure: ***HB 1315, CH 326 (2005)**
Real estate, electronic administration: ***HB 2879, CH 312 (2006)**, SB 6577
Real estate, portion of proceeds to be dedicated to general fund: ***HB 2170, CH 486 (2005)**
Real estate, tax exemption for home sales resulting from military relocation orders: SHB 2439
Real estate, tax incentives for nonprofit organizations who provide low-income housing: SB 5183
Real estate, water rights transfers: SB 5027

TAXES - GAMBLING TAX

Bingo, exemption for charitable or nonprofit organizations: HB 3285
Punch boards and pull tabs, taxation: SB 6889

TAXES - GENERAL

Aluminum smelters, tax relief extension: ***HB 2348, CH 182 (2006)**
Excise tax relief, due dates and assessment penalties : ***HB 2671, CH 256 (2006)**, SB 6385
Low-income housing, tax credits for persons who make financial contributions to assistance programs: SB 6559
Outdated and unused tax preferences, repeal: ***SHB 1299, CH 443 (2005)**
Tax application and administration simplified: SB 6237
Tax expenditure report: HB 1096
Tax incentive programs, streamlining provisions: SB 6764
Tax incentives enacted during 2003-05 biennium, consistency improvements: SB 5863
Tax preferences, citizen commission for performance measurement: ***EHB 1069, CH 197 (2006)**
Tax preferences, joint legislative audit and review committee annual review: SB 5416
Tax refund anticipation loan act: ESHB 1251, SB 5692, SB 5796
Water services, tax exemptions: SB 6146, SB 6369

TAXES - INCOME TAX

Nonresident income tax freedom act: SJM 8022
State tax: SB 5991, SB 6074, SJR 8211

TAXES - LITTER TAX

Food consumed in area contiguous to seller's place of business, exemption: ***SHB 1887, CH 289 (2005)**
Prepared food in nonsingle containers, exemption: ***SHB 1887, CH 289 (2005)**

TAXES - LOCAL OPTION TRANSPORTATION TAXES

Household and business excise taxes and special assessments on property: SB 6103
Motor vehicle fee: SB 6103

TAXES - LODGING TAX

Agricultural promotion, tax to fund facilities: SB 5776, SB 6170

TAXES - MOTOR VEHICLE EXCISE TAX

Locally imposed taxes, uniform administration: SB 6247

TAXES - MOTOR VEHICLE FUEL TAX

Administration of taxes, revisions: SB 6785
Handling loss deduction: SB 5163
Indian tribes, tax contracts between state and tribes: SB 6869
Payment date, paying by electronic funds transfer: SB 5058

Refunds, application period: SB 6857
 Statewide revenue distribution, cities and towns: SB 5969
 Transportation benefit districts, taxes to fund district projects: SB 5177
 Transportation funding, tax increase: SB 6103
 Transportation funding, tax increase for joint state and local projects: SB 6083

TAXES - PETROLEUM PRODUCTS TAX

Taxation provisions modified: SB 6088

TAXES - PROPERTY TAX

Abatements, property destroyed by natural disasters: ***SHB 1502, CH 56 (2005)**, SB 5026
 Actions lowering property value, compensation from counties: SB 5671
 Assessments, deferral of large assessments: SB 6751
 Assessments, reduction for property with land use limitations due to government activity: SB 5548
 Biodiesel, tax exemption for land used to grow crops: SB 6424
 Cemetery districts, multiyear excess levies: SB 5214, SJR 8204
 Churches, tax exemption: SB 5819
 Churches, tax exemption for production of church directories: SB 6081
 Clarification of statutes: SB 5845
 Comprehensive cancer center, tax exemption: ***ESHB 2314, CH 514 (2005)**, SB 5398
 County assessor annual report, department of revenue: SB 5299
 Deferrals, interest rate: ***SHB 2569, CH 275 (2006)**
 Delinquencies, waiver of interest and penalties: SB 6335
 Electric generation wind turbine facilities included in levy limit calculation: SB 6141
 Exemptions, head of family: ***SHB 3164, CH 281 (2006)**
 Exemptions, senior citizens or disabled persons: SB 5361, ***SB 6338, CH 62 (2006)**
 Exemptions, six-year review: SB 5032
 Exemptions, veterans with disabilities: ***HB 1019, CH 248 (2005)**, SHB 2432, SB 6835
 Farm and agricultural land, open space program taxation: ***HB 1554, CH 57 (2005)**, SB 5465
 Fire protection districts, levies: HB 1106, ***SB 5136, CH 122 (2005)**
 Forest and timber lands, provisions: SB 6249
 Head of family, tax exemption increase: ***SHB 3164, CH 281 (2006)**
 Historic property, exemption: SB 5298
 Homesteads, exemption: SJR 8221
 Increases, deferral of large increases: SB 6752
 Inflationary adjustment, limitation provisions: SB 5028
 Levies, local government voter-approved tax levy modifications: SB 5573
 Levies, public hospital districts: SB 5700
 Levies, regional fire protection service authorities: SB 5601
 Levies, voter-approved regular levies for school employee cost-of-living salary supplements: E2SHB 1484, E3SHB 1484, SB 5786
 Levies, voter-approved tax levy modifications: SB 5333, SB 5769, SJR 8223
 Local government estimates, date for submitting to counties: ***HB 1048, CH 52 (2005)**
 Multi-unit dwellings in urban centers, population density provisions for tax incentive: SB 6588, SB 6626
 Nonprofit entities, exemption criteria: ***SHB 1510, CH 305 (2006)**, ***SB 6280, CH 319 (2006)**, SB 6370
 Nonprofit schools and colleges, exemption: ***SHB 2804, CH 226 (2006)**, SB 6564
 Oil and gas reserve and leases, tax exemption: SB 6748
 Open space plan and public benefit rating system, voluntary buffers and native vegetation: SB 5620
 Open space program, additional tax, interest, and penalty provisions: ESHB 2850
 Religious organizations, tax exemption: SB 5819
 School levies, increased maximum for financial emergencies: SB 5958
 School levies, levy base calendar: ***SHB 2812, CH 119 (2006)**, SB 6438
 School levies, simple majority of voters voting: SHJR 4205, SB 5144, SJR 8202
 School levies, voter-approved regular levies for cost-of-living salary supplements: E2SHB 1484, E3SHB 1484, SB 5786
 Small business incubator program property tax exemption: SHB 1802, SB 5756
 Solar energy systems, tax incentives for manufacture of: SB 5111, ESB 6129

Special districts, valuation of land for monetary assessments: ***HB 1555, CH 181 (2005)**, SB 6760
 Timber purchase reporting requirements: HB 2957
 Valuation, base years: SJR 8218, SJR 8223
 Widows and widowers of veterans, tax relief: ***SHB 1509, CH 253 (2005)**, SB 5443

TAXES - PUBLIC UTILITY TAX

Customer assistance tax credit, temporary increase on statewide cap : ***HB 2644, CH 213 (2006)**, SB 6379
 Employee training programs through community or vocational colleges, employer tax credits: SB 5918
 Gas distribution businesses, tax credit: 2SHB 2645, SB 6380
 Light and power businesses, tax credit for contributions made to special needs transportation fund: SB 6779
 Math and science technology student employees, tax credits for employers: SB 6293
 Maximum tax rate applied to gross receipts: SB 6250
 Public transit services, fees and charges exempted from taxes: ***SB 6826, CH 336 (2006)**
 Renewable energy, tax incentive for customer-generated electricity system: SB 5101, ESB 6129
 Telework, tax incentives for employers: SB 5024
 Water services, tax exemptions: SB 6146, SB 6369

TAXES - SALES TAX

Agricultural burning of cereal grains and grass seeds, tax exemptions: SB 5663
 Alcoholic beverages, additional retail tax: ***ESHB 2314, CH 514 (2005)**, SB 6100
 Alternative and clean fuel vehicles and conversion equipment, tax exemptions for purchase: SB 5916
 Alternative fuels, tax exemptions for modifications to vehicles: SB 6298, SB 6516
 Aluminum smelters, tax relief extension: ***HB 2348, CH 182 (2006)**
 Biodiesel and qualified hydropower, tax exemptions for generation of electricity: SB 6503
 Biotechnology and medical devices, tax deferrals: ***SHB 2640, CH 178 (2006)**, SB 6462
 Boats, exemption for vessels purchased by nonresidents: SB 6500
 Candy, tax: SB 5973
 Canned salmon, tax exemption: HB 2580
 Chiropractors, tax exemption for sales of supplements to patients: SB 6698
 Commercial airplanes, tax exemption for development: ***HB 2466, CH 177 (2006)**, SB 5864, SB 6329, SB 6604
 Conversion of landfill methane gas to useable fuel, tax incentives: SB 6524
 Cosmetic medical services, tax proceeds deposited into health services account: SB 5451
 Dairy products, excise taxation provisions: ***EHB 3159, CH 354 (2006) PV**, SB 6704
 Delivery charges for direct mail, tax exemption: ***ESHB 2314, CH 514 (2005)**
 Dietary supplements, tax exemption: SB 5255
 Extended warranties, sales and use tax exemption: SB 6773
 Farm machinery and equipment, tax exemptions: ***SHB 2457, CH 172 (2006)**
 Farmers, tax exemption for dyed special fuel used by: SB 6393
 Farmers, tax exemption for fuel used by: ***HB 2424, CH 7 (2006)**, SB 6148
 Fruit and vegetable processing and storage, tax deferral: ***ESHB 2221, CH 513 (2005)**, SB 5447
 Harvesters, sales and use tax exemption for fuel used in cutting timber: SB 6394
 Historic automobile museum, tax deferrals: ***ESHB 2314, CH 514 (2005)**, SB 5990
 Home medical equipment, tax exemptions: SB 6300, SB 6784
 Hybrid technology vehicles and conversion equipment, tax exemptions for purchase: SB 5916
 Insurance premium taxes: SB 6578
 Light and power businesses, tax exemption for machinery and equipment: SB 5508
 Liquor, additional retail tax: ***ESHB 2314, CH 514 (2005)**, SB 6100
 Livestock nutrient management, tax exemption: SB 5960
 Livestock nutrient management, tax exemptions for handling and processing manure: ***ESHB 3222, CH 151 (2006)**
 Livestock, tax exemption for feed: SB 5716
 Local sales and use tax funding for public stadium, convention, arts, and tourism facilities: SB 6849
 Local sales and use taxes, concurrent taxing jurisdictions of tribal municipalities and the state: HB 1721
 Local sales and use, authorized use of funds: SB 6789
 Local sales and use, basketball arena funding: SB 6065
 Local sales and use, credited against state tax and used to provide services to annexed areas: SB 6686
 Local sales and use, funding for Lake Washington bridge viaduct project: SB 6040

Local sales and use, hospital benefit zones: ***SHB 2670, CH 111 (2006)**
 Local sales and use, proceed distribution: SB 5882
 Local sales and use, transit agency motor vehicle excise tax exemption for indigent persons: SB 6583
 Lodging business amenities, tax exemption: SB 6796
 Low-cost housing for low-income buyers, tax incentives for nonprofit organizations: SB 5183
 Medical and mobility enhancing equipment, tax exemption: SB 6784
 Motion picture and video production services, tax provisions: SB 6557
 Motor vehicle and special fuel, exemption for state ferries: SB 5402
 Nonresidents, exemptions and remittances: SB 5498, SB 6021
 Parking and business improvement areas, tax exemptions for administrative costs: SB 5999
 Physical fitness services, taxation: SB 5066, SB 5824, SB 6757
 Poultry, tax exemption for feed: SB 5716
 Professional employer organizations, taxation: SHB 3059, SB 6671
 Rebates, tax exemption: SB 5409
 Recovered wood waste boiler equipment, tax exemption: HB 3114
 Road, highway, and bridge construction tax exemption: ESHB 1865, SB 6640
 Seafood, excise taxation: ***EHB 3159, CH 354 (2006) PV**
 Seeds, tax exemptions for construction of facilities for conditioning of vegetable seeds: SB 5543
 Seeds, tax exemptions for facilities used in conditioning of vegetable seeds: ***SHB 1523, CH 142 (2006)**
 Self-service laundry facilities excluded from definition of retail sale: ***ESHB 2314, CH 514 (2005)**, SB 5911
 Semiconductor materials, tax incentives to support semiconductor cluster: ***SHB 3190, CH 84 (2006)**, SB 6812
 Smart grid energy technologies, certification and tax incentives: SB 6879
 Solar energy systems, tax incentives for manufacture of: SB 5111, ESB 6129
 Solar hot water equipment, sales and use tax exemptions: ***2SHB 2799, CH 218 (2006)**
 State park facilities, tax to fund: SB 6031
 Streamlined sales and use tax agreements, conforming tax structure to agreements: SB 5908, SB 6594
 Streamlined sales and use tax agreements, conforming tax structure to portions not implemented: SB 5622
 Tacoma Narrows bridge project tax exemptions: ESHB 1865
 Temporary staffing services, taxation: SB 5218
 Trail grooming, tax exemption for services on state-owned lands: SB 6077
 Trail grooming, tax exemption for services on state-owned or privately-owned lands: SHB 2646
 Trail maintenance and construction services, tax exemptions for nonprofit organizations: SHB 1975
 Transportation benefit districts, taxes to fund district projects: SB 5177
 Trout, tax exemption for privately produced: SB 6000
 Truck stops, tax exemption to enhance air quality through stand-alone electrification systems: SB 6512
 Vending machines, tax repealed: SB 5778
 Vessels, exemption for vessels purchased by nonresidents: SB 6500
 Warranties, taxation: ***ESHB 2314, CH 514 (2005)**, SB 6100
 Wood biomass fuel, definition: SB 6191

TAXES - SPECIAL FUEL TAX

Administration of taxes, revisions: SB 6785
 Ferries, exemption for state ferries: SB 5402
 Indian tribes, tax contracts between state and tribes: SB 6869
 Payment date, paying by electronic funds transfer: SB 5058
 Refunds, application period: SB 6857
 Regional transit authorities, tax exemption: SHB 2591
 Transportation funding, tax increase: SB 6103
 Transportation funding, tax increase for joint state and local projects: SB 6083

TAXES - SYRUP TAX

Syrup sales, business and occupation tax credit: SB 5604, SB 6533

TAXES - TOBACCO PRODUCTS TAX

Retailers, tax credit for products transferred and used outside the state: SB 6051
 Tax rate increase: ***SB 6097, CH 180 (2005)**

TAXES - USE TAX

Agricultural burning of cereal grains and grass seeds, tax exemptions: SB 5663
 Alternative and clean fuel vehicles and conversion equipment, tax exemptions for purchase: SB 5916
 Alternative fuels, tax exemptions for modifications to vehicles: SB 6298, SB 6516
 Aluminum smelters, tax relief extension: ***HB 2348, CH 182 (2006)**
 Biodiesel and qualified hydropower, tax exemptions for generation of electricity: SB 6503
 Biotechnology and medical devices, tax deferrals: ***SHB 2640, CH 178 (2006)**, SB 6462
 Candy, tax: SB 5973
 Canned salmon, tax exemption: HB 2580
 Chiropractors, tax exemption for sales of supplements to patients: SB 6698
 Commercial airplanes, tax exemption for development: ***HB 2466, CH 177 (2006)**, SB 5864, SB 6329, SB 6604
 Conversion of landfill methane gas to useable fuel, tax incentives: SB 6524
 Cosmetic medical services, tax proceeds deposited into health services account: SB 5451
 Credit unions, tax exemption when merging into a state charter: ***HB 2364, CH 11 (2006)**, SB 6132
 Dairy products, excise taxation provisions: ***EHB 3159, CH 354 (2006) PV**, SB 6704
 Delivery charges for direct mail, tax exemption: ***ESHB 2314, CH 514 (2005)**
 Dietary supplements, tax exemption: SB 5255
 Extended warranties, sales and use tax exemptions: SB 6773
 Farm machinery and equipment, tax exemptions: ***SHB 2457, CH 172 (2006)**
 Farmers, tax exemption for dyed special fuel used by: SB 6393
 Farmers, tax exemption for fuel used by: ***HB 2424, CH 7 (2006)**, SB 6148
 Fruit and vegetable processing and storage, tax deferral: ***ESHB 2221, CH 513 (2005)**, SB 5447
 Harvesters, sales and use tax exemptions for fuel used in cutting timber: SB 6394
 Historic automobile museum, tax deferrals: ***ESHB 2314, CH 514 (2005)**, SB 5990
 Home medical equipment, tax exemptions: SB 6300, SB 6784
 Hybrid technology vehicles and conversion equipment, tax exemptions for purchase: SB 5916
 Insurance premium taxes: SB 6578
 Light and power businesses, tax exemption for machinery and equipment: SB 5508
 Livestock nutrient management, tax exemption: SB 5960
 Livestock nutrient management, tax exemptions for handling and processing manure: ***ESHB 3222, CH 151 (2006)**
 Livestock, tax exemption for feed: SB 5716
 Local sales and use tax funding for public stadium, convention, arts, and tourism facilities: SB 6849
 Local sales and use taxes, concurrent taxing jurisdictions of tribal municipalities and the state: HB 1721
 Local sales and use, authorized use of funds: SB 6789
 Local sales and use, basketball arena funding: SB 6065
 Local sales and use, credited against state tax and used to provide services to annexed areas: SB 6686
 Local sales and use, funding for Lake Washington bridge viaduct project: SB 6040
 Local sales and use, hospital benefit zones: ***SHB 2670, CH 111 (2006)**
 Local sales and use, proceed distribution: SB 5882
 Local sales and use, transit agency motor vehicle excise tax exemption for indigent persons: SB 6583
 Lodging business amenities, tax exemption: SB 6796
 Low-cost housing for low-income buyers, tax incentives for nonprofit organizations: SB 5183
 Medical and mobility enhancing equipment, tax exemption: SB 6784
 Motor vehicle and special fuel, exemption for state ferries: SB 5402
 Motor vehicles, additional rate: SB 5790
 Motor vehicles, sales between private parties: SB 6673
 Nonresidents, exemptions and remittances: SB 5498
 Parking and business improvement areas, tax exemptions for administrative costs: SB 5999
 Poultry, tax exemption for feed: SB 5716
 Professional employer organizations, taxation: SHB 3059, SB 6671
 Rebates, tax exemption: SB 5409
 Recovered wood waste boiler equipment, tax exemption: HB 3114
 Road, highway, and bridge construction tax exemption: ESHB 1865, SB 6640
 Seafood, excise taxation: ***EHB 3159, CH 354 (2006) PV**

Seeds, tax exemptions for construction of facilities for conditioning of vegetable seeds: ***SHB 1523, CH 142 (2006)**, SB 5543

Self-service laundry facilities excluded from definition of retail sale: ***ESHB 2314, CH 514 (2005)**, SB 5911

Semiconductor materials, tax incentives to support semiconductor cluster: ***SHB 3190, CH 84 (2006)**, SB 6812

Smart grid energy technologies, certification and tax incentives: SB 6879

Solar energy systems, tax incentives for manufacture of: SB 5111, ESB 6129

Solar hot water equipment, sales and use tax exemptions: ***2SHB 2799, CH 218 (2006)**

State park facilities, tax to fund: SB 6031

Streamlined sales and use tax agreements, conforming tax structure to agreements: SB 5908, SB 6594

Streamlined sales and use tax agreements, conforming tax structure to portions not implemented: SB 5622

Tacoma Narrows bridge project tax exemptions: ESHB 1865

Trail maintenance and construction services, tax exemptions for nonprofit organizations: SHB 1975

Transportation benefit districts, taxes to fund district projects: SB 5177

Trout, tax exemption for privately produced: SB 6000

Truck stops, tax exemption to enhance air quality through stand-alone electrification systems: SB 6512

Warranties, taxation: ***ESHB 2314, CH 514 (2005)**, SB 6100

TEACHERS (See also SCHOOLS AND SCHOOL DISTRICTS)

Appeals, time limitation and provisions: SB 6805

Bilingual and special education, demonstration project to recruit classified public school employees: SB 6171

Certification, rule authority and standards: ***2SHB 2212, CH 461 (2005)**, SB 5983

Deaf, certification endorsement for teachers of: ***SHB 1893, CH 493 (2005)**

Educational credits used for salary increases: SB 5634

High market demand jobs, salary bonus: SB 6311

Housing allowances: SB 5932

Interruptive military service credit: ***HB 1325, CH 64 (2005)**, SB 5261

National board standards, salary bonus for maintaining certification: SB 6184

National board standards, zero interest loans to obtain certification: SB 6272

Pornography, possession on school grounds: SB 5677

Preparation programs, rule authority and standards: ***2SHB 2212, CH 461 (2005)**, SB 5983

Retention in small and rural districts, study: HB 3215

Retirement, additional service credit one time purchase: ***HB 2690, CH 214 (2006)**, SB 6457

Retirement, contribution rates: ***HB 2681, CH 365 (2006)**, SB 5246, SB 6452

Retirement, funding of plan 1 unfunded actuarial accrued liability: SB 6085

Retirement, insurance plans and contracts for separated plan 2 members: SB 5520

Retirement, irrevocable elections effecting allowances: SB 5866

Retirement, optional membership and distributions of allowances: SB 6456

Retirement, plan 1 age and retirement requirements for receipt of annual increase amount : SB 6454

Retirement, plan 1 and 2 service credit for service in another state or federal government: ***ESHB 2680, CH 257 (2006)**, SB 6458

Retirement, plan 1 and 3 funding of unfunded actuarial accrued liability: SB 6847

Retirement, plan 1 annualizing of salaries when calculating average final compensation: ***HB 1321, CH 23 (2005)**, SB 5324

Retirement, plan 1 funding of unfunded actuarial accrued liability: SB 6451, SB 6896

Retirement, plan 1 military service credit: SB 5695

Retirement, plan 1 one thousand dollar minimum monthly benefit: HB 2687, ***SB 6453, CH 244 (2006)**

Retirement, plan 1 postretirement employment restrictions: SHB 2689, SB 5286, SB 5792, SB 6448

Retirement, plan 1 unfunded liabilities stabilization accounts: SB 6893

Retirement, plan 2 and 3 additional service credit purchase when qualified for early retirement: ***HB 1327, CH 65 (2005)**, SB 5512

Retirement, plan 2 and 3 service credit for work in another state: SB 5489

Retirement, plan 2 and 3 unreduced benefits: SB 6445

Retirement, plan 2 military service credit: SB 5521

Retirement, plan 3 vesting after five years: SHB 1320, ***SHB 2684, CH 33 (2006)**, SB 5517, SB 6450

Retirement, postretirement employment sixty percent cap: SB 6127

Retirement, rehire restrictions: SHB 1326, SB 5244

Retirement, replacement of gain-sharing provisions: SB 6795
 Retirement, terminally ill members allowed to remove themselves from plan: SHB 1634, SB 5497
 Salaries, bonus for maintaining national board standards certification: SB 6184
 Sex offenses, notice regarding conviction or guilty plea: ***HB 2058, CH 237 (2005)**
 Students with learning differences, ability to teach: SB 5664
 Substitute, contracts: ***SHB 2446, CH 121 (2006)**, SB 6149
 Teach math-science program: SHB 2989

TECHNOLOGY (See also BIOTECHNOLOGY)

Applied baccalaureate degree pilot projects for degrees in applied science and technology: ***E2SHB 1794, CH 258 (2005)**, SB 5867
 Federal small business innovation research program, technology center proposal review process: SB 5902
 High technology business and occupation tax credit: ***ESHB 2314, CH 514 (2005)**, SB 5639, SB 5673, SB 5697, SB 6774
 High technology, consistency improvements for tax incentives: SB 5863
 Higher education, emphasis for enrollment and degrees relating to: ***SHB 2817, CH 180 (2006)**
 Higher education, priority for enrollment and degrees relating to: SB 6697
 Math and science technology student employees, tax credits for employers: SB 6293
 Royalties on copyrights and patents, business and occupation tax exemption: SB 5640
 State information technology projects: SHB 2601
 State university research, ethical transfer of technology: ***SHB 1806, CH 106 (2005)**, SB 5811

TELECOMMUNICATIONS (See also TELEPHONES)

Automatic dialing and announcing devices, restrictions and penalties: SB 6814
 Cell phone numbers, disclosure protections: ***SHB 1185, CH 322 (2005)**
 Companies, filing of price lists: SB 6473
 Federal excise tax on communications, repeal: SJM 8002
 Interoperability committee, purchase of state and local wireless radio communications systems: ***SHB 2715, CH 76 (2006)**, SB 6431

TELEPHONES (See also TELECOMMUNICATIONS)

Automatic dialing and announcing devices, restrictions and penalties: SB 6814
 Child's conversations and communications, parental rights to monitor: SB 5081
 Federal excise tax on communications, repeal: SJM 8002
 Unsolicited facsimiles, penalties: HB 3172

TELEVISION (See also NEWS MEDIA)

Broadcasting, noncompetition agreements: SB 5720

TELEWORK

Enhancement funding board: SB 5063
 Tax incentives for employers: SB 5024

TERRORISM

Animal and natural resource facilities, penalties for terrorist acts against: SB 5314
 USA patriot act: SJM 8020

THEATERS

Amphitheaters, leasehold excise tax exemption of entertainment or public areas: ***ESHB 2314, CH 514 (2005)**

THURSTON COUNTY

District court, additional judge: ***HB 1202, CH 91 (2005)**, SB 5241

TIDELANDS

Construction of bridges and trestles over waterways, city and county rights: ***SHB 1657, CH 58 (2005)**, SB 5437
 State-owned, natural resources department authority to buy and sell: SB 5271
 State-owned, state aquatic reserve system: SB 6068

TIMBER AND TIMBER INDUSTRIES (See also FOREST PRACTICES)

Business and occupation tax incentives for persons who extract, manufacture, or process timber: SB 6874
 Christmas trees, grower licensure: SB 6133
 Forest fire protection assessments, supplemental assessment: SB 6403
 Future of Washington forests review council: SB 5405
 Garry oak, state oak tree: SB 6277
 Harvesters, sales and use tax exemption for fuel used in cutting timber: SB 6394
 Purchase reporting requirements, property tax provisions: HB 2957
 Specialized forest products, huckleberry provisions: SHB 2749
 Specialized forest products, specialty wood for musical instruments or ornamental boxes: *SHB 1406, CH 401 (2005)
 Timber land revitalization board, grants and loans: SB 5345, SB 6211

TIRES

Roadside tire chain business: SB 6528
 Waste tire cleanup, waste tire removal account and study of cleanup sites: *SHB 2085, CH 354 (2005)

TITLE COMPANIES

Agents, guarantee to cover: EHB 1157, *ESB 5045, CH 115 (2005)

TITLE ONLY

Assistance to financially distressed counties: SB 6788
 Ferry systems: SB 6108
 Fiscal matters: SB 6122
 Higher education: SB 6117, SB 6118
 Human services: SB 6113, SB 6114
 K-12 education: SB 6115, SB 6116
 Natural resources: SB 6119, SB 6120
 Retirement: SB 6123, SB 6124
 Revenue: SB 6125, SB 6126
 State government: SB 6111, SB 6112
 Transportation funding and appropriations: SB 6107
 Transportation improvement and financing: SB 6110
 Transportation revenue: SB 6109

TOBACCO (See also CIGARETTES)

Distributor's and retailer's licensing and fees: *SB 6097, CH 180 (2005)
 Enforcement, enhanced provisions: *SB 6097, CH 180 (2005)
 Indian enrollment cards as identification for purchase: *SHB 1496, CH 206 (2005), SB 5566
 Product sampling: *ESB 5048, CH 14 (2006)
 Retailers, tobacco tax credit for products transferred and used outside the state: SB 6051
 Smoking areas, enclosed area or negative air pressure requirements: SB 5909
 Smoking in public places prohibited: SB 5592
 Smoking in public places, exemption to initiative 901 for religious ceremonies: SB 6213
 Smoking within a certain distance of public places: SB 5114, SB 6667
 Tax rate increase: *SB 6097, CH 180 (2005)
 Tobacco master settlement agreements, appeal bond requirements: *SB 6541, CH 246 (2006)

TORTS

Governmental entities, liability limits: SB 6060, SB 6215
 Governmental entities, notice requirements for tort claims against: *SHB 3120, CH 82 (2006)
 State and local liability for acts of persons on supervision or in community-based treatment programs: SB 6852

TOURISM

Association of Washington generals: HB 1974, SB 5862
 Local sales and use tax funding for public stadium, convention, arts, and tourism facilities: SB 6849
 Motorists information signs, installation and maintenance costs recovery: *SHB 1798, CH 407 (2005), SB 5822
 Nature-based and wildlife viewing: SB 5005

Nonprofit convention and tourism promotion corporations, business and occupation tax deduction: SB 6621
 Nonprofit convention and tourism promotion corporations, business and occupation tax exemption: ***SHB 2778, CH 310 (2006)**
 Promotion, television campaign: SB 5798
 Scenic beauty, forest practice protection of scenic areas for tourism purposes : SB 6276
 Underwater viewing, promotion: SB 6610

TOW TRUCKS

Abandoned vehicle auctions, notice: ***SHB 1504, CH 28 (2006)**
 Vehicle immobilization, locking wheel boots prohibited: ***ESB 5966, CH 88 (2005)**

TOXICOLOGIST

Forensic pathology fellowship program: SB 5035

TRADE REPRESENTATIVE, OFFICE

Powers, duties, and staffing: SB 6025

TRAFFIC

Automated traffic safety cameras, regulations: SB 5060, SB 6526
 Automated traffic safety cameras, use on arterial highways: SB 6238
 Pedestrians and bicyclists, vehicle restrictions for passing: ***HB 1108, CH 396 (2005)**
 Signals, motorcyclist allowed to proceed if signal inoperative: EHB 1466

TRAFFIC OFFENSES (See also DRIVING UNDER THE INFLUENCE)

Cell phone, use of while driving: ESB 5160
 Citations and notices of infractions, signature requirements: ***SHB 1650, CH 270 (2006)**, SB 5627
 Compression brakes, restrictions and penalties: ***HB 1002, CH 320 (2005)**
 Diplomats, reporting of violations committed by: SB 6254
 Failure to yield to emergency or police vehicles, penalties: SB 5038
 Jake brakes, restrictions and penalties: ***HB 1002, CH 320 (2005)**
 Liability for violations occurring after sale or transfer of vehicle: ***HB 1999, CH 331 (2005)**
 Loads on highways, failure to secure: ***SHB 1478, CH 431 (2005)**, SB 5457
 Photo enforcement systems, provisions: SB 6654
 Rental cars, parking infraction provisions: HB 3111
 Signal preemption devices, violations and penalties: ***SHB 1113, CH 183 (2005)**, SB 5115
 Traffic accident reports to include cell phone use: SB 5161
 Vehicles with hydraulics, restrictions and penalties for: ***SHB 1381 (2005) V**, HB 2643

TRAFFIC SAFETY COMMISSION

Unsecured vehicle sound system components, statewide educational program on safety risks: ***EHB 1246, CH 50 (2005)**

TRANSPORTATION (See also FERRIES; PUBLIC TRANSIT; RAILROADS)

Accounts and revenue distribution: SB 6839
 Budget, 2003-05 supplemental: SB 5012
 Budget, 2005-07 biennium: SB 5011, SB 6091
 Budget, 2006 supplemental: SB 6241
 Commute trip reduction program, revisions: ESHB 3089, SB 6566
 Council on coordinated transportation, membership: SB 5057
 Federal surface transportation program enhancement funds, allocations: SB 6339
 Funding, fuel taxes and toll charges for joint state and local projects: SB 6083
 Funding, fuel taxes and vehicle weight fees: SB 6103
 Funding, general obligation bonds: ***ESHB 2311, CH 315 (2005)**
 Funding, local option transportation taxes and motor vehicle fees: SB 6103
 Funding, street utility program and motor vehicle and road improvement fees: SB 6016
 Goals and policies for state planning and traffic congestion reduction: SHB 1969
 Innovative partnerships act: ***SHB 1541, CH 317 (2005)**
 Joint transportation committee created, review of programs: ***ESB 5513, CH 319 (2005) PV**
 Magnetic levitation transportation funding: EHB 1429, SHJM 4003, SB 6707

Monorail transportation authority, dissolution provisions: SB 6733, SB 6786
 Motorists information signs, icons and pictograms: ***SHB 1090, CH 19 (2005)**, SB 5394
 Multimodal transportation improvements and strategies, growth management compliance study: ***2SHB 1565, CH 328 (2005)**
 Physical activity, growth management planning and local legislation to promote: SB 5186
 Public transportation, office of transit mobility and regional mobility steering committee: ***SHB 2124, CH 318 (2005)**
 Regional transportation governance, central Puget Sound transportation commission: SB 6089, SB 6599
 Regional transportation governance, regional transportation commission: ***ESHB 2871, CH 311 (2006)**
 Regional transportation improvement authorities, certain counties authorized to create: ESHB 2157
 Reorganization of departments regions, proposal to legislature: SB 6553
 Safety improvement funding, automobile insurance fee: SB 6726
 Urban arterial program, revisions: SB 6162

TRANSPORTATION BENEFIT DISTRICTS

Taxes and motor vehicle fees, district powers and duties: SB 5177
 Tolling, authority and provisions: SB 5177

TRANSPORTATION COMMISSION

Airport siting council and guidelines: SB 5121
 Fuel taxes and toll charges for joint state and local projects, report to the legislature: SB 6083
 Goals and policies for state planning and traffic congestion reduction: SHB 1969
 Joint transportation committee created, review of programs: ***ESB 5513, CH 319 (2005) PV**
 Streamlining state transportation governance, roles of commission and department refined: SB 6800
 Tolling, authority and provisions: SB 5139

TRANSPORTATION, DEPARTMENT

Accounts and revenue distribution: SB 6839
 Alternative contracting processes and project management techniques, study: ***SHB 1541, CH 317 (2005)**
 Apprenticeship utilization for public works projects: SHB 3003, SB 6480
 Budget, 2003-05 supplemental: SB 5012
 Budget, 2005-07: SB 5011, SB 6091
 Commute trip reduction program, revisions: ESHB 3089
 Debt limits: SB 5059
 Design-build provisions for public works projects: ***HB 2874, CH 37 (2006)**, SB 6525
 Drainage and diking works, authority to repair or maintain: ***SB 6248, CH 368 (2006)**
 Farmland mitigation fee, land secured through eminent domain for transportation projects: SB 5859
 Funding, general obligation bonds: ***ESHB 2311, CH 315 (2005)**
 Goals and policies for state planning and traffic congestion reduction: SHB 1969
 Impact fees, authority to impose: SB 5164
 Innovative partnerships act: ***SHB 1541, CH 317 (2005)**
 Joint transportation committee created, review of programs: ***ESB 5513, CH 319 (2005) PV**
 Motorists information signs, installation and maintenance costs recovery: ***SHB 1798, CH 407 (2005)**, SB 5822
 Multimodal transportation improvements and strategies, growth management compliance study: ***2SHB 1565, CH 328 (2005)**
 Public transportation, office of transit mobility and regional mobility steering committee: ***SHB 2124, CH 318 (2005)**
 Regional transportation improvement authorities, certain counties authorized to create: ESHB 2157
 Ride sharing grant program, projects up to five years in length: SB 6070
 Sales and use tax exemptions for road, highway, or bridge construction: ESHB 1865, SB 6640
 Secretary appointed by governor with consent of senate: ***ESB 5513, CH 319 (2005) PV**
 Signs, banners, and decorations over highways: ***HB 1124, CH 398 (2005)**
 Streamlining state transportation governance, roles of department and commission refined: SB 6800
 Tolling, authority and provisions: SB 5139
 Tolling, Tacoma Narrows bridge toll discount study: HB 1947

TRAVEL AGENCIES AND AGENTS

Advertising, agent must be registered with licensing department: SB 5721
 Promotion of travel for prostitution prohibited: SB 6642, ***SB 6731, CH 250 (2006)**

TROUT

Planting provisions: ***SB 5869, CH 87 (2005)**
 Privately produced, sales and use tax exemptions: SB 6000

TRUCKS AND TRUCKING (See also MOTOR VEHICLES; TOW TRUCKS)

Commercial drivers, employer alcohol and drug test result reports: ***SHB 1266, CH 325 (2005)**, SB 5263
 Commercial motor vehicles, hearings procedures for violations: ***HB 1469, CH 444 (2005)**, SB 5436
 Compression brakes, restrictions and penalties: ***HB 1002, CH 320 (2005)**
 Dairy nutrient transporting, weight limits: ***SHB 1117, CH 96 (2005) PV**
 Farm vehicles, gross weight fee payment: SB 6015
 Freight mobility strategic multimodal account created: EHB 2889, SB 6601
 Jake brakes, restrictions and penalties: ***HB 1002, CH 320 (2005)**
 Loads on highways, failure to secure: ***SHB 1478, CH 431 (2005)**, SB 5457
 Mileage fees for diesel: HB 3258
 Ocean-going containers, heavy haul industrial highway corridors for trucks hauling within port district property: ***SHB 1181, CH 311 (2005)**, SB 5200
 Overlength combination units, special permits: SB 6140
 Oversized vehicles, special permit restrictions during peak commute periods: SB 6398
 Proportional registration, technical corrections RCW 46.87: ***HB 1259, CH 194 (2005)**, SB 5265
 Securing loads, penalties for failure to: ***HB 2612, CH 268 (2006)**, SB 6341
 Securing loads, requirements: SB 6387
 Size limits, federal standards: ***HB 1180, CH 189 (2005)**, SB 5199
 Size, weight, and load enforcement: SB 5102
 Truck stops, tax incentives to enhance air quality through stand-alone electrification systems: SB 6512
 Vehicle gross weight violations, penalties: ***SHB 2987, CH 297 (2006)**

TRUSTS AND TRUSTEES

Charitable solicitations and trusts, provisions: SB 6662
 Estate tax, stand-alone state tax: ***ESB 6096, CH 516 (2005)**
 Trusts and estates, general revisions: SB 6597

UNCLAIMED PROPERTY

Abandoned property recovery agreements: ***SB 5948, CH 367 (2005)**
 Donation to nonprofit charitable organizations: HB 1145
 Fare cards for transportation facilities and services, exemption: ***ESHB 1703, CH 285 (2005)**, SB 5576
 Locators, regulations: SB 6534

UNDERGROUND STORAGE TANKS

Pollution liability insurance agency, reauthorization: ***SHB 2678, CH 276 (2006)**, SB 6207
 Underserved rural areas, financial assistance grants: ***SHB 1823, CH 428 (2005) PV**

UNEMPLOYMENT COMPENSATION

Benefit equity improvements, liberal construction of unemployment insurance laws: ***EHB 2255, CH 133 (2005)**
 Claimants, surveys of household budget or expenditures: SB 5310
 Contribution rates, calculation of : SB 6885
 Contribution rates, definitions for temporary services agency and common pay agent: SB 6058
 Contribution rates, employers payment of earned rates: SB 6058
 Contribution rates, penalties for evasion: SB 6359
 Employers, violations and penalties: SB 6399, SB 6710
 Employment referrals made by department, follow up : SB 6360
 Failure to report on or pay taxes or contributions in lieu of taxes, personal liability for corporations and companies: SB 6710
 Incarceration, disqualification due to: SB 6608
 Joint legislative task force on benefit equity, deadline extended for report to legislature: ***EHB 3278, CH 12 (2006)**
 Performing arts industries, exemption from contributions for small businesses: SB 6292
 Religious organizations, exemption: SB 6895
 Self-employment assistance program: SB 5641, SB 6713

Weekly benefit amount calculation, expiration date removed: SB 6885

UNIFORM ACTS

Arbitration act: ***SHB 1054, CH 433 (2005)**, SB 5172
 Environmental covenants act: SB 6517
 Estate tax act: SB 5052
 Health care professions disciplinary act, work group review: E2SHB 1071
 Interstate family support act, effective date: ***HB 3048, CH 96 (2006)**, SB 6590
 Mediation act: ESHB 1055, SB 5173
 Securities act: SB 6593
 Transfer of minors act, threshold age of minors: ***HB 2380, CH 204 (2006)**

UNIVERSITY OF WASHINGTON

Academy of sciences: ***ESB 5381, CH 305 (2005)**
 Board, student member: SB 5022
 Branch campuses, lower-division courses: SB 5411
 Building fees, authority to set: SB 5998
 Dental school faculty, licensing provisions: ***HB 1612, CH 164 (2005)**
 Forensic pathology fellowship program: SB 5035
 Forest systems and bioenergy program funding: SB 5883
 Law school loan repayment assistance program: SB 5910
 Smart grid energy technologies, certification and tax incentives: SB 6879
 Solar electric generating facility, feasibility assessment: SB 6192
 Student services office, pilot program for graduate and professional student job placement: SB 5935
 Swim facility, community: SB 5025
 Teacher retention in small and rural districts, study: HB 3215

UTILITIES (See also ELECTRIC UTILITIES; TELECOMMUNICATIONS)

Charges, written contracts: SB 6209
 Electronic payment for public utility bills: SHB 1009
 Growth management, infrastructure account: SB 5772
 Low-income persons, energy assistance: ***SHB 2370, CH 3 (2006)**, SB 6285, SB 6482
 Public utility tax provisions, maximum tax rate applied to gross receipts: SB 6250
 Public utility tax, temporary increase on customer assistance tax credit statewide cap : ***HB 2644, CH 213 (2006)**, SB 6379
 Public water and sewer facilities, consultation with cities and counties during predesign phase: SHB 1228
 Reclaimed water permits for private utility companies: ***SHB 1891, CH 59 (2005)**
 Rental housing, service charges of tenants must be paid by tenant: SB 6819
 Rental property, protection for landlords when tenants' payment is delinquent: SB 6818
 Underground, excavation without notification near transmission pipeline: ***ESHB 1539, CH 448 (2005)**, SB 5456

UTILITIES AND TRANSPORTATION COMMISSION

Administrative provisions: ***SHB 2426, CH 346 (2006)**, SB 6174
 Auto transportation company temporary certificate: SB 5105
 Certification provisions: SB 5105
 Council on coordinated transportation, membership: SB 5057

VETERANS

Afghanistan and Persian Gulf War II, retirement credits: SB 5112
 College and university tuition and fee waivers: ***SHB 1174, CH 249 (2005)**, ***SHB 2233, CH 229 (2006)**
 Conservation corps program: SB 5539
 Definition of veteran: SHB 2546, SB 6284
 Discrimination, protections: HB 2564
 Filipino, benefits: SJM 8012
 Homeownership downpayment assistance program: ***SHB 2471, CH 252 (2006)**
 Indigent veterans and families, county assistance programs: ***SHB 1189, CH 250 (2005)**, SB 5393
 Innovations program, crisis and employment relief: ***2SHB 2754, CH 343 (2006)**

Joint committee on veterans' and military affairs: ***HB 1261, CH 141 (2005)**, SB 5221
 Merchant mariner included in definition of veteran: ***HB 1307, CH 251 (2005)**, SB 5467
 Property tax exemptions, veterans with disabilities: ***HB 1019, CH 248 (2005)**, SHB 2432, SB 6835
 Public assistance income definition, housing assistance or vouchers for military personnel or veterans: SB 6336
 Scoring criteria in examinations, provisions: SHB 2545, SB 6283
 Widows and widowers of veterans, property tax relief: ***SHB 1509, CH 253 (2005)**, SB 5443

VETERANS AFFAIRS, DEPARTMENT

Joint committee on veterans' and military affairs: ***HB 1261, CH 141 (2005)**, SB 5221
 World War II oral history project: HB 3078

VICTIMS OF CRIMES

Address confidentiality program, provisions: HB 3057, SB 6653
 Automobile, compensating victims of underinsured and uninsured motorists: ***SHB 2415, CH 187 (2006)**, SB 6182
 Crime victims' compensation program, funding: SHB 2137, SB 5430, ***SB 5993, CH 10 (2005)**
 Dependent persons, rights and protections for victims and witnesses: ***ESHB 2126, CH 381 (2005)**
 Domestic violence hope card study committee: SB 6806
 Domestic violence prevention account, marriage and dissolution fees to fund: ***ESHB 1314, CH 374 (2005)**
 Domestic violence, financial assistance for victims seeking protection orders: SB 5718
 Identity theft, law enforcement reports to be given to victims: SB 5939
 Identity theft, security freezes for victims of: SB 6303, SB 6665
 Immigration status, officers may not ask crime victims and witnesses: SB 5648
 Indeterminate sentence review board, victims allowed input at hearings: ***EHB 3261, CH 313 (2006) PV**
 Insurance, access: ***SHB 2481, CH 145 (2006)**
 Legal aid for undocumented alien victims of domestic violence and human trafficking: SB 6348
 Personal information security breaches, security freeze on credit report: SB 6665
 Records, notice to prosecutors when victims' records are sought: SB 6691
 Sexual assault advocates, privileged communications: ***HB 2454, CH 30 (2006)**, SB 6479
 Sexual assault protection orders: ***SHB 2576, CH 138 (2006)**, SB 6478
 Trafficking of humans, delivery of services work group and study: ***SB 5127, CH 358 (2005)**
 Trafficking of persons, task force against: SB 6652
 Victim information and notification system, statewide automated: SB 6502

VIDEO AND VIDEO GAMES

Motion picture and video production services, tax provisions: SB 6557
 Rating systems, retailers' duty to inform customers: ***SHB 1366, CH 230 (2005)**

VIOLENCE PREVENTION

Peace and nonviolence, department of: SJM 8040
 State hospitals, workplace violence reduction: ***HB 1160, CH 187 (2005)**

VITAL RECORDS

Birth certificates, disclosure limits: SB 5403

VITAMINS

Chiropractors, sales and use tax exemption for sales of supplements to patients: SB 6698
 Sales and use tax exemption for dietary supplements: SB 5255

VOCATIONAL EDUCATION

Customized employment education program: SB 5174
 Entrepreneurial training opportunities: SB 6715
 Private vocational schools, requirements: HB 2597
 Skill centers, funding formula: SB 5717
 Vocational education account, moneys from taxing credit card companies when rates exceed usury rate: SB 6863

VOLUNTEER FIRE FIGHTERS' AND RESERVE OFFICERS' RELIEF AND PENSIONS

Eligibility and annual fees: ***SB 5135, CH 37 (2005)**
 Injuries, recovery of costs from third party: ***SB 5135, CH 37 (2005)**

Performance of duty, definition: ***SHB 2608, CH 26 (2006)**

VOLUNTEERS

Ambulance drivers, code city legislative personnel: ***SB 5168, CH 38 (2005)**
 Fire fighters and reserve officers, board membership: SHB 2833
 Fire fighters, position in elective or appointed office: ***HB 2606, CH 211 (2006)**
 Fire fighters, state agency employee allowed to respond with continued pay when called to duty: SB 6289
 Fire fighters, state agency employee allowed to respond without continued pay when called to duty: SB 6290
 Health care providers, immunity from liability during an emergency or disaster: SB 6902
 Hunter education training program, volunteers to teach: ***SHB 2372, CH 23 (2006)**, SB 6804
 Peace corps, leaves of absence for school employees: SB 5020
 Peace corps, right of return to employment for state employees: 2ESB 6010
 Retired volunteer medical worker license, emergency or disaster services: ***ESHB 1850, CH 72 (2006)**

VULNERABLE ADULTS (See also DEPENDENT ADULTS)

Abuse investigation, limited reporting of results: SB 6622
 Exposure to manufacturing of methamphetamine, protections: ESHB 2895
 Protection, penalties for criminal mistreatment or abandonment: ***ESHB 1080, CH 228 (2006)**
 Sex and kidnapping offenders, special verdicts for persons committing crimes against children and vulnerable adults: ***HB 3277, CH 122 (2006)**

WAGES AND HOURS (See also EMPLOYMENT)

Child care workers, wage ladder and program standards: ***SHB 1636, CH 507 (2005) PV**, SB 5684
 Final wages, prompt payment: SB 5823
 Minimum wage, inflationary adjustment and full employment: SB 5747
 Minimum wage, study: SB 5551, SB 6734
 Minimum wage, violations and penalties: ***SHB 3185, CH 89 (2006)**, SB 5240
 Nurses, mandatory overtime restrictions and exceptions: SB 5368
 On-call workers, compensation for active duty hours: SB 6434
 Payment, violations and penalties: ***SHB 3185, CH 89 (2006)**, SB 5240
 Prevailing wage, program funding: SB 5236
 Sick leave, minimum paid sick leave: SB 6592
 State patrol, collective bargaining negotiations: ***2SHB 1188, CH 438 (2005)**, SB 5208
 Tipped employees, average and adjusted minimum wage rate provisions: SB 5774

WALLA WALLA COUNTY

Walla Walla sweet onion, state vegetable: HB 1964, SB 6827

WAREHOUSES

Grain, air registration: ***SB 5142, CH 138 (2005)**

WARRANTIES

Extended warranties, sales and use tax exemption: SB 6773
 Sales and use taxation: ***ESHB 2314, CH 514 (2005)**, SB 6100
 Service contracts and protection product guarantees, regulations: ***SHB 2553, CH 274 (2006)**

WASHINGTON STATE UNIVERSITY

Academy of sciences: ***ESB 5381, CH 305 (2005)**
 Baccalaureate degree program, Tri-Cities: SB 6464
 Biofuels, consumer education and outreach: SB 6515
 Board, student member: SB 5022
 Branch campuses, lower-division courses: SB 5411
 Rainier state school, agricultural lands: HB 1587, SB 5680
 Small business development online curriculum: SB 6711
 Small business innovation research assistance program: SB 6261
 Solar demonstration projects, funding: SB 6432
 Student services office, pilot program for graduate and professional student job placement: SB 5935
 Tri-Cities branch campus expansion into four-year institution: ***SHB 2867, CH 166 (2006)**

WASTEWATER

Projects, bidding for insurance coverage: ESHB 1127
 Pump installer licensing requirements: SB 5766
 Treatment and conveyance system projects, wrap-up insurance policies: SB 6022

WATER (See also PUBLIC WATER SUPPLY SYSTEMS)

Barley straw, application to state waters for clarification purposes: SB 6855
 Columbia river basin hydropower mitigation fee program: SB 6581
 Columbia river water supply development program: ***E2SHB 2860, CH 6 (2006)**
 Domestic water users, study of competing interest and other water users in regards to limited supplies: ***SB 6861, CH 170 (2006)**
 Drought, joint legislative committee on water supply during drought: ***HB 2166, CH 60 (2005)**, SB 5894
 Drought, statewide emergency funding: SB 6092
 Forest and range fires, use of state water to fight: SB 5215
 General obligation bonds, Columbia river water supply development program: ***ESHB 3316, CH 167 (2006)**, SB 6898
 Hydraulic works, inspection fees: SB 5528
 Intergovernmental program with Indian tribes for water management: SB 6753
 Methow valley river basin, Twin Lakes restoration pilot project: SB 5203
 Publicly owned buildings, water conservation: SB 6729
 Pump installer licensing requirements: SB 5766
 Rain barrels and cisterns to collect rainwater: SB 5113
 Schools, drinking water quality standards: SB 5029
 Small water impounds, expedited processing for applications: HB 3275
 Solar hot water equipment, sales and use tax exemptions: ***2SHB 2799, CH 218 (2006)**
 Watershed, management partnerships and local watershed plans: SB 6507
 Watersheds, forum on monitoring salmon recovery and watershed health: SB 5610

WATER COMPANIES (See also PUBLIC WATER SUPPLY SYSTEMS)

Reclaimed water permits for private utility companies: ***SHB 1891, CH 59 (2005)**

WATER POLLUTION (See also STORM WATER MANAGEMENT AND CONTROL)

Barley straw, application to state waters for clarification purposes: SB 6855
 Environmental quality permit, application review of compliance history: SB 5688
 Federal reclamation projects, use attainability analysis of water bodies within: SB 5937
 Hood Canal, aquatic rehabilitation zone: ***SHB 2081, CH 478 (2005)**, SB 5693
 Hood Canal, rehabilitation program: ***ESHB 2097, CH 479 (2005)**
 Puget Sound conservation and recovery partnership and management plan: SB 5895

WATER QUALITY

Aquatic invasive species and algae, vessel registration fee to fund prevention and control: SB 5699
 Environmental quality permit, application review of compliance history: SB 5688
 Growth management, water quality and habitat requirements: SB 5619
 Intergovernmental program with Indian tribes for water management: SB 6753

WATER RIGHTS

Agricultural use, criteria for change to another agricultural use: SB 6029
 Allocation of conserved water rights: SB 5549
 Annual consumptive quantity, provisions: SB 6299
 Application fees: SB 6529
 Appropriation procedure, application process: SB 5419
 Columbia river basin hydropower mitigation fee program: SB 6581
 Columbia river mainstream water management program and account: SB 5120
 Columbia river water supply development program: ***E2SHB 2860, CH 6 (2006)**
 Conservancy boards, disclosure of certain financial information: SB 5387
 Domestic water users, study of competing interest and other water users in regards to limited supplies: ***SB 6861, CH 170 (2006)**
 Drought conditions, temporary changes to water rights: SB 6084

Federal land reservations including federal treaties, acknowledgment of rights: SB 5386
 Fees, revisions: ***ESHB 2309, CH 412 (2005)**, SB 6099
 Forest and range fires, use of state water to fight: SB 5215
 Intergovernmental program with Indian tribes for water management: SB 6753
 Odessa ground water subarea, protection of aquifer levels: SB 6151
 Public ground waters, Odessa ground water subarea: SB 6151
 Reclaimed water, private utility companies: ***SHB 1891, CH 59 (2005)**
 Reclaimed water, standards and rules consistency: ***ESHB 2884, CH 279 (2006)**, SB 6730
 Relinquishment, partial: SB 5978
 Small water impounds, expedited processing for applications: HB 3275
 Sufficient cause for nonuse, crop rotation: SB 5950
 Transfers, real estate excise tax: SB 5027
 Trust program, resource management revisions: SB 5906
 Water court: SB 5338, SJR 8205

WATER-SEWER DISTRICTS

Annexation of city facilities and territory: SHB 1229, HB 2720, SB 5371
 Assumption of district by city, voter approval: E2SHB 2259
 Assumption of district by code city, mutual consent of city council and district board: ***SB 5268, CH 43 (2005)**
 Board of commissioners, officers and elections: SHB 1230
 Delinquent charges, collection of: SB 5276
 Engineering services, fee consideration: SB 5474
 Reimbursement by property owners for street, road, and water or sewer projects: ***EHB 3192, CH 88 (2006)**
 Relocation of facilities, notice requirements: SB 5372
 Services provided within cities and towns, taxation: E2SHB 2259
 Water services, tax exemptions: SB 6146, SB 6369

WEEDS

Aquatic invasive species and algae, vessel registration fee to fund prevention and control: SB 5699
 Integrated pest management provisions: SB 5388
 Invasive species council: SB 5385
 Noxious, state agencies' duties and priorities: SB 5155

WEIGHTS AND MEASURES

Fees for weights and measures program: SB 6365
 Registration fees for devices: SB 5401

WELLS

Construction standards and contractor licensing: HB 1939, ***SB 5831, CH 84 (2005)**
 Plumbers and electricians, installation and maintenance of domestic well water systems: SB 6225
 Retrofitting of domestic wells to maintain agricultural irrigation during drought conditions: SB 6086

WESTERN WASHINGTON UNIVERSITY

Collective bargaining agreements: ***SHB 2976, CH 10 (2006)**

WETLANDS

Agricultural lands and growth management, provisions relating to: SB 6573
 Single pilot mitigation bank: SB 5273

WHALES

Orca, state marine mammal: ***HB 1759, CH 51 (2005)**

WHISTLEBLOWERS

Contractors who hold contracts with the state, protection and discrimination provisions: SHB 3180
 Local government, review of program: SB 5119

WILDLIFE

Beaver relocation permit: ***HB 2381 (2006) V**

Big game animals, dogs harassing: SB 5382
 Conservationist award program: SB 5016
 Cougars, posting of interactions with pets, livestock, or humans: ***HB 1832, CH 107 (2005)**
 Cougars, surveys of population and management techniques: SB 5881
 Dangerous wild animals, keeping: ESHB 1151, SB 5377
 Gray wolf management, introduction restrictions: SB 5216
 Grey wolf management plan: SB 6778
 Grizzly bears, grants for community outreach programs: SB 5448
 Habitat conservation programs, riparian protection and farmlands preservation accounts: SHB 1413, SB 5396
 Invasive species council: SB 5385
 License plates, endangered wildlife: ***SHB 1218, CH 225 (2005)**, SB 5229
 License plates, Washington's wildlife collection: SB 5230
 License plates, wild on Washington: ***SHB 1216, CH 224 (2005)**, SB 5228
 Orca, state marine mammal: ***HB 1759, CH 51 (2005)**
 Sensitive fish and wildlife data, public disclosure requirements: HB 2331, SB 6158
 State wildlife account, redirection of moneys to: SB 6866
 Tourism, nature-based and wildlife viewing: SB 5005
 Waterfowl, toxic shot violations and penalties: SB 6481
 Wildlife rescue coalition: SB 6160

WILLS (See also ESTATES; PROBATE)

Nonprobate assets under will, disposal: ***HB 2379, CH 203 (2006)**
 Specifically devised property distribution: SB 6053

WITNESSES

Child witnesses, provisions: ***HB 1837, CH 455 (2005)**
 Injuries resulting from health care, expert witness qualifications: SHB 2292, ***2SHB 2292, CH 8 (2006)**, SB 6087

WOMEN

Agencies providing care for expectant mothers, license application process: SB 5294, SB 5296
 Agencies providing care for expectant mothers, unique identifying number: SB 5295
 Breast-feeding, joint task force and study on women in the workplace: SB 6066
 Cancer, early detection breast and cervical screening program: ***2ESB 5714, CH 55 (2006)**
 Cancer, notice of breast cancer risks related to abortion: SB 5820
 Contraception, access to Plan B: SJM 8032
 Correctional center, parenting program: SB 5269
 Discrimination, treaty to fight: SJM 8001
 Farmers market nutrition programs, funding: SB 5597
 Infant-friendly employers: SB 5600
 Medical assistance for children and pregnant women: ***E2SHB 1441, CH 279 (2005) PV**
 Opiate treatment programs, information regarding health risks for pregnant women: HB 2115, ***SB 5974, CH 70 (2005)**
 Postpartum depression, public information campaign: ***SB 5898, CH 347 (2005)**
 Slander of a woman, crime of: HB 1206, ***SB 5148, CH 13 (2005)**
 Vaccines, mercury- containing: SB 5305
 Women's history consortium established in Washington historical society: ***SB 5707, CH 391 (2005)**
 World War II oral history project, women's contribution to war effort: HB 1592, ***SB 5563, CH 75 (2005)**

WOMEN AND MINORITY BUSINESSES

Linked deposit program, funding: SB 5782

WOOD BURNING STOVES

Burn bans, impaired air quality and fine particle measures: ***ESHB 1302, CH 197 (2005)**

WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

Entrepreneurial training: SB 5641
 Work force training, 2004 updates to the state comprehensive plan: ***EHCR 4404 (2005)**, SCR 8406

WORKERS' COMPENSATION

Accident reporting, workers' requirements: SB 5665
Applications, pilot project to allow employers to assist employees: ***SHB 2537, CH 254 (2006)**, SB 6262
Audit and review committee recommendations, initiative to encourage reporting of injuries: ***SHB 1918, CH 108 (2005)**
Audits of the industrial insurance fund: ***SHB 1856, CH 387 (2005)**
Benefit calculation: SB 5674
Cost-of-living adjustments: SB 5826
Disaster response, claims: SB 6014
Emergency response, claims made due to: SB 6347
Final settlement agreements: SB 5793
Health care directives information: SB 5815
Home care agencies, worker's compensation parity for agency home care workers: SB 6054
Increased compensation, request for an increase due to change of circumstances: SB 5825
Joint select committee and study: SCR 8409
Longshore and harbor workers, compensation account provisions: ***SHB 1196, CH 100 (2005)**, ***ESB 5194 (2005) V**
Permanent disability pension options, injured worker allowed to change: ***SB 6264, CH 154 (2006)**
Premium rates, level of assets needed to limit rate volatility: SB 6034
Premium rates, level of contingency reserve needed to limit rate fluctuations: ***EHB 1917, CH 410 (2005)**
Residence modification standards: ***EHB 2185, CH 411 (2005)**
Retrospective rating, worker safety incentives and refund provisions: SB 5842
Self-insurers, assessments under second injury fund: SB 5992
Self-insurers, mandatory electronic data reporting: ***SHB 1310, CH 145 (2005)**, SB 5237
Self-insurers, powers and duties in claim decisions and process: SB 5789
Social security, additional benefits when reduced: ***SHB 1732, CH 198 (2005)**
State industrial insurance fund annual audits: SB 5614
Temporary or permanent total disability, compensation: ***HB 3134, CH 163 (2006)**
Travel expenses for treatment, reimbursement: SB 6082
Wages, defined to include health insurance: SB 6042
Wages, definition: SB 6041
Wages, hours worked in excess of forty per week: SB 5466

WRECKERS AND WRECKING YARDS

Mercury, removal of mercury-added components in end-of-life vehicles: ESB 5710

YOUTH COURTS

Jurisdiction, district and juvenile courts: ***SB 5809, CH 73 (2005)**

ZONING (See also LAND USE PLANNING)

Gambling activities, local government land use and zoning powers: SB 5591
Growth management, agricultural zoning that supports family farms: SB 5945

ZOOS AND AQUARIUMS

Zoological facilities, tax exemptions for nonprofit organizations: SHB 2590, SB 6282